

**The *Pollution of Waters by Oil and Noxious Substances*
(Amendment) Bill 2013**

CLAUSE NOTES

Clause 1	<p>Short Title</p> <p>The <i>Pollution of Waters by Oil and Noxious Substances Amendment Act 2013</i>.</p>
Clause 2	<p>Commencement</p> <p>The Act will commence on the day on which it received Royal Assent</p>
Clause 3	<p>The Principal Act is –</p> <p>The <i>Pollution of Waters by Oil and Noxious Substances Act 1987</i> [No.95 of 1987].</p>
Clause 4	<p>Section 3 amended – “Interpretation”</p> <p>(a),(b) The definition of “State waters” is amended to align with a 2012 amendment to the definition of “the sea near a State” in the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> [Cwlth], for which the State Act is “mirror” legislation.</p> <p>Both amendments confirm that the State’s responsibility for implementing and enforcing Australia’s obligations under the International Convention for the Prevention of Pollution from Ships, London 1973 (the Convention), is limited to waters within 3 nautical miles seaward of the baselines by which the Territorial Sea of Australia is defined for the purposes of international law, as well as to waters landward of those baselines.</p> <p>The amendments remove an ambiguity that could have suggested that Tasmania’s responsibility extends to the 12 nautical mile limit.</p>
Clause 5	<p>Section 25CB amended – “Prohibition on discharge of sewage into State waters”</p> <p>Subsection (2) provides for circumstances where the offence provision of s.25CB(1) does not apply. Subsection (2)(ab) is inserted to provide that the offence provision does not apply to vessels that Annex IV of the Convention does not apply to, provided that any discharge from such vessels complies with a sewage management directive issued by the Director. Vessels to which Annex IV applies include ships of 400 gross tonnes or more on international voyages, and ships authorised to carry more than 15 persons gross, on international voyages.</p>

<p>Clause 6</p>	<p>Section 25CC inserted – “Sewage Management Directives”</p> <p>(1) The Director may issue a directive after consulting with the Director of Public Health.</p> <p>(2) A directive must specify if it applies to vessels generally, and waters generally, or only to certain vessels and waters. The intent is to ensure that a directive may include a range of vessels, and apply to a range of waters.</p> <p>(3) A directive may include a range of provisions, including for example -</p> <ul style="list-style-type: none"> • the application of different constraints to vessels of various person-carrying-capacities; • discharge to State waters of different locations or environmental sensitivities; • no-discharge zones; • limited discharge zones; • treatment standards; • any other requirement the Director considers necessary for ensuring the protection of public health and the aquatic environment from pollution by sewage from vessels. <p>(4) confirms the intent that a single directive may address the requirements and constraints of a range of vessels, in a range of waters, and apply differently in relation to different vessels in those waters.</p> <p>(5) Public notice must be given of the making of a directive, and of where it may be obtained.</p> <p>(6) A directive may specify the date on which it takes effect, such date being not sooner than the day of the public notice, or if no date is specified, it takes effect on the day after the day of the public notice. The intent is to allow for the commencement in stages if that is deemed appropriate.</p>
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