

NORTHERN TERRITORY OF AUSTRALIA

MARINE POLLUTION REGULATIONS

As in force at 1 July 2015

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2015

MARINE POLLUTION REGULATIONS

Regulations under the *Marine Pollution Act*

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Marine Pollution Regulations*.

2 Commencement

These Regulations come into operation on the commencement of section 99 of the Act.

3 Definitions

In these Regulations, unless the contrary intention appears:

approved means approved by the Chief Executive Officer.

fishing vessel means a vessel that is used wholly or principally for fishing operations and includes a vessel that is used:

- (a) to provide food, fuel and other supplies to persons who are engaged in fishing operations; or
- (b) to transport crew and other persons who are engaged in fishing operations.

food waste means any spoiled or unspoiled victual substances generated in the normal operation of the ship, and includes fruits, vegetables, dairy products, poultry, meat products, food scraps and food particles.

IMO means the International Maritime Organization.

IOPP Certificate means an International Oil Pollution Prevention Certificate issued in accordance with Annex I to MARPOL.

oily mixture means a mixture with any oil content.

registered office has the meaning given by regulation 42.

trading ship means a ship (other than a Commonwealth vessel under the Commonwealth Navigation Act or a fishing vessel) that is used for or in connection with any business or commercial activity and includes a vessel that is used wholly or principally for:

- (a) the carriage of passengers or cargo for hire or reward; or
- (b) the provision of services to ships or shipping whether for reward or otherwise.

Part 2 Oil

Division 1 Exemptions

4 Oil tankers

Section 14 of the Act does not apply in relation to a discharge of oil from an oil tanker from its machinery space bilges (other than its cargo pump room bilges) if:

- (a) the oil does not include oil cargo residue;
- (b) the tanker is proceeding en route;
- (c) the oil content of the effluent does not exceed 15 parts in one million parts; and
- (d) the tanker has in operation oily-water separating equipment in accordance with the tanker's IOPP Certificate.

5 Ships other than oil tankers

Section 14 of the Act does not apply in relation to a discharge of oil or an oily mixture from a ship that has a gross tonnage of 400 or more and is not an oil tanker if:

- (a) the ship is proceeding en route;
- (b) the oil content of the effluent does not exceed 15 parts in one million parts; and
- (c) the ship has in operation equipment required under Regulation 16 of Annex I to MARPOL.

6 Ballast and unprocessed oily mixtures

- (1) Section 14 of the Act does not apply in relation to a discharge of clean or segregated ballast (within the meaning of Annex I to MARPOL) or an unprocessed oily mixture if:
 - (a) the oily mixture does not originate from the cargo pump room bilges of the ship;
 - (b) the oily mixture does not include oil cargo residue; and
 - (c) the oil content of the mixture without dilution does not exceed 15 parts in one million parts.
- (2) In this regulation, a reference to an oily mixture does not include an oily mixture that contains:
 - (a) chemicals or other substances in quantities or concentrations that are hazardous to the marine environment; or
 - (b) chemicals or other substances that have been introduced for the purpose of attempting to bring a discharge of oil or an oily mixture within an exemption provided in this Division from the operation of section 14 of the Act.

Division 2 Shipboard emergency plan

7 Shipboard oil pollution emergency plan

- (1) A ship's shipboard oil pollution emergency plan required under section 17 of the Act must be in the approved form and include the following particulars:
 - (a) the procedure to be followed by the ship's master or other person having charge of the ship in notifying an incident involving the ship if a discharge of oil happens;
 - (b) a list of the authorities or persons to be notified by persons on the ship if the incident happens;
 - (c) a detailed description of the action to be taken immediately after the incident by persons on board the ship to reduce or control any discharge of oil from the ship resulting from the incident;
 - (d) the procedures to be followed for coordinating with authorities or persons that have been contacted and the name of the person on board the ship through whom all communications are to be made.

- (2) The ship's owner must submit the plan and an approval fee of 57 revenue units to the Chief Executive Officer for approval.
- (3) The Chief Executive Officer may approve the plan or refuse to approve it.
- (4) If the Chief Executive Officer refuses to approve the plan, he or she must advise the ship's owner of the reasons for refusing to approve it.

Division 3 Oil record book

8 Oil record book to be carried on ship or retained

- (1) A ship that is not an oil tanker and has a gross tonnage of 400 or more must carry a current oil record book (Part I) that is readily available for inspection at all reasonable times.
- (2) A ship that is an oil tanker and has a gross tonnage of 150 or more must carry a current oil record book (Part I and II) that is readily available for inspection at all reasonable times.
- (3) Any previous oil record book must be carried on the ship and be readily available for inspection at all reasonable times for at least one year from the date of the last entry made in the book.
- (4) After the one year period referred to in subregulation (3), the previous oil record book must be kept for a further 2 years:
 - (a) if the ship's owner has a registered office – on board the ship or at the registered office; or
 - (b) subject to subregulation (5), if the ship's owner does not have a registered office – on board the ship,and be readily available for inspection at all reasonable times.
- (5) If the ship's owner does not have a registered office, the previous oil record book may be deposited with the Chief Executive Officer and the book will be taken to be readily available for inspection.
- (6) If a ship does not carry a current oil record book in accordance with subregulation (1) or (2), or a previous oil record book in accordance with subregulation (3), the ship's master and owner each commit an offence.

