



Protection of the Sea (Civil Liability) Amendment Regulations 2006 (No. 1)¹

Select Legislative Instrument 2006 No. 230

I, PHILIP MICHAEL JEFFERY, 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 24 August 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

WARREN TRUSS
Minister for Transport and Regional Services

1 Name of Regulations

These Regulations are the *Protection of the Sea (Civil Liability) Amendment Regulations 2006 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Protection of the Sea (Civil Liability) Regulations 1983*

Schedule 1 amends the *Protection of the Sea (Civil Liability) Regulations 1983*.

Schedule 1 Amendments

(regulation 3)

[1] Paragraph 7 (a)

substitute

(a) Manager, Environmental Protection Standards;

[2] Subregulation 9 (2)

substitute

(2) A fee of \$30 is prescribed for the renewal of a certificate mentioned in subregulation (1) if there are no changes to any material particulars (other than period of operation).

[3] Paragraph 12 (1) (b)

substitute

- (b) if the Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the 1996 Protocol, 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*.

Note The Convention on Limitation of Liability for Maritime Claims and the 1996 Protocol are reproduced in Schedules 1 and 1A, respectively, of the *Limitation of Liability for Maritime Claims Act 1989*.

[4] Schedule 1

substitute

Schedule 1 Application for certificate of insurance

(regulation 6)

COMMONWEALTH OF AUSTRALIA
Protection of the Sea (Civil Liability) Act 1981
APPLICATION FOR CERTIFICATE OF INSURANCE
in accordance with the
International Convention on Civil Liability for Oil Pollution Damage,
1992

Address for enquiries and for completed applications:

Manager
Environment Protection Standards
Australian Maritime Safety Authority
25 Constitution Avenue
Canberra 2601
GPO Box 2181 Canberra City 2601
Ph (02) 6279 5040
Fax (02) 6279 5026

A	<p>To the Minister of State administering the <i>Protection of the Sea (Civil Liability) Act 1981</i></p> <p>I/We (1) </p> <p>of (2)..... </p> <p>.....</p> <p>Telephone..... </p> <p>being the owner(s)/master/agent (3) of the ship, particulars of which are set out below, hereby apply for the issue of an insurance certificate under sub-section 16(1) of the <i>Protection of the Sea (Civil Liability) Act 1981</i> in respect of that ship.</p>	<p>Explanatory Notes</p> <p>(1) Strike out whichever is inapplicable and insert the full name of each applicant. (2) Insert the address and telephone number of each applicant.</p> <p>(3) Strike out whichever is inapplicable. An application by any person other than the owner(s), master or the agent of the ship, must be accompanied by a written authorisation.</p>
----------	---	---

PARTICULARS OF SHIP

B	<p>Name of Ship</p>	
C	<p>Name and address of owner(s) (4) [if same as above insert "As Above"]</p> <p>..... </p> <p>Telephone..... </p>	<p>(4) Please enter the name and address of the owner(s) as set out on the Blue Card issued by the P&I Club.</p>

D	Type of ship (in terms of purpose)	
E	Official number or other distinctive number or letters	
F	Nationality of ship	<p>(5) Insert the amount of the tonnage of the ship ascertained in accordance with paragraph 10 of Article V of the International Convention on Civil Liability for: Oil Pollution Damage, 1992, namely: “The gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969”</p>
G	Port of registry (home port)	
H	Tonnage (5)	

PARTICULARS OF INSURANCE

In addition to the information requested below, a notarised statement or certificate is required to be submitted by each insurer or organisation providing financial security. The statement or certificate should specify details of the insurance or security by reference to policy numbers, or other identifying particulars. The Minister or his delegate may request further information in order to establish the adequacy of the insurance cover, verification of its existence and the capacity of the insurer/guarantor to provide adequate cover.

I	Type and amount of security (6) (7)
----------	---

J	Duration of the security (8) from / / to / /
----------	---

K	Name and address of each insurer or organisation providing financial security (9)
----------	--

L	Address of place where insurance or security is established (if same as above please insert "As Above")
----------	--

(6) If the liability for the ship listed is wholly covered by one P&I Club, the particulars required in section I and J may be omitted and in place inserted, "As per the attached 'blue card' certificate".

(7) Indicate whether insurance contract, P&I cover, Bank guarantee etc.

(8) The duration of the security must be stated in terms of the time and date of commencement and cessation and must coincide with dates given in the insurer's or guarantor's certificate.

(9) Insert the name(s) and address(es) of each insurer or organisation providing financial security. The address is to be the address of the principal place of business, and if different, the postal address for correspondence must also be shown.

I hereby apply for a Certificate of Insurance to be issued/renewed (10) in respect of the ship listed, and enclose remittance of (11) \$

(10) Strike out whichever is inapplicable.
(11) A fee of \$50 is payable for the issue of a first certificate or, in the case of certificate renewal, when substantial changes are made regarding insurance arrangements which necessitate more detailed examination of the application. A fee of \$30 is payable on annual renewal of the certificate where existing insurance arrangements continue, or are not substantially changed.
(12) Each applicant identified in Section A must sign the application form.

Signature (12)
Date.....
.....
.....

.....
.....

Note

- 1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.