

Bulletin 433 - 09/05 - Garbage Pollution - Australia

Further to Bulletin 382 Members are reminded of the strict enforcement of the regulations of the Australian authorities in respect of garbage pollution. The Club has recently been made aware of a case in New South Wales where a recent court judgement has found owners liable for a fine of A\$24,000 (US\$ 18,331).

Under the Protection of the Sea (Prevention of Pollution from Ships) Act 1983, a maximum fine of A\$110,000 (US\$ 84,013) for the owner and A\$22,000 (US\$ 16,805) for the master can be made.

In the last year AMSA has reported that in two cases of pollution, the owner and master in one case were fined a total of A\$22,500 (US\$ 17,193) for plastic waste discharge. In the other case the fine was of A\$14,575 (US\$11,113) for plastic and food waste discharges. We are further aware of a case in which the discharge of one plastic quarantine bag cost the owners A\$15,000 (US\$11,452) fine and the Master an A\$7,500 (US\$ 5,726) fine.

It is worth reminding ships crews of the unusual definition of "nearest land" in MARPOL as it applies to Australian waters.

"The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purposes of the present Convention "from the nearest land" off the north eastern coast of Australia shall mean from a line drawn through the following positions on the coast of Australia:

latitude 11°00' South, longitude 142°08' East
latitude 10°35' South, longitude 141°55' East
latitude 10°00' South, longitude 142°00' East
latitude 09°10' South, longitude 143°52' East
latitude 09°00' South, longitude 144°30' East
latitude 13°00' South, longitude 144°00' East
latitude 15°00' South, longitude 146°00' East
latitude 18°00' South, longitude 147°00' East
latitude 21°00' South, longitude 153°00' East
latitude 24°42' South, longitude 153°15' East.

Further information can be found on the Australian Maritime Safety Authority Marine Notice 14/2004.

This means all discharges are prohibited in the Great Barrier Reef region, even if made three nautical miles (in the case of ground food waste) or 12 nautical miles (other food waste) from actual land.

Source of information: Loss Prevention Department
UK P&I Club
www.ukpandi.com

