



Maritime Legislation Amendment Act 2015

No. 176, 2015

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

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

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No. 176, 2015

An Act to amend maritime legislation, and for related purposes

[Assented to 11 December 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Maritime Legislation Amendment Act 2015*.

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
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	11 December 2015
2. Schedule 1	The 28th day after this Act receives the Royal Assent.	8 January 2016
3. Schedule 2	The later of: (a) the 28th day after this Act receives the Royal Assent; and (b) 1 March 2016.	1 March 2016 (paragraph (b) applies)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 commencing 28 days after Royal Assent

Part 1—Amendment of the Navigation Act 2012

Navigation Act 2012

1 Subsection 14(1) (definition of *dangerous goods*)

Repeal the definition, substitute:

dangerous goods has the same meaning as in Chapter VII of the Safety Convention.

2 Subsection 14(1) (definition of *International Maritime Dangerous Goods Code*)

Repeal the definition.

3 Paragraphs 96(4)(a) and (b)

Repeal the paragraphs, substitute:

- (a) overloading (Division 3); and
- (b) loading (Subdivision A of Division 4); and
- (c) dangerous goods (Subdivision B of Division 4).

Schedule 1 Amendments commencing 28 days after Royal Assent

Part 2 Amendment of the Protection of the Sea (Civil Liability) Act 1981 and the Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008

**Part 2—Amendment of the Protection of the Sea
(Civil Liability) Act 1981 and the Protection
of the Sea (Civil Liability for Bunker Oil
Pollution Damage) Act 2008**

Protection of the Sea (Civil Liability) Act 1981

4 Subsection 15(6)

Omit “a ship as defined by subsection 7(4)”, substitute “a ship that is not a regulated Australian vessel”.

5 Paragraph 15(7)(a)

Repeal the paragraph, substitute:

- (a) if the ship is registered in Australia and is not a Government ship:
 - (i) in the case of a ship that is a regulated Australian vessel—a certificate issued under section 16 in respect of the ship; or
 - (ii) in the case of a ship that is not a regulated Australian vessel—a certificate issued under section 16 in respect of the ship, or a certificate issued in respect of the ship under a law of a State that makes provision giving effect to paragraphs 1, 2 and 3 of Article VII of the Convention in relation to that ship; or

6 At the end of paragraphs 15(7)(b) and (c)

Add “or”.

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

7 Section 3 (definition of *domestic voyage ship*)

Repeal the definition.

8 Section 14

Omit “a domestic voyage ship”, substitute “a ship that is not a regulated Australian vessel”.

9 Section 15 (table item 1)

Repeal the item, substitute:

- | | | |
|---|---|---|
| 1 | is registered in Australia and is not a government ship | (a) for a ship that is a regulated Australian vessel—a certificate issued under section 18 for the ship; or |
| | | (b) for a ship that is not a regulated Australian vessel—a certificate issued under section 18 for the ship, or a certificate issued for the ship under a law of a State or Territory that gives effect to paragraphs 1, 2 and 4 of Article 7 of the Bunker Oil Convention in relation to the ship. |

**Part 3—Amendment of the Protection of the Sea
(Prevention of Pollution from Ships) Act
1983**

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

10 Paragraph 3(1A)(b)

Repeal the paragraph, substitute:

- (b) the waters of the sea that are on the landward side of that part or those parts of the territorial sea (including any waters of the sea that are within the limits of the State).

11 Paragraph 3(1C)(b)

Repeal the paragraph, substitute:

- (b) the waters of the sea that are on the landward side of that part or those parts of the territorial sea (including waters of the sea that are within the limits of the Territory).

Part 4—Transitional provisions

12 Application of amendments

The amendments made by this Schedule apply in relation to acts, omissions and other matters occurring after the commencement of this Schedule.

Schedule 2—Other amendments

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

1 After subparagraphs 10A(1)(c)(ii) and (2)(c)(ii)

Insert:

or (iii) being used as ballast;

2 Subsections 10A(4) and (5)

After “used as fuel”, insert “, or used as ballast,”.

3 After subparagraphs 10B(1)(c)(ii) and (2)(c)(ii)

Insert:

or (iii) being used as ballast;

4 Subsections 10B(4) and (5)

After “used as fuel”, insert “, or used as ballast,”.

5 Application of amendments

The amendments made by this Schedule apply in relation to acts and omissions occurring after the commencement of this Schedule.

[*Minister’s second reading speech made in—
House of Representatives on 9 September 2015
Senate on 25 November 2015*]

(146/15)
