



Queensland

# Transport Operations (Marine Pollution) Regulation 2018

## Subordinate Legislation 2018 No. 106

made under the

*State Penalties Enforcement Act 1999*

*Transport Operations (Marine Pollution) Act 1995*

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	7
2	Commencement .....	7
3	Definitions .....	7
<b>Part 2</b>	<b>Oil</b>	
<b>Division 1</b>	<b>Purpose and interpretation</b>	
4	Purpose of part .....	7
5	Definition for part .....	8
<b>Division 2</b>	<b>Exemptions</b>	
<b>Subdivision 1</b>	<b>Oil tankers</b>	
6	Conditions for discharges of oil other than from machinery space bilges .....	8
7	Conditions for discharges of oil from particular machinery space bilges .....	9
<b>Subdivision 2</b>	<b>Particular ships</b>	
8	Conditions for discharges of oil .....	9
<b>Division 3</b>	<b>Shipboard oil pollution emergency plans</b>	
9	Shipboard oil pollution emergency plans .....	10
<b>Division 4</b>	<b>Oil record books</b>	

Contents

---

10	Application of division . . . . .	10
11	Oil record books must be kept and available for inspection . . . .	11
12	Form of oil record books . . . . .	12
13	Entries in oil record books . . . . .	12
<b>Part 3</b>	<b>Noxious liquid substances in bulk</b>	
<b>Division 1</b>	<b>Purpose and interpretation</b>	
14	Purpose of part . . . . .	13
15	Definition for part . . . . .	13
<b>Division 2</b>	<b>Exemptions</b>	
<b>Subdivision 1</b>	<b>Category X substances</b>	
16	Discharges of water involving category X substances . . . . .	14
17	Approved tank washing procedures . . . . .	15
18	Alternative tank washing procedures . . . . .	15
19	Declaration about residual concentration—Act, s 133 . . . . .	16
<b>Subdivision 2</b>	<b>Category Y substances and category Z substances</b>	
20	Discharges of water involving category Y substances or category Z substances . . . . .	16
21	Discharges of water involving category Y substances or category Z substances after ventilation procedure . . . . .	17
<b>Subdivision 3</b>	<b>Conditions applying to all discharges</b>	
22	Conditions applying to all discharges . . . . .	18
<b>Division 3</b>	<b>Cargo record books</b>	
23	Application of division . . . . .	18
24	Cargo record books must be kept and available for inspection . .	19
25	Form of cargo record books . . . . .	19
26	Entries in cargo record books . . . . .	19
<b>Part 4</b>	<b>Packaged harmful substances</b>	
27	Purpose of part . . . . .	20
28	Procedures for washing leakages overboard—Act, s 43 . . . . .	20
<b>Part 5</b>	<b>Sewage</b>	
<b>Division 1</b>	<b>Purpose and interpretation</b>	
29	Purpose of part . . . . .	21
30	Definition for part . . . . .	21
<b>Division 2</b>	<b>Discharge of sewage</b>	
<b>Subdivision 1</b>	<b>Discharge of sewage from ships generally</b>	
31	Nil discharge waters for untreated sewage—Act, s 47 . . . . .	22

32	Nil discharge waters for treated sewage—Act, s 48 . . . . .	22
<b>Subdivision 2 Discharge of sewage from declared ships</b>		
33	Declared ships—Act, s 49 . . . . .	22
34	Nil discharge waters for treated sewage or untreated sewage—Act, s 49 . . . . .	23
<b>Division 3 Shipboard sewage management plans</b>		
35	Declaration about ships—Act, s 51 . . . . .	23
36	Minimum requirements for shipboard sewage management plans—Act, s 51 . . . . .	23
<b>Division 4 Sewage disposal record books</b>		
37	Application of division . . . . .	24
38	Sewage disposal record books must be kept and available for inspection . . . . .	24
39	Entries in sewage disposal record book . . . . .	25
<b>Division 5 Particular ships to be fitted with macerators</b>		
40	Ships must be fitted with macerators . . . . .	26
<b>Division 6 Treatment systems and documents about treatment systems</b>		
41	Definitions for division . . . . .	27
42	Required system documentation . . . . .	27
43	Maintenance and assessment of treatment systems for ships . .	28
44	Documents to be kept on board ships fitted with treatment systems	29
45	Levels of sewage quality characteristics for treated sewage—Act, sch 1 . . . . .	31
46	Standard with which treatment systems must conform—Act, sch 1	31
<b>Part 6 Garbage</b>		
<b>Division 1 Purpose and interpretation</b>		
47	Purpose of part . . . . .	32
48	Definitions for part . . . . .	32
<b>Division 2 Shipboard waste management plans</b>		
49	Minimum requirements for shipboard waste management plans—Act, s 55A . . . . .	33
<b>Division 3 Exemptions</b>		
50	Disposal of comminuted or ground food wastes . . . . .	33
51	Disposal of food wastes . . . . .	34
52	Disposal of food wastes for fish feeding . . . . .	34
53	Disposal of cargo residues . . . . .	35

Contents

---

54	Disposal of animal carcasses . . . . .	36
55	Disposal of cleaning agents or additives . . . . .	36
<b>Part 7</b>	<b>Transfer operations</b>	
56	Purpose of part . . . . .	37
57	Keeping of records—Act, s 65 . . . . .	37
<b>Part 8</b>	<b>Reporting requirements</b>	
58	Purpose of part . . . . .	37
59	Way to notify reportable incidents—Act, s 67 . . . . .	38
60	Reports about reportable incidents—Act, s 67 . . . . .	39
<b>Part 9</b>	<b>Insurance</b>	
<b>Division 1</b>	<b>Preliminary</b>	
61	Purpose of part . . . . .	39
<b>Division 2</b>	<b>General</b>	
62	Limits for insurance policies—Act, s 67A . . . . .	39
63	Copies of certificates of insurance to be kept on board . . . . .	40
<b>Part 10</b>	<b>Investigation, prevention and minimisation, and enforcement</b>	
64	Purpose of part . . . . .	41
65	Persons who may be appointed as authorised officers—Act, s 72 . . . . .	41
66	Compensation—Act, s 110 . . . . .	42
<b>Part 11</b>	<b>Securing compliance with Act</b>	
67	Where registers of division 3 undertakings must be kept—Act, s 117L . . . . .	42
<b>Part 12</b>	<b>General</b>	
<b>Division 1</b>	<b>Approvals</b>	
<b>Subdivision 1</b>	<b>Interpretation</b>	
68	Definitions for division . . . . .	43
<b>Subdivision 2</b>	<b>How approval is obtained</b>	
69	Making applications . . . . .	43
70	General manager to decide applications within relevant time . . . . .	44
71	Notice of giving of approval . . . . .	44
72	Duration of approvals . . . . .	45
73	Approvals may be given on conditions . . . . .	45
74	Notice of refusal to give approvals . . . . .	45
<b>Subdivision 3</b>	<b>Amending, suspending or cancelling approvals</b>	
75	Amending, suspending or cancelling approvals . . . . .	46
76	Procedure for amending, suspending or cancelling approvals . . . . .	46

77	Procedure for urgent suspension of approvals . . . . .	47
<b>Division 2</b>	<b>Analysts' reports</b>	
78	Analysts' reports . . . . .	48
<b>Division 3</b>	<b>Miscellaneous</b>	
79	Designated area within Great Barrier Reef Coast Marine Park—Act, sch 1, definition designated area . . . . .	49
<b>Part 13</b>	<b>Repeal and transitional provisions</b>	
<b>Division 1</b>	<b>Repeal provision</b>	
80	Repeal . . . . .	49
<b>Division 2</b>	<b>Transitional provisions</b>	
81	Definition for division . . . . .	49
82	Requirements to keep previous record books . . . . .	49
83	Applications to be decided under repealed regulation . . . . .	50
84	Applications taken to be withdrawn on commencement . . . . .	51
<b>Part 14</b>	<b>Minor and consequential amendments</b>	
85	Legislation amended . . . . .	51
<b>Schedule 1</b>	<b>Recordable operations and recordable events . . . . .</b>	<b>52</b>
<b>Part 1</b>	<b>Entries for oil record books— s 13</b>	
1	Machinery space operations . . . . .	52
2	Cargo or ballast operations . . . . .	52
3	Recordable events . . . . .	53
<b>Part 2</b>	<b>Entries for cargo record books—s 26</b>	
4	Recordable operations . . . . .	53
5	Recordable events . . . . .	54
<b>Schedule 2</b>	<b>Nil discharge waters for untreated sewage . . . . .</b>	<b>55</b>
<b>Schedule 3</b>	<b>Nil discharge waters for treated sewage . . . . .</b>	<b>56</b>
<b>Schedule 4</b>	<b>Nil discharge waters for treated sewage or untreated sewage from declared ships . . . . .</b>	<b>57</b>
<b>Schedule 5</b>	<b>Levels of sewage quality characteristics for treated sewage</b>	<b>59</b>
<b>Part 1</b>	<b>Interpretation</b>	
1	Definition . . . . .	59
2	Calculating relevant level . . . . .	59
<b>Part 2</b>	<b>Levels for grade A treated sewage</b>	
3	Thermotolerant coliforms . . . . .	60
4	Suspended solids . . . . .	60
5	Biochemical oxygen demand . . . . .	60

Contents

---

<b>Part 3</b>	<b>Levels for grade B treated sewage</b>	
6	Thermotolerant coliforms . . . . .	61
7	Suspended solids . . . . .	61
<b>Part 4</b>	<b>Levels for grade C treated sewage</b>	
8	Thermotolerant coliforms . . . . .	61
<b>Schedule 6</b>	<b>Designated areas within the Great Barrier Reef Coast Marine Park</b>	<b>62</b>
<b>Part 1</b>	<b>Interpretation</b>	
1	Definitions for schedule . . . . .	62
2	References to latitudes and longitudes . . . . .	64
3	References to HAT, high water etc. . . . .	64
4	References to bracketed island or reef numbers . . . . .	65
<b>Part 2</b>	<b>Areas that are designated areas</b>	
<b>Division 1</b>	<b>Areas within the Mackay/Capricorn Management Area</b>	
5	Part of Rodds Bay Segment . . . . .	66
6	Parts of Keppel Bay Segment . . . . .	67
7	Parts of Broad Sound Segment . . . . .	70
8	Parts of Cumberland Islands Segment . . . . .	71
9	Parts of Capricorn-Bunker Segment . . . . .	73
<b>Division 2</b>	<b>Areas within the Townsville/Whitsunday Management Area</b>	
10	Parts of Whitsundays Segment . . . . .	78
11	Part of Bowling Green Bay Segment . . . . .	80
12	Parts of Halifax Bay and Magnetic Island Segment . . . . .	81
13	Part of Hinchinbrook Segment . . . . .	82
14	Part of Palm Islands Segment . . . . .	82
<b>Division 3</b>	<b>Areas within the Cairns/Cooktown Management Area</b>	
15	Parts of Mulgrave-Johnstone Segment . . . . .	83
16	Trinity Inlet Segment . . . . .	84
17	Parts of Marlin Coast Segment . . . . .	85
18	Parts of Wonga Beach Segment . . . . .	91
19	Parts of Daintree Segment . . . . .	94
20	Parts of Starcke Segment . . . . .	95
<b>Schedule 7</b>	<b>Dictionary . . . . .</b>	<b>102</b>
<b>Schedule 8</b>	<b>Legislation amended . . . . .</b>	<b>106</b>
	State Penalties Enforcement Regulation 2014 . . . . .	106

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Operations (Marine Pollution) Regulation 2018*.

### 2 Commencement

This regulation commences on 1 September 2018.

### 3 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

*Note—*

See section 5 of the Act in relation to the words and expressions used in MARPOL (other than in an annex) and the Act.

## Part 2 Oil

### Division 1 Purpose and interpretation

#### 4 Purpose of part

- (1) The purpose of this part is to provide for matters for part 4 of the Act.

*Notes—*

- 1 See section 25 of the Act in relation to the words and expressions used in Annex I to MARPOL.
- 2 See also Annex I to MARPOL for the meaning of particular words and expressions used in this part, such as en route, instantaneous rate of discharge of oil content, nearest land, oily mixture and slop tank.
- 3 A map showing nearest land as mentioned in this part is available on the Australian Maritime Safety Authority's website.

[s 5]

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- (2) Division 2 sets out discharges that are, for section 29(1) of the Act, exempt from the operation of the discharge offences in sections 26(1) and 27(1) of the Act.
- (3) Division 3 sets out matters relating to shipboard oil pollution emergency plans.
- (4) Division 4 sets out matters relating to oil record books.

## 5 Definition for part

In this part—

*Commonwealth shipping law* means—

- (a) a regulation made under—
  - (i) the Commonwealth Navigation Act, section 130 or section 339; or
  - (ii) the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth); or
- (b) an order made under—
  - (i) the Commonwealth Navigation Act, section 342; or
  - (ii) the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth), section 34.

## Division 2 Exemptions

### Subdivision 1 Oil tankers

## 6 Conditions for discharges of oil other than from machinery space bilges

A discharge of oil from an oil tanker, other than a discharge mentioned in section 7, is exempt from the operation of the discharge offences if the following conditions are complied with—



- 
- (a) the oil tanker is more than 50n miles from the nearest land;
  - (b) the oil tanker is proceeding en route;
  - (c) the instantaneous rate of discharge of oil content is not more than 30L/n mile;
  - (d) the total quantity of oil discharged into coastal waters is not more than the total quantity allowed under the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth), section 9 for the oil tanker;
  - (e) the oil tanker has in operation an oil discharge monitoring and control system and a slop tank arrangement as required under a Commonwealth shipping law.

## **7 Conditions for discharges of oil from particular machinery space bilges**

A discharge of oil from an oil tanker from its machinery space bilges, other than its cargo pump room bilges, is exempt from the operation of the discharge offences if the following conditions are complied with—

- (a) the oil tanker is proceeding en route;
- (b) the oil tanker has in operation oil filtering equipment as required under a Commonwealth shipping law;
- (c) the oil content of the effluent discharged is not more than 15 parts in 1,000,000 parts;
- (d) the oil is not cargo residue.

