



Maritime Legislation Amendment Act 2003

No. 7, 2003

**An Act to amend maritime legislation, and for
related purposes**

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

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No. 7, 2003

An Act to amend maritime legislation, and for related purposes

[Assented to 19 March 2003]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Maritime Legislation Amendment Act 2003*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	19 March 2003
2. Schedule 1, items 1 to 6	1 November 2003	1 November 2003
3. Schedule 1, items 7 to 9	The day after this Act receives the Royal Assent	20 March 2003
4. Schedules 2 and 3	The day on which this Act receives the Royal Assent	19 March 2003

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments about liability for pollution

Protection of the Sea (Civil Liability) Act 1981

1 Subsection 3(1) (at the end of the definition of *the 1992 Protocol*)

Add “, as amended by resolution LEG.1(82) adopted by the Legal Committee of the International Maritime Organization on 18 October 2000 (a copy of the English text of which is set out in Schedule 3)”.

2 Application of amending resolution

The amendment of subsection 3(1) of the *Protection of the Sea (Civil Liability) Act 1981* made by this Schedule applies in relation to incidents of a kind described in section 9 of that Act happening after the commencement of this item.

3 At the end of the Act

Add:

Schedule 3—Resolution LEG.1(82)

Note: See section 3.

RESOLUTION LEG.1(82)

adopted on 18 October 2000

AMENDMENTS OF THE LIMITATION AMOUNTS IN THE PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969

THE LEGAL COMMITTEE at its eighty-second session:

RECALLING Article 33(b) of the Convention on the International Maritime Organization (hereinafter referred to as the “IMO Convention”) concerning the functions of the Committee,

MINDFUL of Article 36 of the IMO Convention concerning rules governing the procedures to be followed when exercising the functions conferred on it by or under any international convention or instrument,

RECALLING FURTHER article 15 of the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (hereinafter referred to as the “1992 CLC Protocol”) concerning the procedures for amending the limitation amounts set out in the article 6(1) of the 1992 CLC Protocol,

HAVING CONSIDERED amendments to the limitation amounts proposed and circulated in accordance with the provisions of article 15(1) and (2) of the 1992 CLC Protocol,

1. ADOPTS, in accordance with article 15(4) of the 1992 CLC Protocol, amendments to the limitation amounts set out in article 6(1) of the 1992 CLC Protocol, as set out in the Annex to this resolution;
2. DETERMINES, in accordance with article 15(7) of the 1992 CLC Protocol, that these amendments shall be deemed to have been accepted on 1 May 2002 unless, prior to that date, not less than one quarter of the States that were Contracting States on the date of the adoption of these amendments (being 18 October 2000) have communicated to the Organization that they do not accept these amendments;
3. FURTHER DETERMINES that, in accordance with article 15(8) of the 1992 CLC Protocol, these amendments, deemed to have been accepted in accordance with paragraph 2 above, shall enter into force on 1 November 2003;
4. REQUESTS the Secretary-General, in accordance with articles 15(7) and 17(2)(v) of the 1992 CLC Protocol, to transmit certified copies of the present resolution and the amendments contained in the Annex thereto to all States which have signed or acceded to the 1992 CLC Protocol; and
5. FURTHER REQUESTS the Secretary-General to transmit copies of the present resolution and its Annex to the Members of the Organization which have not signed or acceded to the 1992 CLC Protocol.

ANNEX

**AMENDMENTS OF THE LIMITATION AMOUNTS IN THE
PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL
CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION
DAMAGE, 1969**

Article 6(1) of the 1992 CLC Protocol is amended as follows:

the reference to “3 million units of account” shall read “4,510,000 units of account”;

the reference to “420 units of account” shall read “631 units of account”; and

the reference to “59.7 million units of account” shall read “89,770,000 units of account”.

***Protection of the Sea (Oil Pollution Compensation Fund) Act
1993***

4 Section 3 (at the end of the definition of *the 1992 Protocol*)

Add “, as amended by resolution LEG.2(82) adopted by the Legal Committee of the International Maritime Organization on 18 October 2000 (a copy of the English text of which is set out in Schedule 4)”.

5 Application of amending resolution

The amendment of section 3 of the *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993* made by this Schedule applies in relation to incidents happening after the commencement of this item that cause pollution damage of the kind described in Article 3 of the 1992 Convention.

6 At the end of the Act

Add:

Schedule 4—Resolution LEG.2(82)

Note: See section 3.