Maximum penalty: 100 penalty units.

- (7) If a previous oil record book is not kept in accordance with subregulation (4) or deposited with the Chief Executive Officer in accordance with subregulation (5), the ship's owner commits an offence.

Maximum penalty: 100 penalty units.

9 Form of oil record book

An oil record book must contain the particulars set out in Appendix III to Annex 1 to MARPOL and must make provision for a signature for each entry made in it and for each page of it.

10 Entries in oil record book

- (1) If a recordable operation or event is carried out or happens in or in relation to a ship, the ship's master must make or cause to be made an appropriate entry about the operation or event in the oil record book without delay.

Maximum penalty: 100 penalty units.

- (2) An entry in a ship's oil record book must:
- (a) be made in the English language;
 - (b) include the particulars required by Appendix III to Annex 1 to MARPOL; and
 - (c) be signed by:
 - (i) for a recordable operation – the officer or other person in charge of the operation; or
 - (ii) for a recordable event – the person in control of the ship.

Maximum penalty: 100 penalty units.

- (3) When a page of a ship's oil record book is completed, the ship's master must sign the page without delay.

Maximum penalty: 100 penalty units.

- (4) In this regulation, **recordable operation or event** means an operation or event mentioned in Schedule 1, Part 1 that takes place or occurs in coastal waters.

Part 3 Noxious liquid substances in bulk

Division 1 Exemptions

11 Categorization of substances

The categorization of a noxious liquid substance as a Category A, B, C or D substance is in accordance with Annex II to MARPOL.

12 Category A substances

Section 21 of the Act does not apply in relation to a discharge from a ship of a Category A substance or a mixture containing a Category A substance if:

- (a) one or more of the ship's tanks held the Category A substance or the mixture containing a Category A substance;
- (b) the tank has been washed in accordance with regulation 22 or 23;
- (c) any residue remaining in the tank has been diluted by the addition of water; and
- (d) the water containing the residue is discharged in accordance with regulation 16(1).

13 Category B substances

Section 21 of the Act does not apply in relation to a discharge from a ship of a Category B substance or a mixture containing a Category B substance if:

- (a) an authorised officer has approved procedures and arrangements:
 - (i) that are based on standards developed by the IMO;
 - (ii) that ensure that the rate of discharge of the Category B substance or the mixture containing a Category B substance will result in a concentration of the substance in the wake astern of the ship that is not more than one part in one million parts; and

- (iii) that provide that the maximum quantity of the substance or mixture to be discharged is, in the case of each tank of the ship from which the discharge is to be made (including the pipe system associated with the tank):
 - (A) one three-thousandth of the tank capacity in cubic metres; or
 - (B) one cubic metre;whichever is greater;
- (b) the effluent does not also contain a Category A substance; and
- (c) the discharge of the Category B substance or mixture is made in accordance with:
 - (i) the approved procedures and arrangements; and
 - (ii) regulation 16(1).

14 Category C substances

Section 21 of the Act does not apply in relation to a discharge from a ship of a Category C substance or a mixture containing a Category C substance if:

- (a) an authorised officer has approved procedures and arrangements:
 - (i) that are based on standards developed by the IMO;
 - (ii) that ensure that the rate of discharge of the Category C substance or the mixture containing a Category C substance will result in a concentration of the substance in the wake astern of the ship that is not more than 10 parts in one million parts; and
 - (iii) that provide that the maximum quantity of the substance or mixture to be discharged is, in the case of each tank of the ship from which the discharge is to be made (including the pipe system associated with the tank):
 - (A) one one-thousandth of the tank capacity in cubic metres; or
 - (B) 3 cubic metres;whichever is greater;

- (b) the effluent does not also contain a Category A or B substance; and
- (c) the discharge of the Category C substance or mixture is made in accordance with:
 - (i) the approved procedures and arrangements; and
 - (ii) regulation 16(1).

15 Category D substances

Section 21 of the Act does not apply in relation to a discharge from a ship of a Category D substance or a mixture containing a Category D substance if:

- (a) the Category D substance or the mixture containing a Category D substance has been mixed with water so that the concentration of the substance is not more than one part in 10 parts of water;
- (b) the mixture does not also contain a Category A, B or C substance; and
- (c) the discharge of the Category D substance or mixture is made in accordance with regulation 16(2).

16 Conditions for exempted discharges

- (1) A Category A, B, or C substance may be discharged from a ship under regulation 12, 13 or 14 (respectively) if:
 - (a) the ship is en route at a speed of at least 7 knots or, if the ship is not self-propelled, 4 knots;
 - (b) the discharge is made below the waterline of the ship taking into account the location of the sea-water intakes; and
 - (c) the ship is at least 12 n miles from the nearest land and in water at least 25 m deep.
- (2) A Category D substance may be discharged from a ship under regulation 15 if:
 - (a) the ship is en route at a speed of at least 7 knots or, if the ship is not self-propelled, 4 knots; and
 - (b) the ship is at least 12 n miles from the nearest land.

