

# Trade & Transportation Insurance News

Queensland Marine Pollution

April 2008

## Introduction

Last year, the Queensland Government amended the Transport Operations (Marine Pollution) Act 1995 (TOMPA).

This amendment has important ramifications for the owners of all vessels over 15m in length that operate in the vicinity of Queensland coastal waters.

Vessel owners are now required to have insurance to cover their liability for pollution clean up and wreck removal.

Fines apply for breaches of the Act.

The grace period of 12 months will cease on 17th May this year. Once this occurs, the governing body Maritime Safety QLD (MSQ), have made it very clear to all that they will be implementing fines and penalties to those that don't comply.

This newsletter sets out the requirements of the Act and the coverage available through Vero National Marine.

## Disclaimer

**This newsletter is for information purposes only and is not legal advice.**

## The Amendment

On 17th May 2007, the Queensland Government amended Section 67A of the Transport Operations (Marine Pollution) Act 1995 (TOMPA).

This affects not only Queensland registered vessels but all vessels, regardless of registration, both commercial and private that operate within these waters.

All vessels 15m and over in length are required to have an insurance policy which provides for appropriate cover for cleanup following discharge of a pollutant from a ship into coastal waters and for salvage or removal of wreck if a ship is abandoned or wrecked.

Over the past 12 months, letters have been sent to all Queensland registered vessel owners to whom the Act applies, so clients will be aware of the requirements.

## Limits of Liability

Recreational Vessels 15-35m  
Pollution Cleanup - \$250,000  
Wreck Removal - \$10,000,000

Commercial Vessels 15-35m  
Pollution Cleanup - \$500,000  
Wreck Removal - \$10,000,000

Recreational and Commercial Vessels 35m and over  
Pollution Cleanup - \$10,000,000  
Wreck Removal - \$10,000,000

## Penalties

Not carrying a valid certificate of currency - \$1,500 fine.

Failure to comply with the insurance requirements - \$63,750 fine (for an individual) and \$318,750 (for a corporation).

The Act gives Maritime Safety Queensland (MSQ) the power to place a removal order on wrecks and other vessels that pose an imminent pollution danger.

It is expected that MSQ will be vigilant in policing and enforcing this legislation.

## Vero National Marine's Position

VNM have been heavily involved from the early stages including participating in the industry consultation process which occurred prior to the Act being passed.

### Recreational Vessels:

Pollution cleanup cover for Queensland Coastal Waters will be included in all Secure Boat policies with effect from 1 May 2008. The Wreck Removal Limit will be specified at \$10 million as required by the Act.

Endorsements and the Supplementary PDS are being sent out via Brokers with an explanatory letter to clients.

The Endorsement will be able to be used as proof of insurance.

### Commercial Vessels:

Pollution cover is being offered on a case-by-case basis.

As always, if you have any questions or would like any further information on this or other Marine or Aviation related matters, please contact any of our branches.

## The Team at Vero Marine and Aviation