

Serial 109
Marine Pollution Legislation Amendment Bill 2019
Ms Lawler

A Bill for an Act to amend the *Marine Pollution Act 1999* and the *Marine Pollution Regulations 2003*

NORTHERN TERRITORY OF AUSTRALIA

MARINE POLLUTION LEGISLATION AMENDMENT ACT 2019

Act No. [] of 2019

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Schedule Marine Pollution Act 1999 further amended



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2019

An Act to amend the *Marine Pollution Act 1999* and the *Marine Pollution Regulations 2003*

[Assented to [] 2019]
[Introduced [] 2019]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Marine Pollution Legislation Amendment Act 2019*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Marine Pollution Act 1999

3 Act amended

This Part amends the *Marine Pollution Act 1999*.

4 Section 6 amended (Interpretation)

- (1) Section 6(1), definitions **agent** and **owner** (*second reference*)
omit

(2) Section 6(1)

insert

agent, in relation to a ship's owner, see section 8.

approved form means a form approved under section 98A.

owner, in relation to a ship, see section 8A.

(3) Section 6(1), at the end

insert

Note for subsection (1)

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

(4) Section 6(2)(b)

omit

Penalties Act 1999

insert

Penalty Units Act 2009

5 Section 8 replaced

Section 8

repeal, insert

8 Meaning of agent

- (1) An **agent** of a ship owner is the person who, for or on behalf of the owner:
- (a) makes an arrangement for berthing the ship; or
 - (b) makes an arrangement for loading or unloading cargo on or from the ship; or
 - (c) makes an arrangement for the carriage of cargo on or from the ship; or
 - (d) makes an arrangement for the ship to load bunkers or stores; or

- (e) performs any other function in relation to the ship's husbandry;
or
 - (f) makes an arrangement for, or in connection with, repairs of the ship; or
 - (g) performs any other function in relation to the ship under this Act.
- (2) An arrangement made or function performed under subsection (1) is made or performed for a ship that is:
- (a) on a voyage that is intended to enter the Territory; or
 - (b) in the Territory; or
 - (c) on a voyage that is intended to leave the Territory.
- (3) The person or the ship owner may give the Chief Executive Officer written notice that:
- (a) the person is no longer the ship owner's agent; or
 - (b) the person will not be the ship owner's agent by a time specified in the notice.
- (4) A notice given under subsection (3) by the person must:
- (a) be in the approved form; and
 - (b) include evidence that the person is no longer the ship owner's agent or will not be the ship owner's agent by the time specified; and
 - (c) if the person's appointment as the ship owner's agent expired – specify the date for which the person's appointment expired; and
 - (d) if known to the person – specify the person who is or will be appointed to be the ship owner's agent after the person's appointment expired or expires.
- (5) A notice given under subsection (3) by the ship owner must:
- (a) be in the approved form; and
 - (b) specify the person who is or will be appointed to be the ship owner's agent after the agent's appointment expired or expires.

8A Meaning of owner

- (1) An **owner**, in relation to a ship, means any of the following:
- (a) a person who owns the ship;
 - (b) a person who exercises, or purports to exercise, a power of an owner, or a person who performs, or purports to perform, a function of an owner;
 - (c) a person who operates the ship or causes or allows the ship to be operated by someone else;
 - (d) a person who has exclusive possession of the ship;
 - (e) a person who has overall control and management of the ship;
 - (f) a person who is a demise or sub-demise charterer of the ship;
 - (g) a person who is a time charterer of the ship;
 - (h) a person who has a beneficial interest in the ship;
 - (i) a person who is registered as the owner of the ship.
- (2) Subsection (1) applies irrespective of whether the ship is mortgaged, chartered, leased or hired.

6 Section 41 amended (Waste management plans, garbage record book, signage)

Section 41(1)

omit

all words from "the prescribed" to "MARPOL"

insert

placards in relation to garbage disposal requirements in the approved form

7 Section 50 amended (Duty to report certain incidents)

Section 50(3)

omit

a form approved by the Chief Executive Officer

insert

the approved form

8 Section 66 amended (Procedure after detention of ship)

Section 66

omit

a form approved by the Chief Executive Officer

insert

the approved form

9 Section 92 replaced

Section 92

repeal, insert

92 No time limit for commencing proceedings

A proceeding for an offence against this Act may be brought at any time.

10 Section 97 amended (Service of documents)

(1) Section 97(2)

omit, insert

(2) If a document is required or permitted to be served on a ship's master and the document cannot be served on the ship's master, the document may be served on:

(a) the ship's owner, including a previous owner of the ship; or

(b) the ship owner's agent, including a previous agent of the owner of the ship.

(2) Section 97(3)(a)

omit

ship;

insert

ship, including a previous owner of the ship; or

- (3) Section 97(3)(c), after "agent"

insert

, including a previous agent of an owner of the ship

- (4) After section 97(4)

insert

- (5) In this section:

previous owner, in relation to a ship, means the owner of the ship at the time the conduct occurred that is the subject of the document being served.

previous agent, in relation to a ship's owner, means the ship owner's agent at the time the conduct occurred that is the subject of the document being served.

11 Section 98A inserted

After section 98

insert

98A Approved forms

The Chief Executive Officer may approve forms for this Act.

Part 3 Amendment of Marine Pollution Regulations 2003

12 Regulations amended

This Part amends the *Marine Pollution Regulations 2003*.

13 Regulation 28 amended (Ships to display placards)

Regulation 28(2)

omit, insert

- (2) A placard referred to in subregulation (1) is to be in the approved form.

14 Regulation 37 amended (Notification of reportable incident)

(1) Regulation 37(3)(a)

omit, insert

(a) the Chief Executive Officer;

(2) Regulation 37(3)(c) to (e)

omit

(3) Regulation 37(4)

omit

all words from "contain" to "Schedule 3"

insert

be in the approved form

15 Schedules 2 and 3 repealed

Schedules 2 and 3

repeal

Part 4 Act further amended**16 Act further amended**

The Schedule has effect.

Part 5 Repeal of Act**17 Repeal of Act**

This Act is repealed on the day after it commences.

Schedule Marine Pollution Act 1999 further amended

section 16

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
sections 10, 48, 49 and 54, heading	CEO	Chief Executive Officer