Division 2 Certain noxious liquid substances to be treated as oil

17 Conditions of carrying oil-like substance

- (1) An oil tanker that is carrying a Category C or D substance that is identified by the IMO as an oil-like substance must comply with the provisions of Annex I of MARPOL that apply to product carriers within the meaning of that Annex.
- (2) If an oil tanker is carrying an oil-like substance and the tanker is required under the *Navigation Act 1912* of the Commonwealth to have an IOPP Certificate and its supplement B, with an endorsement:
 - (a) indicating that the ship is permitted to carry oil-like substances in conformity with Regulation 14 of Annex II to MARPOL; and
 - (b) specifying the oil-like substances the ship is permitted to carry,the tanker must carry the appropriate certificate and the certificate must permit the tanker to carry the oil-like substance concerned.
- (3) If an oil tanker is carrying an oil-like substance that is a Category C substance, the tanker must comply with the ship type 3 damage stability requirements of:
 - (a) if the tanker was constructed on or after 1 July 1986 – the International Bulk Chemical Code; or
 - (b) if the tanker was constructed before 1 July 1986 – the Bulk Chemical Code applicable under Regulation 13 of Annex II to MARPOL.
- (4) If an oil tanker is carrying an oil-like substance, the oil content meter in the oil discharge monitoring and control system of the tanker must be approved by an authorised officer for use in monitoring the oil-like substances carried.

Division 3 Cargo record book

18 Cargo record book

- (1) A trading ship carrying noxious liquid substances in bulk and proceeding on a voyage entirely within the Territory must carry a current cargo record book that is readily available for inspection at all reasonable times.

- (2) Any previous cargo record book must be carried on the ship and be readily available for inspection at all reasonable times for at least one year from the date of the last entry made in the book.
- (3) After the one year period referred to in subregulation (2), the previous cargo record book must be kept for a further 2 years:
 - (a) if the ship's owner has a registered office – on board the ship or at the registered office; or
 - (b) subject to subregulation (4), if the ship's owner does not have a registered office – on board the ship,and be readily available for inspection at all reasonable times.
- (4) If the ship's owner does not have a registered office, the previous cargo record book may be deposited with the Chief Executive Officer and the book will be taken to be readily available for inspection.
- (5) If a ship does not carry a current cargo record book in accordance with subregulation (1) or a previous cargo record book in accordance with subregulation (2), the ship's master and owner each commit an offence.

Maximum penalty: 100 penalty units.

- (6) If a previous cargo record book is not kept in accordance with subregulation (3) or deposited with the Chief Executive Officer in accordance with subregulation (4), the ship's owner commits an offence.

Maximum penalty: 100 penalty units.

19 Form of cargo record book

A cargo record book must contain the particulars set out in Appendix IV of Annex II to MARPOL and must make provision for a signature for each entry made in it and for each page of it.

20 Entries in cargo record book

- (1) If a recordable operation or event is carried out or happens in or in relation to a ship, the ship's master must make or cause to be made an appropriate entry about the operation or event in the cargo record book without delay.

Maximum penalty: 100 penalty units.

- (2) An entry in a ship's cargo record book must:
- (a) be made in the English language;
 - (b) include the particulars required by Appendix IV to Annex II to MARPOL; and
 - (c) be signed by:
 - (i) for a recordable operation – the officer or other person in charge of the operation; or
 - (ii) for a recordable event – the person in control of the ship.

Maximum penalty: 100 penalty units.

- (3) When a page of a ship's cargo record book is completed, the ship's master must sign the page without delay.

Maximum penalty: 100 penalty units.

- (4) In this regulation, **recordable operation or event** means an operation or event mentioned in Schedule 1, Part 2 that takes place or occurs in coastal waters.

Division 4 Tank washing

21 Category A substances

- (1) Subject to subregulation (2), a tank from which a Category A substance has been unloaded must be washed in accordance with the procedure set out in regulation 22 before the ship leaves the port of unloading.
- (2) If application is made by the ship's master, the Chief Executive Officer may exempt the ship from compliance with subregulation (1) if he or she is satisfied that:
- (a) the tank unloaded is to be reloaded with the same substance or another substance compatible with the substance unloaded and the tank will not be washed or ballasted before loading;
 - (b) the tank unloaded is not to be washed or ballasted at sea and an alternative washing procedure complying with regulation 22 or 23 will be carried out at another port; or
 - (c) the cargo residues will be removed by a ventilation procedure approved by the Chief Executive Officer and based on standards developed by IMO.

- (3) For the purposes of subregulation (2)(b), the Chief Executive Officer is taken to be satisfied if the ship's master:
- (a) undertakes in writing to have the procedure carried out at the other port; and
 - (b) provides written confirmation from an officer or employee of the other port that the port has a reception facility available and adequate for the purpose.

22 Approved washing procedure – Category A substances

- (1) A tank from which a Category A substance has been unloaded must be washed under the supervision of an authorised officer.
- (2) The effluent from the tank washing must be discharged to a reception facility until the concentration of the Category A substance in the discharge, as indicated by analysis of samples of the effluent taken by the authorised officer, has fallen to a residual concentration of 0.1% or less by weight (if the substance is phosphorus, yellow or white – a residual concentration of 0.01% or less by weight).
- (3) When the required residual concentration is achieved, the discharge of the remaining contents of the tank to the reception facility is to continue until the tank is empty.
- (4) The authorised officer must sign the entry in the cargo record book recording the carrying out of the procedure.

