



# **Maritime Legislation Amendment (Prevention of Pollution from Ships) Act 2003**

**No. 47, 2003**

**An Act to amend legislation relating to the  
prevention of pollution from ships, 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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**An Act to amend legislation relating to the  
prevention of pollution from ships, and for related  
purposes**

*[Assented to 26 June 2003]*

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Maritime Legislation Amendment  
(Prevention of Pollution from Ships) Act 2003*.

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## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
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	26 June 2003
2. Schedule 1, items 1 to 22	Immediately after the commencement of Division 12C of Part IV of the <i>Navigation Act 1912</i>	27 May 2004 (s 2(1); <i>Gazette</i> 2004, GN17)
3. Schedule 1, item 23	Immediately after the commencement of item 7 of Schedule 1 to the <i>Protection of the Sea (Prevention of Pollution from Ships) Amendment Act 2002</i>	27 May 2004 (s 2(1); <i>Gazette</i> 2004, GN17)
4. Schedule 1, item 24	Immediately after the commencement of item 8 of Schedule 1 to the <i>Protection of the Sea (Prevention of Pollution from Ships) Amendment Act 2002</i>	27 May 2004 (s 2(1); <i>Gazette</i> 2004, GN17)
5. Schedule 1, items 25 to 31	Immediately after the commencement of Division 2 of Part IIIB of the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	27 May 2004 (s 2(1); <i>Gazette</i> 2004, GN17)

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

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concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendments

### *Navigation Act 1912*

**1 Subsection 267ZD(1) (definition of *sewage certificate*)**

Omit “(1973)”.

**2 Subsection 267ZE(3)**

Omit “Regulations 3, 4, 6, 7 and 11”, substitute “Regulations 4, 5, 7, 8, 9 and 10”.

**3 Section 267ZF**

Repeal the section, substitute:

**267ZF Regulations to give effect to Regulations 4, 9 and 10 of Annex IV**

The regulations may make provision for, and in relation to, giving effect to Regulations 4, 9 and 10 of Annex IV.

**4 Subsection 267ZG(1)**

Omit “the Minister” (wherever occurring), substitute “the Authority”.

Note: The heading to section 267ZG is altered by omitting “(1973)”.

**5 Subsection 267ZG(1)**

Omit “(1973)”.

**6 Subsection 267ZG(2)**

Repeal the subsection, substitute:

- (2) If, after the survey of an Australian ship carried out by a survey authority, the survey authority is satisfied that the ship is constructed in accordance with the provisions of Annex IV, the survey authority may, whether or not the ship is required by Annex IV to be constructed in accordance with those provisions, issue in respect of the ship an International Sewage Pollution Prevention Certificate in the prescribed form attesting such compliance.



**7 Section 267ZH**

Omit “the Minister” (wherever occurring), substitute “the Authority”.

Note: The heading to section 267ZH is altered by omitting “(1973)”.

**8 Section 267ZH**

Omit “(1973)”.

**9 Subsection 267ZJ(3)**

Omit “the Minister” (wherever occurring), substitute “the Authority”.

**10 At the end of paragraph 267ZJ(3)(a)**

Add “or”.

**11 At the end of paragraph 267ZJ(3)(b)**

Add “or”.

**12 Subsection 267ZJ(3)**

Omit “under the Minister’s hand”.

**13 Subsection 267ZJ(4)**

Omit “the Minister” (wherever occurring), substitute “the Authority”.

**14 Subsection 267ZJ(5)**

Repeal the subsection, substitute:

- (5) If a sewage certificate issued in respect of an Australian ship is cancelled under this section, the Authority may:
  - (a) require the certificate to be given to a specified person; and
  - (b) detain the ship until the requirement is complied with.
- (6) The requirement under paragraph (5)(a) must be:
  - (a) made by notice in writing; and
  - (b) addressed to the owner, agent or master of the ship; and
  - (c) served in accordance with the regulations.

**15 At the end of section 267ZJ**

Add:

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- (7) Without limiting subsection (1) or (3), an Australian ship in respect of which a sewage certificate is in force must be taken to be damaged if the ship is unfit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

**16 Section 267ZL**

Repeal the section, substitute:

**267ZL Cancellation of sewage certificate if ship ceases to be an Australian ship**

A sewage certificate ceases to have effect if the ship in respect of which it was issued ceases to be an Australian ship.

**17 Subsection 267ZQ(1)**

Omit “the Minister” (wherever occurring), substitute “the Authority”.

**18 At the end of paragraph 267ZQ(1)(a)**

Add “or”.

**19 At the end of paragraph 267ZQ(1)(b)**

Add “or”.

**20 Subsection 267ZQ(2)**

Omit “The Minister”, substitute “The Authority”.

**21 Subsection 267ZQ(2)**

Omit “his or her”, substitute “its”.

**22 Subsection 267ZQ(2)**

Omit “the Minister”, substitute “the Authority”.

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

**23 Subparagraph 26D(1)(c)(i)**

Omit “paragraphs (1)(a) and (b) of Regulation 8 and to Regulation 9”, substitute “Regulation 3 and to paragraph 1 of Regulation 11”.

**24 Subparagraph 26D(3)(b)(i)**

Omit “paragraphs (1)(a) and (b) of Regulation 8 and to Regulation 9”, substitute “Regulation 3 and paragraph 1 of Regulation 11”.

**25 Subsection 26D(6)**

Omit “but subject to subsection (9)”.

**26 Paragraph 26D(6)(a)**

Omit “Regulation 3”, substitute “paragraph 1.2 of Regulation 9”.

**27 Paragraph 26D(6)(a)**

Omit “4 nautical miles”, substitute “3 nautical miles”.

**28 Subsection 26D(7)**

Omit “but subject to subsection (9)”.

**29 Subparagraph 26D(7)(a)(i)**

Omit “Regulation 3”, substitute “paragraph 1.1 of Regulation 9”.

**30 Subsection 26D(8)**

Omit “but subject to subsection (9)”.

**31 Subsection 26D(9)**

Repeal the subsection.

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*[Minister’s second reading speech made in—  
House of Representatives on 25 March 2003  
Senate on 16 June 2003]*

(26/03)

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