

# Pollution prevention documents required for ships in Queensland's coastal waters

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# Oil

## Shipboard Oil Pollution Emergency Plan (SOPEP)

[TOMPA part 4, Div. 6; TOMPR Part 2, Div. 3]

Applies to a:

- ship more than 24m in length overall carrying
  - oil as cargo or
  - a vehicle that is carrying more than 400L of oil as cargo
- ship more than 35m in length overall

### Form of the SOPEP

A SOPEP must be in English language and the working language of the master of, and the officers on-board, the ship. The SOPEP must be kept on-board the ship and comply with the prescribed requirements outlined in s.11A(4) of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*.

### Penalty

If a ship does not have on-board a shipboard oil pollution emergency plan, the ship's owner and master each commit an offence.

Maximum penalty—850 penalty units.

### Reporting requirements

[TOMPA Part 11; TOMPR Part 8]

For section 67 TOMPA, a reportable incident in relation to a ship may be notified to an authorised officer by communicating the reportable incident to a relevant person at—

- (a) any of the following centres of Maritime Safety Queensland (MSQ):
  - (i) Brisbane Vessel Traffic Service Centre
  - (ii) Cairns Vessel Traffic Service Centre
  - (iii) Gladstone Vessel Traffic Service Centre
  - (iv) Hay Point Vessel Traffic Service Centre
  - (v) Townsville Vessel Traffic Service Centre

- (b) the Joint Rescue Coordination Centre, Australian Maritime Safety Authority.

The communication must—

- (1) start with the code word 'POLREP'; and
- (2) include the following information—
  - (a) the name of the ship and its flag of registry
  - (b) if the ship has a call sign - the ship's call sign
  - (c) the size and type of the ship
  - (d) the date and time of the reportable incident
  - (e) the ship's position when the reportable incident happened and at the time of the notification
  - (f) the prevailing weather conditions when the reportable incident happened
  - (g) the course and speed of the ship at the time of the notification
  - (h) whether the ship has been damaged and, if so, the extent of the damage
  - (i) if the reportable incident involved a discharge or probable discharge or jettisoning of a harmful substance – the type and extent of the discharge, probable discharge or jettisoning of the harmful substance, including the type of oil or the correct technical name of the noxious liquid substance or harmful substance in packaged form.

### Report about reportable incident

The time prescribed for giving the report to an authorised officer is within 48 hours after an authorised officer asks for a report about the reportable incident.

### Penalty

The ship's master must notify, without delay, an authorised officer of a reportable incident in the way prescribed.

Maximum penalty – 850 penalty units.

If the ship's master cannot notify the authorised officer, the ship's owner or the owner's agent must notify, without delay, an authorised officer of the reportable incident, unless the owner or owner's agent has a reasonable excuse.

Maximum penalty – 850 penalty units.

# Oil Record Book

[TOMPR Part 2 Division 4; Schedule 1, Part 1]

Applies to a:

- ship that is an oil tanker with a gross tonnage of 150 or more
- ship, other than an oil tanker, that—
  - has a gross tonnage of at least 150 and carries oil in a portable tank with a capacity of 400L or more; or
  - has a gross tonnage of 400 or more.

**ship** means—

- (a) a trading ship proceeding en route on a voyage other than an overseas voyage; or
- (b) an Australian fishing vessel proceeding en route on a voyage other than an overseas voyage – registered or entitled to be registered in Australia; for which an instrument under the Fisheries Management Act 1991 (Cwlth), section 4(2) is in force; or
- (c) a pleasure vessel – a vessel used entirely for recreational or sporting activities and not for hire or reward.

## Penalty

The ship's owner and master must ensure –

- The ship carries an oil record book in which an entry can be made and is readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

- The oil record book in which an entry has been made is kept on-board the ship until the day that is 3 years from the day of last entry in the record book is made and readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

## Form of oil record book

An oil record book must be in the form prescribed under section 12(3) of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth).

