



New South Wales

# Management of Waters and Waterside Lands Amendment (Shipboard Oil Spill Response Plans) Regulation 1997

under the  
Maritime Services Act 1935

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Maritime Services Act 1935*.

C Scully  
Minister for Ports

## Explanatory note

The object of this Regulation is to require certain vessels, when on a voyage to or from (or calling at) specified environmentally-sensitive places (currently, only Lord Howe Island), to have on board a shipboard oil spill response plan, appropriate equipment, materials and substances to deal with oil spills, and crews trained in containing them.

The vessels concerned (referred to in this Regulation as *small trading vessels*) consist of the following:

- (a) oil tankers with a gross tonnage of less than 150,
- (b) other trading vessels with a gross tonnage of less than 400 that are either oil-fuelled or carrying oil for delivery.

(Larger ships are required by the *International Convention for the Prevention of Pollution from Ships, 1973* to carry a shipboard oil pollution emergency plan that accords with guidelines developed by the International Maritime Organization.)

## 1997 No 287

Management of Waters and Waterside Lands Amendment (Shipboard Oil Spill Response (Plans) Regulation 1997

### Explanatory note

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The requirement is imposed on small trading vessels by means of an amendment to the *Management of Waters and Waterside Lands Regulation* — N.S.W. An on-the-spot fine of \$750 for failure to comply with the requirement is also imposed.

This Regulation is made under the *Maritime Services Act 1935*, and, in particular, under sections 30D (Penalty notices for certain offences) and 38 (2) (f) (section 38 being the general regulation-making power).

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## **Management of Waters and Waterside Lands Amendment (Shipboard Oil Spill Response Plans) Regulation 1997**

### **1 Name of Regulation**

This Regulation is the *Management of Waters and Waterside Lands Amendment (Shipboard Oil Spill Response Plans) Regulation 1997*.

### **2 Commencement**

This Regulation commences on 30 June 1997.

### **3 Amendment of Management of Waters and Waterside bands Regulations—NSW.**

The *Management of Waters and Waterside Lands Regulations—N.S.W.* are amended as set out in Schedule 1.

### **4 Notes**

The explanatory note does not form part of this Regulation.

**1997 No 287**

Management of Waters and Waterside Amendment (Shipboard Oil Spill Response Plan) Regulations 1997

Schedule 1 Amendment of Waters and Waterside Lands Regulations—N.S.W.

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**Schedule 1 Amendment of Waters and Waterside  
Lands Regulations—N.S.W.**

(Clause 3)

**[ 1 ] Part 2, Division 7**

Insert after section 635:

**Division 7 Oil spill response plans—small trading  
vessels**

**63K Application of Division**

- (1) This Division applies to:
  - (a) oil tankers with a gross tonnage of less than 150, and
  - (b) other trading vessels with a gross tonnage of less than 400 that are either:
    - (i) carrying oil for delivery, or
    - (ii) fuelled (wholly or substantially) by oil.
- (2) A vessel to which this Division applies is referred to in this Division as a *small trading vessel*.

**63L Small trading vessels to be equipped to deal with oil  
spills**

- (1) A small trading vessel must, while on any voyage specified in the Ninth Schedule, carry on board:
  - (a) an oil spill response plan approved (either generally or in a particular case) by the Minister, and
  - (b) any equipment, materials or substances required by that plan, and
  - (c) a master and crew trained in accordance with that plan.

- (2) Both the owner and the master of a small trading vessel are guilty of an offence against these Regulations if the vessel does not comply with subclause (1).

**63M Requirements of oil spill response plan**

An oil spill response plan required by clause 63L (1) may be approved by the Minister only if the plan provides for the following matters:

- (a) the equipment, materials and substances to be carried on board a small trading vessel to assist in dealing with, and minimising the damage from, any oil spilled from the vessel,
- (b) the way in which that equipment and those materials and substances are to be stowed and maintained,
- (c) the action to be taken by the master and crew of the vessel if an oil spill occurs,
- (d) the relevant training to be completed by the master and crew.

**[2] The Fifth Schedule Prescribed offences and penalties for the purposes of section 30D (Offences under this Regulation)**

Insert after the matter relating to regulation 59:

63L (2) 750

**[3] The Ninth Schedule**

Insert after the Eighth Schedule:

**The Ninth Schedule Voyages requiring oil spill response plans**

(Regulation 63L (1))

Voyages to or from Lord Howe Island

Voyages on which Lord Howe Island is a scheduled port of call