



2001B00114

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Protection of the Sea (Civil Liability) Amendment Regulations 2001 (No. /)¹

Statutory Rules 2001 No. ²

56

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Protection of the Sea (Civil Liability) Act 1981*.

Dated 22 MAR 2001 2001

WILLIAM DEANE
Governor-General

By His Excellency's Command

JOHN ANDERSON
Minister for Transport and Regional Services

Regulation 1

1 Name of Regulations

These Regulations are the *Protection of the Sea (Civil Liability) Amendment Regulations 2001 (No. 1)*.

2 Commencement

These Regulations commence on 6 April 2001.

3 Amendment of Protection of the Sea (Civil Liability) Regulations

Schedule 1 amends the Protection of the Sea (Civil Liability) Regulations.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 1

substitute

1 Name of Regulations

These Regulations are the *Protection of the Sea (Civil Liability) Regulations 1983*.

[2] Regulation 3

omit

2	<i>Protection of the Sea (Civil Liability) Amendment Regulations 2001 (No. 1)</i>	2001, 1	56 1
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[3] Paragraph 4 (c)*omit*

Department

insert

Authority

[4] Regulation 5, heading*substitute***5 Relevant insurance certificate (Act s 15)****[5] Regulation 7***substitute***7 Person with whom application for insurance certificate must be lodged**

For subsection 16 (2) of the Act, a person who performs the duties of any of the following positions in the Authority is a prescribed person:

- (a) Manager, Ship Safety;
- (b) General Manager, Maritime Safety and Environmental Strategy.

[6] Regulations 10, 11 and 12*substitute***10 Person to whom copy of insurance certificate must be forwarded**

For subsection 16 (6) of the Act, a person who performs the duties of General Manager, Maritime Safety and Environmental Strategy, in the Authority is a prescribed person.

11 Relevant insurance certificate — prescribed information

- (1) For the definition of *relevant insurance certificate* in section 19A of the Act, the following information is prescribed:
- (a) the name of the ship;
 - (b) the name of the ship's owner;
 - (c) the name and business address of the person who is providing insurance or other financial security in respect of the ship to cover the liability of the ship's owner for pollution damage caused in Australia;
 - (d) the information referred to in subregulation (2);
 - (e) the amount of cover provided under the policy of insurance or financial security, being an amount that is at least the amount referred to in subregulation 12 (1).
- (2) For paragraph (1) (d), the information is:
- (a) if the document is a Certificate of Entry issued by a Protection and Indemnity Club — the day when the insurance or financial security commences, being a day that is:
 - (i) not earlier than the last 20 February before the day when the ship enters or leaves, or attempts to enter or leave, a port in Australia; or
 - (ii) if the ship enters or leaves, or attempts to enter or leave, a port in Australia after 19 February but before 20 March in a year — not earlier than 20 February in the previous year; or
 - (b) in any other case — the period of validity of the insurance or financial security, being a period that includes the day when the ship enters or leaves, or attempts to enter or leave, a port in Australia.

12 Relevant insurance certificate — prescribed amount

- (1) For the definition of *relevant insurance certificate* in section 19A of the Act, the prescribed amount is the amount necessary to cover the liability of the ship's owner for pollution damage in respect of an incident up to:
 - (a) if the Convention applies to the ship — the limit of liability for the ship under the applied provisions of the Convention; or
 - (b) if the Convention on Limitation of Liability for Maritime Claims, 1976 adopted by the International Conference on Limitation of Liability for Maritime Claims at London on 19 November 1976 applies to the ship — the total of the limits of liability, for the ship, for each kind of claims under that Convention, as it has effect for Australia under the *Limitation of Liability for Maritime Claims Act 1989*.
- (2) In this regulation:

incident means an occurrence, or series of occurrences, having the same origin.

13 Tonnage of certain ships

The gross tonnage of a ship for which no gross tonnage has been determined in accordance with the International Convention on Tonnage Measurement of Ships, 1969 is taken, for the purpose of paragraph 19B (1) (b) of the Act, to be:

- (a) if the ship has an overall length of less than 33 metres — less than 400 tons; or
- (b) if the ship has an overall length of at least 33 metres — at least 400 tons.

[7] Schedule 1*omit*

1969.

insert

1992.

[8] Schedule 2*omit*

This is to certify that the owner(s) of the ship, particulars of which are set out above, is (are) maintaining insurance or other financial security, particulars of which are set out below, in respect of the ship in an amount that will cover the limits of liability prescribed by paragraph 1 of Article V of the International Convention on Civil Liability for Oil Pollution Damage, 1969 in relation to that ship.

insert

There is in force, in respect of the ship described above, a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Notes

1. These Regulations amend Statutory Rules 1983 No. 222.
2. Notified in the *Commonwealth of Australia Gazette* on / 2001. 29 March