

# Fact sheet

## Sewage Pollution Prevention Program FAQs

December 2023



Changes to the *NSW Marine Pollution Act 2012* have been made to improve the protection of NSW waterways from vessel pollution, including additional provisions for the proactive prevention of sewage pollution. The changes will have impacts for industry and Domestic Commercial Vessel (DCV) owners. NSW Maritime will continue to work closely with industry and vessel owners to provide information and support to help in navigating these requirements.

If you require further information, email us at [SPPC@transport.nsw.gov.au](mailto:SPPC@transport.nsw.gov.au).

### 1. Why the change?

Following a review of the *NSW Marine Pollution Act 2012*, changes have been introduced to improve the protection of NSW waterways against pollution from all vessels including DCVs. Changes that affect DCVs include:

- The proactive prevention of sewage pollution.
- **An added offence for altered, modified, or defective sewage system for vessels** that are prescribed in the regulation. This adds to the existing offence for discharge of sewage and is intended to be a preventative measure before any discharge occurs.
- **Implementing the issue of a Sewage Pollution Prevention Certificate (SPPC)**. With the introduction of the National Law for Domestic Commercial Vessel Safety in 2013, the environmental requirements were removed from the certificates creating the need for the formal certification scheme in the *Marine Pollution Act 2012* to be reactivated. The inclusion of an offence for an altered, modified, or defective sewage system, means there needs to be a way for vessel owners and operators to show that they have a sewage system that meets NSW standards. The sewage pollution prevention certificate is issued on inspection of a sewage system that meets the NSW standards.

The SPPC scheme is designed to prevent pollution and is also intended to increase the safety of passengers and crew by proactively inspecting the sewage systems to ensure they are not altered, modified or defective in a way that allows sewage discharge.

## **2. Who is required to have a SPPC and by what deadline?**

All Domestic Commercial Vessels (DCV) classes 1–3 with a sewage system, and all class 4 DCVs with a sewage system and provision for overnight accommodation operating in NSW waters, will be required to hold a current SPPC. This includes:

- A class 1 vessel with a sewage system (will take effect 1 July 2025)
- A class 2 vessel with a sewage system (will take effect 1 July 2027)
- A class 3 vessel with a sewage system (will take effect 1 July 2027)
- A class 4 vessel:
  - i. With a sewage system, and
  - ii. That provides overnight accommodation for passengers (will take effect 1 July 2026).

For commercial vessels with multiple assigned classes (e.g. class 2 and class 4), the implementation date will be the earlier of the dates (i.e 1 July 2026 for purpose of this example), and the certificate will cover both classes.

## **3. Can you guarantee I will have the SPPC before the requirement is in force?**

There are provisions in the regulation to allow inspection of a sewage system prior to the SPPCs taking effect. This will allow for Transport for NSW (TfNSW) Maritime Officers to do the inspections prior to the requirement for SPPCs taking effect.

After implementation of the NSW SPPC, there will be no compliance enforcement to hold a SPPC, if an application has been received and a certificate has not yet been issued, however it is recommended vessel owners apply for a SPPC ahead of time. Applications may be submitted from the date the new Regulation comes into force.

Requirements to comply with the *Marine Pollution Act 2012* with regards to discharge of sewage still apply.

## **4. How do I obtain a Sewage Pollution Prevention Certificate?**

Vessel owners are required to apply for a SPPC every 5 years. A link to the application form will be available on the TfNSW website. Following submission of your application, a TfNSW Maritime Officer will contact you to arrange a pollution inspection on board your vessel(s) at a mutually suitable time.

## **5. What is involved?**

A pollution prevention inspection will be arranged and will involve an inspection of the vessel's sewage system by a TfNSW Maritime Officer. The inspection will be arranged at a mutually convenient time and location. The owner or master, or an authorised representative who is fully familiar with the operation of the vessel's sewage system, should be present for the inspection.

Vessel owners may be required to submit design plans or schematics of the system. An inspection may also be required if there is an incident that affects the sewage system or if the system is modified. Following a compliant inspection, a SPPC will be issued.

## **6. Will all aspects of my vessel's sewage system be inspected?**

Yes. As part of the SPPC inspection, the delegated TfNSW Maritime Officer will inspect all aspects of a vessel's sewage system to ensure they are not altered, modified, or defective; and meet the NSW Sewage Standard. This may include the inspection of any treatment plant, holding tank, and toilet(s).

## **7. Will I have to slip my vessel for the inspection?**

No. Generally a pollution prevention inspection can take place while the vessel is in the water, however, in some cases where the system is not accessible, TfNSW Maritime may request more information during the next scheduled out of water survey, as required by the vessel's Certificate of Survey.

## **8. Where can I find the NSW Sewage Standards so I can incorporate them into the design of my new vessel, or to allow me to prepare for the inspection / meet NSW pollution requirements?**

NSW Standards for sewage systems on DCVs will be available in Schedule 5 of the new Marine Pollution Regulation. In addition, NSW Maritime will be developing Guidelines with the best practice specifications for sewage systems on board Domestic Commercial Vessels that operate in NSW state waters.

## **9. What if my vessel's sewage system doesn't meet the sewage standards?**

NSW Maritime is aware that given the age of the DCV fleet and the wide range of sewage systems fitted to DCVs, some will not be able to comply with all the sewage standards.