## Entries in the oil record book

Entries in the oil record book must be—

- (a) in English; and
- (b) signed by:

- (i) if the entry is about a recordable operation – the officer or other person in charge of the operation; or
- (ii) if the entry is about a recordable event – the person in control of the ship.

## Recordable operation – machinery space operations

Each of the following is a recordable operation—

- (a) a ballasting or cleaning of an oil fuel tank
- (b) a discharge of dirty ballast or dirty cleaning water from an oil fuel tank
- (c) a collection and disposal of oil residues that are sludge
- (d) a discharge overboard or another disposal of bilge water that has accumulated in a machinery space
- (e) a bunkering of fuel or bulk lubricating oil.

## Recordable operation – cargo or ballast operations

Each of the following is a recordable operation—

- (a) a loading of oil cargo, including by transfer operation ( a transfer operation means any operation involved in preparing for, or starting, carrying on or finishing, a transfer of a pollutant between a ship and another ship or place)
- (b) an internal transfer of oil cargo during a voyage
- (c) an unloading of oil cargo, including by transfer operation
- (d) a ballasting of cargo tanks and dedicated clean ballast tanks
- (e) a cleaning of cargo tanks, including crude oil washing
- (f) a discharge of ballast, other than from segregated ballast tanks
- (g) a discharge of water from slop tanks
- (h) a closure of all applicable valves or similar devices after slop tank discharge operations
- (i) a closure of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations
- (j) a disposal of residues after an operation mentioned in paragraphs (a) to (i).

## Recordable events

Each of the following is a recordable event—

- (a) a discharge into coastal waters of oil or an oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea
- (b) a discharge into coastal waters of oil or an oily mixture resulting from damage to a ship or its equipment
- (c) discharge into coastal waters of an oily mixture, approved by an authorised officer, to combat specific pollution incidents to minimise the damage from pollution
- (d) a discharge exempt under TOMPR part 2, division 2
- (e) a failure of the ship's oil filtering equipment
- (f) an accidental or other exceptional discharge of oil or an oily mixture.

## Penalty

If a recordable operation or recordable event is performed or happens in, or in relation to, the ship, the ship's master must make an entry about the operation or event in the ship's oil record book without delay.

Maximum penalty – 350 penalty units.

When a page of the ship's oil record book is completed, the ship's master must sign the page without delay.

Maximum penalty – 350 penalty units.

# Noxious liquid substances in bulk

## Procedures and arrangements manual

[TOMPA part 5, Div. 6]

Applies to a ship certified to carry noxious liquid substances category X, Y, or Z.

A ship certified to carry noxious liquid substances category X, Y or Z must have on board a procedures and arrangements manual as defined in the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth), section 15.

### Penalty

If a ship does not have on-board a procedures and arrangements manual, the ship's owner and master each commit an offence.

Maximum penalty – 350 penalty units.

## Shipboard marine pollution emergency plan for noxious liquid substances

[TOMPA Part 5, Div.6]

Applies to a ship with a gross tonnage of 150 or more and is certified to carry noxious liquid substances.

A shipboard marine pollution emergency plan for noxious liquid substances is to be kept on-board.

A shipboard marine pollution emergency plan must comply with the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth), section 22A.

### Penalty

If the ship does not have on-board a shipboard marine pollution emergency plan for noxious substances, the master of the ship and the owner of the ship each commit an offence.

Maximum penalty—850 penalty units.

## Cargo Record Book

[TOMPR Part 3, Div. 3; Schedule 1, Part 2]

Applies to a trading ship that is carrying liquid substances in bulk and proceeding en route on a voyage other than an overseas voyage.

Cargo record book is to be kept by a trading ship carrying liquid substances in bulk that is proceeding en route on an intrastate voyage.

### Penalty

The ship's owner and master must ensure –

- The ship carries a cargo record book in which an entry can be made and is readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

- The cargo record book in which an entry has been made is kept on board the ship until the day that is 3 years from the day of last entry in the record book is made and readily available for inspection at all reasonable times.

