

2008

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Protection of the Sea (Civil Liability for  
Bunker Oil Pollution Damage)  
(Consequential Amendments) Bill 2008**

**No.     , 2008**

*(Infrastructure, Transport, Regional Development and Local Government)*

**A Bill for an Act to make amendments  
consequential on the enactment of the *Protection of  
the Sea (Civil Liability for Bunker Oil Pollution  
Damage) Act 2008*, and for related purposes**



---

## Contents

1	Short title .....	1
2	Commencement .....	1
3	Schedule(s) .....	2
<b>Schedule 1—Amendments</b>		3
	<i>Admiralty Act 1988</i>	3
	<i>Protection of the Sea (Civil Liability) Act 1981</i>	3
	<i>Protection of the Sea (Powers of Intervention) Act 1981</i>	4



1     **A Bill for an Act to make amendments**  
2     **consequential on the enactment of the *Protection of***  
3     ***the Sea (Civil Liability for Bunker Oil Pollution***  
4     ***Damage) Act 2008, and for related purposes***

5     The Parliament of Australia enacts:

6     **1 Short title**

7                     This Act may be cited as the *Protection of the Sea (Civil Liability*  
8                     *for Bunker Oil Pollution Damage) (Consequential Amendments)*  
9                     *Act 2008.*

10    **2 Commencement**

11                   (1) Each provision of this Act specified in column 1 of the table  
12                   commences, or is taken to have commenced, in accordance with

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

3

---

**Commencement information**

---

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</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 on which this Act receives the Royal Assent.	
2. Schedule 1	At the same time as sections 3 to 30 of the <i>Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008</i> commence.	

---

4 Note: This table relates only to the provisions of this Act as originally  
5 passed by both Houses of the Parliament and assented to. It will not be  
6 expanded to deal with provisions inserted in this Act after assent.

7 (2) Column 3 of the table contains additional information that is not  
8 part of this Act. Information in this column may be added to or  
9 edited in any published version of this Act.

### 10 **3 Schedule(s)**

11 Each Act that is specified in a Schedule to this Act is amended or  
12 repealed as set out in the applicable items in the Schedule  
13 concerned, and any other item in a Schedule to this Act has effect  
14 according to its terms.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

---

## Schedule 1—Amendments

### *Admiralty Act 1988*

#### **1 At the end of paragraphs 4(3)(a) and (b)**

Add “or”.

#### **2 After paragraph 4(3)(b)**

Insert:

(ba) a claim under:

- (i) the applied provisions (within the meaning of the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008*); or
- (ii) a law of a State or Territory of a kind referred to in subsection 10(1) of that Act; or

#### **3 At the end of paragraphs 4(3)(c), (d), (e), (f), (g), (h), (j), (k), (m), (n), (o), (p), (q), (r), (s), (t) and (u)**

Add “or”.

#### **4 At the end of Part III**

Add:

#### **26A Proceedings in accordance with the Bunker Oil Convention**

(1) A proceeding under this Act on a maritime claim referred to in paragraph 4(3)(ba) must not be brought otherwise than in accordance with paragraphs 1 and 2 of Article 9 of the Bunker Oil Convention, whether or not the proceeding also relates to another maritime claim or to a maritime lien or other charge.

(2) In this section:

*Bunker Oil Convention* has the same meaning as in the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008*.

### *Protection of the Sea (Civil Liability) Act 1981*

---

1 **5 At the end of subsection 19B(1)**

2 Add:

3 ; and (d) to which Part 3 of the *Protection of the Sea (Civil Liability*  
4 *for Bunker Oil Pollution Damage) Act 2008* does not apply.

5 ***Protection of the Sea (Powers of Intervention) Act 1981***

6 **6 After subsection 17A(5)**

7 Insert:

8 (5A) Subsection (4) does not apply to:

- 9 (a) a proceeding under the *Protection of the Sea (Civil Liability*  
10 *for Bunker Oil Pollution Damage) Act 2008*; or  
11 (b) a proceeding on a maritime claim referred to in paragraph  
12 4(3)(ba) of the *Admiralty Act 1988* (about claims relating to  
13 bunker oil pollution damage).