



# **Protection of the Sea Legislation Amendment Act 2018**

**No. 40, 2018**

**An Act to amend the law relating to the protection  
of the sea, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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## Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedules.....	2
<b>Schedule 1—Main amendments</b>		3
	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	3
<b>Schedule 2—Other amendments</b>		5
	<i>Protection of the Sea (Shipping Levy Collection) Act 1981</i>	5





# Protection of the Sea Legislation Amendment Act 2018

No. 40, 2018

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## **An Act to amend the law relating to the protection of the sea, and for related purposes**

[Assented to 22 May 2018]

The Parliament of Australia enacts:

### **1 Short title**

This Act is the *Protection of the Sea Legislation Amendment Act 2018*.

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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, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</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 this Act receives the Royal Assent.	22 May 2018
2. Schedule 1	The later of: (a) 1 March 2018; and (b) the day after this Act receives the Royal Assent.	23 May 2018 (paragraph (b) applies)
3. Schedule 2	The day after this Act receives the Royal Assent.	23 May 2018

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## **Schedule 1—Main amendments**

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

#### **1 After paragraph 26F(7)(d)**

Insert:

- (da) if the cargo residues are residues of solid bulk cargoes (except grain)—the master of the ship has a written declaration made by the shipper stating that:
  - (i) the solid bulk cargoes have been classified in accordance with the criteria mentioned in Appendix I of Annex V to the Convention; and
  - (ii) the solid bulk cargoes are not harmful to the marine environment;

#### **2 After paragraph 26F(8C)(c)**

Insert:

- (ca) if the garbage is cargo residues that are contained in cargo hold wash water and that are residues of solid bulk cargoes (except grain)—the master of the ship has a written declaration made by the shipper stating that:
  - (i) the solid bulk cargoes have been classified in accordance with the criteria mentioned in Appendix I of Annex V to the Convention; and
  - (ii) the solid bulk cargoes are not harmful to the marine environment;

#### **3 Paragraph 26F(8C)(f)**

Omit “subparagraph 1.2.3”, substitute “subparagraph 1.2.5”.

#### **4 At the end of section 33**

Add:

- (4) Despite section 14 of the *Legislation Act 2003*, the regulations may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other document:

- (a) as in force or existing at a particular time; or
  - (b) as in force or existing from time to time;
- even if the instrument or other document does not exist when the regulations come into operation.

**5 Subsections 34(4), (5) and (6)**

Omit “made pursuant to the regulations”.

**6 Subsection 34(8)**

Repeal the subsection, substitute:

- (8) Despite section 14 of the *Legislation Act 2003*, an order may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other document:
  - (a) as in force or existing at a particular time; or
  - (b) as in force or existing from time to time;even if the instrument or other document does not exist when the order comes into operation.

**7 Application provision**

The amendments of section 26F of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* made by this Schedule apply in relation to the discharge of garbage from a ship on or after the commencement of this item.



## **Schedule 2—Other amendments**

### ***Protection of the Sea (Shipping Levy Collection) Act 1981***

#### **1 Subsection 8(3)**

Omit “by notice served on the master of the ship in such manner as is prescribed”, substitute “by written notice given to the master of the ship”.

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*[Minister’s second reading speech made in—  
House of Representatives on 28 February 2018  
Senate on 9 May 2018]*

(17/18)

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