



# Protection of the Sea (Oil Pollution Compensation Fund) Amendment Regulations 2009 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2009 No. 243

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I, QUENTIN BRYCE, 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 (Oil Pollution Compensation Funds) Act 1993*.

Dated 17 September 2009

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE  
Minister for Infrastructure, Transport, Regional Development  
and Local Government

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**1 Name of Regulations**

These Regulations are the *Protection of the Sea (Oil Pollution Compensation Fund) Amendment Regulations 2009 (No. 1)*.

**2 Commencement**

These Regulations commence on the commencement of Schedule 1 to the *Protection of the Sea Legislation Amendment Act 2008*.

**3 Amendment of *Protection of the Sea (Oil Pollution Compensation Fund) Regulations 1994***

Schedule 1 amends the *Protection of the Sea (Oil Pollution Compensation Fund) Regulations 1994*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 1**

*substitute*

**1 Name of Regulations**

These Regulations are the *Protection of the Sea (1992 Fund) Regulations 1994*.

**[2] Subregulation 3 (1), definition of Act**

*omit*

*Fund*

*insert*

*Funds*

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**[3] Subregulation 3 (1), definition of *compensation for pollution damage***

*omit*

convention.

*insert*

Convention.

**[4] Subregulation 3 (1), definition of *court***

*substitute*

***Court*** means a court that is invested or conferred with jurisdiction under regulation 4 for matters arising under Part 2.

**[5] Regulation 4, heading**

*substitute*

**4 Jurisdiction of Courts**

**[6] Paragraph 6 (3) (b)**

*omit*

Contracting States;

*insert*

countries to which the 1992 Fund applies;

**[7] Subparagraph 10 (1) (b) (vi)**

*omit*

Contracting States;

*insert*

countries to which the 1992 Fund applies;

**[8] Regulation 17, heading**

*substitute*

**17 Power of Court to set aside registered judgment**

**[9] Part 3, heading**

*substitute*

**Part 3 Contributions and late  
payment penalties**

**[10] Regulation 21, heading**

*substitute*

**21 Recovery of contributions and late payment penalties**

**[11] Regulation 21**

*omit*

For the purposes of section 42 of the Act, contribution,  
*insert*

For section 42 of the Act, a contribution,

**[12] Subparagraph 21 (a) (ii)**

*omit*

kept;

*insert*

located;

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**[13] Subparagraph 21 (b) (ii)**

*omit*

kept.

*insert*

located.

**[14] After regulation 21**

*insert*

**Part 4 Record keeping and returns**

**[15] Subregulation 22 (1)**

*substitute*

- (1) A person to whom Article 10 of the 1992 Convention applies must keep records for each calendar year of the matters that will enable the person to make a return under regulation 23.

Penalty: 10 penalty units.

**[16] Subregulation 23 (1)**

*omit*

regulation 22

*insert*

article 10 of the 1992 Convention

**[17] Subregulation 23 (2)**

*omit*

A return

*insert*

The return

**[18] Paragraph 23 (2) (c)**

*omit*

telex or fax number,

*insert*

telephone number, fax number or email address,

**[19] Subregulation 23 (4), including the note**

*substitute*

(3) For subregulation (1), strict liability applies to:

- (a) whether the person is a person to whom Article 10 of the 1992 Convention applies, and
- (b) whether the form of the return is in accordance with the requirements of the form in the Schedule.

**[20] Subregulation 24 (1)**

*substitute*

- (1) If a document is relevant to ascertaining the liability of a person to make a contribution to the 1992 Fund, the Authority may, by notice in writing, require the person:
  - (a) to produce a document to the Authority; or
  - (b) to make a copy of a document and give the copy to the Authority.

**[21] Subregulation 24 (2)**

*omit*

requirement made in accordance with subregulation (1).

*insert*

notice issued by the Authority under subregulation (1) within 30 days of receiving the notice.

**[22] Regulation 24, note***omit***[23] Further amendments**

| <i>Provision</i>                 | <i>omit each mention of</i> | <i>insert</i>       |
|----------------------------------|-----------------------------|---------------------|
| Subregulation 6 (1)              | court                       | Court               |
| Subregulation 6 (2)              | court                       | Court               |
| Regulations 9 and 11             | court                       | Court               |
| Subregulation 12 (1)             | court                       | Court               |
| Paragraph 12 (2) (a)             | court                       | Court               |
| Subregulation 12 (3)             | court                       | Court               |
| Subregulation 13 (1)             | the court                   | the Court           |
| Subregulation 14 (1)             | court                       | Court               |
| Subregulation 14 (2)             | court                       | Court               |
| Paragraph 15 (a)                 | court                       | Court               |
| Subregulation 16 (1)             | court                       | Court               |
| Subregulations 16 (2) and 17 (1) | the court                   | the Court           |
| Regulations 18 and 19            | court                       | Court               |
| Regulation 20                    | a court                     | an Australian court |

**Note**

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