

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

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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

[*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*.

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Note: This table relates only to the provisions of this Act as originally enacted.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 Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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”.

[*Minister’s second reading speech made in—*

*House of Representatives on 28 February 2018*

*Senate on 9 May 2018*]

(17/18)