## **Subdivision 2 Particular ships**

### **8 Conditions for discharges of oil**

- (1) This section applies to a ship with a gross tonnage of 400 or more, other than a ship that is an oil tanker.

[s 9]

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- (2) A discharge of oil from the ship is exempt from the operation of the discharge offences if the following conditions are complied with—
  - (a) the ship is proceeding en route;
  - (b) the ship has in operation oil filtering equipment required under a Commonwealth shipping law;
  - (c) the oil content of the effluent discharged is not more than 15 parts in 1,000,000 parts.

## **Division 3                      Shipboard oil pollution emergency plans**

### **9                      Shipboard oil pollution emergency plans**

- (1) A shipboard oil pollution emergency plan must—
  - (a) be in English; and
  - (b) comply with the requirements under the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth), section 11A(4).
- (2) For subsection (1)(b), a requirement under the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth), section 11A(4) to state something about a prescribed incident is taken to be a requirement to state something about a reportable incident.

*Notes—*

- 1 See part 8 about reportable incidents.
- 2 See also section 30 of the Act for the requirement for a ship to have on board a shipboard oil pollution emergency plan.

## **Division 4                      Oil record books**

### **10                      Application of division**

- (1) This division applies to—

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

(2) In this section—

*Australian fishing vessel* means a fishing vessel—

- (a) registered or entitled to be registered in Australia; or
- (b) for which an instrument under the *Fisheries Management Act 1991* (Cwlth), section 4(2) is in force.

*pleasure vessel* means a vessel used entirely for recreational or sporting activities and not for hire or reward.

*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; or
- (c) a pleasure vessel.

## 11 Oil record books must be kept and available for inspection

- (1) The ship's owner and master must ensure—
  - (a) the ship carries an oil record book in which an entry can be made as required under section 13; and
  - (b) the oil record book is readily available for inspection at all reasonable times.
- (2) If the oil record book is not carried and readily available for inspection as required under subsection (1), the ship's owner and master each commit an offence.

Maximum penalty—350 penalty units.

[s 12]

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- (3) The ship's owner and master must ensure an oil record book for the ship in which an entry has been made—
  - (a) is kept on board the ship until the day that is 3 years from the day the last entry in the record book is made; and
  - (b) is, until the day mentioned in paragraph (a), readily available for inspection at all reasonable times.
- (4) If the oil record book is not kept on board the ship and readily available for inspection as required under subsection (3), the ship's owner and master each commit an offence.

Maximum penalty—350 penalty units.

## 12 Form of oil record books

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

## 13 Entries in oil record books

- (1) 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 under subsection (2) about the operation or event in the ship's oil record book without delay.

Maximum penalty—350 penalty units.

- (2) The entry 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.

- (3) 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.

- (4) In this section—

*recordable event* means a recordable event mentioned in schedule 1, part 1, section 3.

*recordable operation* means a recordable operation mentioned in schedule 1, part 1, section 1 or 2.

## **Part 3**                      **Noxious liquid substances in bulk**

### **Division 1**                **Purpose and interpretation**

#### **14**      **Purpose of part**

- (1) The purpose of this part is to provide for matters for part 5 of the Act.

*Notes—*

- 1 See section 34 of the Act in relation to the words and expressions used in Annex II.
  - 2 See also Annex II for the meaning of particular words and expressions used in this part, such as en route, International Bulk Chemical Code, nearest land and residue.
  - 3 A map showing nearest land as mentioned in this part is available on the Australian Maritime Safety Authority's website.
- (2) Division 2 sets out discharges that are, for section 37(1) of the Act, exempt from the operation of the discharge offence in section 35(1) of the Act.
- (3) Division 3 sets out matters relating to cargo record books.

#### **15**      **Definition for part**

In this part—

[s 16]

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*authorised officer* includes a marine surveyor appointed or authorised by the government of a country that is a party to MARPOL for the purpose of implementing Annex II, regulation 16.

## **Division 2 Exemptions**

### **Subdivision 1 Category X substances**

#### **16 Discharges of water involving category X substances**

- (1) This section applies if—
  - (a) a ship's tank has held a category X substance; and
  - (b) the category X substance has been unloaded at a port and any of the following procedures has been carried out—
    - (i) the approved tank washing procedure under section 17;
    - (ii) an alternative tank washing procedure approved under section 18;
    - (iii) a tank washing procedure, carried out at a port outside Queensland, in accordance with Annex II, regulation 13.6.1.3;
    - (iv) a ventilation procedure approved for the ship, in accordance with Annex II, Appendix VII under Annex II, regulation 13.3.
- (2) A discharge of water from the ship's tank, taken on after the carrying out of a procedure mentioned in subsection (1)(b) and containing residue of the category X substance, is exempt from the operation of the discharge offence.
- (3) However, for a procedure mentioned in subsection (1)(b)(i), (ii) or (iii), the discharge is exempt from the operation of the discharge offence only if the conditions stated in section 22 for the discharge are complied with.

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## 17 Approved tank washing procedures

- (1) The tank must be washed under the supervision of an authorised officer.
- (2) The residues in the tank must be discharged to a reception facility until the concentration of the category X substance in the effluent, as shown by analyses of samples of the effluent taken by the authorised officer, is no more than the residual concentration for the substance mentioned in section 19.
- (3) When the required residual concentration is achieved, the remaining tank washings must continue to be discharged to the reception facility until the tank is empty.
- (4) The authorised officer must sign an entry in the cargo record book recording the carrying out of the procedure.

## 18 Alternative tank washing procedures

- (1) The general manager may, on an application by the ship's master, approve an alternative procedure as being equivalent to obtaining the residual concentration mentioned in section 19.
- (2) Without limiting section 69, an application under subsection (1) must state the grounds for the application.
- (3) The general manager may approve an application under subsection (1) if—
  - (a) the general manager is reasonably satisfied it is impracticable to measure, under section 17(2), the concentration of the category X substance in the effluent without causing undue delay to the ship; and
  - (b) the tank is washed based on standards set out in Annex II, Appendix VI.

*Note—*

See part 12, division 1 for obtaining, amending, suspending and cancelling approvals.

- (4) An authorised officer must certify in the cargo record book that—

[s 19]

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- (a) the tank, its pump and piping systems have been emptied; and
- (b) the wash has been performed in accordance with the standards mentioned in subsection (3)(b); and
- (c) the effluent has been discharged to a reception facility and the tank is empty.

## **19 Declaration about residual concentration—Act, s 133**

For section 133(3)(c) of the Act, the residual concentration of 0.1% by weight is taken to be the residual concentration prescribed for each category X substance in Annex II, Appendix I.

## **Subdivision 2 Category Y substances and category Z substances**

### **20 Discharges of water involving category Y substances or category Z substances**

- (1) This section applies if—
  - (a) a ship's tank has held a category Y substance or a category Z substance; and
  - (b) either—
    - (i) the tank has been unloaded in accordance with the ship's procedures and arrangements manual; or
    - (ii) the tank has been washed in accordance with Annex II, regulation 13.7.1.2 and the tank did not hold a high viscosity or solidifying category Y substance.
- (2) Also, this section applies if a ship's tank—
  - (a) has held a high viscosity or solidifying category Y substance; and



- (b) after being unloaded has been washed in accordance with the procedure stated in Annex II, regulation 13.7.1.3.
- (3) A discharge of water, from the ship's tank, taken on as ballast water after a procedure mentioned in subsection (1) or (2) and containing residue of the category Y substance or category Z substance, is exempt from the operation of the discharge offence if—
  - (a) for a discharge made when the ship is at least 12n miles from the nearest land and in water at least 25m deep—the discharge of water does not contain more than 1 part in 1,000,000 parts of the substance; or
  - (b) otherwise—the conditions in section 22 for the discharge are complied with.

**21 Discharges of water involving category Y substances or category Z substances after ventilation procedure**

- (1) This section applies if—
  - (a) a ship's tank has held a category Y substance or a category Z substance; and
  - (b) the tank has been cleaned using a ventilation procedure approved for the ship, in accordance with Annex II, Appendix VII under Annex II, regulation 13.3.
- (2) A discharge of water from the ship's tank, taken on after the ventilation procedure and containing residue of the category Y substance or category Z substance, is exempt from the operation of the discharge offence.

[s 22]

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## **Subdivision 3      Conditions applying to all discharges**

### **22      Conditions applying to all discharges**

- (1) For sections 16(3) and 20(3)(b), the conditions for a discharge are—
  - (a) the discharge is made when the ship is proceeding en route at a speed of—
    - (i) if the ship is self-propelled—at least 7kn; or
    - (ii) otherwise—at least 4kn; and
  - (b) the discharge is made from 1 or more discharge outlets below the water line of the ship at a rate that is not more than the maximum rate for which each discharge outlet is designed; and
  - (c) the discharge is made when the ship is at least 12n miles from the nearest land; and
  - (d) the discharge is made in water at least 25m deep.
- (2) However, if the discharge is of a category Z substance and the ship was constructed before 1 January 2007, subsection (1)(b) does not apply.

## **Division 3      Cargo record books**

### **23      Application of division**

This division applies to a trading ship—

- (a) carrying liquid substances in bulk; and
- (b) proceeding en route on a voyage other than an overseas voyage.

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## **24 Cargo record books must be kept and available for inspection**

- (1) The ship's owner and master must ensure—
  - (a) the ship carries a cargo record book in which an entry can be made as required under section 26; and
  - (b) the cargo record book is readily available for inspection at all reasonable times.
- (2) If the cargo record book is not carried and readily available for inspection as required under subsection (1), the ship's owner and master each commit an offence.

Maximum penalty—350 penalty units.

- (3) The ship's owner and master must ensure a cargo record book for the ship in which an entry has been made—
  - (a) is kept on board the ship until the day that is 3 years from the day the last entry in the record book is made; and
  - (b) is, until the day mentioned in paragraph (a), readily available for inspection at all reasonable times.
- (4) If the cargo record book is not kept on board the ship and readily available for inspection as required under subsection (3), the ship's owner and master each commit an offence.

Maximum penalty—350 penalty units.

## **25 Form of cargo record books**

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).

## **26 Entries in cargo record books**

- (1) 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 under subsection (2) about the operation or event in the ship's cargo record book without delay.

[s 27]

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Maximum penalty—350 penalty units.

- (2) The entry 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.
- (3) 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.

- (4) In this section—

*recordable event* means a recordable event mentioned in schedule 1, part 2, section 5.

*recordable operation* means a recordable operation mentioned in schedule 1, part 2, section 4.

## Part 4 Packaged harmful substances

### 27 Purpose of part

The purpose of this part is to provide for matters for part 6 of the Act.

*Note—*

See section 41 of the Act in relation to the words and expressions used in Annex III to MARPOL.

### 28 Procedures for washing leakages overboard—Act, s 43

- (1) For section 43(b) of the Act, the prescribed procedures are the procedures under the International Maritime Dangerous

Goods Code, chapter 7.8 that are suitable for washing leakages overboard.

*Notes—*

- 1 The International Maritime Dangerous Goods Code is published by the IMO.
  - 2 Information about the resolutions made by the IMO is published on the Australian Maritime Safety Authority's website.
- (2) To work out whether a procedure is suitable under subsection (1), regard must be had to the physical, chemical and biological properties of the leaked substance.

## **Part 5                      Sewage**

### **Division 1                Purpose and interpretation**

#### **29        Purpose of part**

- (1) The purpose of this part is to provide for matters for part 7 of the Act.

*Note—*

See section 46 of the Act in relation to the words and expressions used in Annex IV to MARPOL.

- (2) Division 2 sets out matters relating to the discharge of sewage.
- (3) Division 3 sets out matters relating to shipboard sewage management plans.
- (4) Division 4 sets out matters relating to sewage disposal record books.
- (5) Division 5 sets out matters relating to macerators.
- (6) Division 6 sets out matters relating to treatment systems.

#### **30        Definition for part**

In this part—

[s 31]

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**macerator** means a device or system that reduces solid wastes in sewage into, at least, a fine slurry.

*Example of reducing solid wastes—*  
grinding, shredding or pulping

## **Division 2                    Discharge of sewage**

### **Subdivision 1            Discharge of sewage from ships generally**

#### **31            Nil discharge waters for untreated sewage—Act, s 47**

For section 47(2) of the Act, the nil discharge waters for untreated sewage are the coastal waters stated in schedule 2.

#### **32            Nil discharge waters for treated sewage—Act, s 48**

For section 48(2) of the Act, the nil discharge waters for treated sewage are the coastal waters stated in schedule 3.

### **Subdivision 2            Discharge of sewage from declared ships**

#### **33            Declared ships—Act, s 49**

For section 49(4) of the Act, definition *declared ship*, section 49 of the Act applies to a ship that—

- (a) has a fixed toilet; and
- (b) is—
  - (i) a domestic commercial vessel with a certificate of operation issued, or taken to be issued, under the domestic commercial vessel national law stating the vessel is a class 1B, 1C, 1D, 1E, 4C, 4D or 4E ship; or

- (ii) an other Queensland regulated ship designed to carry more than 12 passengers.

**34 Nil discharge waters for treated sewage or untreated sewage—Act, s 49**

For section 49(3) of the Act, the nil discharge waters for treated sewage or untreated sewage from a declared ship are the coastal waters stated in schedule 4.

**Division 3 Shipboard sewage management plans**

**35 Declaration about ships—Act, s 51**

A ship is declared for section 51 of the Act if—

- (a) the ship has a fixed toilet; and
- (b) the ship is—
  - (i) a domestic commercial vessel with a certificate of operation issued, or taken to be issued, under the domestic commercial vessel national law stating the vessel is a class 1B, 1C, 1D, 1E, 4C, 4D or 4E ship; or
  - (ii) an other Queensland regulated ship designed to carry more than 12 passengers.

**36 Minimum requirements for shipboard sewage management plans—Act, s 51**

For section 51(4) of the Act, 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 ship to which the plan applies;

[s 37]

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- (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.

## **Division 4                      Sewage disposal record books**

### **37            Application of division**

This division applies to a declared ship under section 49 of the Act.

### **38            Sewage disposal record books must be kept and available for inspection**

- (1) The ship's owner and master must ensure—
  - (a) the ship carries a sewage disposal record book in which an entry can be made as required under section 39; and
  - (b) the sewage disposal record book is readily available for inspection at all reasonable times.
- (2) If the sewage disposal record book is not carried and readily available for inspection as required under subsection (1), the ship's owner and master each commit an offence.



