

Australia

Update on cleaning cargo residue from decks

A note in Gard News issue 146 (June 1997), drew Members' attention to the fact that the Australian Maritime Safety Authority (AMSA) considers it to be a breach of local pollution legislation if vessels wash cargo residue, especially coal residue, from their decks in Australian waters within three miles of the nearest land.

AMSA has recently issued a press release stating that their attention will be focused on this alleged offence throughout this year. The only exception which AMSA may make to the rule that such residue should not be

washed into the sea within the three mile limit is when it is necessary to clear a space on deck for a helicopter. If, for any other reason, cargo residue is washed into the sea, the vessel and her owners risk being prosecuted by AMSA.

Vessels should therefore refrain from washing their decks, except for the reason given or other reasons of safety, until they are outside the three mile limit.

We are grateful to our Brisbane correspondents, Thynne and Macartney, for providing information on this topic. ■

Warning

Sanitary authorities' inspections in Paranaguá, Brazil

Our Paranaguá correspondents, William van Herp & Frumento Filho Associados, have recently advised that as from April 1999 the local sanitary authorities have become extremely strict in their inspection of vessels calling at Paranaguá. Every irregularity, even if considered of minor importance, has resulted in a Deed of Infringement against the vessel (issued to the vessel's local agents) and possible fines. At least one irregularity has been ascertained in every single vessel which has called at the port recently.

The most common infringements are:

- vessel's compartments (toilets, kitchen, hospital, provision store) in poor cleanliness condition;
- presence of cockroaches;
- provisions with validity period expired or not written on the package;
- provisions not properly wrapped, i.e., with aluminium foil;
- medicines with validity period expired;
- absence of garbage cans in kitchen and toilets;
- absence of bags inside garbage cans;
- absence of soap in the toilets;
- absence of protection against rats on the ropes;
- absence of tank for residues;
- absence of grated covers;
- absence of gangway protection net or protection net not properly placed;
- absence of standard vaccination cards and derating certificate.

In addition to the possible fines, provisions and medicines found in an irregular situation are removed and destroyed by the authorities.

Following issue of the Deed of Infringement, an appeal may be lodged with the Ministry of Health within 15 days. The nature of the infringement(s) and quantum of the fine(s) will only be determined upon judgment of the matter. A verdict is estimated to take from one to two years to be reached. Fines may range from USD 1,200 to about USD 121,000, depending on the nature of the infringement. In case of re-occurrence the value of the fine will be increased by 100 per cent.

The authorities consider the vessel's local agents as the responsible party. Accordingly, the Deed of Infringement and possible fines are issued against the agents, and not the shipowners/charterers. Considering the time which may elapse until the agents are requested to pay the fines (up to two years), there is concern on their part that in some cases it may be difficult to obtain reimbursement from their principals. Therefore some shipping agencies may require a guarantee to cover possible fines.

Members whose vessels are calling at Paranaguá are strongly advised to take the necessary precautions on board in order to avoid the infringements described above. ■