Maximum penalty—350 penalty units.

## Form of cargo record book

A cargo record book must be in the form prescribed under the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth), section 23(3).

## Entries in the cargo record book

Entries in the cargo record book must be—

- (a) in English; and
- (b) signed by:
  - (i) if the entry is about a recordable operation – the officer or other person in charge of the operation; or
  - (ii) if the entry is about a recordable event – the person in control of the ship.

### Penalty

When a page of the ship's cargo record book is completed, the ship's master must sign the page without delay.

Maximum penalty—350 penalty units.

## Recordable operations

Each of the following is a recordable operation—

- (a) a loading of cargo
- (b) an internal transfer of cargo
- (c) an unloading of cargo
- (d) a wash in accordance with MARPOL Annex II, regulation 13.7.1.2
- (e) a prewashing, washing or cleaning of a cargo tank, other than a wash mentioned in paragraph (d)
- (f) a discharge into the sea of tank washings
- (g) ballasting of a cargo tank
- (h) discharge of ballast from a cargo tank

## Recordable events

Each of the following is a recordable event—

- (a) a discharge into coastal waters of a noxious liquid substance necessary for the purpose of securing the safety of a ship or saving life at sea
- (b) a discharge into coastal waters of a noxious liquid substance resulting from damage to a ship or its equipment
- (c) a discharge into coastal waters of a noxious liquid substance, approved by an authorised officer, to combat specific pollution incidents to minimise the damage from pollution
- (d) a discharge exempt under section 16 or 20 TOMPR
- (e) an accidental or other exceptional discharge of a noxious liquid substance.

# Sewage

## Management Plan

[TOMPA section 51; TOMPR Part 5, Div.3]

Applies to a declared ship. A 'declared ship' has a fixed toilet and is either:

- a domestic commercial vessel with a certificate of operation issued, or taken to be issued, under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* stating it is a class 1B, 1C, 1D, 1E, 4C, 4D or 4E ship; or
- an other Queensland regulated ship regulated under the *Transport Operations (Marine Safety) Act 1994* and *Transport Operations (Marine Safety) Regulation 2016* designed to carry more than 12 passengers.

A declared ship must have on-board a shipboard sewage management plan.

### Penalty

If a ship does not have on-board a shipboard sewage management plan, the ship's owner and master each commit an offence.

Maximum penalty – 850 penalty units.

If a ship has on-board a shipboard sewage management plan but is not fitted with any equipment that may be required to implement the plan, the ship's owner and master each commit an offence.

Maximum penalty – 850 penalty units.

## Form of the shipboard sewage management plan

The minimum requirements for a shipboard sewage management plan are:

- (a) the plan must be in English; and
- (b) the plan must state the following particulars:
  - (i) the name, registration number and class of the ship to which the plan applies
  - (ii) the size and type of the ship
  - (iii) the way the plan provides for the management of shipboard sewage and prevents the unlawful discharge of sewage from the ship
  - (iv) the waters, if any, in which the ship may lawfully discharge sewage

- (v) the equipment the ship is fitted with for holding or treating sewage
- (vi) the operating and maintenance instructions for the equipment
- (vii) how the equipment is to be operated to prevent the unlawful discharge of sewage into waters in which the ship is operating
- (viii) the way the equipment is to be maintained and checked to ensure it is in proper working order.

## Sewage Disposal Record Book

[TOMPR Part 5, Div. 4]

Applies to a declared ship. A 'declared ship' has a fixed toilet and is either:

- a domestic commercial vessel with a certificate of operation issued, or taken to be issued, under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* stating it is a class 1B, 1C, 1D, 1E, 4C, 4D or 4E ship; or
- an other Queensland regulated ship regulated under the *Transport Operations (Marine Safety) Act 1994* and *Transport Operations (Marine Safety) Regulation 2016* designed to carry more than 12 passengers.

