

TASMANIA

**POLLUTION OF WATERS BY OIL AND NOXIOUS
SUBSTANCES AMENDMENT BILL 2013**

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POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES AMENDMENT BILL 2013

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
12 November 2013

*(Brought in by the Minister for Environment, Parks and
Heritage, the Honourable Brian Neal Wightman)*

A BILL FOR

**An Act to amend the *Pollution of Waters by Oil and
Noxious Substances Act 1987***

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Pollution of Waters by Oil and Noxious Substances Amendment Act 2013*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Pollution of Waters by Oil and Noxious Substances Act 1987** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

The definition of *State waters* in section 3(1) of the Principal Act is amended as follows:

(a) by omitting paragraph (a) and substituting the following paragraph:

(a) the waters of the territorial sea adjacent to the State that are within 3 nautical miles of the seaward side of the baseline of the territorial sea, by reference to which the territorial limits of Australia are defined for the purposes of international law;

(b) by omitting from paragraph (b) “the territorial sea” and substituting “that baseline of the territorial sea”.

5. Section 25CB amended (Prohibition on discharge of sewage into State waters)

Section 25CB(2) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

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(ab) if –

- (i) the ship is not a ship to which Annex IV to the Convention applies; and
- (ii) the discharge complies with a sewage management directive issued by the Director under section 25CC; or

6. Section 25CC inserted

After section 25CB of the Principal Act, the following section is inserted in Division 2AB:

25CC. Sewage management directives

- (1) After consulting with the Director of Public Health appointed under section 6 of the *Public Health Act 1997*, the Director may issue a directive in respect of the management of the discharge of sewage by certain vessels in State waters.
- (2) A sewage management directive is to specify –
 - (a) the vessels to which it applies, if it only applies to certain vessels; and
 - (b) the waters to which it applies, if it only applies to certain waters.

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- (3) A sewage management directive may specify any one or more of the following:
- (a) the application of different or variable requirements on vessels in respect of the discharge of sewage;
 - (b) the waters in which the discharge of sewage is prohibited;
 - (c) the waters in which the discharge of sewage is restricted;
 - (d) the application of different treatment standards;
 - (e) any other matter the Director considers necessary for ensuring –
 - (i) the protection of the aquatic environment from pollution by sewage from vessels; or
 - (ii) the health and safety of human beings in relation to such pollution of the aquatic environment.
- (4) For the avoidance of doubt, a sewage management directive may do any one or more of the following:

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- (a) apply to more than one type of vessel;
 - (b) apply to more than one area of waters;
 - (c) be made so as to apply differently according to the matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the sewage management directive.
- (5) After making a sewage management directive under subsection (1), the Director is to notify by public notice –
- (a) that the sewage management directive has been made; and
 - (b) where a copy of the sewage management directive may be obtained.
- (6) A sewage management directive takes effect –
- (a) on the day specified in the sewage management directive, being a day that is on or after the day on which the making of the sewage management directive is notified under subsection (5); or
 - (b) if no such day is specified, on the day after the day on which the

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making of the sewage management directive is notified under subsection (5).

7. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.