23 Alternative washing procedure – Category A substances

If the Chief Executive Officer is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, he or she may accept an alternative procedure proposed by the ship's master as being equivalent to the approved procedure under regulation 22 if:

- (a) the tank is prewashed in accordance with a procedure approved by the Chief Executive Officer and based on standards developed by IMO; and
- (b) an authorised officer certifies in the cargo record book that:
 - (i) the prewash has been carried out in accordance with the prewash procedure approved by the Chief Executive Officer for the tank and the substance; and

- (ii) the tank contents resulting from the prewash have been discharged to a reception facility and the tank, its pump and piping systems are empty.

24 Category B and C substances

- (1) A Category B or C substance must be unloaded using a pumping procedure approved by the Chief Executive Officer and based on standards developed by IMO under regulation 5A(5) of Annex II to MARPOL.
- (2) Subject to subregulation (4), a tank from which a Category B or C substance has been unloaded must be prewashed in accordance with a procedure approved by the Chief Executive Officer and based on standards developed by IMO before the ship leaves the port of unloading if:
 - (a) the substance unloaded is identified in the standards developed by IMO as resulting in a residue quantity more than the maximum quantity for the substance that may be discharged into the sea under regulation 13 or 14; or
 - (b) the unloading is not carried out in accordance with the pumping conditions for the tank approved by the Chief Executive Officer – unless an authorised officer is satisfied that alternative measures have been taken to remove the cargo residues from the ship.
- (3) The tank contents resulting from the prewash procedure must be discharged to a reception facility at the port of unloading.
- (4) For the purposes of subregulation (2)(b), the authorised officer is taken to be satisfied that cargo residues have been removed if the residues are reduced to quantities stated in Regulation 5A of Annex II to MARPOL for the substance.
- (5) If application is made by the ship's master, the Chief Executive Officer may exempt the ship from compliance with subregulation (2) if he or she is satisfied that:
 - (a) the tank unloaded is to be reloaded with the same substance or another substance compatible with the substance unloaded and the tank will not be washed or ballasted before loading;
 - (b) the tank unloaded is not to be washed or ballasted at sea and a prewashing procedure complying with regulation 23 will be carried out at another port; or

- (c) the cargo residues will be removed by a ventilation procedure approved by the Chief Executive Officer and based on standards developed by IMO.
- (6) For the purposes of subregulation (5)(b), the Chief Executive Officer is taken to be satisfied if the ship's master:
 - (a) undertakes in writing to have the procedure carried out at the other port; and
 - (b) provides written confirmation from an officer or employee of the other port that the port has a reception facility available and adequate for the purpose.

25 Category D substances

- (1) Subject to subregulation (2), a tank from which a Category D substance has been unloaded must be washed and the resulting tank contents discharged to a reception facility before the ship leaves the port of unloading.
- (2) If a tank from which a Category D substance has been unloaded is not washed in accordance with subregulation (1), the remaining residues must be diluted and discharged to the sea in accordance with regulation 15.

26 Discharge from slop tank

Any residues retained on board in a slop tank, including residues from cargo pump-room bilges, that contain a Category A substance must be discharged to a reception facility in accordance with the provisions of regulation 5(1), (7) or (8) of Annex II to MARPOL.

Part 4 Packaged harmful substances

27 Jettisoning of harmful substances

- (1) For the purposes of section 28(b) of the Act, the procedures prescribed for the jettisoning of a harmful substance are the procedures set out in the IMDG Code as appropriate for the substance.
- (2) If a harmful substance carried as cargo in packaged form is jettisoned to secure the safety of the ship or for saving life at sea, the jettisoning must be done in accordance with the procedures referred to in subregulation (1), unless to do so would impair the safety of the ship or persons on board the ship.

Maximum penalty: 100 penalty units.

- (3) In determining the procedures that are appropriate, regard must be had to the physical, chemical and biological properties of the substance.
- (4) If the jettisoning is by washing of leakages overboard, the person who authorises the washing must reasonably believe that washing overboard is the most appropriate way of disposing of the leaked substance having regard to:
 - (a) any information about the substance contained in the IMDG Code; and
 - (b) the circumstances under which the leakage occurred.
- (5) In this regulation, **IMDG Code** means the International Maritime Dangerous Goods Code.

Part 5 Garbage

Division 1 Garbage management and records

28 Ships to display placards

- (1) Every ship of 12 m or more in length must display not less than one placard at the garbage disposal point on the vessel or other appropriate place or places to inform the crew and passengers of the MARPOL requirements relating to disposal of garbage.
- (2) A placard referred to in subregulation (1) is to be:
 - (a) if the vessel has a gross tonnage less than 150 – not less than 17 cm in width and 13 cm in depth and in the form of Form 1 in Schedule 2; and
 - (b) if the vessel has a gross tonnage more than 150 – not less than 23 cm in width and 15 cm in depth and in the form of Form 2 in Schedule 2.

29 Garbage management plan

- (1) A ship with a gross tonnage more than 400 must carry and comply with a garbage management plan.

Maximum penalty: 100 penalty units.

- (2) A garbage management plan referred to in subregulation (1) is to:
- (a) provide written procedures for collecting, storing, processing and disposing of garbage (including the use of equipment on board);
 - (b) designate the person in charge of carrying out the plan; and
 - (c) be in accordance with the guidelines developed by the IMO.

