

Annexure 1

Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships of 2 November 1973, as Modified by the Protocol of 17 February 1978 (London, 26 September 1997)
[1997] ATSD 4519

Consultations

There was extensive consultation with the Australian shipping industry throughout the negotiations for the preparation of the text of the 1997 Protocol. The Australian shipowners Association and Shipping Australia Limited provided input and briefing to IMO Committee meetings in which Australia participated to develop the 1997 Protocol. Contributions from industry were positive during consultation and all feedback received was included in briefing for the IMO meetings. In addition, the international shipping industry has consultative status at IMO and participates actively in deliberations. Industry firmly supports early international entry into force of the 1997 Protocol.

The Australian Institute of Petroleum, representing fuel oil suppliers, was also consulted to establish the nature of the trade in Australia, with particular regard to the sulfur content of fuel oil. The Institute raised no concerns regarding the new administrative obligations for fuel oil suppliers.

The other industry bodies that were consulted were the Australian Petroleum Production and Exploration Association and the Australian Association of Port and Marine Authorities. Neither organisation had any concerns with Australia becoming a Party to the 1997 Protocol.

In November 2002 the Australian Transport Council (ATC) comprising Australian Government and State and Territory Transport Ministers recommended that the 1997 Protocol be accepted by Australia. The ATC did not raise any concerns about Australian adoption of the 1997 Protocol and agreed that the implementing legislation should be expressed to apply to all jurisdictions, with a savings clause to preserve the operation of any existing or future complementary State/Territory legislation. This approach has been applied in respect of the other Annexes of MARPOL 73/78 that Australia has implemented.

There were consultations with the Department of the Environment and Heritage (DEH) to ensure that the provisions of the 1997 Protocol dealing with ozone depleting substances were consistent with existing Australian regulations. DEH supports Australian accession of the 1997 Protocol.

Extensive consultations were undertaken with the Department of Industry, Tourism and Resources (DITR) regarding the application of the 1997 Protocol to offshore fixed and floating drilling rigs and other platforms. DITR supports Australian accession of the 1997 Protocol and will implement those parts of the Protocol that relate to fixed and floating platforms and drilling rigs in legislation administered by DITR.

Australian accession to the 1997 Protocol is also supported by the Australian Maritime Safety Authority and the Australian Greenhouse Office.

Annexure 2

Current status list

Countries which have become Party to the 1997 Protocol of MARPOL 73/78 as at
31 October 2003

Bahamas
Bangladesh
Denmark
Germany
Greece
Liberia
Marshall Islands
Norway
Panama
Singapore
Spain
Sweden