

1995—No. 317

**MARINE POLLUTION ACT 1987—REGULATION**

(Amendments consequent on the dissolution of the Maritime Services Board)

NEW SOUTH WALES



*[Published in Gazette No. 92 of 28 July 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Marine Pollution Act 1987, has been pleased to make the Regulation set forth hereunder.

P. C. Scully  
Minister for Ports.

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**Commencement**

1. This Regulation is taken to have commenced on 1 July 1995.

**Amendments**

2. The Marine Pollution Regulation 1990 is amended:
  - (a) by omitting clause 5 (1) and (2) and by inserting instead the following subclauses:
    - (1) For the purposes of sections 8 (2) and 18 (2) of the Act, the following officers are prescribed officers:
      - (a) the Minister or any person authorised by the Minister;
      - (b) the harbour master of any port;
      - (c) Pilot, Yamba;
      - (d) Pilot, Eden.
    - (2) For the purposes of sections 13 (3) and (4) and 23 (5) and (6) of the Act, the prescribed officer is the Minister or any person authorised by the Minister.

- (b) by omitting from clauses 6 (a) and 16 the words “conveyed through the Ports Operations (Communications) Centre, or a signal station, of the Board” wherever occurring and by inserting instead the words “conveyed through a pilot’s office or the Port Operations (Communications) Centre, or a signal station, of a Port Corporation”;
- (c) by omitting from clauses 7 and 17 the word “Board” wherever occurring and by inserting instead the word “Minister”;
- (d) by omitting from clause 13 (4) (b) the words “Senior Engineer and Ship Surveyor of the Board” and by inserting instead the words “person designated by the Chief Executive of the Waterways Authority (constituted under the Ports Corporatisation and Waterways Management Act 1995)”;
- (e) by omitting clause 15 and by inserting instead the following clause:

**Prescribed officers**

15. For the purposes of section 27 (2) of the Act, the following officers are prescribed officers:

- (a) the Minister or any person authorised by the Minister;
  - (b) the harbour master of any port;
  - (c) Pilot, Yamba;
  - (d) Pilot, Eden.
- (f) by inserting at the end of clause 19 the following subclause:
    - (2) A reference in Schedule 3 to the Board is taken to be a reference to the Minister and a reference to an officer of the Board is taken to be a reference to a person designated by the Minister.
  - (g) by inserting after clause 23 the following clause:

**Dissolution of Maritime Services Board—savings and transitional**

24. Anything done by the Maritime Services Board or an officer of the Board under a provision of this Regulation before the dissolution of the Board that had any force or effect immediately before that dissolution is taken to have been done by the Minister or a person designated by the Minister, as the case requires.

- (h) by omitting from Schedule 1 the words “Maritime Services Board” and by inserting instead the word “Minister”;
  - (i) by omitting from Schedule 2 the words “of the Board” wherever occurring and by inserting instead the words “of the Minister”.
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**EXPLANATORY NOTE**

The object of this Regulation is to update the Marine Pollution Regulation 1990 consequent on the dissolution of the Maritime Services Board (by the Ports Corporatisation and Waterways Management Act 1995). The Regulation revises references to the Board and officers of the Board and makes other provisions of a savings and transitional nature.

This Regulation is made under the Marine Pollution Act 1987, including section 61 (the general regulation making power) and the sections referred to in the Regulation. Clause 1 of the Regulation (which provides that the Regulation is taken to have commenced on 1 July 1995) is made under the authority conferred by Part 1 of Schedule 5 to the Ports Corporatisation and Waterways Management Act 1995.

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