30 Garbage record book

- (1) A ship:
- (a) with a gross tonnage more than 400; or
 - (b) certified to carry 15 persons or more,
- must carry a current garbage record book that is readily available for inspection at all reasonable times.
- (2) Any previous garbage record book must be carried on the ship and be readily available for inspection at all reasonable times for at least one year from the date of the last entry made in the book.
- (3) After the one year period referred to in subregulation (2), the previous garbage record book must be kept for a further one year:
- (a) if the ship's owner has a registered office – on board the ship or at the registered office; or
 - (b) if the ship's owner does not have a registered office – on board the ship,
- and be readily available for inspection at all reasonable times.
- (4) If a ship does not carry a current garbage record book in accordance with subregulation (1) or a previous garbage record book in accordance with subregulation (2), the ship's master and owner each commit an offence.

Maximum penalty: 100 penalty units.

- (5) If a previous garbage record book is not kept in accordance with subregulation (3), the ship's owner commits an offence.

Maximum penalty: 100 penalty units.

31 Exemption from garbage record book requirement

Regulation 30 does not apply to a ship engaged on voyages of one hour or less in duration.

32 Form of garbage record book

A garbage record book must contain the particulars set out in the Appendix to Annex V to MARPOL and must make provision for a signature for each entry made in it and for each page of it.

33 Entries in garbage record book

- (1) If a recordable operation or event is carried out or happens in or in relation to a ship, the ship's master must make or cause to be made an appropriate entry about the operation or event in the garbage record book without delay.

Maximum penalty: 100 penalty units.

- (2) An entry in a ship's garbage record book must:

- (a) be made in the English language;
- (b) include the particulars required by the Appendix to Annex V to MARPOL; and
- (c) be signed by:
 - (i) for a recordable operation – the officer or other person in charge of the operation; or
 - (ii) for a recordable event – the person in control of the ship.

Maximum penalty: 100 penalty units.

- (3) When a page of a ship's garbage record book is completed, the ship's master must sign the page without delay.

Maximum penalty: 100 penalty units.

- (4) In this regulation, **recordable operation or event** means an operation or event mentioned in Schedule 1, Part 3 that takes place or occurs in coastal waters.

Division 2 Disposal of garbage into the sea**34 Food waste**

- (1) Section 38 of the Act does not apply in relation to a disposal of garbage that is food waste, paper products, rags, glass, metal, bottles and similar refuse (but not dunnage, lining or packing materials that will float or plastics) if the ship is:
 - (a) as far as practicable and not less than 12 n miles from the nearest land; and
 - (b) not alongside or within 500 m of a fixed or floating platform engaged in the exploration, exploitation or associated offshore processing of seabed mineral resources.
- (2) If garbage referred to in subregulation (1) is passed through a comminutor or grinder so that it is capable of passing through a screen with openings no greater than 25 mm, the disposal may be made when the ship is as far as practicable and not less than 3 n miles from the nearest land.
- (3) The release of small quantities of food waste for the specific purpose of fish feeding in connection with fishing or tourist operations is not included as garbage for the purposes of this regulation or section 38 of the Act.

35 Mixture of garbage and other matter

If garbage is mixed with matter, the discharge or jettisoning of which from a ship into coastal waters is regulated or prohibited under the Act, the garbage may only be disposed of in accordance with the provisions relating to the other matter.

Part 6 Transfer operations**36 Record keeping**

- (1) If a ship is not required under regulation 8 to carry an oil record book but carries oil (not in packaged form) that is not for the ship's own use, the ship must carry an oil record book in relation to which the following apply:
 - (a) the details of any transfer of oil (whether to another vessel or to shore) must be recorded in the oil record book;
 - (b) each entry in the oil record book must be made and signed in accordance with the relevant provisions of Part 2, Division 3;

- (c) the oil record book must be kept in accordance with the relevant provisions of Part 2, Division 3.
- (2) If a ship is not required under regulation 30 to carry a garbage record book but takes on board garbage that is not created by its own operations, the ship must carry a garbage record book in relation to which the following apply:
- (a) the details of any transfer of garbage (whether from or to another vessel or from or to shore) must be recorded in the garbage record book;
 - (b) each entry in the garbage record book must be made and signed in accordance with the relevant provisions of Part 5, Division 1;
 - (c) the garbage record book must be kept in accordance with the relevant provisions of Part 5, Division 1.

Part 7 Reporting requirements

37 Notification of reportable incident

- (1) A person who is required under section 50 of the Act to notify an authorised officer of a reportable incident must do so in accordance with this regulation.
- (2) Notification of a reportable incident must be by at least one of the following methods:
 - (a) in person;
 - (b) by telephone;
 - (c) by facsimile transmission;
 - (d) by telex;
 - (e) by radio;
 - (f) by urgent telegram;
 - (g) by electronic mail – but confirmation must be obtained by another of the specified methods that the e-mail has been received.

