

DISPOSAL OF GARBAGE IN GREAT BARRIER REEF MARINE PARK, AUSTRALIA

We have recently been involved in several matters in which the Australian Maritime Safety Authority (AMSA) has detained vessels suspected of discharging garbage and food waste within the prohibited discharge area of the Great Barrier Reef.

The provisions of MARPOL are incorporated into Australian law. In particular, members should be aware of the unusual definition of "nearest land" in MARPOL. The "land" baseline off the north eastern coast of Australia is defined as the outer edge of the Great Barrier Reef. As such, all discharges (including comminuted food wastes) are prohibited in the Great Barrier Reef Region, even if more than 12 nautical miles from actual land.

Masters, owners and crew members may be liable for fines up to AUD1.1million for illegal discharges.

Environmental offences are treated very seriously in Australia, particularly in the Great Barrier Reef region, and where AMSA suspects a breach of the MARPOL regulations has occurred, members can be certain that AMSA will detain the vessel and investigate. Vessels will generally not be released from detention until security of at least AUD300,000 is posted.

Members should ensure that no discharges occur at all within the Great Barrier Reef. All vessels should also have in place an adequate shipboard waste management plan (including prominent warning signs showing the prohibited area within the Great Barrier Reef) and operators should ensure crews are regularly informed of the proper procedures for disposing of garbage and other waste, particularly when the vessel is transiting the Great Barrier Reef region. Masters should also ensure that the garbage record book is properly maintained and up-to-date, as AMSA officials routinely inspect such records.

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