A declared ship must carry a sewage disposal record book that is readily available for inspection at all times.

### Penalty

The ship's owner and master must ensure –

- The ship carries a sewage disposal record book in which an entry can be made and is readily available for inspection at all reasonable times.  
Maximum penalty—350 penalty units.
- The sewage disposal record book in which an entry has been made is kept on-board the ship until the day that is 3 years from the day of last entry in the record book is made and readily available for inspection at all reasonable times.  
Maximum penalty—350 penalty units.

## Entries in a sewage disposal record book

If sewage in the ship's sewage holding device is discharged, the ship's master or other person in control of the discharge must make an appropriate entry about the discharge in the ship's sewage disposal record book.

The entry in the sewage disposal record book must:

- (a) state the date, time, place, and volume, in litres, of each discharge
- (b) if the discharge is at sea—state the latitude and longitude of the place of the discharge
- (c) be in English
- (d) be signed by the master or other person in control of the discharge.

When a page of the sewage disposal record book is completed, the ship's master must sign the page without delay.

### Penalty

If sewage in the ship's sewage holding device is discharged, and the ship's master or other person in control of the discharge does not make an appropriate entry about the discharge in the ship's sewage disposal record book, the ship's master or other person in control of the discharge commit an offence.

Maximum penalty – 350 penalty units.

The ship's master will commit an offence for failure to sign a completed page of the sewage disposal record book without delay.

Maximum penalty – 350 penalty units.

## Sewage Treatment System documentation and system service manual

[TOMPA Part 7, Division 4; TOMPR Part 5, Div. 6]

Applies to all ships fitted with a sewage treatment system.

### Sewage treatment system manufacturer's details

A treatment system means a system, installed on a ship, for treating sewage that:

- is able to reduce the levels of sewage quality characteristics in sewage to not more than the levels for treated sewage and conforms with the standard prescribed in TOMPR.

- has a durable label attached to it stating the following:
  - the manufacturer's name and address; and
  - the type and model number of the treatment system.

### System documentation

The system documentation required for a treatment system is either:

- (a) documentation from the treatment system's manufacturer or supplier stating:
  - (i) the treatment system's performance specifications under normal operating conditions; and
  - (ii) information about the independent testing entity that performed analyses of sewage after it had been treated in the treatment system, including:
    - (A) the name and address of the entity; and
    - (B) the date and the results of the entity's assessment; or
- (b) documentation the general manager is satisfied is equivalent to the documentation mentioned in paragraph (a).

### Sewage treatment system service manual

The system service manual for a sewage treatment system is a comprehensive and durable manual that states the following for the treatment system:

- (a) operating instructions
- (b) maintenance schedule and requirements
- (c) authorised service providers.

### Penalty

If the system documentation and system service manual for the sewage treatment system are not kept on board and readily available for inspection at all reasonable times the ship's owner and master each commit an offence.

Maximum penalty – 350 penalty units.

### Service records

Service records for a treatment system means the following particulars about the maintenance or assessment of the treatment system:

- (a) for maintenance of the treatment system:

- (i) the name of the authorised service provider that performed the maintenance; and
  - (ii) the date the maintenance was performed and details of any significant maintenance carried out on the treatment system.
- (b) for an assessment of the treatment system:
- (i) the name of the independent testing entity that performed the assessment; and
  - (ii) the date and results of the assessment.

### **Penalty**

If the service records for the sewage treatment system are not kept on-board and readily available the ship's owner and master each commit an offence.

Maximum penalty – 350 penalty units.

## **International Sewage Pollution Prevention Certificate**

[TOMPA section 50A]

Applies to a ship engaged on an international voyage:

- with a gross tonnage of at least 400; or
- with a gross tonnage of less than 400 and certified to carry more than 15 persons.

The certificate is to state the test results of the ship's International Maritime Organisation's approved sewage treatment plant.