- (3) Notification to any of the following is taken to be notification to an authorised officer:
- (a) Northern Territory Environment Protection Authority, Darwin NT;
 - (ab) the regional harbourmaster for a designated port, as defined in section 3 of the *Ports Management Act*;
 - (b) a port management officer, as defined in section 3 of the *Ports Management Act*, for a designated port, as defined in that section;
 - (c) Harbourmaster, Alcan Gove Pty Ltd, Gove Harbour, NT;
 - (d) Port Superintendent, Groote Eylandt Mining Company, Alayangula, NT;
 - (e) Shipping Operations, McArthur River Mining Company, Bing Bong, NT;
 - (f) Marine Rescue Coordination Centre, Australian Maritime Safety Authority, Canberra, ACT;
 - (g) Northern Territory Police, Fire and Emergency Services, Police Headquarters, Berrimah, NT.
- (4) The notification message is to commence with the code word "POLREP" and must contain the information specified in the appropriate form in Schedule 3.

38 Time for report about incident

A person who is required under section 50(3) of the Act to give a report about an incident must do so within 24 hours of the request being made, or such longer time as allowed by the authorised officer.

Part 8 Samples

39 Integrity and security of samples taken for analysis

- (1) If an authorised officer takes a sample of a pollutant, substance or thing, the officer must ensure the sample is delivered to an analyst for analysis as soon as practicable.
- (2) A record in the approved form must be made for each person in possession of the sample from the time it is taken until it is delivered to the analyst.

40 Analyst's report

As soon as practicable after receiving the sample, the analyst must make a report stating the following:

- (a) when and from whom the sample was received;
- (b) the way in which, or the means by which, the sample was identified when received;
- (c) a description of the container (if any) the sample was in when received.

Part 9 Miscellaneous**41 Record books obtainable from Chief Executive Officer**

The owner or master of a ship that is required by these Regulations to carry an oil record book, a cargo record book or a garbage record book may obtain from the Chief Executive Officer the appropriate record book that fulfils the requirements of these Regulations, together with guidelines to assist in complying with the requirements relating to entries that must be made in the book.

42 Registered office

The owner of a ship that is required to keep an oil record book, a cargo record book or a garbage record book who resides in the Territory, or has an office or agent in the Territory, may provide the Chief Executive Officer with notice in writing of the address of:

- (a) the owner's residence in the Territory;
- (b) the owner's office in the Territory, or if the owner has more than one office in the Territory, the principal office in the Territory; or
- (c) the office (or principal office) or place of residence in the Territory of the owner's agent,

and the address provided is taken to be the registered office of the owner of the ship for the purposes of regulations 8, 18 and 30.

43 Labour costs

The cost of labour used for a purpose connected with a discharge of pollutant is:

- (a) for an employee within the meaning of the *Public Sector Employment and Management Act* – 150% of the employee's gross salary for the time the employee devotes to the purpose; and
- (b) for any other person – the cost charged to the Territory for the time the person devotes to the purpose.

44 Compensation

For the purposes of section 84 of the Act, the following matters are to be taken into account by a court when considering whether it is just to order the payment of compensation:

- (a) whether the power was exercised to prevent a threat to human life or damage or possible damage to the environment or property;
- (b) whether the power was exercised negligently;
- (c) whether at the time the power was exercised or purported to be exercised it was reasonably foreseeable that the person claiming compensation would be adversely affected by the exercise or purported exercise of the power;
- (d) the level of knowledge possessed by the officer at the time of the exercise or purported exercise of the power.

Schedule 1 Recordable operations and events

Part 1 Ships to which Part 2, Division 3 applies

regulation 10(4)

1. Recordable operations – Oil Record Book Part I

Each of the following is a recordable operation:

- (a) ballasting or cleaning of an oil fuel tank;
- (b) discharge of dirty ballast or cleaning water from an oil fuel tank;
- (c) collection and disposal of oil residues (sludge);
- (d) discharge overboard (automatic or non-automatic) or disposal of bilge water that has accumulated in machinery spaces;
- (e) bunkering of fuel or bulk lubricating oil.

2. Recordable operations – Oil Record Book Part II

Each of the following is also a recordable operation for a tanker:

- (a) loading of oil cargo;
- (b) internal transfer of oil cargo during a voyage;
- (c) unloading of oil cargo;
- (d) crude oil washing (COW tankers only);
- (e) ballasting of cargo tanks;
- (f) ballasting of dedicated clean ballast tanks (CBT tankers only);
- (g) cleaning of cargo tanks;
- (h) discharge of dirty ballast;
- (i) discharge from slop-tanks into the sea;
- (j) the disposal of residues or oily mixtures (not otherwise dealt with);
- (k) discharge of clean ballast contained in cargo tanks;

- (l) discharge of ballast from dedicated clean ballast tanks (CBT tankers only).

3. Recordable events – Oil Record Book Part I

Each of the following is a recordable event:

- (a) failure of oil discharge monitoring and control system;
- (b) accidental or other discharge of oil.

Part 2 Ships to which Part 3, Division 3 applies

regulation 20(4)

1. Recordable operations – Cargo Record Book

Each of the following is a recordable operation:

- (a) the loading of cargo;
- (b) an internal transfer of cargo;
- (c) the unloading of cargo;
- (d) the prewashing of a cargo tank;
- (e) the cleaning of a cargo tank;
- (f) a discharge of tank washings into the sea;
- (g) the ballasting of a cargo tank;
- (h) the discharge of ballast water from a cargo tank;
- (i) an accidental or other exceptional discharge from a cargo tank;
- (j) an operation controlled by an authorized surveyor.