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Maximum penalty—350 penalty units.

- (3) The ship's owner and master must ensure a sewage disposal record book for the ship in which an entry has been made—
  - (a) is kept on board the ship until the day that is 3 years from the day the last entry in the record book is made; and
  - (b) is, until the day mentioned in paragraph (a), readily available for inspection at all reasonable times.
- (4) If the sewage disposal record book is not kept on board the ship and readily available for inspection as required under subsection (3), the ship's owner and master each commit an offence.

Maximum penalty—350 penalty units.

### **39 Entries in sewage disposal record book**

- (1) 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 under subsection (2) about the discharge in the ship's sewage disposal record book.

Maximum penalty—350 penalty units.

- (2) The entry must—
  - (a) state the date, time, place and volume, in litres, of each discharge; and
  - (b) if the discharge is at sea—state the latitude and longitude of the place of the discharge; and
  - (c) be in English; and
  - (d) be signed by the ship's master or other person in control of the discharge.
- (3) When a page of the ship's sewage disposal record book is completed, the ship's master must sign the page without delay.

Maximum penalty—350 penalty units.

[s 40]

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## **Division 5                      Particular ships to be fitted with macerators**

### **40        Ships must be fitted with macerators**

- (1) This section applies if a ship—
  - (a) is in coastal waters; and
  - (b) has a fixed toilet.
- (2) However, this section does not apply to a declared ship under section 49 of the Act that—
  - (a) operates only in nil discharge waters for section 49 of the Act; and
  - (b) discharges sewage only into a reception facility.
- (3) The ship's owner must ensure—
  - (a) the ship is fitted with a macerator; and
  - (b) sewage cannot bypass the macerator.

Maximum penalty—350 penalty units.

*Example for paragraph (b)—*

A discharge point must not be fitted in-line to bypass the macerator.

- (4) Subsection (3) does not apply if the fixed toilet is a composting toilet.
- (5) The ship's master must ensure sewage is not discharged from a toilet into coastal waters unless the sewage has passed through a macerator.

Maximum penalty—350 penalty units.

- (6) However, subsection (5) does not apply to coastal waters that are nil discharge waters under section 47, 48 or 49 of the Act.

*Note—*

Sewage cannot be discharged into nil discharge waters—see sections 47, 48 and 49 of the Act.

- (7) In this section—

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*reception facility* means a facility for holding or receiving sewage for disposal.

## **Division 6 Treatment systems and documents about treatment systems**

### **41 Definitions for division**

In this division—

*analyses* means analyses of the levels of sewage quality characteristics remaining in sewage after it has been treated in a treatment system for grade A treated sewage, grade B treated sewage or grade C treated sewage.

*independent testing entity* means an entity that—

- (a) is accredited by NATA as competent to perform analyses; and
- (b) performs analyses in Australia.

*NATA* means the National Association of Testing Authorities Australia ABN 59 004 379 748.

*system service manual*, for a treatment system, means a comprehensive and durable manual that states the following particulars for the treatment system—

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

### **42 Required system documentation**

(1) The system documentation required for a treatment system is either—

- (a) documentation from the treatment system's manufacturer or supplier stating—

[s 43]

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- (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).
- (2) For subsection (1)(b), the general manager may, on application of the ship's owner or master, approve documentation for a ship's treatment system as being equivalent to documentation from the treatment system's manufacturer or supplier.

*Note—*

See part 12, division 1 for obtaining, amending, suspending and cancelling approvals.

- (3) Without limiting section 69, an application under subsection (2) must state the grounds for the application.

### **43 Maintenance and assessment of treatment systems for ships**

- (1) This section applies to a ship that—
- (a) is operating in coastal waters; and
  - (b) is fitted with a treatment system.
- (2) The ship's owner and master must ensure the treatment system—
- (a) is maintained, at least, at the intervals and in the way required by the system service manual for the treatment system; and

- 
- (b) is assessed by analysing sewage, in accordance with subsection (4), after it has been treated in the treatment system.
  - (3) If the treatment system is not maintained and assessed as required under this section, the ship's owner and master each commit an offence.

Maximum penalty—350 penalty units.

- (4) For subsection (2)(b), the assessment must—
  - (a) be performed—
    - (i) by an independent testing entity; and
    - (ii) at the intervals stated in subsection (5) after the day the treatment system is fitted to the ship; and
  - (b) use a sample that is not diluted after it has been treated in the treatment system; and
  - (c) show the levels of sewage quality characteristics remaining in the sewage after it has been treated in the treatment system are not more than the levels for the grade of treated sewage stated in schedule 5 for the treatment system.
- (5) For subsection (4)(a)(ii), the intervals are—
  - (a) for a ship that is a declared ship under section 49 of the Act—
    - (i) at least annually for the first 2 years; and
    - (ii) afterwards, at least every 2 years; or
  - (b) for another ship—
    - (i) at least once in the first 5 years; and
    - (ii) afterwards, at least every 2 years.

#### **44 Documents to be kept on board ships fitted with treatment systems**

- (1) This section applies to a ship that—

[s 44]

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- (a) is operating in coastal waters; and
  - (b) is fitted with a treatment system.
- (2) The ship's owner and master must ensure the system documentation and system service manual (the ***relevant documents***) for the treatment system—
- (a) are kept on board; and
  - (b) are readily available for inspection at all reasonable times.
- (3) If the relevant documents are not kept and readily available for inspection as required under subsection (2), the ship's owner and master each commit an offence.

Maximum penalty—350 penalty units.

- (4) Also, the ship's owner and master must ensure—
- (a) written service records for the treatment system are kept; and
  - (b) the service records—
    - (i) are kept on board; and
    - (ii) are readily available for inspection at all reasonable times.
- (5) If the service records are not kept and readily available as required under subsection (4), the ship's owner and master each commit an offence.

Maximum penalty—350 penalty units.

- (6) In this section—
- service records***, for a treatment system, means the following particulars about the maintenance or assessment of the treatment system required under section 43—
- (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.

**45 Levels of sewage quality characteristics for treated sewage—Act, sch 1**

For the Act, schedule 1, definition *treated sewage*, the levels of sewage quality characteristics in treated sewage are stated in schedule 5.

**46 Standard with which treatment systems must conform—Act, sch 1**

- (1) For the Act, schedule 1, definition *treatment system*, paragraph (b), the standard is stated in subsection (2).
- (2) The treatment system must—
  - (a) have a durable label attached to it stating—
    - (i) the manufacturer’s name and address; and
    - (ii) the type and model number of the treatment system; and
  - (b) be installed in accordance with the manufacturer’s instructions; and
  - (c) be fitted with an indicator that shows if the treatment system is malfunctioning as defined in section 51B of the Act; and
  - (d) if sewage entering the treatment system is not macerated before it enters the treatment system—be fitted with a macerator that macerates the sewage before the treatment system’s main treatment process starts to treat the sewage.

[s 47]

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## Part 6 Garbage

### Division 1 Purpose and interpretation

#### 47 Purpose of part

- (1) The purpose of this part is to provide for matters for part 8 of the Act.

*Notes—*

- 1 See section 54 of the Act in relation to the words and expressions used in Annex V.
  - 2 See also Annex V for the meaning of particular words and expressions used in this part such as cargo residues, en route and nearest land.
  - 3 A map showing nearest land as mentioned in this part is available on the Australian Maritime Safety Authority's website.
- (2) Division 2 sets out matters relating to shipboard waste management plans.
- (3) Division 3 sets out disposals that are, for section 57(1) of the Act, exempt from the operation of the discharge offence in section 55(1) of the Act.

#### 48 Definitions for part

In this part—

*animal carcass* means the body of an animal that—

- (a) is carried on board as cargo; and
- (b) dies or is euthanised during the voyage.

*food waste*—

- (a) means spoiled or unspoiled food substances generated aboard ship, including fruits, vegetables, dairy products, poultry, meat products and food scraps; but
- (b) does not include an animal carcass.



*relevant platform* means a fixed or floating structure located at sea that is engaged in the exploration, exploitation or associated offshore processing of seabed mineral resources.

## **Division 2                      Shipboard waste management plans**

### **49            Minimum requirements for shipboard waste management plans—Act, s 55A**

For section 55A(4) of the Act, the minimum requirements for a shipboard waste management plan are—

- (a) the plan and any entries in the plan must be in English; and
- (b) the plan must 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).

## **Division 3                      Exemptions**

### **50            Disposal of comminuted or ground food wastes**

- (1) This section applies to garbage that—
  - (a) is food waste; and
  - (b) has been comminuted or ground before it is disposed of, so it is capable of passing through a screen with openings no greater than 25mm.
- (2) A disposal of the garbage from a ship is exempt from the operation of the discharge offence if the disposal happens—
  - (a) when—
    - (i) the ship is alongside, or within 500m of, a relevant platform; and

[s 51]

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- (ii) the relevant platform is located more than 12n miles from the nearest land; or
- (b) when—
  - (i) the ship is proceeding en route; and
  - (ii) the ship is as far as practicable, and at least 3n miles, from the nearest land; or
- (c) when—
  - (i) the retention of the garbage presents an imminent health risk to persons on board the ship; and
  - (ii) the ship is as far as practicable, and at least 3n miles, from the nearest land.

## **51 Disposal of food wastes**

- (1) This section applies to garbage that is food waste that has not been comminuted or ground in the way mentioned in section 50(1)(b).
- (2) A disposal of the garbage from a ship is exempt from the operation of the discharge offence if the disposal happens when the ship is as far as practicable, and at least 12n miles, from the nearest land and either—
  - (a) the ship is proceeding en route; or
  - (b) retention of the garbage presents an imminent health risk to persons on board the ship.

## **52 Disposal of food wastes for fish feeding**

Despite sections 50 and 51, a disposal of garbage that is food waste is exempt from the operation of the discharge offence if the disposal is—

- (a) not prohibited under another law; and
- (b) of a small quantity for the specific purpose of feeding fish for fishing or tourist operations.

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### 53 Disposal of cargo residues

- (1) This section applies to garbage that is cargo residue.
- (2) A disposal of the garbage from a ship is exempt from the operation of the discharge offence if—
  - (a) the disposal happens when—
    - (i) the ship is proceeding en route; and
    - (ii) the ship is as far as practicable, and at least 12n miles, from the nearest land; and
  - (b) the garbage cannot be recovered using commonly available methods for unloading; and
  - (c) the garbage is classified as not harmful to the marine environment.
- (3) For subsection (2)(c), the garbage is classified as not harmful to the marine environment if—
  - (a) for garbage that is residue from solid bulk cargo—the ship’s master has been given a declaration, under the IMSBC Code, stating the solid bulk cargo relating to the residue has been classified as not harmful to the marine environment; or
  - (b) for other garbage—the garbage does not contain substances classified as harmful to the marine environment under the criteria stated in Annex V, Appendix I.
- (4) In this section—

***IMSBC Code*** means the International Maritime Solid Bulk Cargoes Code.

*Notes—*

- 1 The IMSBC Code is published by the IMO.
- 2 Information about resolutions made by the IMO is published on the Australian Maritime Safety Authority’s website.

***solid bulk cargo—***

[s 54]

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- (a) means solid bulk cargo as defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea 1974; but
- (b) does not include grain.

#### **54 Disposal of animal carcasses**

- (1) This section applies to garbage that is an animal carcass.
- (2) A disposal of the garbage from a ship is exempt from the operation of the discharge offence if—
  - (a) the disposal happens when—
    - (i) the ship is as far as practicable from the nearest land; and
    - (ii) the ship is proceeding en route; and
  - (b) the disposal is done as required by the guidelines for the implementation of Annex V developed by the IMO.

*Note—*

The guidelines for the implementation of Annex V are published on the IMO's website.

#### **55 Disposal of cleaning agents or additives**

- (1) This section applies to garbage that—
  - (a) is a cleaning agent or additive contained in water used to wash the cargo hold of a ship, the deck of a ship or other external surfaces of a ship; and
  - (b) is not harmful to the marine environment under the guidelines for the implementation of Annex V developed by the IMO.

*Note—*

The guidelines for the implementation of Annex V are published on the IMO's website.

- (2) A disposal of the garbage is exempt from the operation of the discharge offence.

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## Part 7                      Transfer operations

### 56      Purpose of part

The purpose of this part is to provide for matters for part 9 of the Act.

*Note—*

See section 60 of the Act in relation to the words and expressions used in Annex I and II to MARPOL.

### 57      Keeping of records—Act, s 65

- (1) For section 65(2) of the Act, the records that must be kept are—
  - (a) if a transfer operation involves oil—the records the person is required to keep in an oil record book under section 13; or
  - (b) if a transfer operation involves a noxious liquid substance—the records the person is required to keep in a cargo record book under section 26.
- (2) For section 65(3) of the Act, the person must record the transfer operation—
  - (a) if the transfer operation involves oil—in the way mentioned in section 13(2); or
  - (b) if the transfer operation involves a noxious liquid substance—in the way mentioned in section 26(2).

## Part 8                      Reporting requirements

### 58      Purpose of part

The purpose of this part is to provide for matters for part 11 of the Act.

[s 59]

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**59 Way to notify reportable incidents—Act, s 67**

- (1) For section 67(2) and (3) of the Act, 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 MSQ—
    - (i) Brisbane Vessel Traffic Service Centre;
    - (ii) Cairns Vessel Traffic Service Centre;
    - (iii) Gladstone Vessel Traffic Service Centre;
    - (v) Hay Point Vessel Traffic Service Centre;
    - (vii) Townsville Vessel Traffic Service Centre; or
  - (b) the Joint Rescue Coordination Centre, Australian Maritime Safety Authority.
- (2) The communication must—
  - (a) start with the code word ‘POLREP’; and
  - (b) include the following information—
    - (i) the name of the ship and its flag of registry;
    - (ii) if the ship has a call sign—the ship’s call sign;
    - (iii) the size and type of the ship;
    - (iv) the date and time of the reportable incident;
    - (v) the ship’s position when the reportable incident happened and at the time of the notification;
    - (vi) the prevailing weather conditions when the reportable incident happened;
    - (vii) the course and speed of the ship at the time of the notification;
    - (viii) whether the ship has been damaged and, if so, the extent of the damage;
    - (ix) if the reportable incident involved a discharge, probable discharge or jettisoning of a harmful substance—the type and extent of the discharge,

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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.

