

1991—No. 558

MARITIME SERVICES ACT 1935—REGULATION
(Relating to the control of toilet and galley waste from vessels)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Maritime Services Act 1935, has been pleased to approve the Regulation made by the Maritime Services Board of New South Wales and set forth hereunder.

BRUCE BAIRD
Minister for Transport.

The Maritime Services Board of New South Wales, in pursuance of the Maritime Services Act 1935, hereby makes the following Regulation:

Commencement

1. This Regulation commences on 1 January 1992.

Amendment

2. The Management of Waters and Waterside Lands Regulations—N.S.W. are amended by omitting Division 6 of Part 2 and by inserting instead the following Division:

Division 6—Control of Toilet and Galley Waste from Vessels

Definitions

63A. In this Division:

“**approved**” means approved by the Board;

“**commercial vessel**” means a vessel which is used to carry persons and which is:

- (a) used for the carriage of goods for money or any other valuable consideration;

(b) used in any way in, or in connection with, a business or trade or commerce; or

(c) hired out or made available in the course of a business or in trade or commerce;

“galley waste container”, in relation to a vessel, means any permanent container or receptacle on the vessel which is designed and constructed to receive discharge from any galley on the vessel and to retain the discharge for disposal in accordance with Regulation 63G and which is separate from any holding tank;

“holding tank”, in relation to a vessel, means any permanent container or receptacle on the vessel which is designed and constructed to receive waste from a toilet on the vessel and to retain the waste for disposal in accordance with Regulation 63E;

“inland waters” means navigable waters not subject to tidal influence;

“length” means length overall;

“marina” means premises consisting of pontoons, jetties, piers or other structures (whether water-based or land-based) that are designed to provide moorings, dockage or other facilities and services for vessels;

“on-board treatment works” means a waste treatment system installed on a vessel which is capable of treating waste to a standard approved for discharge;

“operator”, in relation to a marina, means the owner, lessee or occupier of, or other person responsible for, a marina;

“passenger vessel” means a vessel authorised to carry passengers under the Commercial Vessels Act 1979;

“pump-ashore zone” means a pump-ashore zone named and described in the Sixth Schedule;

“toilet” includes a urinal;

“waste collection facility” means a facility which is designed and constructed to receive the contents of holding tanks, galley waste containers and toilets.

Application

63B. (1) This Division applies to:

(a) any vessel within a pump-ashore zone which has a toilet; and

(b) any vessel within a pump-ashore zone which is 6 metres or more in length and is equipped with sleeping accommodation; and

(c) any commercial vessel on any inland waters which is 6 metres or more in length; and

(d) a vessel in the Sydney Harbour locality.

(2) This Division does not apply to a vessel to which Regulation 50A applies.

Classification of vessels on Murray River

63C. A vessel to which this Division applies which is used on the Murray River is, for the purposes of this Division, to be classified in accordance with Table A of the Seventh Schedule.

Pollution control equipment—toilet waste

63D. (1) This Regulation applies to the following vessels to which this Division applies:

- (a) any commercial vessel in the Sydney Harbour locality with a toilet or required by a regulation made under the Commercial Vessels Act 1979 to have a toilet—from 1 January 1992;
- (b) any other vessel in the Sydney Harbour locality with a toilet where the hull construction of the vessel commenced on or after 1 July 1992—from 1 July 1992;
- (c) any vessel described in Regulation 63B (1) (a), (b) or (c)—from 1 January 1992.

(2) A vessel to which this Regulation applies must have a toilet which is connected to a holding tank.

(3) The holding tank on the vessel, the fittings leading from the toilet to the holding tank and the fittings used for the discharge of the contents of the holding tank must be:

- (a) fabricated from stainless steel, polyester fibreglass, polyvinyl chloride or any other approved corrosion-resistant material; or
- (b) protected internally by polyester fibreglass, rubber or any other approved continuous liner and protected externally by any approved coating.

(4) The toilet, holding tank and fittings must be in good and serviceable condition.

(5) If the vessel is used on the Murray River, in addition to the other requirements of this Regulation, the holding tank must:

- (a) have a capacity that, in respect of the vessel's classification under Regulation 63C, complies with the capacity specified in Table B of the Seventh Schedule for a vessel of that classification; and
- (b) comply with the specifications for holding tanks set out in Table B of the Seventh Schedule.

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(6) If, in the opinion of the Board, it is impracticable or unnecessary for a vessel to which this Regulation applies to comply with clause (2), (3), (4) or (5):

- (a) the vessel may be fitted with an approved toilet, holding tank or on-board treatment works; or
- (b) the Board may exempt the vessel from compliance with those clauses.

(7) Both the owner and the master of a vessel are guilty of an offence against these Regulations if the requirements of this Regulation are not complied with.

Maximum penalty: \$1,500.

Requirements for proper discharge of sewage

63E. (1) This Regulation applies to the following vessels:

- (a) any vessel to which Regulation 63D (1) (a) applies—from 1 January 1992;
- (b) any other vessel, to which this Division applies, in the Sydney Harbour locality—from 1 July 1992;
- (c) any vessel described in Regulation 63B (1) (a), (b) or (c)—from 1 January 1992.

(2) A person must not discharge or deposit or allow or permit to be discharged or deposited into or onto any waters or the bank or bed of any waters the contents of a toilet or holding tank on a vessel to which this Regulation applies unless the contents of the toilet or holding tank are discharged or deposited:

- (a) into a waste collection facility; or
- (b) in a manner approved in writing and in accordance with such conditions and on payment of such fees as may be specified in the approval.