2. Recordable events – Cargo Record Book

Each of the following is a recordable event:

- (a) a discharge into coastal waters of a noxious liquid substance necessary for the purpose of securing the safety of a ship or saving life at sea;
- (b) a discharge into coastal waters of a noxious liquid substance resulting from damage to a ship or its equipment;

- (c) a discharge into coastal waters of a noxious liquid substance, approved by an authorised officer, to combat specific pollution incidents or to minimise the damage from pollution;
- (d) a discharge exempted under Part 3, Division 1.

Part 3 Ships to which Part 5, Division 1 applies

regulation 33(4)

1. Recordable operations – Garbage Record Book

Each of the following is a recordable operation:

- (a) the discharge of garbage into the sea;
- (b) the discharge of garbage to a reception facility ashore or to another ship;
- (c) the incineration of garbage.

2. Recordable events – Garbage Record Book

An accidental or exceptional discharge of garbage is a recordable event.

Schedule 2

FORM 1

regulation 28(2)(a)

**INTERNATIONAL POLLUTION
REGULATIONS**

MARPOL 73/78 CONVENTION, ANNEX V

**DISPOSAL OF ALL PLASTICS
INTO THE OCEAN IS**

PROHIBITED

NON-PLASTIC GARBAGE WHICH CANNOT BE RETAINED ON BOARD
FOR PROPER DISPOSAL ASHORE MAY ONLY BE DISPOSED OF AT
SEA PROVIDED VESSEL IS MORE THAN 12 NM FROM NEAREST LAND

FORM 2

regulation 28(2)(b)

INTERNATIONAL POLLUTION REGULATIONS

MARPOL 73/78 CONVENTION, ANNEX V

**DISPOSAL OF ALL PLASTICS
INTO THE OCEAN IS**

PROHIBITED

NON-PLASTIC GARBAGE WHICH CANNOT BE INCINERATED OR RETAINED ON BOARD
FOR PROPER DISPOSAL ASHORE MAY ONLY BE DISPOSED OF AS FOLLOWS:

- GROUND OR PROCESSED GARBAGE WITH PARTICLES 25 MM OR LESS IN DIAMETER PROVIDED VESSEL IS MORE THAN 3 NM FROM NEAREST LAND
- FLOATING DUNNAGE, NON-PLASTIC LINING AND PACKING MATERIALS PROVIDED VESSEL IS MORE THAN 25 NM FROM NEAREST LAND
- ALL OTHER NON-PLASTIC GARBAGE PROVIDED VESSEL IS MORE THAN 12 NM FROM NEAREST LAND

Schedule 3

regulation 37(4)

FORM 1

HARMFUL SUBSTANCES REPORT – OIL

(POLREP)

To: General Manager, Marine Environment Protection Services
Through Australian Search and Rescue Centre, Canberra

Telex 62349
Telephone (02) 6230 6811
Freecall 1800 641 792
Facsimile (02) 6230 6868
AFTNYSARYCYX

(Note: Sections of the ship reporting format that are inappropriate should be omitted from the report)

- A. Name of ship, callsign and flag.
- B. Date and time of event.
(Note: Time must be expressed as Universal Co-ordinated Time)
- C. Position: latitude and longitude; or
- D. Position: true bearing and distance.
- E. True course (as a 3 digit group).
- F. Speed (in knots and tenths of a knot as a 3 digit group).
- L. Route information – details of intended track.
- M. Full details of radio stations and frequencies being guarded.
- N. Time of next report.
(Note: Time must be expressed as Universal Co-ordinated Time)
- P. Types and quantities of cargo and bunkers on board.
- Q. Brief details of defects, damage, deficiencies or other limitations. These must include the condition of the ship and the ability to transfer cargo, ballast or fuel.

- R. Brief details of actual pollution. These should include the type of oil, an estimate of the quantity discharged, whether the discharge is continuing, the cause of the discharge and, if possible, an estimate of the movement of the slick.
- S. Weather and sea condition, including wind force and direction and relevant tidal or current details.
- T. Name, address, facsimile and telephone number of the ship's owner and representative (manager or operator of the ship, or their agents).
- U. Details of length, breadth, tonnage and type of ship.
- X.
 1. Action being taken with regard to the discharge and the movement of the ship.
 2. Assistance or salvage efforts which have been requested or which have been provided by others.
 3. The master of an assisting or salvaging ship should report the particulars of the action undertaken or planned.

FORM 2

HARMFUL SUBSTANCES REPORT – NOXIOUS LIQUID SUBSTANCES
(POLREP)

To: General Manager, Marine Environment Protection Services
Through Australian Search and Rescue Centre, Canberra

Telex 62349
Telephone (02) 6230 6811
Freecall 1800 641 792
Facsimile (02) 6230 6868
AFTNYSARYCYX

(Note: Sections of the ship reporting format that are inappropriate should be omitted from the report)

- A. Name of ship, callsign and flag.
- B. Date and time of event.
(Note: Time must be expressed as Universal Co-ordinated Time)
- C. Position: latitude and longitude; or
- D. Position: true bearing and distance.
- E. True course *(as a 3 digit group)*.
- F. Speed *(in knots and tenths of a knot as a 3 digit group)*.
- L. Route information – details of intended track.
- M. Full details of radio stations and frequencies being guarded.
- N. Time of next report.
(Note: Time must be expressed as Universal Co-ordinated Time)
- P.
 - 1. Type of oil or the correct technical name for the noxious liquid substances on board.
 - 2. UN number or numbers.
 - 3. Pollution category (A, B, C or D) for each noxious liquid substance.
 - 4. Names of manufacturers of substances or consignee or consignor.
 - 5. An estimate of the quantity of the substances.

