

TASMANIA

**POLLUTION OF WATERS BY OIL AND NOXIOUS
SUBSTANCES REGULATIONS 2017**

STATUTORY RULES 2017, No. 98

CONTENTS

1. Short title
 2. Commencement
 3. Interpretation
 4. Prescribed office for the purposes of section 3(2)(b) of Act
 5. Prescribed manner of notifying prescribed officer of incident
 6. Prescribed forms for requested report of incident
- Schedule 1 – Forms

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES REGULATIONS 2017

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Pollution of Waters by Oil and Noxious Substances Act 1987*.

Dated 4 December 2017.

C. WARNER
Governor

By Her Excellency's Command,

ELISE ARCHER
Minister for Environment and Parks

1. Short title

These regulations may be cited as the *Pollution of Waters by Oil and Noxious Substances Regulations 2017*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

Pollution of Waters by Oil and Noxious Substances Regulations
2017
Statutory Rules 2017, No. 98

r. 3

3. Interpretation

(1) In these regulations –

Act means the *Pollution of Waters by Oil and Noxious Substances Act 1987*.

(2) In these regulations, a reference to a form by number is a reference to the form so numbered in Schedule 1.

(3) Unless otherwise specified, an expression that is used in these regulations and in the Convention (whether or not a particular meaning is assigned to it by the Convention) has, in these regulations, the same meaning as in the Convention.

4. Prescribed office for the purposes of section 3(2)(b) of Act

For the purposes of section 3(2)(b) of the Act, the office of Deputy Secretary of the Department, being the Deputy Secretary responsible for the management of the division of the Department that makes officers and employees available to the Environment Protection Authority in accordance with section 19 of the *Environmental Management and Pollution Control Act 1994*, is prescribed as the office for the purposes of sections 8, 13, 20, 25, 25C, 25F, 25H and 25I of the Act.

5. Prescribed manner of notifying prescribed officer of incident

For the purposes of section 25I(1) and (3) of the Act, the prescribed manner in which the master of a ship must notify a prescribed officer of an incident in relation to a ship is by a message that –

- (a) commences with the code letters “POLREP” and the name, IMO number and radio call-sign of the ship; and
- (b) is conveyed to the prescribed officer, using the contact information for the prescribed officer published by the Department, by –
 - (i) telephone; or
 - (ii) radio; or
 - (iii) email.

6. Prescribed forms for requested report of incident

For the purposes of sections 25I(6) and (7) of the Act –

- (a) the prescribed form for a requested report of an incident in relation to a ship is –
 - (iv) Form 1, if the incident relates to the discharge, or probable discharge, from the ship of oil or an oily mixture contrary to

Pollution of Waters by Oil and Noxious Substances Regulations
2017
Statutory Rules 2017, No. 98

r. 6

- section 8(1) of the Act, other than a discharge to which section 8(6) of the Act applies; and
- (v) Form 2, if the incident relates to the discharge, or probable discharge, from the ship of a noxious liquid substance, or a mixture containing a noxious liquid substance, carried as cargo or part cargo in bulk contrary to section 20(1) of the Act, other than a discharge to which section 20(4), (5), (6), (7), (8), (9), (10), (11) or (12) of the Act applies; and
 - (vi) Form 3, if the incident relates to the jettisoning, or probable jettisoning, from the ship of a harmful substance carried as cargo in packaged form contrary to section 25C(1) of the Act; and
 - (vii) Form 4, if the incident relates to the disposal, or probable disposal, of garbage from the ship contrary to section 25F(1) of the Act; and
- (b) the prescribed time within which that report must be furnished to a prescribed officer is within 24 hours immediately after the receipt of the request for the report from the prescribed officer.

*Pollution of Waters by Oil and Noxious Substances Regulations
2017
Statutory Rules 2017, No. 98*

sch. 1

SCHEDULE 1 – FORMS

Form 1 – Oil

Regulation 6

To: Deputy Secretary
EPA Tasmania
Department of Primary Industries, Parks, Water and Environment
Hobart

Telephone: +61 (0)3 6165 4599
Freecall: 1800 005 171 (within Tasmania)
Facsimile: +61 (0)3 6173 0254
Email: incidentresponse@environment.tas.gov.au

MARINE POLLUTION DISCHARGE REPORT (POLREP)

OIL

(Note: If any of the following items of the ship reporting format is inapplicable it should be omitted from the report. These items of the standard reporting format are referred to in IMO Resolution A.851(20).)