Depending on the type or extent of non-compliance, a vessel may be permitted to operate, and time allowed for defects to be rectified. Certain non-compliances can be dealt with by an approved Plan of Management detailing operational procedures that mitigate the risk of pollution.

Existing DCVs that have been built to the NSW sewage standards, have been well maintained, and have not had any modifications, will only require operational updates, such as record keeping and a maintenance schedule.

To receive an SPPC, the vessel must comply with the NSW Sewage standards, or in some cases, have an approved Plan of Management. If a vessel's sewage system does not meet the required criteria, a SPPC will not be issued.

## **10. Can I keep operating my vessel if I don't have a SPPC after implementation date?**

Failure to comply with the SPPC requirement, is a breach of NSW Maritime pollution legislation. Vessel owners are required to undertake necessary remediation work to meet the standards and/or have a Plan of Management and a follow-up inspection conducted.

The *NSW Marine Pollution Act 2012* sets out that the master or owner of a commercial vessel must not begin a voyage unless there is a sewage pollution prevention certificate in force, in respect of the vessel. Penalties apply.

To ensure the smooth introduction of these requirements, TfNSW will not enforce compliance to hold a SPPC, provided an application has been made prior to the implementation date.

## **11. Can I appeal a decision if I am unhappy with the outcome of the SPPC inspection?**

Work is underway to investigate reinstating the right of appeal to the Civil and Administrative Tribunal (NCAT) within the Marine Pollution Regulation, where a person is aggrieved by a decision in relation to a sewage pollution prevention certificate.

## **12. My vessel has been certified by the Australian Maritime Safety Authority (AMSA) – do I still need a SPPC?**

Yes. While AMSA certification is focused on vessel safety, they do not regulate the environmental requirements in NSW. As such, they are unable to conduct a sewage system inspection and cannot issue a SPPC, which is a requirement under the NSW marine pollution legislation.

### 13. How much does a SPPC cost?

The fees for a SPPC are based on a cost recovery model and are payable every 5 years. The cost is dependent on the passenger carrying capacity of the DCV and includes the inspection cost.

The fee that accompanies an application for a SPPC is as follows:

- For a commercial vessel approved for fewer than 50 people: \$495
- For a commercial vessel approved for more than 49 and less than 151 people: \$577
- For a commercial vessel approved for more than 150 people: \$660

If a Plan of Management is required, the cost for applying for its approval is:

- Application for approval of a Plan of Management \$165

Fees for the initial SPPC will be adjusted to take into consideration the regulation taking effect on the later implementation date for the vessel.

### 14. How long will it take for a SPPC to be issued?

TfNSW Maritime will start issuing SPPCs as soon as the Marine Pollution Regulation 2024 enters into force, in anticipation of the whole NSW DCV fleet needing to have a SPPC and the implementation date for a large ship (most class 1 vessels) is 1 July 2025.

### 15. What if I need to reschedule a planned inspection?

A new date can be arranged with the assigned TfNSW Maritime Officer, however it may be difficult to organise another inspection soon especially for regionally located commercial vessels.

### 16. How do I get a NSW SPPC for a DCV that came from another state?

TfNSW Maritime may accept a current pollution certificate issued by another authority. If the pollution certificate is not current, or the DCV does not have one, you will need to apply for a NSW SPPC if your vessel operates for a total of 30 days over a period of three months in NSW waters. You may be required to submit system design plans for approval, depending on the complexity of the system, and a pollution prevention inspection will need to be conducted by a TfNSW Maritime Officer.

### 17. Does the SPPC have to be issued by TfNSW Maritime?

No. There are several alternatives which can be found in the [Legislation](#). For example, a vessel built overseas to international standards and is issued with an 'International Sewage Pollution Prevention Certificate' will NOT be required to obtain a NSW SPPC.

### 18. Will a valid NSW SPPC be accepted in other states?

Pollution requirements are managed by each State/Territory in Australia. Vessel owners are required to contact other states to confirm their pollution requirements. However, the International Convention for the Prevention of Pollution from Ships (MARPOL), as recognised by NSW SPPC are the common international standards and are implemented by at the Australian Commonwealth level in Marine Order 96.

### 19. What do I have to do to ensure my vessel is compliant for operation in NSW, if it's currently in design phase?

It is important to ensure the vessel's sewage system is compliant with the NSW sewage standards as defined in the schedule 5 of the new Marine Pollution Regulation, then complete an application for a SPPC.

Submission of system design plans may be required for approval, depending on the complexity of the system. A pollution prevention inspection is to be arranged with a TfNSW Maritime Officer once the system is fitted. Several inspections may be required if parts of the system will be inaccessible once the vessel is completed.

## **20. What if the required changes trigger my vessel to become transitional ?**

In most cases compliance with the NSW Sewage standards will not trigger existing vessels to be transitional. The only change that may trigger a commercial vessel to become transitional is installation of a new sewage/greywater tank when the vessel didn't have one fitted (e.g. had a toilet but no holding tank). TfNSW Maritime will work with the owner to ensure that a smaller tank can be fitted, or toilets replaced with portable ones so as to not affect the vessel's displacement or stability and only minimal compliance to new standards will be required.