(3) In this section—

*communicating* means communicating by email, fax, radio, telephone or telex.

*relevant person* means an officer or employee of MSQ or the Australian Maritime Safety Authority.

## **60 Reports about reportable incidents—Act, s 67**

For section 67(5) of the Act, a report under section 67(4) of the Act must—

- (a) include the information mentioned in section 59(2)(b); and
- (b) be given to an authorised officer within 48 hours after an authorised officer asks for the report.

# **Part 9 Insurance**

## **Division 1 Preliminary**

### **61 Purpose of part**

The purpose of this part is to provide for matters for part 11A of the Act.

## **Division 2 General**

### **62 Limits for insurance policies—Act, s 67A**

- (1) For section 67A(2) of the Act, the limits for an insurance policy are as follows—

[s 63]

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- (a) for an insurance policy for a domestic commercial vessel, or an other Queensland regulated ship that is more than 15m but less than 35m in length overall—
    - (i) for costs mentioned in section 67A(2)(a) of the Act—\$500,000; and
    - (ii) for costs mentioned in section 67A(2)(b) of the Act—\$10m;
  - (b) for an insurance policy for a recreational ship that is more than 15m but less than 35m in length overall—
    - (i) for costs mentioned in section 67A(2)(a) of the Act—\$250,000; and
    - (ii) for costs mentioned in section 67A(2)(b) of the Act—\$10m;
  - (c) for an insurance policy for a ship that is 35m or more in length overall—for costs mentioned in section 67A(2) of the Act—\$10m.
- (2) In this section—  
*recreational ship* see the *Transport Operations (Marine Safety) Act 1994*, section 10B.

### **63 Copies of certificates of insurance to be kept on board**

- (1) This section applies to a ship in coastal waters.
- (2) The ship's owner must keep on board the ship a copy of—
  - (a) the certificate of insurance for an insurance policy required under section 67A(2) of the Act for the ship; or
  - (b) a document evidencing the currency of the insurance policy.

Maximum penalty—20 penalty units.

- (3) The copy of the certificate of insurance or other document required under subsection (2) must include information about whether the insurance policy—



- (a) complies with the limits prescribed under section 62 for each of the costs mentioned in that section; and
- (b) covers the costs stated in section 67A(2) of the Act.

## **Part 10 Investigation, prevention and minimisation, and enforcement**

### **64 Purpose of part**

The purpose of this part is to provide for matters for part 12 of the Act.

### **65 Persons who may be appointed as authorised officers— Act, s 72**

- (1) For section 72(1)(e) of the Act, the following persons are prescribed—
  - (a) an officer or employee of the Australian Maritime Safety Authority;
  - (b) an officer or employee of the Commonwealth department with responsibility for matters relating to transport;
  - (c) an officer or employee of the Great Barrier Reef Marine Park Authority;
  - (d) an officer or employee of a port operator;
  - (e) an officer or employee of a department or other entity that, under the law of another State, performs functions in relation to marine safety, ports or the environment;
  - (f) a police officer;

*Note—*

See the *Police Powers and Responsibilities Act 2000*, section 13(2).

- (g) if an entity has entered into an agreement with MSQ or a port authority the purpose of which is to allow

[s 66]

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employees of the entity to be appointed as authorised persons—an employee of the entity.

(2) In this section—

***Great Barrier Reef Marine Park Authority*** means the Great Barrier Reef Marine Park Authority established under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

## **66 Compensation—Act, s 110**

(1) For section 110(4) of the Act, a court must take the following matters into account—

- (a) whether the exercise of a power under part 12 of the Act was to prevent a threat to human life or damage or possible damage to the environment or property;
- (b) whether the exercise of the power was negligent;
- (c) whether, at the time of the exercise of the power, it was reasonably foreseeable that the person claiming compensation would be adversely affected by the exercise of the power;
- (d) the level of knowledge of an authorised officer at the time of the exercise of the power.

(2) In this section—

***exercise***, of a power, includes purported exercise of the power.

## **Part 11 Securing compliance with Act**

### **67 Where registers of division 3 undertakings must be kept—Act, s 117L**

For section 117L(2) of the Act, the place is the general manager's office in Brisbane.

*Note—*

Details of the address of the general manager's office are available on Maritime Safety Queensland's website.

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## **Part 12                    General**

### **Division 1                Approvals**

#### **Subdivision 1        Interpretation**

##### **68        Definitions for division**

In this division—

*applicant* means—

- (a) if a provision states a ship's owner may apply for an approval—the ship's owner; or
- (b) if a provision states a ship's master may apply for an approval—the ship's master.

*approval* means an approval that may be given by the general manager under section 18 or 42.

*marine pollution legislation* means—

- (a) the Act; or
- (b) a law of the Commonwealth or a State about marine pollution.

#### **Subdivision 2        How approval is obtained**

##### **69        Making applications**

- (1) An applicant may apply to the general manager for an approval.
- (2) The application must—
  - (a) be written; and
  - (b) be supported by enough information to enable the general manager to decide the application.

[s 70]

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## **70 General manager to decide applications within relevant time**

- (1) The general manager must decide an application for an approval under section 18 without undue delay (the *relevant time*) after the application is made.
- (2) The general manager must decide an application for an approval under section 42 within 30 days (also the *relevant time*) after the application is made.
- (3) However, if within the relevant time the general manager has told an applicant the application is not supported by enough information to enable the general manager to decide the application, the general manager may request further information.
- (4) Despite subsections (1) and (2), the general manager must decide the application—
  - (a) for an approval under section 18—without undue delay after the request for further information is made; or
  - (b) for an approval under section 42—within 30 days after the further information is given to the general manager.

## **71 Notice of giving of approval**

- (1) If the general manager decides to give the approval applied for, the general manager must give the applicant written notice of the approval—
  - (a) for an approval under section 18—without undue delay; or
  - (b) for an approval under section 42—within 30 days after making the decision to give the approval.
- (2) The notice must include—
  - (a) details identifying the approval holder and the ship to which the approval relates; and
  - (b) the term of the approval; and

- (c) any condition to which the approval is subject under section 73.

## **72 Duration of approvals**

- (1) The term of an approval is the term stated in it.
- (2) However, the term of an approval given under section 42 is unlimited.

## **73 Approvals may be given on conditions**

The general manager may give an approval on conditions the general manager considers reasonable and relevant.

## **74 Notice of refusal to give approvals**

- (1) If the general manager decides to refuse an application for an approval, the general manager must give the applicant written notice of the refusal—
  - (a) for a refusal under section 18—without undue delay; or
  - (b) for a refusal under section 42—within 30 days after making the decision to refuse the application.
- (2) Without limiting subsection (1), the general manager may refuse an application for an approval if the general manager is satisfied—
  - (a) the applicant has contravened marine pollution legislation; or
  - (b) the applicant has had another approval under the Act cancelled or suspended.
- (3) The notice must state—
  - (a) the reasons for the refusal; and
  - (b) that the person may apply for a review of the general manager's decision under part 13B of the Act.

[s 75]

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### **Subdivision 3      Amending, suspending or                                  cancelling approvals**

#### **75      Amending, suspending or cancelling approvals**

The general manager may amend, suspend or cancel an approval on any of the following grounds—

- (a) the approval holder has contravened marine pollution legislation;
- (b) the approval holder has had another approval cancelled or suspended;
- (c) the approval holder has not complied with a condition of the approval;
- (d) notice of the approval was given because of a document or representation that was—
  - (i) false or misleading; or
  - (ii) obtained or made in another improper way;
- (e) for an approval under section 42—the system documentation no longer includes the documentation the general manager approved as equivalent to documentation from the treatment system’s manufacturer or supplier.

#### **76      Procedure for amending, suspending or cancelling                                  approvals**

- (1) This section applies if the general manager considers there is a ground to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the general manager must give the approval holder a written notice stating—
  - (a) the proposed action; and
  - (b) the grounds for the proposed action; and

- 
- (c) an outline of the facts and circumstances that are the basis of the grounds; and
  - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
  - (e) that the approval holder may show, within a stated reasonable time of at least 30 days after the notice is given, why the proposed action should not be taken.
- (3) The general manager must consider all representations made in the stated time and decide whether there is a ground to take the proposed action.
  - (4) If satisfied there is a ground, the general manager may—
    - (a) if the proposed action was to amend the approval—amend the approval; or
    - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
    - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
  - (5) The general manager must give the approval holder written notice of the decision.
  - (6) If the general manager decides to amend, suspend or cancel the approval, the notice must state—
    - (a) the reasons for the decision; and
    - (b) that the approval holder may apply for a review of the general manager’s decision under part 13B of the Act.
  - (7) The decision takes effect on the day the notice is given to the approval holder or, if a later day is stated in the notice, the later day.

## **77 Procedure for urgent suspension of approvals**

- (1) Despite section 76, if the general manager reasonably suspects it is necessary for the protection of Queensland’s marine and coastal environment, the general manager may, by

[s 78]

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written notice to an approval holder, immediately suspend the approval until the earlier of the following—

- (a) the general manager informs the holder of the general manager's decision after complying with section 76;
  - (b) the end of 60 days after the notice is given to the holder.
- (2) The notice must state—
- (a) the reasons for the decision; and
  - (b) that the approval holder may apply for a review of the general manager's decision under part 13B of the Act.

## **Division 2                      Analysts' reports**

### **78            Analysts' reports**

- (1) This section applies if an analyst takes or receives a sample of a pollutant, substance or thing.
- (2) An analyst's report mentioned in section 118(7) of the Act must be prepared as soon as practicable after taking or receiving the sample.
- (3) The report must state all of the following matters—
  - (a) the name of the analyst;
  - (b) if the analyst received the sample—the name of the person from whom the sample was received;
  - (c) when the sample was taken or received;
  - (d) the way in which, or the means by which, the sample was identified when taken or received;
  - (e) if the sample was in a container when it was taken or received—a description of the container.



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## Division 3                      Miscellaneous

### 79            **Designated area within Great Barrier Reef Coast Marine Park—Act, sch 1, definition *designated area***

For the Act, schedule 1, definition *designated area*, paragraph (d), the area is the area mentioned in schedule 6.

## Part 13                      Repeal and transitional provisions

### Division 1                      Repeal provision

#### 80            **Repeal**

The Transport Operations (Marine Pollution) Regulation 2008, SL No. 254 is repealed.

### Division 2                      Transitional provisions

#### 81            **Definition for division**

In this division—

*repealed regulation* means the repealed *Transport Operations (Marine Pollution) Regulation 2008* as in force from time to time before the commencement.

#### 82            **Requirements to keep previous record books**

- (1) This section applies to a record book—
  - (a) in which an entry was made before the commencement; and
  - (b) that was required to be kept on board a ship under section 15(3), 33(3) or 51(3) of the repealed regulation

[s 83]

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for a period that had not ended before the commencement.

- (2) From the commencement, the corresponding provision of this regulation applies to the record book.
- (3) Without limiting subsection (2), for applying section 11(3)(a), 24(3)(a) or 38(3)(a), the day the last entry in the record book is made may be a day before the commencement.
- (4) In this section —  
*corresponding provision* means—
  - (a) in relation to an oil record book to which section 15(3) of the repealed regulation applied, section 11 of this regulation; or
  - (b) in relation to a cargo record book to which section 33(3) of the repealed regulation applied, section 24 of this regulation; or
  - (c) in relation to a sewage disposal record book to which section 51(3) of the repealed regulation applied, section 38 of this regulation.

### **83 Applications to be decided under repealed regulation**

- (1) This section applies if, immediately before the commencement, an application made under section 25 or 54(2) of the repealed regulation had not been finally dealt with.
- (2) Despite its repeal, the repealed regulation continues to apply for deciding the application.
- (3) An approval granted under section 25 of the repealed regulation, as applied by subsection (2), is taken to be an approval granted under section 18 of this regulation.
- (4) An approval granted under section 54(2) of the repealed regulation, as applied by subsection (2), is taken to be an approval granted under section 42 of this regulation.

**84 Applications taken to be withdrawn on commencement**

- (1) This section applies if, immediately before the commencement, an application made under section 13, 23, 27, 28, 29, 36, 37 or 78 of the repealed regulation had not been finally dealt with.
- (2) On commencement, the application is taken to have been withdrawn.

**Part 14 Minor and consequential amendments**

**85 Legislation amended**

Schedule 8 amends the legislation it mentions.

## **Schedule 1      Recordable operations and recordable events**

sections 13 and 26

### **Part 1                      Entries for oil record books— s 13**

#### **1           Machinery space operations**

Each of the following operations is a recordable operation—

- (a) a ballasting or cleaning of an oil fuel tank;
- (b) a discharge of dirty ballast or 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.

#### **2           Cargo or ballast operations**

(1) Each of the following operations is a recordable operation—

- (a) a loading of oil cargo, including by transfer operation;
- (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 any of paragraphs (a) to (i).
- (2) In this section—
- transfer operation* see section 59 of the Act.

### **3 Recordable events**

Each of the following events is a recordable event—

- (a) a discharge into coastal waters of oil or an oily mixture necessary for 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) a 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 part 2, division 2;
- (e) a failure of a ship's oil filtering equipment;
- (f) an accidental or other exceptional discharge of oil or an oily mixture.

## **Part 2                          Entries for cargo record books—s 26**

### **4 Recordable operations**

Each of the following operations 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 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) a ballasting of a cargo tank;
- (h) a discharge of ballast water from a cargo tank.

## **5 Recordable events**

Each of the following events is a recordable event—

- (a) a discharge into coastal waters of a noxious liquid substance necessary for 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;
- (e) an accidental or other exceptional discharge of a noxious liquid substance.