- Q. Brief details of defects, damage, deficiencies or other limitations. These must include the condition of the ship and the ability to transfer cargo, ballast or fuel.
- R. 1. Type of oil or the correct technical name of the noxious liquid substance discharged into the sea.
2. UN number or numbers.
3. Pollution category (A, B, C or D) for each noxious liquid substance.
4. Names of manufacturers of substances or consignee or consignor.
5. An estimate of the quantity of the substances.
6. Whether substances floated or sank.
7. Whether loss is continuing.
8. Cause of loss.
9. Estimate of the movement of the discharged or lost substances giving current conditions, if known.
10. Estimate of the surface area of the spill.
- S. Weather and sea condition, including wind force and direction and relevant tidal or current details.
- T. Name, address, facsimile and telephone number of the ship's owner and representative (manager or operator of the ship, or their agents).
- U. Details of length, breadth, tonnage and type of ship.
- X. 1. Action being taken with regard to the discharge and the movement of the ship.
2. Assistance or salvage efforts which have been requested or which have been provided by others.
3. The master of an assisting or salvaging ship should report the particulars of the action undertaken or planned.

FORM 3

**HARMFUL SUBSTANCES REPORT – PACKAGED HARMFUL
SUBSTANCES**

(POLREP)

To: General Manager, Marine Environment Protection Services
Through Australian Search and Rescue Centre, Canberra

Telex 62349
Telephone (02) 6230 6811
Freecall 1800 641 792
Facsimile (02) 6230 6868
AFTNYSARYCYX

(Note: Sections of the ship reporting format that are inappropriate should be omitted from the report)

- A. Name of ship, callsign and flag.
- B. Date and time of event.
(Note: Time must be expressed as *Universal Co-ordinated Time*)
- C. Position: latitude and longitude; or
- D. Position: true bearing and distance.
- M. Full details of radio stations and frequencies being guarded.
- P. Probable discharge
 - 1. Correct technical name or names of goods.
 - 2. UN number or numbers.
 - 3. IMO hazard class or classes.
 - 4. Names of manufacturers of goods or consignee or consignor.
 - 5. Types of packages, including identification marks
(Specify whether *portable tank, freight container or other cargo transport container, including official registration marks and numbers assigned to the unit*).
 - 6. An estimate of the quantity and likely condition of the goods.
- Q. Brief details of defects, damage, deficiencies or other limitations. These must include the condition of the ship and the ability to transfer cargo, ballast or fuel.

R. Discharge

1. Correct technical name or names of goods.
2. UN number or numbers.
3. IMO hazard class or classes.
4. Names of manufacturers of goods or consignee or consignor.
5. Types of packages, including identification marks
(Specify whether portable tank, freight container or other cargo transport container, including official registration marks and numbers assigned to the unit).
6. An estimate of the quantity and likely condition of the goods.
7. Whether lost goods floated or sank.
8. Whether loss is continuing.
9. Cause of loss.

S. Weather and sea condition, including wind force and direction and relevant tidal or current details.

T. Name, address, facsimile and telephone number of the ship's owner and representative (manager or operator of the ship, or their agents).

U. Details of length, breadth, tonnage and type of ship.

- X.
1. Action being taken with regard to the discharge and the movement of the ship.
 2. Assistance or salvage efforts which have been requested or which have been provided by others.
 3. The master of an assisting or salvaging ship should report the particulars of the action undertaken or planned.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Marine Pollution Regulations (SL No. 8, 2003)***

Notified	28 February 2003
Commenced	25 June 2003 (r 2, s 2 <i>Marine Pollution Act 1999</i> (Act No. 43, 1999) and <i>Gaz G25</i> , 25 June 2003, p 2)

Amendment of Marine Pollution Regulations (SL No. 14, 2003)

Notified	28 March 2003
Commenced	28 March 2003

Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)

Notified	14 December 2009
Commenced	1 January 2010 (r 2)

Penalties Amendment (Miscellaneous) Act 2013 (Act No. 23, 2013)

Assent date	12 July 2013
Commenced	28 August 2013 (<i>Gaz G35</i> , 28 August 2013, p 2)

Ports Management (Repeals and Related Consequential Amendments) Act 2015 (Act No. 12, 2015)

Assent date	22 May 2015
Commenced	pt 4 (other than ss 52 and 54 to 56): 9 June 2015; ss 52 and 54 to 56: nc; rem: 1 July 2015 (<i>Gaz S57</i> , 9 June 2015, p 2)

3 LIST OF AMENDMENTS

r 2	sub No. 14, 2003
r 7	amd No. 34, 2009, r 14
r 8	amd Act No. 23, 2013, s 12
r 10	amd Act No. 23, 2013, s 12
r 18	amd Act No. 23, 2013, s 12
r 20	amd Act No. 23, 2013, s 12
r 27	amd Act No. 23, 2013, s 12

ENDNOTES

rr 29 – 30 amd Act No. 23, 2013, s 12
r 33 amd Act No. 23, 2013, s 12
r 37 amd Act No. 12, 2015, s 65