RESOLUTION LEG.2(82)

adopted on 18 October 2000

**AMENDMENTS OF THE LIMITS OF COMPENSATION IN THE
PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL
CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL
FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971**

THE LEGAL COMMITTEE at its eighty-second session:

RECALLING Article 33(b) of the Convention on the International Maritime Organization (hereinafter referred to as the “IMO Convention”) concerning the functions of the Committee,

MINDFUL of Article 36 of the IMO Convention concerning rules governing the procedures to be followed when exercising the functions conferred on it by or under any international convention or instrument,

RECALLING FURTHER article 33 of the Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (hereinafter referred to as the “1992 Fund Protocol”) concerning the procedures for amending the limits of the amounts of compensation set out in article 6(3) of the 1992 Fund Protocol,

HAVING CONSIDERED amendments to the limits of the amounts of compensation proposed and circulated in accordance with the provisions of article 33(1) and (2) of the 1992 Fund Protocol,

1. ADOPTS, in accordance with article 33(4) of the 1992 Fund Protocol, amendments to the limits of the amounts of compensation set out in article 6(3) of the 1992 Fund Protocol, as set out in the Annex to this resolution;
2. DETERMINES, in accordance with article 33(7) of the 1992 Fund Protocol, that these amendments shall be deemed to have been accepted on 1 May 2002 unless, prior to that date, not less than one quarter of the States that were Contracting States on the date of the adoption of these amendments (being 18 October 2000) have communicated to the Organization that they do not accept these amendments;
3. FURTHER DETERMINES that, in accordance with article 33(8) of the 1992 Fund Protocol, these amendments, deemed to have been accepted in accordance with paragraph 2 above, shall enter into force on 1 November 2003;

4. REQUESTS the Secretary-General, in accordance with articles 33(7) and 38(2)(vi) of the 1992 Fund Protocol, to transmit certified copies of the present resolution and the amendments contained in the Annex thereto to all States which have signed or acceded to the 1992 Fund Protocol; and
5. FURTHER REQUESTS the Secretary-General to transmit copies of the present resolution and its Annex to the Members of the Organization which have not signed or acceded to the 1992 Fund Protocol.

ANNEX

AMENDMENTS OF THE LIMITS OF COMPENSATION IN THE PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE, 1971

Article 6(3) of the 1992 Fund Protocol is amended as follows:

the reference in paragraph 4(a) to “135 million units of account” shall read “203,000,000 units of account”;

the reference in paragraph 4(b) to “135 million units of account” shall read “203,000,000 units of account”; and

the reference in paragraph 4(c) to “200 million units of account” shall read “300,740,000 units of account”.

Protection of the Sea (Prevention of Pollution from Ships) Act 1983

7 Subsection 26F(13)

Omit “and plastic garbage bags”, substitute “, plastic garbage bags and incinerator ashes from plastic products that may contain toxic or heavy metal residues”.

8 Paragraph 26FD(3)(c)

Omit “neither English nor French”, substitute “not English, French or Spanish”.

9 Subsection 26FD(3)

Schedule 1 Amendments about liability for pollution

Omit “either English or French”, substitute “English, French or Spanish”.

Schedule 2—Amendments about trade practices

Trade Practices Act 1974

1 After subsection 10.24A(3)

Insert:

- (3A) The exemptions provided by this section do not extend to any dealings between stevedoring operators.

Schedule 3—Technical amendments

Bass Strait Sea Passenger Service Agreement Act 1984

1 The whole of the Act

Repeal the Act.

Protection of the Sea (Prevention of Pollution from Ships) Act 1983

2 Subsection 11(1) (penalty)

Omit “\$50,000”, substitute “500 penalty units”.

3 Subsection 11(3)

Omit “\$50,000”, substitute “500 penalty units”.

4 Subsection 11(6) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

5 Subsection 11(7) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

6 Subsection 11(8) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

7 Subsection 11A(7)

Omit “\$50,000”, substitute “500 penalty units”.

8 Subsection 12(4)

Omit “\$20,000”, substitute “200 penalty units”.

9 Subsection 12(5) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

10 Section 13 (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

11 Subsection 14(2)

Omit “\$20,000”, substitute “200 penalty units”.

12 Section 20

Omit “\$20,000”, substitute “200 penalty units”.

13 Subsection 22(1) (penalty)

Omit “\$50,000”, substitute “500 penalty units”.

14 Subsection 22(3)

Omit “\$50,000”, substitute “500 penalty units”.

15 Subsection 22(6) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

16 Subsection 22(7) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

17 Subsection 22(8) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

18 Subsection 23(4)

Omit “\$20,000”, substitute “200 penalty units”.

19 Subsection 23(5) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

20 Section 24 (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

21 Subsection 25(2)

Omit “\$20,000”, substitute “200 penalty units”.

22 Subsection 26B(3) (penalty)

Omit “\$50,000”, substitute “500 penalty units”.

23 Subsection 26B(5)

Omit “\$50,000”, substitute “500 penalty units”.

24 Subsection 26B(8) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

25 Subsection 26B(9) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

26 Subsection 26B(10) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

27 Subsection 27(2) (penalty)

Omit “\$8,000”, substitute “80 penalty units”.

28 Subsection 27(2A) (penalty)

Omit “\$20,000”, substitute “200 penalty units”.

*[Minister’s second reading speech made in—
House of Representatives on 11 December 2002
Senate on 6 February 2003]*

(268/02)