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## Schedule 2      Nil discharge waters for untreated sewage

## section 31

- 1 prohibited discharge waters
- 2 smooth waters
- 3 if a ship has at least 16 persons on board—Hervey Bay waters, northern Moreton Bay waters and open waters
- 4 Hervey Bay waters and northern Moreton Bay waters, within 1852m of any of the following—
  - (a) a person in the water;
  - (b) aquaculture fisheries resources;
  - (c) a reef;
  - (d) the mean low water mark of an island or the mainland
- 5 open waters—
  - (a) within 926m of a wharf or jetty, other than a jetty that is a marina; or
  - (b) within 1852m of—
    - (i) a person in the water; or
    - (ii) aquaculture fisheries resources;
  - (c) if a ship has 7 to 15 persons on board—within 1852m of either of the following—
    - (i) a reef;
    - (ii) the mean low water mark of an island or the mainland

## **Schedule 3      Nil discharge waters for treated sewage**

section 32

- 1 prohibited discharge waters
- 2 for grade B treated sewage—Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters, within 700m of any of the following—
  - (a) a person in the water;
  - (b) aquaculture fisheries resources;
  - (c) a reef
- 3 for grade C treated sewage—Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters, within 926m of any of the following—
  - (a) a person in the water;
  - (b) aquaculture fisheries resources;
  - (c) a reef



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## **Schedule 4      Nil discharge waters for treated sewage or untreated sewage from declared ships**

### section 34

- 1 prohibited discharge waters
- 2 for grade B treated sewage—Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters, within 700m of any of the following—
  - (a) a person in the water;
  - (b) aquaculture fisheries resources;
  - (c) a reef
- 3 for grade C treated sewage—Hervey Bay waters, northern Moreton Bay waters, open waters and smooth waters, within 926m of any of the following—
  - (a) a person in the water;
  - (b) aquaculture fisheries resources;
  - (c) a reef
- 4 for untreated sewage—
  - (a) Hervey Bay waters, northern Moreton Bay waters and smooth waters; or
  - (b) open waters within 926m of a wharf or jetty, other than a jetty that is a marina; or
  - (c) open waters within 1852m of any of the following—
    - (i) a person in the water;
    - (ii) aquaculture fisheries resources;
    - (iii) if a declared ship has 7 to 15 persons on board—a reef, or the mean low water mark of an island or the mainland; or

- (d) if a declared ship has 16 or more persons on board—  
open waters

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## Schedule 5      Levels of sewage quality characteristics for treated sewage

sections 43 and 45

### Part 1                      Interpretation

#### 1                      Definition

In this schedule—

*relevant level* means—

- (a) for assessing a treatment system's performance specifications under normal operating conditions in relation to the levels of sewage quality characteristics remaining in sewage after it has been treated in the treatment system—the geometric mean of the results of the analyses of at least 5 samples taken in a period during which the treatment system's performance is assessed; or
- (b) for assessing a treatment system as required under section 43—
  - (i) if 1 sample is used for the assessment—the result of the analysis of the sample; or
  - (ii) if more than 1 sample is used for the assessment—the geometric mean of the results of the analyses of the samples taken in the period during which the treatment system's performance is assessed.

#### 2                      Calculating relevant level

- (1) The result of an analysis of a sample used to calculate the relevant level of the sample (the *result*) must be a real number.

- (2) If the result is 0, or below the limit of reporting for an analytical procedure, the result must be half of the value of the limit of reporting for the procedure.
- (3) In this section—  
*limit of reporting*, for an analytical procedure, means the smallest value for the procedure that can be reported with certainty.

## **Part 2                      Levels for grade A treated sewage**

### **3                      Thermotolerant coliforms**

The relevant level of the thermotolerant coliform count of the samples of treated sewage taken during the test period must not be more than 250 thermotolerant coliforms/100mL, most probable number, as assessed by a multiple tube fermentation analysis or an equivalent analytical procedure.

### **4                      Suspended solids**

The relevant level of the total suspended solids content of the samples of treated sewage taken during the test period must not be more than 50mg/L above the suspended solids content of ambient water used for flushing purposes.

### **5                      Biochemical oxygen demand**

The relevant level of the 5-day biochemical oxygen demand of the samples of treated sewage taken during the test period must not be more than 50mg/L.

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## **Part 3**                      **Levels for grade B treated sewage**

### **6**            **Thermotolerant coliforms**

The relevant level of the thermotolerant coliform count of the samples of treated sewage taken during the test period must not be more than 150 thermotolerant coliforms/100mL, most probable number, as assessed by a multiple tube fermentation analysis or an equivalent analytical procedure.

### **7**            **Suspended solids**

The relevant level of the total suspended solids content of the samples of treated sewage taken during the test period must not be more than 50mg/L above the suspended solids content of ambient water used for flushing purposes.

## **Part 4**                      **Levels for grade C treated sewage**

### **8**            **Thermotolerant coliforms**

The relevant level of the thermotolerant coliform count of the samples of treated sewage taken during the test period must not be more than 150 thermotolerant coliforms/100mL, most probable number, as assessed by a multiple tube fermentation analysis or an equivalent analytical procedure.

## **Schedule 6      Designated areas within the Great Barrier Reef Coast Marine Park**

section 79

### **Part 1                      Interpretation**

#### **1                      Definitions for schedule**

In this schedule—

***100m line***, around a reef, means the line every point of which is 100m seaward from the seaward edge of the reef.

***500m line***, around a reef, means the line every point of which is 500m seaward from the seaward edge of the reef.

***coastal 100m line***—

- (a) around an island or the mainland, means the line every point of which is 100m seaward from the island, or the mainland, at low water; or
- (b) to the extent there is a fringing reef around the island or the mainland, means the line every point of which is 100m seaward from the seaward edge of the fringing reef.

***coastal 500m line***—

- (a) around an island, a group of islands, the mainland, a rock, or a group of rocks, means the line every point of which is 500m seaward from the island, the group of islands, the mainland, the rock or the group of rocks, at low water; or
- (b) to the extent there is a fringing reef around the island, the group of islands, the mainland, the rock or the group of rocks, means the line every point of which is 500m seaward from the edge of the fringing reef.

***fringing reef***, in relation to an island, a group of islands, the mainland, a rock, or a group of rocks, means a reef that adjoins, overlaps or is in close proximity to the island, the group of islands, the mainland, the rock or the group of rocks, at low water.

***geodesic*** means a line between 2 points that follows the curvature of the earth.

***HAT*** means the highest level of the tides that can be predicted to happen under average meteorological conditions and under any combination of astronomical conditions.

***high water*** means the mean height of the highest high water at spring tide.

***island 500m line***, around an island, means the line every point of which is 500m seaward from the island at low water.

***LAT*** means the lowest level of the tides that can be predicted to happen under average meteorological conditions and under any combination of astronomical conditions.

***low water*** means the mean height of the lowest low water at spring tide.

***median line***, means—

- (a) in relation to 2 islands, a line that—
  - (i) starts at 1 point where the island 500m line around 1 island intersects the island 500m line around the other island; and
  - (ii) ends at the other point where the 2 island 500m lines intersect; and
  - (iii) at every point is equidistant from both islands at low water; or
- (b) in relation to 1 island and a rock or group of rocks, a line that—
  - (i) starts at 1 point where the island 500m line around the island intersects the rock 500m line around the rock or group of rocks; and

- (ii) ends at the other point where the island 500m line intersects the rock 500m line; and
  - (iii) at every point is equidistant from the island and the rock or group of rocks at low water; or
- (c) in relation to 2 reefs, a line that—
- (i) starts at 1 point where the 500m line around 1 reef intersects the 500m line around the other reef; and
  - (ii) ends at the other point where the 500m lines intersect; and
  - (iii) at every point is equidistant from the seaward edge of both reefs.

***rock 500m line***, around a rock or a group of rocks, means the line every point of which is 500m seaward from the rock, or the group of rocks, at low water.

***the mainland*** includes a part of the mainland.

*Note—*

See also the *Survey and Mapping Infrastructure Act 2003*, section 60 for other rules of interpretation for working out boundaries mentioned in this schedule.

## **2 References to latitudes and longitudes**

The latitudes and longitudes used in this schedule to describe an area are worked out using the Geocentric Datum of Australia 1994, commonly called ‘GDA94’, notified in the Commonwealth Government Gazette No. GN 35 on 6 September 1995, at page 3369.

## **3 References to HAT, high water etc.**

- (1) A reference in this schedule to the mainland, an island or another natural feature at HAT, high water, LAT, or low water is a reference to the line that represents HAT, high water, LAT, or low water adjacent to the mainland, the island or the natural feature.



*Examples of natural features—*

bay, creek, inlet, river, rock

- (2) A reference to the bank of a creek, inlet or river is a reference to the line that—
- (a) runs along the outer limit of the defined channel of the creek, inlet or river; and
  - (b) follows the upper limit of the land in the channel that is covered by the waters of the creek, inlet or river—
    - (i) for a reference to the bank at HAT—at HAT; or
    - (ii) for a reference to the bank at high water—at high water; or
    - (iii) for a reference to the bank at LAT—at LAT; or
    - (iv) for a reference to the bank at low water—at low water.

#### **4 References to bracketed island or reef numbers**

- (1) In this schedule, a reference to a bracketed island number after a description of an island, or a bracketed reef number after a description of a reef, is included to provide additional information for identifying the island or reef.
- (2) In this section—

*island number* means the word ‘island’ followed by a sequence of numbers separated by a dash.

*reef number* means the word ‘reef’ followed by—

- (a) a sequence of numbers separated by a dash; or
- (b) a sequence of numbers separated by a dash and a letter in lower case.

## **Part 2 Areas that are designated areas**

### **Division 1 Areas within the Mackay/Capricorn Management Area**

#### **5 Part of Rodds Bay Segment**

The area within the following boundary—

- from where latitude  $24^{\circ}00.528'$  south intersects the mainland at low water

*Note—*

Latitude  $24^{\circ}00.528'$  south intersects the mainland at low water near Spit End.

- then south-westerly along the geodesic that passes through the following points to where the geodesic intersects the coastal 500m line around the mainland at Rodds Peninsula—
  - where the mainland at low water intersects latitude  $24^{\circ}00.528'$  south
  - where latitude  $24^{\circ}01.818'$  south intersects Hummock Hill Island at low water
- then generally northerly, north-easterly, easterly and south-easterly along the coastal 500m line around the mainland at Rodds Peninsula to where it intersects longitude  $151^{\circ}43.063'$  east
- then south along longitude  $151^{\circ}43.063'$  east to where it intersects the mainland at high water

*Note—*

Longitude  $151^{\circ}43.063'$  east intersects the mainland at high water on Rodds Peninsula.

- then generally north-westerly, westerly and southerly along the mainland at high water to where it intersects latitude  $24^{\circ}00.528'$  south

*Note—*

Latitude 24°00.528' south intersects the mainland at high water near Spit End.

- then west along latitude 24°00.528' south to where it intersects the mainland at low water.

## **6 Parts of Keppel Bay Segment**

The following areas—

- (a) the area within the following boundary—
- from the most western point where North Keppel Island at HAT intersects latitude 23°04.662' south
  - then west along latitude 23°04.662' south to where it intersects the coastal 500m line around North Keppel Island
  - then generally south-easterly along the coastal 500m line around North Keppel Island to where it intersects latitude 23°04.992' south
  - then east along latitude 23°04.992' south to where it intersects North Keppel Island at HAT
  - then generally north-westerly along North Keppel Island at HAT to the most western point where it intersects latitude 23°04.662' south;
- (b) the area within the following boundary—
- from the most western point where Great Keppel Island at HAT intersects latitude 23°10.698' south
  - then west along latitude 23°10.698' south to where it intersects the coastal 500m line around Great Keppel Island
  - then generally southerly along the coastal 500m line around Great Keppel Island to where it intersects latitude 23°11.340' south
  - then east along latitude 23°11.340' south to where it intersects Great Keppel Island at HAT

- then generally northerly along Great Keppel Island at HAT to the most western point where it intersects latitude 23°10.698' south;
- (c) the area that is landward of the coastal 500m line around Egg Rock;
- (d) the area within the following boundary—
- from the eastern point of the median line between Middle Island and Miall Island
  - then generally south-westerly along the median line between Middle Island and Miall Island to the western point of the line
  - then generally southerly, south-easterly, easterly and north-easterly along the island 500m line around Middle Island to the western point of the median line between Middle Island and Passage Rocks
  - then generally north-easterly along the median line between Middle Island and Passage Rocks to the eastern point of the line
  - then generally north-westerly along the island 500m line around Middle Island to the eastern point of the median line between Middle Island and Miall Island;
- (e) the area within the following boundary—
- from the most northern point of Halfway Island at low water
  - then north along the longitude that passes through the most northern point of Halfway Island at low water to where the longitude intersects the southern point of the median line between Great Keppel Island and Halfway Island
  - then generally north-easterly along the median line between Great Keppel Island and Halfway Island to the northern point of the line

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- then generally south-easterly and southerly along the island 500m line around Halfway Island to where it intersects the latitude that passes through the most southern point of Halfway Island at high water
  - then west along the latitude that passes through the most southern point of Halfway Island at high water to the most southern point of Halfway Island at high water
  - then northerly along a geodesic to the most southern point of Halfway Island at HAT
  - then generally north-easterly and northerly along the eastern side of Halfway Island at HAT to the most northern point of the Island at HAT
  - then northerly along a geodesic to the most northern point of Halfway Island at low water;
- (f) the area within the following boundary—
- from the most western point of the island 500m line around Peak Island
  - then generally northerly along the island 500m line around Peak Island to the southern point of the median line between Peak Island and Split Rock
  - then generally north-easterly along the median line between Peak Island and Split Rock to the northern point of the line
  - then generally south-easterly and southerly along the island 500m line around Peak Island to the north-eastern point of the median line between Peak Island and Arch Rock
  - then generally south-westerly along the median line between Peak Island and Arch Rock to the south-western point of the line
  - then generally north-westerly along the island 500m line around Peak Island to the most western point of the line.

## 7 Parts of Broad Sound Segment

The following areas—

(a) the area within the following boundary—

- from the most southern point of the 500m line around Ethel Sand Shoal (reef 21-357)

*Note—*

The most southern point of the 500m line around Ethel Sand Shoal (reef 21-357) is at approximately latitude 21°51.174' south, longitude 149°44.556' east.