A. Name of ship <input style="width: 95%;" type="text"/>	Call sign <input style="width: 95%;" type="text"/>
Flag <input style="width: 95%;" type="text"/>	IMO number <input style="width: 95%;" type="text"/>
B. Date and time of event <i>(Note: Time must be expressed as Coordinated Universal Time (UTC))</i> <input style="width: 95%;" type="text"/>	
C. Position: latitude and longitude <input style="width: 95%;" type="text"/>	
or	
D. Position: true bearing and distance <input style="width: 95%;" type="text"/>	
E. True course (as a 3-digit group) <input style="width: 95%;" type="text"/>	
F. Speed (in knots and tenths of a knot, as a 3-digit group) <input style="width: 95%;" type="text"/>	
L. Route information – details of intended track <input style="width: 95%;" type="text"/>	
M. Full details of radio stations and frequencies being guarded <input style="width: 95%;" type="text"/>	
N. Time of next report <i>(Note: Time must be expressed as Coordinated Universal Time (UTC))</i> <input style="width: 95%;" type="text"/>	
P. Type and quantities of cargo and bunker on board <input style="width: 95%;" type="text"/>	

*Pollution of Waters by Oil and Noxious Substances Regulations
2017
Statutory Rules 2017, No. 98*

sch. 1

Form 2 – Noxious Liquid Substances

Regulation 6

To: Deputy Secretary
EPA Tasmania
Department of Primary Industries, Parks, Water and Environment
Hobart

Telephone: +61 (0)3 6165 4599
Freecall: 1800 005 171 (within Tasmania)
Facsimile: +61 (0)3 6173 0254
Email: incidentresponse@environment.tas.gov.au

**MARINE POLLUTION DISCHARGE REPORT (POLREP)
NOXIOUS LIQUID SUBSTANCES**

(Note: If any of the following items of the ship reporting format is inapplicable it should be omitted from the report. These items of the standard reporting format are referred to in IMO Resolution A.851(20).)

<p>A. Name of ship</p> <input style="width: 95%; height: 20px;" type="text"/>	<p>Call sign</p> <input style="width: 95%; height: 20px;" type="text"/>
<p>Flag</p> <input style="width: 95%; height: 20px;" type="text"/>	<p>IMO number</p> <input style="width: 95%; height: 20px;" type="text"/>
<p>B. Date and time of event <i>(Note: Time must be expressed as Coordinated Universal Time (UTC))</i></p> <input style="width: 95%; height: 20px;" type="text"/>	
<p>C. Position: latitude and longitude</p> <input style="width: 95%; height: 20px;" type="text"/>	
<p>or</p>	
<p>D. Position: true bearing and distance</p> <input style="width: 95%; height: 20px;" type="text"/>	
<p>E. True course (as a 3-digit group)</p> <input style="width: 95%; height: 20px;" type="text"/>	
<p>F. Speed (in knots and tenths of a knot, as a 3-digit group)</p> <input style="width: 95%; height: 20px;" type="text"/>	
<p>L. Route information – details of intended track</p> <input style="width: 95%; height: 20px;" type="text"/>	
<p>M. Full details of radio stations and frequencies being guarded</p> <input style="width: 95%; height: 20px;" type="text"/>	
<p>N. Time of next report <i>(Note: Time must be expressed as Coordinated Universal Time (UTC))</i></p> <input style="width: 95%; height: 20px;" type="text"/>	
<p>P. Type of oil or the correct technical name for the noxious liquid substances on board</p>	<p>UN number or numbers, if available</p>
<p>Pollution category (X, Y or Z) for each noxious liquid substance</p> <input style="width: 95%; height: 20px;" type="text"/>	

*Pollution of Waters by Oil and Noxious Substances Regulations
2017
Statutory Rules 2017, No. 98*

sch. 1

Names of manufacturers of substances or consignee or consignor	Estimate of the quantity of the substances
--	--

Q. Brief details of defects, damage, deficiencies or other limitation.
These must include the condition of the ship and the ability to transfer cargo, ballast or fuel.

