

**MISCELLANEOUS ACTS (MARINE POLLUTION)
AMENDMENT ACT 1987 No. 300**

NEW SOUTH WALES



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**MISCELLANEOUS ACTS (MARINE POLLUTION) AMENDMENT
ACT 1987 No. 300**

NEW SOUTH WALES



Act No. 300, 1987

An Act to amend certain Acts as a result of the enactment of the Marine Pollution Act 1987. [Assented to 16 December 1987]

Miscellaneous Acts (Marine Pollution) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Miscellaneous Acts (Marine Pollution) Amendment Act 1987.

Commencement

2. This Act shall commence on a day to be appointed by proclamation.

Amendment of certain Acts

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

Clean Waters Act 1970 No. 78—

(1) Section 4 (2), (3)—

Omit “Where” wherever occurring, insert instead “Except as provided by subsection (4), where”.

(2) Section 4 (2), (3)—

Omit “the Prevention of Oil Pollution of Navigable Waters Act, 1960, or” wherever occurring.

(3) Section 4 (4), (5)—

After section 4 (3), insert:

(4) Where the provisions of this Act or a regulation made under this Act are inconsistent with—

(a) Part 2, 3, 5 or 6 of the Marine Pollution Act 1987; or

(b) a regulation made under Part 2, 3, 5 or 6 of that Act,

in its application to the seas of the State, the provisions of the Marine Pollution Act 1987 shall prevail.

(5) In this section—

“seas of the State” means—

(a) the territorial sea adjacent to the State; and

(b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State.

State Pollution Control Commission Act 1970 No. 95—

(1) Section 4 (1), (2)—

Omit “Where” wherever occurring, insert instead “Except as provided by subsection (4), where”.

Miscellaneous Acts (Marine Pollution) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 4 (1)—

Omit “(other than the Prevention of Oil Pollution of Navigable Waters Act 1960)”.

(3) Section 4 (2)—

Omit “(other than a regulation made under the Prevention of Oil Pollution of Navigable Waters Act 1960)”.

(4) Section 4 (4), (5)—

After section 4 (3), insert:

(4) Where the provisions of this Act or a regulation made under this Act are inconsistent with—

(a) Part 2, 3, 5 or 6 of the Marine Pollution Act 1987; or

(b) a regulation made under Part 2, 3, 5 or 6 of that Act,

in its application to the seas of the State, the provisions of the Marine Pollution Act 1987 shall prevail.

(5) In this section—

“seas of the State” means—

(a) the territorial sea adjacent to the State; and

(b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State.

Waste Disposal Act 1970 No. 97—

(1) Section 4 (1), (2)—

Omit “Where” wherever occurring, insert instead “Except as provided by subsection (3), where”.

(2) Section 4 (1), (2)—

Omit “, the Clean Waters Act, 1970, or the Prevention of Oil Pollution of Navigable Waters Act, 1960,”, insert instead “or the Clean Waters Act 1970”.

(3) Section 4 (3), (4)—

After section 4 (2), insert:

(3) Where the provisions of this Act or a regulation made under this Act are inconsistent with—

(a) Part 2, 3, 5 or 6 of the Marine Pollution Act 1987; or

(b) a regulation made under Part 2, 3, 5 or 6 of that Act,

in its application to the seas of the State, the provisions of the Marine Pollution Act 1987 shall prevail.

Miscellaneous Acts (Marine Pollution) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

(4) In this section—

“seas of the State” means—

- (a) the territorial sea adjacent to the State; and
- (b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State.

FIRST PRINT

**MISCELLANEOUS ACTS (MARINE POLLUTION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Marine Pollution Bill 1987.

The object of this Bill is to amend certain Acts as a result of the enactment of the proposed Marine Pollution Act 1987.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day to be proclaimed.

Clause 3 gives effect to the Schedule of amendments to certain Acts.