- then north-westerly and north-easterly along the 500m line around Ethel Sand Shoal (reef 21-357) to its most eastern point
- then south-easterly along a geodesic to the most eastern point of the coastal 500m line around George Island
- then generally south-westerly along the coastal 500m line around George Island to its most southern point
- then south-westerly along a geodesic to the most southern point of the coastal 500m line around Calliope Island
- then westerly along a geodesic to the most southern point of the 500m line around Ethel Sand Shoal (reef 21-357);

(b) the area within the following boundary—

- from the most southern point of Leicester Island at low water
- then northerly along a geodesic to the most southern point of Leicester Island at HAT
- then north-easterly and northerly along the eastern side of Leicester Island at HAT to its most northern point
- then northerly along a geodesic to the most northern point of Leicester Island at low water

- then east along the latitude that passes through the most northern point of Leicester Island at low water to the most western point where the latitude intersects Townshend Island at HAT
- then generally southerly, easterly, south-westerly, north-easterly and southerly along Townshend Island at HAT to where it intersects the latitude that passes through the most southern point of the coastal 500m line around Marquis Island
- then west along the latitude that passes through the most southern point of the coastal 500m line around Marquis Island to the most southern point where the latitude intersects the coastal 500m line around Marquis Island
- then generally westerly and northerly along the coastal 500m line around Marquis Island to its most western point
- then north-westerly along a geodesic to the most southern point of Leicester Island at low water.

## 8 Parts of Cumberland Islands Segment

The following areas—

- (a) the area that is landward of the coastal 500m line around Penrith Island;
- (b) the area within the following boundary—
  - from where latitude 20°46.824' south intersects the western side of Carlisle Island at low water
  - then east along latitude 20°46.824' south to the most western point where it intersects Carlisle Island at HAT
  - then generally easterly along Carlisle Island at HAT to where it intersects longitude 149°17.994' east on the southern side of the island

Schedule 6

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- then south along longitude 149°17.994' east to where it intersects the southern side of Carlisle Island at low water
  - then westerly along a geodesic to where latitude 20°48.150' south intersects the eastern side of Brampton Island at low water
  - then south along latitude 20°48.150' south to where it intersects the eastern side of Brampton Island at HAT
  - then generally westerly along Brampton Island at HAT to where it intersects longitude 149°15.672' east
  - then north along longitude 149°15.672' east to where it intersects the northern side of Brampton Island at low water
  - then north-easterly along a geodesic to where latitude 20°46.824' south intersects the western side of Carlisle Island at low water;
- (c) the area within the following boundary—
- from the most northern point of the coastal 500m line around Scawfell Island
  - then generally south-easterly, southerly, south-westerly, westerly and north-westerly along the coastal 500m line around Scawfell Island to its most western point
  - then east along the latitude that passes through the most western point of the coastal 500m line around Scawfell Island to where the latitude intersects Scawfell Island at HAT
  - then generally south-easterly, north-easterly, south-easterly, north-easterly, northerly and north-westerly along Scawfell Island at HAT to its most northern point
  - then northerly along a geodesic to the most northern point of the coastal 500m line around Scawfell Island.



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**9 Parts of Capricorn-Bunker Segment**

The following areas—

- (a) the area within the following boundary—
- from the most northern point where the 500m line around Wistari Reef intersects the 500m line around Heron Island Reef
  - then easterly along the 500m line around Heron Island Reef to where it intersects the 500m line around Sykes Reef
  - then generally easterly along the 500m line around Sykes Reef to where it intersects longitude 152°00.054' east
  - then south along longitude 152°00.054' east to the most southern point where it intersects the 500m line around Sykes Reef
  - then westerly along the 500m line around Sykes Reef to where it intersects the 500m line around Heron Island Reef
  - then westerly along the 500m line around Heron Island Reef to the most southern point where it intersects the 500m line around Wistari Reef
  - then generally south-westerly, north-westerly and north-easterly along the 500m line around Wistari Reef to the most northern point where it intersects the 500m line around Heron Island Reef;
- (b) the area landward of the 500m line around Lady Elliot Island Reef;
- (c) the area within the following boundary—
- from the most northern point where longitude 151°46.638' east intersects the 100m line around Brew Shoal Reef
  - then generally north-easterly along the 100m line around Brew Shoal Reef to where it intersects the longitude that passes through the most eastern point of Tryon Island at high water

Schedule 6

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- then south along the longitude that passes through the most eastern point of Tryon Island at high water to where it intersects the most eastern point of Tryon Island at high water
  - then westerly along a geodesic to the most eastern point of Tryon Island at HAT
  - then generally south-westerly along Tryon Island at HAT to where it intersects longitude 151°46.638' east
  - then north along longitude 151°46.638' east to the most northern point where it intersects the 100m line around Brew Shoal Reef;
- (d) the area within the following boundary—
- from the most southern point where the 100m line around Brew Shoal Reef intersects longitude 151°46.638' east
  - then north along longitude 151°46.638' east to where it intersects Tryon Island at HAT
  - then generally north-easterly along Tryon Island at HAT to its most eastern point
  - then easterly along a geodesic to the most eastern point of Tryon Island at high water
  - then south along the longitude that passes through the most eastern point of Tryon Island at high water to where it intersects the 100m line around Brew Shoal Reef
  - then generally south-westerly along the 100m line around Brew Shoal Reef to the most southern point where it intersects longitude 151°46.638' east;
- (e) the area within the following boundary—
- from the most northern point where longitude 151°42.402' east intersects the 100m line around North West Reef
  - then generally easterly along the 100m line around North West Reef to where it intersects the

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- longitude that passes through the most eastern point of North West Island at high water
- then south along the longitude that passes through the most eastern point of North West Island at high water to the most eastern point of North West Island at high water
  - then westerly along a geodesic to the most eastern point of North West Island at HAT
  - then generally north-westerly and westerly along North West Island at HAT to where it intersects longitude 151°42.402' east
  - then north along longitude 151°42.402' east to the most northern point where it intersects the 100m line around North West Reef;
- (f) the area within the following boundary—
- from the most southern point where the 100m line around North West Reef intersects longitude 151°42.402' east
  - then north along longitude 151°42.402' east to where it intersects North West Island at HAT
  - then generally north-easterly along North West Island at HAT to its most eastern point
  - then easterly along a geodesic to the most eastern point of North West Island at high water
  - then south along the longitude that passes through the most eastern point of North West Island at high water to where the longitude intersects the 100m line around North West Reef
  - then generally north-westerly along the 100m line around North West Reef to the most southern point where it intersects longitude 151°42.402' east;
- (g) the area within the following boundary—
- from the most northern point where longitude 151°43.512' east intersects the 100m line around Masthead Island Reef

Schedule 6

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- then generally south-easterly along the 100m line around Masthead Island Reef to where it intersects the longitude that passes through the most eastern point of Masthead Island at high water
  - then south along the longitude that passes through the most eastern point of Masthead Island at high water to the most eastern point of Masthead Island at high water
  - then westerly along a geodesic to the most eastern point of Masthead Island at HAT
  - then generally westerly along Masthead Island at HAT to where it intersects longitude  $151^{\circ}43.512'$  east
  - then north along longitude  $151^{\circ}43.512'$  east to the most northern point where it intersects the 100m line around Masthead Island Reef;
- (h) the area within the following boundary—
- from the most southern point where the 100m line around Masthead Island Reef intersects longitude  $151^{\circ}43.512'$  east
  - then north along longitude  $151^{\circ}43.512'$  east to where it intersects Masthead Island at HAT
  - then generally easterly along Masthead Island at HAT to its most eastern point
  - then easterly along a geodesic to the most eastern point of Masthead Island at high water
  - then south along the longitude that passes through the most eastern point of Masthead Island at high water to where the longitude intersects the 100m line around Masthead Island Reef
  - then generally westerly along the 100m line around Masthead Island Reef to the most southern point where it intersects longitude  $151^{\circ}43.512'$  east;
- (i) the area within the following boundary—

- from the most northern point where Lady Musgrave Island at HAT intersects longitude 152°23.604' east
- then north along longitude 152°23.604' east to where it intersects the 100m line around Lady Musgrave Island Reef
- then generally north-easterly along the 100m line around Lady Musgrave Island Reef to where it intersects longitude 152°24.552' east

*Note—*

Longitude 152°24.552' east approximately passes through the most northern point of the seaward edge of the part of Lady Musgrave Island Reef that is on the southern side of the main entrance channel to Lady Musgrave Island.

- then south-easterly along a geodesic to latitude 23°53.628' south, longitude 152°24.780' east
  - then south-westerly along a geodesic to the most eastern point of Lady Musgrave Island at high water
  - then westerly along a geodesic to the most eastern point of Lady Musgrave Island at HAT
  - then generally northerly, north-westerly and south-westerly along Lady Musgrave Island at HAT to the most northern point where it intersects longitude 152°23.604' east;
- (j) the area landward of the 500m line around Llewellyn Reef;
- (k) the area landward of the 500m line around One Tree Island Reef;
- (l) the area landward of the 500m line around Wreck Island Reef.

## **Division 2**                      **Areas within the Townsville/Whitsunday Management Area**

### **10**        **Parts of Whitsundays Segment**

The following areas—

- (a) the area within the following boundary—
  - from the most northern point where longitude 148°57.664' east intersects Hook Island at low water
  - then westerly along a geodesic to the most northern point where longitude 148°55.364' east intersects Hook Island at low water
  - then south along longitude 148°55.364' east to where it intersects Hook Island at HAT
  - then generally south-easterly, southerly, north-easterly and easterly along Hook Island at HAT to the most northern point where it intersects longitude 148°57.664' east
  - then north along longitude 148°57.664' east to the most northern point where it intersects Hook Island at low water;
- (b) the area landward of the coastal 100m line around Border Island;
- (c) the area within the following boundary—
  - from the most northern point of the coastal 100m line around Haslewood Island
  - then southerly along the coastal 100m line around Haslewood Island to the most northern point where it intersects the coastal 100m line around Lupton Island
  - then southerly along the coastal 100m line around Lupton Island to the most southern point where it

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- intersects the coastal 100m line around Haslewood Island
- then generally southerly along the coastal 100m line around Haslewood Island to its most southern point
  - then north along the longitude that passes through the most southern point of the coastal 100m line around Haslewood Island to where the longitude intersects Haslewood Island at HAT
  - then generally northerly along Haslewood Island at HAT to its most northern point
  - then northerly along a geodesic to the most northern point of the coastal 100m line around Haslewood Island;
- (d) the area within the following boundary—
- from the most eastern point where latitude 20°25.896' south intersects the mainland at low water
  - then north-easterly along a geodesic to the most southern point of the coastal 100m line around Calf Island
  - then generally north-easterly, northerly and north-westerly along the coastal 100m line around Calf Island to the most eastern point where it intersects the coastal 100m line around Cow Island
  - then generally northerly, north-westerly and westerly along the coastal 100m line around Cow Island to where it intersects the mainland at low water
  - then generally southerly along the mainland at low water to the most eastern point where it intersects latitude 20°25.896' south;
- (e) the area within the following boundary—
- from the most northern point of the coastal 500m line around Eshelby Island

- then generally south-westerly and southerly along the coastal 500m line around Eshelby Island to the most western point where it intersects the coastal 500m line around Little Eshelby Island just south of Eshelby Island

*Note—*

The most western point where the coastal 500m line around Eshelby Island intersects the coastal 500m line around Little Eshelby Island just south of Eshelby Island is at approximately latitude 20°01.344' south, longitude 148°37.314' east.

- then generally south-westerly, southerly, easterly and northerly along the coastal 500m line around Little Eshelby Island just south of Eshelby Island to the most eastern point where it intersects the coastal 500m line around Eshelby Island
- then generally northerly and north-westerly along the coastal 500m line around Eshelby Island to its most northern point.

## 11 Part of Bowling Green Bay Segment

The area within the following boundary—

- from where the mainland at high water intersects latitude 19°15.300' south near Cape Woorra
- then east along latitude 19°15.300' south to where it intersects the coastal 500m line around the mainland
- then generally south-easterly and westerly along the coastal 500m line around the mainland to where it intersects latitude 19°16.902' south
- then west along latitude 19°16.902' south to where it intersects the mainland at high water
- then generally easterly and north-westerly along the mainland at high water to where it intersects latitude 19°15.300' south near Cape Woorra.



## 12 Parts of Halifax Bay and Magnetic Island Segment

The following areas—

- (a) the part of Balding Bay that is south of the following line—
  - from where longitude 146°52.302' east intersects Magnetic Island at high water on the eastern side of the bay
  - then north-westerly along a geodesic to where longitude 146°51.522' east intersects Magnetic Island at high water on the western side of the bay;
- (b) the part of Geoffrey Bay that is north of the following line—
  - from where longitude 146°52.332' east intersects Magnetic Island at high water on the eastern side of the bay
  - then south-westerly along a geodesic to where longitude 146°52.224' east intersects Magnetic Island at high water on the western side of the bay;
- (c) the area within the following boundary—
  - from the most northern point where Magnetic Island at low water intersects longitude 146°49.002' east
  - then south along longitude 146°49.002' east to where it intersects Magnetic Island at HAT
  - then generally easterly and north-easterly along Magnetic Island at HAT to the most northern point where it intersects longitude 146°49.974' east
  - then north along longitude 146°49.974' east to where it intersects Magnetic Island at low water
  - then south-westerly along a geodesic to the most northern point where Magnetic Island at low water intersects longitude 146°49.002' east.

### **13 Part of Hinchinbrook Segment**

The area within the following boundary—

- from the most northern point of the coastal 500m line around North Island
- then southerly along the coastal 500m line around North Island on its eastern side to where it intersects the coastal 500m line around Tween Island
- then southerly along the coastal 500m line around Tween Island on its eastern side to where it intersects the coastal 500m line around Middle Island
- then southerly along the coastal 500m line around Middle Island on its eastern side to where it intersects the coastal 500m line around South Island
- then southerly, westerly and northerly along the coastal 500m line around South Island to where it intersects the coastal 500m line around Middle Island on its western side
- then northerly along the coastal 500m line around Middle Island on its westerly side to where it intersects the coastal 500m line around Tween Island
- then northerly along the coastal 500m line around Tween Island on its westerly side to where it intersects the coastal 500m line around North Island
- then northerly along the coastal 500m line around North Island to its most northern point.

