

Frequently Asked Questions and Answers

Disposal of sewage from vessels in State waters

May 2013

Question: Why did the EPA take so long to realise what the law is about this issue?

Answer:

The legislation as it stands is complex. The Tasmanian law operates alongside national law and relies upon definitions in the international treaty. This interaction had been misinterpreted in the past. This did not become evident until recent re-examination in the wake of reports of sewage discharge in Tasmania and concerns about the impacts. What is clear is that discharge of sewage from vessels is effectively prohibited.

Question: So, for the past 20 years the EPA hasn't considered that there is a problem with discharges occurring from local shipping?

Answer:

That is not the case. The Division has always been of the view that if a problem arose with discharges from local shipping, it could be dealt with under the State's general pollution control legislation – [such as *Environmental Management and Pollution Control Act 1994 (EMPCA)* and the *Environmental Management and Pollution Control (Waste Management) Regulations 2010*]. While that is still possible, it does not change the fact that it is now clear that the blanket prohibition of the *Pollution of Waters by Oil and Noxious Substances Act 1987 (PWONSA)* applies to all vessels, and that is where we need to work to develop some sensible solutions.

Question: How can you expect boat operators to comply immediately? It is not reasonable to suddenly require compliance in these circumstances.

Answer:

There is no legal mechanism to allow any exemption from this law so people must comply. The EPA recognises that this decision comes at a cost. It is also recognised that it may not be necessary to maintain this complete prohibition in the longer term in order to manage risk.

Question: Will there be any amendments to the existing regulation process?

Answer:

Any proposed long term regulations would require legislation amendment. That would be a matter for State Parliament.

Question: Why should boat operators be forced to spend money to meet requirements now when this may not be necessary if amendments were to be considered?

Answer:

It is likely that any longer term regulatory regime will still limit sewage disposal in State waters and so any investment made by boat owners would not be wasted. It is important to remember that sewage discharges pose a health threat to people swimming and can also contaminate shellfish beds and aquaculture leases.

Question: What do other states do about this issue?

Answer:

The rules regarding this discharge of sewage from boats vary around Australia. However, untreated sewage discharge is generally prohibited in inshore and sheltered waters, near swimmers and near marine farms, and generally regardless of boat size or person-carrying capacity.

Question: What options do boat operators have?

Answer:

The EPA recognises that this decision law imposes a cost. One option for boat operators may be a \$100 portable toilet in the first instance. Composting toilets are more expensive but are growing in popularity on yachts and cruisers. Another option may be a holding tank for discharge onshore.

Question: There are no pump out facilities for use? Why not?

Answer:

A pump out facility suitable for smaller vessels is presently situated in Hobart. To date it has been rarely used but this may change given the current developments. The lack of pump out facilities around the state is acknowledged and clearly now there is increased motivation to develop more facilities around Tasmania.

Question: Who should provide pump out facilities?

Answer:

The decision on who should provide pump out facilities is a matter for boat users and those providing boating services.

Question: How can you fine people if they don't know that it is illegal to do it? How are you ensuring people know the rules? How is this being communicated?

Answer:

Each case will be considered on its merit. Warnings rather than prosecution may be appropriate in some cases. The EPA is letting people know through media, web information and direct mail.

Question: Why not adopt a phase-in approach?

Answer:

The legislation provides no scope for exemption for a period but laws will be enforced appropriately on a case by case basis and a warning may be appropriate in some cases.

Question: How can we be sure that the law will be enforced? There are thousands of boats currently operating in Tasmanian waters.

Answer:

Clearly it will not be possible to detect and respond to every offence but it is clear the unrestricted discharge will not be allowed in the longer term so operators will need to invest at some point – the sooner the better.