(3) Both the owner and the master of a vessel are guilty of an offence against these Regulations if the requirements of this Regulation are not complied with.

Maximum penalty: \$1,500.

Pollution control equipment—galley waste

63F. (1) This Regulation applies to a passenger vessel in the Sydney Harbour locality that is the subject of a Class 1 vessel permit issued under the Commercial Vessels Act 1979 and:

- (a) the hull construction of which commenced after 1 July 1992; or
- (b) in which a holding tank or galley waste container was installed after 1 July 1992.

(2) On and after 1 July 1992 any sink, basin, washbowl or equivalent permanent container into which galley waste is discharged on a vessel to which this Regulation applies must be connected to a galley waste container.

(3) The galley waste container, the fittings leading from the galley to the container and the fittings used for the discharge of the contents of the galley waste container must be:

- (a) fabricated from stainless steel, polyester fibreglass, polyvinyl chloride or any other approved corrosion-resistant material; or
- (b) protected internally by polyester fibreglass, rubber or any other approved continuous liner and protected externally by any approved coating.

(4) The galley waste container on the vessel and the fittings must be in good and serviceable condition.

(5) If, in the opinion of the Board, it is impracticable or unnecessary for a vessel to which this Regulation applies to comply with clause (2), (3) or (4):

- (a) the vessel may be fitted with an approved galley waste container or on-board treatment works; or
- (b) the Board may exempt the vessel from compliance with those clauses.

(6) Both the owner and the master of a vessel are guilty of an offence against these Regulations if the requirements of this Regulation are not complied with.

Maximum penalty: \$1,500.

Requirements for proper discharge of galley waste

63G. (1) On and after 1 July 1992 a person must not discharge or deposit or allow or permit to be discharged or deposited into or onto any waters or the bank or bed of any waters the contents of a galley waste container on a commercial vessel in the Sydney Harbour locality unless the contents of the container are discharged or deposited:

- (a) into a waste collection facility; or
- (b) in a manner approved in writing and in accordance with such conditions and on payment of such fees as may be specified in the approval.

(2) Both the owner and the master of a vessel are guilty of an offence against these Regulations if the requirements of this Regulation are not complied with.

Maximum penalty: \$1,500.

Requirements for marina operators

63H. (1) This Regulation applies to marinas in the Sydney Harbour locality:

- (a) in the case of a marina with 30 or more moorings or wet berths—from 1 July 1992; or
- (b) in the case of a marina with at least 9, but less than 30, moorings or wet berths—from 1 July 1993.

(2) An operator of a marina to which this Regulation applies must:

- (a) ensure that there is an adequate and readily accessible waste collection facility at the marina for use by all vessels moored at the marina; or
- (b) comply with the terms of any oral or written agreement between the Board and the operator that relates to the discharge or deposit of the contents of a toilet, holding tank or galley waste container of a vessel moored at the marina and to which this Division applies.

(3) An agreement referred to in clause (2) (b) must not permit the discharge or deposit into or onto any waters or the bank or bed of any waters of the contents of a toilet, holding tank or galley waste container of a vessel to which this Division applies.

(4) A marina operator who does not comply with the requirements of this Regulation is guilty of an offence against these Regulations.

Maximum penalty: \$1,500.

DATED this 3rd day of October 1991.

The *COMMON SEAL* of the *MARITIME SERVICES BOARD OF NEW SOUTH WALES* was duly affixed in the presence of the Chief Executive: } J. C. HAYES

EXPLANATORY NOTE

The object of this Regulation is to control the discharge of waste from vessels using the waters of Sydney Harbour. (Existing restrictions applying to certain vessels using the Murray River are maintained.)

The proposed amendments create restrictions on the discharge of toilet and galley waste from vessels. Both the owner and master of a vessel which does not meet the specified requirements are guilty of an offence.

The requirements in relation to the installation of toilets and holding tanks apply:

- to commercial vessels with fitted toilets, from 1 January 1992; and
- to new recreational vessels (that is, those vessels the hull construction of which commenced on or after 1 January 1992), from 1 July 1992.

The toilet of such a vessel must be connected, in a specified manner, to a holding tank of a specified kind and the toilet and tank must be properly maintained. Alternatively the toilet must be fitted to an on-board treatment works which has been approved by the Maritime Services Board.

From 1 July 1992 it will be an offence to discharge untreated sewage waste from any vessel in the Sydney Harbour locality.

Certain passenger vessels must also have an appropriate permanent container for the collection of galley waste which is separate from any sewage holding tank. The restrictions in relation to galley waste apply from 1 July 1992 to passenger vessels whose hull construction commenced after 1 July 1992 or on which a holding tank or galley waste container was installed after that date.

From 1 July 1992 it will be an offence to discharge untreated galley waste from any commercial vessel in the Sydney Harbour locality with a galley waste container.

The Maritime Services Board is able to exempt vessels from compliance with the requirement to have a holding tank, galley waste container or on-board treatment works if it considers that compliance is impracticable or unnecessary.

Marina operators in the Sydney Harbour locality are required to ensure that there is an appropriate waste collection facility for the use of vessels using the marina or to comply with the terms of an agreement with the Maritime Services Board concerning the discharge or deposit of waste from vessels moored at the marina. Untreated waste must not be discharged into the water or onto the shore. A marina operator who does not comply with these requirements is guilty of an offence.