Schedule 1 amends the Clean Waters Act 1970, the State Pollution Control Commission Act 1970 and the Waste Disposal Act 1970 to make it clear that the proposed Marine Pollution Act 1987 will prevail over the amended Acts, to the extent to which the provisions of the proposed Act which implement the International Convention for the Prevention of Pollution from Ships, 1973 are inconsistent with the amended Acts.

MISCELLANEOUS ACTS (MARINE POLLUTION) AMENDMENT BILL 1987

NEW SOUTH WALES



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2. Commencement
3. Amendment of certain Acts

SCHEDULE 1—AMENDMENTS

**MISCELLANEOUS ACTS (MARINE POLLUTION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

**An Act to amend certain Acts as a result of the enactment of the Marine
Pollution Act 1987.**

Miscellaneous Acts (Marine Pollution) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Miscellaneous Acts (Marine Pollution) Amendment Act 1987.

5 Commencement

2. This Act shall commence on a day to be appointed by proclamation.

Amendment of certain Acts

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

10 SCHEDULE 1—AMENDMENTS

(Sec. 3)

Clean Waters Act 1970 No. 78—

(1) Section 4 (2), (3)—

15 Omit “Where” wherever occurring, insert instead “Except as provided by subsection (4), where”.

(2) Section 4 (2), (3)—

Omit “the Prevention of Oil Pollution of Navigable Waters Act, 1960, or” wherever occurring.

(3) Section 4 (4), (5)—

20 After section 4 (3), insert:

(4) Where the provisions of this Act or a regulation made under this Act are inconsistent with—

(a) Part 2, 3, 5 or 6 of the Marine Pollution Act 1987; or

(b) a regulation made under Part 2, 3, 5 or 6 of that Act,

25 in its application to the seas of the State, the provisions of the Marine Pollution Act 1987 shall prevail.

(5) In this section—

“seas of the State” means—

(a) the territorial sea adjacent to the State; and

30 (b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State.

State Pollution Control Commission Act 1970 No. 95—

(1) Section 4 (1), (2)—

35 Omit “Where” wherever occurring, insert instead “Except as provided by subsection (4), where”.

(2) Section 4 (1)—

Miscellaneous Acts (Marine Pollution) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

Omit “(other than the Prevention of Oil Pollution of Navigable Waters Act 1960)”.

(3) Section 4 (2)—

5 Omit “(other than a regulation made under the Prevention of Oil Pollution of Navigable Waters Act 1960)”.

(4) Section 4 (4), (5)—

After section 4 (3), insert:

(4) Where the provisions of this Act or a regulation made under this Act are inconsistent with—

10 (a) Part 2, 3, 5 or 6 of the Marine Pollution Act 1987; or

(b) a regulation made under Part 2, 3, 5 or 6 of that Act,
in its application to the seas of the State, the provisions of the Marine Pollution Act 1987 shall prevail.

(5) In this section—

15 “seas of the State” means—

(a) the territorial sea adjacent to the State; and

(b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State.

Waste Disposal Act 1970 No. 97—

20 (1) Section 4 (1), (2)—

Omit “Where” wherever occurring, insert instead “Except as provided by subsection (3), where”.

(2) Section 4 (1), (2)—

25 Omit “, the Clean Waters Act, 1970, or the Prevention of Oil Pollution of Navigable Waters Act, 1960,”, insert instead “or the Clean Waters Act 1970”.

(3) Section 4 (3), (4)—

After section 4 (2), insert:

(3) Where the provisions of this Act or a regulation made under this Act are inconsistent with—

30 (a) Part 2, 3, 5 or 6 of the Marine Pollution Act 1987; or

(b) a regulation made under Part 2, 3, 5 or 6 of that Act,
in its application to the seas of the State, the provisions of the Marine Pollution Act 1987 shall prevail.

(4) In this section—

35 “seas of the State” means—

(a) the territorial sea adjacent to the State; and

(b) the sea on the landward side of the territorial sea adjacent to the State that is not within the limits of the State.

