



**Protection of the Sea (Civil Liability for
Bunker Oil Pollution Damage)
(Consequential Amendments) Act 2008**

No. 77, 2008

**An Act to make amendments consequential on the
enactment of the *Protection of the Sea (Civil
Liability for Bunker Oil Pollution Damage) Act 2008*,
and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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**An Act to make amendments consequential on the
enactment of the *Protection of the Sea (Civil
Liability for Bunker Oil Pollution Damage) Act 2008*,
and for related purposes**

[Assented to 12 July 2008]

The Parliament of Australia enacts:

*Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) (Consequential
Amendments) Act 2008 No. 77, 2008 1*

1 Short title

This Act may be cited as the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) (Consequential Amendments) Act 2008*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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.	12 July 2008
2. Schedule 1	At the same time as sections 3 to 30 of the <i>Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008</i> commence.	16 June 2009

Note: This table relates only to the provisions of this Act as originally passed by both Houses of 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 contains additional information that is not part of this Act. Information in this column may be added to or edited 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Admiralty Act 1988

1 At the end of paragraphs 4(3)(a) and (b)

Add “or”.

2 After paragraph 4(3)(b)

Insert:

(ba) a claim under:

- (i) the applied provisions (within the meaning of the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008*); or
- (ii) a law of a State or Territory of a kind referred to in subsection 10(1) of that Act; or

3 At the end of paragraphs 4(3)(c), (d), (e), (f), (g), (h), (j), (k), (m), (n), (o), (p), (q), (r), (s), (t) and (u)

Add “or”.

4 At the end of Part III

Add:

26A Proceedings in accordance with the Bunker Oil Convention

- (1) A proceeding under this Act on a maritime claim referred to in paragraph 4(3)(ba) must not be brought otherwise than in accordance with paragraphs 1 and 2 of Article 9 of the Bunker Oil Convention, whether or not the proceeding also relates to another maritime claim or to a maritime lien or other charge.
- (2) In this section:

Bunker Oil Convention has the same meaning as in the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008*.

Protection of the Sea (Civil Liability) Act 1981

5 At the end of subsection 19B(1)

Add:

; and (d) to which Part 3 of the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008* does not apply.

Protection of the Sea (Powers of Intervention) Act 1981

6 After subsection 17A(5)

Insert:

(5A) Subsection (4) does not apply to:

- (a) a proceeding under the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008*; or
- (b) a proceeding on a maritime claim referred to in paragraph 4(3)(ba) of the *Admiralty Act 1988* (about claims relating to bunker oil pollution damage).

[Minister's second reading speech made in—
House of Representatives on 20 March 2008
Senate on 16 June 2008]

(59/08)

4 *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) (Consequential Amendments) Act 2008* No. 77, 2008