



New South Wales

# Marine Safety Regulation 2008

under the

Marine Safety Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Safety Act 1998*.

JOSEPH TRIPODI, M.P.,  
Minister for Ports and Waterways

## Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Marine Safety Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the prescribing of certain offences under the *Marine Pollution Regulation 2006* as offences that may be dealt with by way of penalty notice and to prescribe the penalties for those offences when dealt with in that way,
- (b) the transitional arrangements with regard to the construction of references to marine safety licences in the *Marine Safety Act 1998*, while provisions of that Act remain uncommenced,
- (c) savings and formal matters.

This Regulation is made under the *Marine Safety Act 1998*, including sections 126 and 137 (the general regulation-making power) and clause 1 of Schedule 4.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*—namely, matters of a machinery nature and matters of a savings or transitional nature.

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## Marine Safety Regulation 2008

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### 1 Name of Regulation

This Regulation is the *Marine Safety Regulation 2008*.

### 2 Commencement

This Regulation commences on 1 September 2008.

**Note.** This Regulation replaces the *Marine Safety Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

- (1) In this Regulation:  
*the Act* means the *Marine Safety Act 1998*.
- (2) Notes included in this Regulation do not form part of this Regulation.

### 4 Penalty notice offences

- (1) For the purposes of section 126 of the Act:
  - (a) an offence specified in Column 1 of Schedule 1 (being an offence under the Act or the Regulation indicated in the heading to the relevant part of that Schedule) is a prescribed offence, and
  - (b) an amount shown in Column 2 of Schedule 1 opposite the prescribed offence is the amount of penalty prescribed for the offence if that offence is dealt with under section 126 of the Act.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offence or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.
- (3) For the purposes of section 126 (9) of the Act, authorised officers are prescribed as a class of persons who are law enforcement officers in relation to the offences specified in Column 1 of Schedule 1.

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Clause 5 Marine Safety Regulation 2008

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### **5 Transitional provision: references to marine safety licences**

A reference, in any provision of the Act that has commenced, to a marine safety licence includes, until such time as Part 4 of the Act commences, a reference to a registration, licence, certificate or other authority in force under any Act or regulation specified in Schedule 2 to the Act.

### **6 Saving**

Any act, matter or thing that, immediately before the repeal of the *Marine Safety Regulation 2003*, had effect under that Regulation continues to have effect under this Regulation.

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**Schedule 1    Penalty notice offences**

(Clause 4)

<b>Column 1</b>	<b>Column 2</b>
<b>Offences under the Marine Pollution Regulation 2006</b>	
Clause 23 (2)	\$750
Clause 26 (1)	\$750
Clause 26 (2)	\$750
Clause 27 (2)	\$750
Clause 27 (3)	\$750
Clause 28 (1)	\$750
Clause 28 (2)	\$750
Clause 29 (1)	\$750
Clause 29 (2)	\$300
Clause 29 (3)	\$300
Clause 29 (4)	\$300
Clause 32 (3)	\$750
Clause 33	\$300
Clause 34 (1)	\$750
Clause 34 (2)	\$750
Clause 35	\$750
Clause 36 (3)	\$750

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