### **14 Part of Palm Islands Segment**

The area within the following boundary—

- from the most western point where latitude 18°36.900' south intersects Orpheus Island at HAT
- then generally northerly, easterly, southerly and south-westerly along Orpheus Island at HAT to its most southern point

- then south along the longitude that passes through the most southern point of Orpheus Island at HAT to where the longitude intersects the coastal 500m line around Orpheus Island
- then generally north-easterly, northerly, westerly and southerly along the coastal 500m line around Orpheus Island to the most western point where it intersects latitude 18°36.900' south
- then east along latitude 18°36.900' south to the most western point where it intersects Orpheus Island at HAT

### **Division 3                      Areas within the Cairns/Cooktown Management Area**

#### **15        Parts of Mulgrave-Johnstone Segment**

The following areas—

- (a) the area landward of the 500m line around Green Island Reef (reef 16-049);
- (b) the area within the following boundary—
  - from the northern point of the median line between South Barnard Islands Reef (reef 17-046) and King Reef (reef 17-048)
  - then generally south-easterly along the median line between South Barnard Islands Reef (reef 17-046) and King Reef (reef 17-048) to the southern point of the line
  - then generally easterly, north-easterly, northerly, westerly, south-westerly and southerly along the 500m line around South Barnard Islands Reef to the northern point of the median line between South Barnard Islands Reef (reef 17-046) and King Reef (reef 17-048);
- (c) the area landward of the seaward edge of the following—

- the unnamed reef that is around Normanby Island and Mable Island
  - Grange Rock Reef (reef 17-012a);
- (d) the part of Mourilyan Creek that is between the following—
- latitude 17°38.802' south
  - latitude 17°40.908' south;
- (e) the parts of Maria Creek and North Maria Creek that are—
- (i) upstream of the eastern boundary of Maria Creek National Park; or
  - (ii) downstream of the most western boundary of Maria Creek National Park.

*Note—*

The most western point of Maria Creek National Park is on the southern bank of North Maria Creek. Maria Creek National Park is shown as lot 1445 on plan NPW191. See the *Nature Conservation (Protected Areas) Regulation 1994*, schedule 2 (National parks).

## 16 Trinity Inlet Segment

- (1) The following areas, but not including the areas mentioned in subsection (2)—
- (a) the Trinity Inlet fish habitat area;
  - (b) the area that is known as Ellie Point sand reserve and has the following boundary—
    - from latitude 16°51.909' south, longitude 145°46.065' east

*Note—*

Latitude 16°51.909' south, longitude 145°46.065' east is on the right bank of the Barron River.

- then easterly along a geodesic to the most northern point of False Cape at LAT

*Note—*

The most northern point of False Cape at LAT is on the western side of Trinity Inlet.

- then south along the mainland at LAT to where it intersects the latitude that passes through the most eastern point of Ellie Point
  - then west along the latitude that passes through the most eastern point of Ellie Point to the most eastern point of Ellie Point
  - then north-westerly to the south-eastern corner of lot 51 on plan NR3159
  - then north-westerly along the eastern boundary of lot 51 on plan NR3159 to latitude 16°51.909' south, longitude 145°46.065' east;
- (c) the following lots—
- lots 1 to 4 on plan C19823
  - lot 92 on plan NR3051
  - lot 146 on SP129134
  - lot 151 on plan NR4172.
- (2) The following areas are excluded from the designated areas described in subsection (1)—
- the area within 10m either side of the centre-line of the vehicular track that crosses lot 151 on plan NR4172
  - the area within 10m either side of the centre-line of the vehicular track from Airport Avenue to the sand stockpile area on lot 1 on RP736304
  - the sand stockpile area on lot 1 on RP736304.
- (3) In this section—
- Trinity Inlet fish habitat area*** means the Trinity Inlet fish habitat area declared under the *Fisheries Act 1994*.

## 17 Parts of Marlin Coast Segment

The following areas—

- (a) the parts of Barron River and Redden Creek within the following boundary—
- from the most eastern point of the right bank at the mouth of the Barron River at HAT
  - then upstream along the right bank of the Barron River to a point that is 50m downstream from the Captain Cook Highway Bridge
  - then westerly across the Barron River to the left bank of the river
  - then downstream along the left bank of the Barron River to the left bank of Redden Creek
  - then downstream along the left bank of Redden Creek to the mouth of the creek
  - then south across Redden Creek to the right bank of the creek
  - then upstream along the right bank of Redden Creek to where it intersects the left bank of the Barron River
  - then downstream along the left bank of the Barron River to the mouth of the river
  - then south-easterly across the Barron River to the most eastern point of the right bank at the mouth of the river at HAT;
- (b) the part of Barr Creek within the following boundary—
- from the most north-eastern corner of lot 72 on RP714006
- Note—*
- The most north-eastern corner of lot 72 on RP714006 is on the right bank at the mouth of Barr Creek.
- then south-westerly along the northern boundary of lot 72 on RP714006 to where it meets the north-western boundary of lot 2 on SP147290

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- then south-westerly along the north-western boundary of lot 2 on SP147290 to where it meets the eastern boundary of lot 49 on plan N157300
  - then southerly along the eastern boundary of lot 49 on plan N157300 to where it meets the eastern boundary of lot 15 on plan USL9633
  - then southerly along the eastern boundary of lot 15 on plan USL9633 to where it meets the south-eastern boundary of lot 147 on plan NR4789
  - then south-westerly and northerly along the south-western boundary of lot 147 on plan NR4789 to where it meets the western boundary of lot 15 on plan USL9633
  - then northerly along the western boundary of lot 15 on plan USL9633 to where it meets the left bank of Barr Creek at HAT
  - then north-westerly along the left bank of Barr Creek to the mouth of the creek at HAT
  - then southerly across the mouth of Barr Creek to the most north-eastern corner of lot 72 on RP714006;
- (c) the parts of Yorkeys Creek and Richters Creek within the following boundary—
- from where the north-eastern corner of lot 105 on AP7001 intersects the mainland at HAT
  - then generally southerly along the seaward boundary of lot 105 on AP7001 to the south-eastern corner of the lot
  - then southerly along the mainland at HAT to where it intersects the right bank at the mouth of Richters Creek
  - then upstream along the right bank of Richters Creek to where it meets the south-western corner of lot 121 on plan NR840892

- then easterly along the southern boundary of lot 121 on plan NR840892 to where it meets the north-western corner of lot 235 on plan NR5479
- then south-easterly along the western boundary of lot 235 on plan NR5479 to where it meets the south-western side of Acacia Street at Holloways Beach
- then generally southerly along the south-western side of Acacia Street at Holloways Beach to where it intersects the western side of Poinsettia Street at Holloways Beach
- then southerly along the western side of Poinsettia Street at Holloways Beach to where it intersects the western side of Casuarina Street at Holloways Beach
- then southerly along the western side of Casuarina Street at Holloways Beach to where it meets the south-eastern corner of lot 1 on plan USL9604
- then westerly and northerly along the boundary of lot 1 on plan USL9604 to where the western boundary of the lot meets the western boundary of lot 120 on CP857579
- then generally westerly along the northern boundary of lot 120 on CP857579 to where it meets the eastern boundary of lot 115 on plan NR3359
- then southerly and westerly along the boundary of lot 115 on plan NR3359 to where the southern boundary of the lot meets the right bank of Thomatis Creek
- then north-easterly across Thomatis Creek to where the left bank of the creek meets the most southern corner of lot 16 on plan USL9940
- then north-westerly and easterly along the boundary of lot 16 on plan USL9940 to where the northern boundary of the lot meets the right bank of Richters Creek



- then northerly across Richters Creek to the left bank of the creek
  - then downstream along the left bank of Richters Creek to where it meets the northern boundary of lot 12 on plan USL9940
  - then easterly along the northern boundary of lot 12 on plan USL9940 to where it meets the left bank of Richters Creek
  - then north-easterly along the left bank of Richters Creek to where it meets the most southern corner of lot 139 on plan NR3818
  - then north along the western boundary of lot 139 on plan NR3818 to where it meets the south-western corner of lot 105 on AP7001
  - then northerly along the western boundary of lot 105 on AP7001 to where it meets the north-western corner of lot 106 on SP137305
  - then north-easterly along the southern boundary of lot 106 on SP137305 to where it meets the eastern boundary of lot 105 on AP7001
  - then south-easterly and north-easterly along lot 105 on AP7001 to where the north-eastern corner of the lot intersects the mainland at HAT;
- (d) the part of Half Moon Creek within the following boundary—
- from the north-eastern corner of lot 50 on plan USL9567
- Note—*
- The north-eastern corner of lot 50 on plan USL9567 is on the right bank at the mouth of Half Moon Creek.
- then southerly along the eastern boundary of lot 50 on plan USL9567 to where it meets the north-eastern corner of lot 34 on SP11364

Schedule 6

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- then southerly and easterly along the eastern boundary of lot 34 on SP113641 to where it meets the north-eastern corner of lot 3 on plan USL9661
- then southerly along the eastern boundary of lot 3 on plan USL9661 to where it meets the most northern corner of lot 187 on plan NR6708
- then southerly along the eastern boundary of lot 187 on plan NR6708 to where it meets the eastern boundary of lot 3 on plan USL9661
- then southerly and westerly along the boundary of lot 3 on plan USL9661 to where the western boundary of the lot meets the eastern boundary of lot 188 on plan NR6708
- then south-westerly along the eastern boundary of lot 188 on plan NR6708 to where it meets the southern boundary of lot 3 on plan USL9661
- then westerly and northerly along the boundary of lot 3 on plan USL9661 to where the western boundary of the lot meets the south-eastern corner of lot 2 on plan USL9661
- then westerly and northerly along the boundary of lot 2 on plan USL9661 to where the northern boundary of the lot meets the most western corner of lot 27 on plan USL9569
- then northerly and south-easterly along the boundary of lot 27 on plan USL9569 to where the northern boundary of the lot meets the left bank of Half Moon Creek
- then downstream along the left bank of Half Moon Creek to the mouth of the creek
- then across the mouth of Half Moon Creek to where the mouth meets the north-eastern corner of lot 50 on plan USL9567.

*Note—*

The north-eastern corner of lot 50 on plan USL9567 is on the right bank at the mouth of Half Moon Creek.

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**18 Parts of Wonga Beach Segment**

The following areas—

- (a) the part of Saltwater Creek within the following boundary—
- from the south-eastern corner of lot 5 on SP159909
  - then generally westerly along the southern boundary of lot 5 on SP159909 to where it meets the right bank of Coop Creek
  - then northerly across Coop Creek to where the left bank of the creek meets the southern boundary of lot 6 on SP159909
  - then westerly and northerly along the boundary of lot 6 on SP159909 to where the northern boundary of the lot meets the western boundary of lot 6 on plan SR412
  - then southerly and easterly along the boundary of lot 6 on plan SR412 to where the southern boundary of the lot meets the south-eastern corner of lot 6 on RP712142
  - then northerly along the eastern boundary of lot 6 on RP712142 to where it intersects the anabranch of Saltwater Creek on the right bank of the creek
  - then north across the anabranch of Saltwater Creek to the left bank of the creek
  - then downstream along the left bank of Saltwater Creek to where it meets the western boundary of lot 1 on plan USL8767
  - then easterly along the northern boundary of lot 1 on plan USL8767 to where it meets the northern boundary of lot 1 on plan USL8764
  - then westerly along the northern boundary of lot 1 on plan USL8764 to where it intersects longitude 145°24.565' east

Schedule 6

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- then north along longitude 145°24.565' east to where it intersects the southern boundary of lot 42 on plan SR6
  - then east and north along the eastern boundary of lot 42 on plan SR6 to the north-eastern corner of the lot
  - then east along the latitude that passes through the north-eastern corner of lot 42 on plan SR6 to where the latitude intersects the mainland at HAT
  - then southerly along the mainland at HAT to where it intersects the left bank at the mouth of Saltwater Creek
  - then southerly across Saltwater Creek to the right bank at the mouth of the creek at HAT
  - then southerly along the mainland at HAT to where it intersects the south-eastern corner of lot 5 on SP159909;
- (b) the part of the Mossman River within the following boundary—
- from the north-eastern corner of lot 5 on plan USL8735
- Note—*
- The north-eastern corner of lot 5 on plan USL8735 is on the right bank at the mouth of the Mossman River at HAT.
- then upstream along the right bank of the Mossman River to where it meets the north-western corner of lot 5 on plan USL8735
  - then generally southerly along lot 5 on plan USL8735 to where it meets the north-western corner of lot 1 on plan C9641
  - then southerly along the western boundaries of lots 1, 3, 4, 5, 6, 7, 8 and 9 on plan C9641 to the south-western corner of lot 9 on plan C9641
  - then southerly along a geodesic to the north-eastern corner of lot 1 on RP720137

- then south-westerly along the northern boundary of lot 1 on RP720137 to where it meets the north-eastern corner of lot 11 on RP709171
- then south-westerly along the northern boundary of lot 11 on RP709171 to where it meets the most north-eastern corner of lot 12 on RP709171
- then south-westerly along the northern boundary of lot 12 on RP709171 to the north-western corner of the lot
- then westerly along a geodesic to the most north-eastern corner of lot 265 on plan N15783
- then generally westerly along the northern boundary of lot 265 on plan N15783 to the south-western corner of the lot
- then southerly along a geodesic to the north-eastern corner of lot 1 on plan RL1156

*Note—*

The north-eastern corner of lot 1 on plan RL1156 meets the south-western corner of lot 4 on plan T4371.

- then westerly along the northern boundary of lot 1 on plan RL1156 to the north-western corner of the lot
- then westerly across the Mossman River to the south-eastern corner of lot 5 on RP711228

*Note—*

The most south-eastern corner of lot 5 on RP711228 is on the left bank of the Mossman River.

