Date introduced: 19 February 1986
House: House of Representatives
Presented by: Hon. Peter Morris, M.P.,
Minister for Transport

DIGEST OF BILL

Purpose

To extend the Federal marine pollution legislation to cover all ships in the Australian territorial sea.

Background

The International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocol of 1978, is commonly referred to as MARPOL 73/78. The aim of MARPOL 73/78 is to control operational discharges of oil and other harmful substances from ships and to minimise the possibility of accidental discharges.

The Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (the Principal Act) was designed to implement MARPOL 73/78 and came into effect in 1983. At that time there was a call for complimentary State and Territory legislation.

By the end of 1985 no Bill relating to the implementation of MARPOL 73/78 had been placed before the legislature of any State or Territory. The long delay in implementing the Convention caused international embarrassment. The discrepancy also meant that the majority of foreign flag shipping using Australian waters continue to be subject to more stringent operational controls, particularly in the great Barrier Reef region, than our Australian vessels. This has given rise to a need for Commonwealth legislation to fill the gap which exists before appropriate State or Territory legislation is enacted.
Main Provisions

Clauses 6, 8, 9 and 10 amend sections 9, 11, 21 and 22 of the Principal Act respectively. In each instance the Principal Act is amended so that the relevant section will not apply to the sea near a State or an external Territory in cases where the laws of a State or Territory already implement the appropriate provisions of the MARPOL convention.

Where State or Territory law does not apply, this Bill will extend the operation of the Principal Act to cover both Australian and foreign ships so that:

(i) the discharge of oil or oily mixtures into the sea is prohibited (section 9 of the Principal Act);

(ii) an obligation is imposed on masters of ships to report prescribed incidents involving discharge into the sea of oil or oily mixtures (section 11 of the Principal Act);

(iii) the discharge into the sea of noxious liquid substances is prohibited (section 21 of the Principal Act); and

(iv) an obligation is imposed on masters of ships to report the unauthorised discharge into the sea of noxious liquid substances (section 22 of the Principal Act).

For further information, if required, contact the Law and Government Group.

Bills Digest Service

10 April 1986

LEGISLATIVE RESEARCH SERVICE

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