



Protection of the Environment Operations (General) Amendment (Exemption) Regulation 2003

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,

Minister for the Environment

Explanatory note

The object of this Regulation is to provide that a person does not commit an offence under section 120 of the *Protection of the Environment Operations Act 1997* (which prohibits the pollution of waters) by discharging treated sewage, in accordance with the *Marine Pollution Regulation 2001*, from a certified on-board sewage treatment system installed on a vessel.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 286 and 323 (the general regulation-making power).

2003 No 411

Clause 1 Protection of the Environment Operations (General) Amendment
(Exemption) Regulation 2003

**Protection of the Environment Operations (General)
Amendment (Exemption) Regulation 2003**

under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations
(General) Amendment (Exemption) Regulation 2003*.

2 Commencement

This Regulation commences on 1 July 2003.

**3 Amendment of Protection of the Environment Operations (General)
Regulation 1998**

The *Protection of the Environment Operations (General)
Regulation 1998* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Clause 55A

Insert after clause 55:

55A Exemption from water pollution offence in relation to certified on-board sewage treatment systems

- (1) Section 120 of the Act does not apply to a discharge of treated sewage from a certified on-board sewage treatment system installed on a vessel if:
 - (a) the system is installed and maintained in accordance with Part 5B of the *Marine Pollution Regulation 2001*, and
 - (b) the discharge occurs in navigable waters other than waters referred to in clause 22F (1) of that Regulation, and
 - (c) at the time of the discharge, the vessel is being operated in accordance with any plan of management approved for the vessel under clause 22I of that Regulation.
- (2) In this clause, ***certified on-board sewage treatment system***, ***navigable waters*** and ***treated sewage*** have the same meanings as in Part 5B of the *Marine Pollution Regulation 2001*.