- then northerly along the eastern boundary of lot 5 on RP711228 to where it meets the southern boundary of lot 7 on RP715390
- then easterly and north-easterly along the boundary of lot 7 on RP715390 to where the eastern boundary of the lot meets the south-western corner of lot 3 on AP8350

- then northerly along the eastern boundary of lot 7 on RP715390 to where it meets the south-western corner of lot 275 on plan SR794
- then generally north-easterly along the eastern boundary of lot 275 on plan SR794 to where it meets lot 1 on AP8350
- then generally northerly, westerly, northerly, easterly, southerly and easterly along the boundary of lot 1 on AP8350 to where it meets the south-western corner of lot 382 on plan SR864
- then easterly along the southern boundary of lot 382 on plan SR864 to where it meets the left bank of the Mossman River at HAT
- then downstream along the left bank of the Mossman River at HAT to the mouth of the river at HAT
- then south across the mouth of the Mossman River to the north-eastern corner of lot 5 on plan USL8735.

## 19 Parts of Daintree Segment

The following areas—

- (a) the area landward of the 500m line around Low Islets Reef (reef 16-028);
- (b) the area within the following boundary—
  - from where latitude 15°45.870' south intersects the mainland at HAT

*Note—*

Latitude 15°45.870' south intersects the mainland at HAT near Obree Point.

  - then generally southerly, easterly, south-easterly and southerly along the mainland at HAT to where it intersects latitude 15°50.862' south

*Note—*

The mainland at HAT intersects latitude 15°50.862' south near the northern bank of Fritz Creek.

- then east along latitude 15°50.862' south to where it intersects the coastal 500m line around the mainland
  - then generally northerly, north-westerly, westerly and northerly along the coastal 500m line around the mainland to where it intersects latitude 15°45.870' south
  - then west along latitude 15°45.870' south to where it intersects the mainland at HAT;
- (c) the area within the following boundary—

- from where latitude 16°04.902' south intersects the mainland at HAT

*Note—*

Latitude 16°04.902' south intersects the mainland at HAT just south of Cape Tribulation.

- then generally northerly and north-westerly along the mainland at HAT to where it intersects longitude 145°22.788' east
  - then north along longitude 145°22.788' east to where it intersects the coastal 500m line around the mainland
  - then generally southerly along the coastal 500m line around the mainland to the most eastern point where it intersects latitude 16°04.902' south
  - then west along latitude 16°04.902' south to where it intersects the mainland at HAT;
- (d) the part of the Daintree River that is south of latitude 16°17.496' south.

## 20 Parts of Starcke Segment

The following areas—

Schedule 6

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- (a) the area landward of the 500m line around Decapolis Reef (reef 14-131);
- (b) the area within the following boundary—
- from the most western point of the 500m line around Pethebridge Islets Reef (reef 14-122b)
  - then north-westerly along the geodesic that passes through the following points—
    - the most western point of the 500m line around Pethebridge Islets Reef (reef 14-122b)
    - the most eastern point of Marched Point at low waterto where the geodesic intersects the geodesic that passes through the following points—
    - latitude 14°18.179' south, longitude 145°39.064' east
    - latitude 14°39.906' south, longitude 144°56.565' east
  - then south-westerly along the geodesic that passes through the following points to where the geodesic intersects the mainland at low water—
    - latitude 14°18.179' south, longitude 145°39.064' east
    - latitude 14°39.906' south, longitude 144°56.565' east
  - then generally south-easterly along the mainland at low water to where it intersects latitude 14°44.196' south
  - then east along latitude 14°44.196' south to where it intersects the coastal 100m line around the mainland
  - then generally south-easterly and easterly along the coastal 100m line around the mainland to where it



intersects the geodesic that passes through the following points—

- the most northern point on Lookout Point at low water
- the most western point of the 500m line around Pethebridge Islets Reef (reef 14-112b)
- then north-westerly along that geodesic to the most western point of the 500m line around Pethebridge Islets Reef (reef 14-122b);

(c) the area within the following boundary—

- from the most eastern point of Lizard Island at high water

*Note—*

The most eastern point of Lizard Island is at Lizard Head.

- then easterly along a geodesic to the most eastern point of Lizard Island at low water
- then south-easterly along the geodesic that passes through the following points to where the geodesic intersects the coastal 500m line around Lizard Island—
  - the most eastern point of Lizard Island at low water
  - latitude 14°41.328' south, longitude 145°28.518' east
- then generally south-westerly along the coastal 500m line around Lizard Island to where it intersects the latitude that passes through the most southern point of South Island at low water

*Note—*

The most southern point of South Island is at the south-eastern end of the Island.

- then west along the latitude that passes through the most southern point of South Island at low water to

the most southern point of South Island at low water

- then north-westerly along a geodesic to the most southern point of South Island at high water
- then generally north-easterly, northerly, westerly, south-westerly and southerly along South Island at high water to its most western point
- then westerly along a geodesic to the most western point of South Island at low water
- then north-westerly along a geodesic to the most southern point of Palfrey Island at low water
- then northerly along a geodesic to the most southern point of Palfrey Island at high water
- then generally easterly, north-easterly, northerly, north-westerly, westerly and south-westerly along Palfrey Island at high water to its most western point
- then westerly along a geodesic to the most western point of Palfrey Island at low water
- then northerly along a geodesic to the most western point of Lizard Island at low water

*Note—*

The most western point of Lizard Island is at South Bay Point.

- then easterly along a geodesic to the most western point of Lizard Island at high water
  - then generally south-easterly, southerly, easterly, north-easterly, easterly and south-easterly along Lizard Island at high water to its most eastern point;
- (d) the area within the following boundary—
- from the most western point where latitude 14°38.988' south intersects Lizard Island at high water

- then generally southerly, south-easterly and south-westerly along Lizard Island at high water to its most western point

*Note—*

The most western point of Lizard Island is adjacent to Chinamans Ridge.

- then north-westerly along a geodesic to the most western point of Lizard Island at low water
  - then north-westerly along the geodesic that passes through the following points to where the geodesic intersects the seaward edge of Lizard Island Reef (reef 14-116a)—
    - the most western point Lizard Island at low water
    - latitude 14°39.738' south, longitude 145°26.604' east
  - then generally northerly along the seaward edge of Lizard Island Reef (reef 14-116a) to the most western point where it intersects latitude 14°38.988' south
  - then east along latitude 14°39.077' south to the most western point where it intersects Lizard Island at high water;
- (e) the area within the following boundary—
- from the most southern point of the 500m line around Turtle Reef (reef 14-119b)
  - then generally north-westerly, northerly and north-easterly along the 500m line around Turtle Reef (reef 14-119b) to its most northern point
  - then north-easterly along a geodesic to the most northern point of the 500m line around Turtle Reef (reef 14-120e)
  - then generally south-easterly along the 500m line around Turtle Reef (reef 14-120e) to its most eastern point

Schedule 6

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- then southerly along a geodesic to the most eastern point of the 500m line around Turtle Reef (reef 14-120i)
  - then generally south-westerly along the 500m line around Turtle Reef (reef 14-120i) to its most southern point
  - then north-westerly along a geodesic to the most southern point of the 500m line around Turtle Reef (reef 14-120a)
  - then north-westerly along a geodesic to the most southern point of the 500m line around Turtle Reef (reef 14-119b);
- (f) the area landward of the 500m line around Eyrie Reef (reef 14-118);
- (g) the area landward of the coastal 500m line around Nymph Island;
- (h) the area landward of the coastal 500m line around South Direction Island;
- (i) the area landward of the coastal 500m line around Rocky Islets;
- (j) the area landward of the coastal 500m line around Three Islands;
- (k) the area within the following boundary—
- from the most western point of Lizard Island at low water
- Note—*
- The most western point of Lizard Island is at South Bay Point.
- then west along the latitude that passes through the most western point of Lizard Island at low water to the most western point where the longitude intersects the coastal 500m line around Lizard Island
  - then generally southerly, south-easterly, easterly and north-easterly along the coastal 500m line

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around Lizard Island to the most eastern point where it intersects the latitude that passes through the most southern point of South Island at low water

*Note—*

The most southern point of South Island is on the south-eastern end of the Island.

- then west along the latitude that passes through the most southern point of South Island at low water to the most southern point of South Island at low water
- then north-westerly along a geodesic to the most southern point of South Island at high water
- then generally westerly and north-westerly along South Island at high water to its most western point
- then westerly along a geodesic to the most western point of South Island at low water
- then north-westerly along a geodesic to the most southern point of Palfrey Island at low water
- then northerly along a geodesic to the most southern point of Palfrey Island at high water
- then generally westerly, north-westerly and northerly along Palfrey Island at high water to its most western point
- then westerly along a geodesic to the most western point of Palfrey Island at low water
- then northerly along a geodesic to the most western point Lizard Island at low water.

## Schedule 7 Dictionary

### section 3

**100m line**, for schedule 6, see schedule 6, section 1.

**500m line**, for schedule 6, see schedule 6, section 1.

**analyses** see section 41.

**animal carcass**, for part 6, see section 48.

**Annex II** means Annex II to MARPOL.

**Annex V** means Annex V to MARPOL.

**applicant**, for part 12, division 1, see section 68.

**approval**, for part 12, division 1, see section 68.

**aquaculture fisheries resources** see the *Fisheries Act 1994*, schedule.

**authorised officer**, for part 3, see section 15.

*Note—*

See also schedule 1 of the Act.

**coastal 100m line**, for schedule 6, see schedule 6, section 1.

**coastal 500m line**, for schedule 6, see schedule 6, section 1.

**Commonwealth shipping law**, for part 2, see section 5.

**fishing vessel** means a vessel used, or intended to be used, for catching fish, seals, walrus, whales or other living resources of the sea or seabed for profit or reward, but does not include a vessel—

- (a) engaged in harvesting or transporting algae or aquatic plants; or
- (b) that is primarily a carrier or a ship proceeding on the main ocean leg of a voyage attended by smaller ships.

**food waste**, for part 6, see section 48.

**fringing reef**, for schedule 6, see schedule 6, section 1.

*geodesic*, for schedule 6, see schedule 6, section 1.

*grade A treated sewage* means treated sewage that may be classified as grade A treated sewage as mentioned in schedule 5, part 2.

*grade B treated sewage* means treated sewage that may be classified as grade B treated sewage as mentioned in schedule 5, part 3.

*grade C treated sewage* means treated sewage that may be classified as grade C treated sewage as mentioned in schedule 5, part 4.

*HAT*, for schedule 6, see schedule 6, section 1.

*Hervey Bay waters* means the waters of Hervey Bay, other than prohibited discharge waters, within the following boundary—

- from Burrum Point on the mainland to the Fairway Beacon, Hervey Bay
- to Rooney Point, Fraser Island
- along the western shore of Fraser Island to latitude 25°22.90' south
- to latitude 25°24.90' south, longitude 152°58.06' east
- due west to the mainland at latitude 25°24.90' south.

*high water*, for schedule 6, see schedule 6, section 1.

*independent testing entity*, for part 5, division 6, see section 41.

*island 500m line*, for schedule 6, see schedule 6, section 1.

*LAT*, for schedule 6, see schedule 6, section 1.

*low water*, for schedule 6, see schedule 6, section 1.

*macerator*, for part 5, see section 30.

*marine pollution legislation*, for part 12, division 1, see section 68.

*median line*, for schedule 6, see schedule 6, section 1.

*NATA*, for part 5, division 6, see section 41.

***northern Moreton Bay waters*** means the waters of Moreton Bay, other than prohibited discharge waters, within the following boundary—

- from latitude 27°06' south on the mainland to South Point, Bribie Island
- along the southern shore of Bribie Island to Skirmish Point
- to Comboyuro Point, Moreton Island
- along the western shore of Moreton Island to Reeders Point
- to Amity Point, North Stradbroke Island
- to Cleveland Point on the mainland.

***open waters*** means coastal waters, other than Hervey Bay waters, northern Moreton Bay waters, prohibited discharge waters or smooth waters.

***other Queensland regulated ship*** see the *Transport Operations (Marine Safety) Act 1994*, section 10C.

***reef*** includes the following—

- (a) bommie fields;
- (b) moats;
- (c) ramparts;
- (d) reef slopes;
- (e) underwater and intertidal rocky areas.

***relevant level***, for schedule 5, see schedule 5, section 1.

***relevant platform***, for part 6, see section 48.

***reportable incident*** see section 67(1) of the Act.

***rock 500m line***, for schedule 6, see schedule 6, section 1.

***smooth waters*** means smooth waters under the *Transport Operations (Marine Safety) Regulation 2016*, but not including—



- (a) the waters described in schedule 8 of that regulation that are within 0.5n miles from land; or
- (b) prohibited discharge waters.

*system service manual*, for part 5, division 6, see section 41.

*system's performance specifications*, in relation to a treatment system, include a statement of the levels of sewage quality characteristics remaining in sewage after it has been treated in the system.

*the mainland*, for schedule 6, see schedule 6, section 1.

*trading ship*—

- (a) means a ship that is used for any business or commercial activity, other than—
  - (i) a Commonwealth ship under the Commonwealth Navigation Act; or
  - (ii) a fishing vessel; and
- (b) includes a vessel used completely or mainly for—
  - (i) the carriage of passengers or cargo for hire or reward; or
  - (ii) the provision of services to ships or shipping, whether for reward or otherwise.

## **Schedule 8      Legislation amended**

section 85

### **State Penalties Enforcement Regulation 2014**

**1      Schedule 1, entry for *Transport Operations (Marine Pollution) Regulation 2008*—**

*omit, insert—*

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

<b>Column 1</b> <b>Infringement notice offence</b>	<b>Column 2</b> <b>Infringement notice fine (penalty units)</b>
s 11(2)	10
s 11(4)	10
s 13(1)	10
s 13(3)	10
s 24(2)	10
s 24(4)	10
s 26(1)	10
s 26(3)	10
s 38(2)	10
s 38(4)	10
s 39(1)	10

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<b>Column 1</b> <b>Infringement notice offence</b>	<b>Column 2</b> <b>Infringement notice fine (penalty units)</b>
s 39(3)	10
s 40(3)	10
s 40(5)	10
s 43(3)	10
s 44(3)	10
s 44(5)	10
s 63(2)	2

**Authorised person for service of infringement notices**—an authorised officer appointed under the *Transport Operations (Marine Pollution) Act 1995*, section 72

ENDNOTES

- 1 Made by the Governor in Council on 26 July 2018.
- 2 Notified on the Queensland legislation website on 27 July 2018.
- 3 The administering agency is the Department of Transport and Main Roads.

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