R. Type of oil or the correct technical name for the noxious liquid substance discharged into the sea	UN number or numbers, if available	
Pollution category (X, Y or Z) for each noxious liquid substance		
Names of manufacturers of substances or consignee or consignor		
Estimate of the quantity of the substances	Whether the substances floated or sank	Whether loss is continuing
Cause of loss		
Estimate of the movement of the discharge or lost substances, giving current conditions, if known		
Estimate of the surface area of the spill		

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

T. Name, address, telephone number and email address of the vessel's owner and representative (manager or operator of the ship, or the agent of the manager or operator)

Owner		Representative	
Telephone	Email address	Telephone	Email address

U. Type of ship	Length	Breadth	Tonnage
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>

X. 1. Action being taken with regard to the discharge and to 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

*Pollution of Waters by Oil and Noxious Substances Regulations
2017
Statutory Rules 2017, No. 98*

sch. 1

Form 3 – Packaged Harmful Substances

Regulation 6

To: Deputy Secretary
EPA Tasmania
Department of Primary Industries, Parks, Water and Environment
Hobart

Telephone: +61 (0)3 6165 4599
Freecall: 1800 005 171 (within Tasmania)
Facsimile: +61 (0)3 6173 0254
Email: incidentresponse@environment.tas.gov.au

**MARINE POLLUTION DISCHARGE REPORT (POLREP)
PACKAGED HARMFUL SUBSTANCES**

(Note: If any of the following items of the ship reporting format is inapplicable it should be omitted from the report. These items of the standard reporting format are referred to in IMO Resolution A.851(20).)

A. Name of ship Call sign/ship station identity

Flag	IMO number

B. Date and time of event *(Note: Time must be expressed as Coordinated Universal Time (UTC))*

C. Position: A 4-digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a 5-digit group giving longitude in degrees and minutes suffixed with E (east) and W (west)

or

D. Position: True bearing (first 3 digits) and distance in nautical miles from a clearly identified landmark (state landmark)

M. Radio communications: 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, if available
3. IMO hazard class or classes	
4. Names of manufacturers of goods if known, or consignee or consignor	
5. Types of packages, their identification marks, kind of cargo transport unit (e.g. portable tank, tank vehicle, vehicle container, freight container) from which they were discharged, official registration marks and identification number of the cargo transport unit	
6. Estimate of the quantity and likely condition of the goods	

*Pollution of Waters by Oil and Noxious Substances Regulations
2017
Statutory Rules 2017, No. 98*

sch. 1

Form 4 – Garbage

Regulation 6

To: Deputy Secretary
EPA Tasmania
Department of Primary Industries, Parks, Water and Environment
Hobart

Telephone: +61 (0)3 6165 4599
Freecall: 1800 005 171 (within Tasmania)
Facsimile: +61 (0)3 6173 0254
Email: incidentresponse@environment.tas.gov.au

**MARINE POLLUTION DISCHARGE REPORT (POLREP)
GARBAGE**

(Note: If any of the following items of the ship reporting format is inapplicable it should be omitted from the report.)

A. Name of ship <input style="width: 95%;" type="text"/>	Call sign <input style="width: 95%;" type="text"/>
Flag <input style="width: 95%;" type="text"/>	IMO number <input style="width: 95%;" type="text"/>
B. Date and time of event <i>(Note: Time must be expressed as Coordinated Universal Time (UTC))</i> <input style="width: 95%;" type="text"/>	
C. Position: latitude and longitude <input style="width: 95%;" type="text"/>	
or	
D. Position: true bearing and distance <input style="width: 95%;" type="text"/>	
E. True course (as a 3-digit group) <input style="width: 95%;" type="text"/>	
F. Speed (in knots and tenths of a knot, as a 3-digit group) <input style="width: 95%;" type="text"/>	
L. Route information – details of intended track <input style="width: 95%;" type="text"/>	
M. Full details of radio stations and frequencies being guarded <input style="width: 95%;" type="text"/>	
N. Time of next report <i>(Note: Time must be expressed as Coordinated Universal Time (UTC))</i> <input style="width: 95%;" type="text"/>	
Q. Details of accidental loss or discharge of fishing gear (in accordance with regulation 10.6 of Annex V of MARPOL) <input style="width: 95%;" type="text"/>	

*Pollution of Waters by Oil and Noxious Substances Regulations
2017
Statutory Rules 2017, No. 98*

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 13 December 2017.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe, for the purposes of the *Pollution of Waters by Oil and Noxious Substances Act 1987* –

- (a) the office of a certain Deputy Secretary of the Department as a prescribed officer under that Act; and
- (b) notification procedures for certain incidents in relation to a ship; and
- (c) the forms of requested reports for certain incidents in relation to a ship.