### **Form of International Sewage Pollution Prevention Certificate**

Refer to Appendix to Annex IV MARPOL for the format of the certificate and the particulars to be included.

# Garbage

## Placard about garbage disposal requirements

[TOMPA Part 8 Division 3]

Applies to all ships that are at least 12m in length overall.

The placard must –

- (a) notify the ship's crew and passengers of the prohibitions and requirements under TOMPA for the disposal of garbage; and
- (b) be written in English and, if the ship is owned or operated by a foreign country, the working language of the ship's crew.

### Penalty

If a ship does not display the placard, the ship's owner and master each commit an offence.

Maximum penalty—20 penalty units.

## Shipboard waste management plan

[TOMPA Part 8 Division 3; TOMPR Part 6]

Applies to a ship that is:

- at least 35m in length overall; or
- that is designed to sleep at least 15 persons.

A shipboard waste management plan must be kept on-board, be in English, and comply with the requirements for a garbage management plan under the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth), section 26FC(3).

### Penalty

If the ship does not have on-board a shipboard waste management plan, the ship's owner and master each commit an offence.

Maximum penalty – 850 penalty units.

If the ship is not fitted with any equipment that may be required to implement the plan, the ship's owner and master each commit an offence.

Maximum penalty—850 penalty units.

Note: Under section 26FC of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth) all Australian ships that have a gross tonnage of 100 or more; or are certified to carry 15 persons or more are required to keep on board a garbage management plan that is written in the working language of the ship.

# Insurance

## Insurance policy for pollution clean-up costs and ship salvage and removal costs

[TOMPA Part 11 A; TOMPR Part 9]

Applies to all ships more than 15m in length overall.

The ship's owner must have an insurance policy that is sufficient to pay for:

- (a) the clean-up costs of the discharge of a pollution from the ship in coastal waters; and
- (b) the costs of salvage or removal of the ship from coastal waters if the ship is abandoned or wrecked.

The ship's owner must keep on-board the ship, a copy of—

- the certificate of insurance for an insurance policy; or
- another document evidencing the currency of the insurance policy to the prescribed limits.

### Penalty

Maximum penalty—20 penalty units.

The insurance policy must clearly state the monetary amounts required to pay for—

- (a) the clean-up costs of the discharge of a pollutant from the ship into Queensland's coastal waters; and
- (b) the costs of salvage or removal of the ship from Queensland's coastal waters if the ship is abandoned or wrecked.

The prescribed monetary limits are:

- a recreational ship more than 15m but less than 35m in length overall must have an insurance policy that provides A\$250,000 for pollution clean-up and A\$10,000,000 for salvage and wreck removal
- a domestic commercial vessel or an other Queensland regulated ship that is more than

15m but less than 35m in length overall must have an insurance policy that provides A\$500,000 for pollution clean-up costs and A\$10,000,000 for salvage and wreck removal

- all ships 35m or more in length overall must have a policy that provides A\$10,000,000 for pollution clean-up costs, salvage and wreck removal.

# Glossary and Acronyms

Table 1 [Table caption]

Term	Definition
Cwth	Commonwealth
L	litre
MARPOL	<i>International Convention for the Prevention of Pollution from Ships 1973</i>
MSQ	Maritime Safety Queensland
POLREP	Pollution report
POTS(POPS) Act	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (POTS(POPS) Act) (Commonwealth)</i>
SOPEP	Shipboard Oil Pollution Emergency Plan
TOMPA	<i>Transport Operations (Marine Pollution) Act 1995</i>
TOMPR	<i>Transport Operations (Marine Pollution) Regulation 2018</i>

*Transport Operations (Marine Pollution) Act 1995 (TOMPA)*

*Transport Operations (Marine Pollution) Regulation 2018 (TOMPR)*

*International Convention for the Prevention of Pollution from Ships 1973 (MARPOL)*

*Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (POTS(POPS) Act) (Commonwealth)*