

1994—No. 516

MARITIME SERVICES ACT 1935—REGULATION

(Relating to penalty notices for offences concerning commercial vessels)

NEW SOUTH WALES



[Published in Gazette No. 126 of 23 September 1994]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Maritime Services Act 1935, has been pleased to approve the Regulation made by the Maritime Services Board of New South Wales and set forth hereunder.

IAN ARMSTRONG
Minister for Ports.

The Maritime Services Board of New South Wales, in pursuance of the Maritime Services Act 1935, hereby makes the following Regulation:

Commencement

1. This Regulation commences on 1 October 1994.

Amendments

2. The Management of Waters and Waterside Lands Regulations—N.S.W. are amended:

(a) by inserting after Regulation 119 the following Regulation:

Application of section 30D—prescribed offences under the Commercial Vessels Act 1979

120. For the purposes of section 30D of the Act:

(a) an offence under a provision of the Commercial Vessels Act 1979 or of the regulations under that Act specified in Column 1 of the Sixth Schedule is a prescribed offence; and

(b) the amount shown in Column 2 of the Sixth Schedule opposite a provision specified in Column 1 of that Schedule is the amount of penalty prescribed for an offence under the provision if dealt with under that section; and

(c) any officer of the Board who is authorised by the Board to be a prescribed officer for the purposes of that section is a prescribed officer.

(b) by omitting the heading to the Fifth Schedule and by inserting instead the following heading:

**THE FIFTH SCHEDULE—PRESCRIBED OFFENCES
AND PENALTIES FOR THE PURPOSES OF SECTION
30D (OFFENCES UNDER THIS REGULATION)**

(c) by inserting after the Fifth Schedule the following Schedule:

**THE SIXTH SCHEDULE—PRESCRIBED OFFENCES
AND PENALTIES FOR THE PURPOSES OF SECTION
30D (OFFENCES UNDER COMMERCIAL VESSELS
ACT 1979 AND REGULATIONS UNDER THAT ACT)**

(Regulation 120)

<i>Column 1</i>	<i>Column 2</i>
Offence	Amount of penalty
	\$
Commercial Vessels Act 1979	
Section 8 (1)	500
Section 9 (1)	200
Section 10 (2)	200
Section 10 (3)	200
Section 13	200
Section 15 (8)	200
Section 19 (5)	300
Section 21 (2)	300
Section 26 (c)	150

Section 30B	400
Section 42 (1)	400
Section 45 (2)	200

**Commercial Vessels (Emergency
Procedures and Safety of Navigation)
Regulation 1986**

Clause 6, to the extent that the provision relates to a contravention of clause 2.3 (b) of section 15 of the Code	200
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**Commercial Vessels (Hire and Drive)
Regulation 1986**

Clause 14 (5)	200
Clause 15 (4)	200

**Commercial Vessels (Permits) Regulation
1986**

Clause 8	200
Clause 9 (2)	150
Clause 10 (9)	150
Clause 12 (2)	250

DATED this 18th day of July 1994.

The *COMMON SEAL*, of the *MARITIME SERVICES BOARD OF NEW SOUTH WALES*
was duly affixed in the presence of the Chief
Executive:

J. C. HAYES

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EXPLANATORY NOTE

The object of this Regulation is to prescribe certain offences under the Commercial Vessels Act 1979 (and the regulations under that Act) as offences in respect of which penalty notices may be served and to prescribe the penalties for those offences if dealt with by way of penalty notices.

A penalty notice is a notice alleging that the person on whom the notice is served has committed the offence identified in it. If the person does not wish to have the matter of his or her guilt determined by a court, the person may pay the penalty specified in the notice and will then not be liable for further proceedings in relation to the alleged offence. If the matter is dealt with by a court and the person is found to be guilty of the offence, the court has a discretion to impose any penalty for the offence up to the maximum allowed by the Act or regulation creating the offence. The penalty specified in a penalty notice, however, is usually less than that maximum.

The Regulation is made under the Maritime Services Act 1935, including section 38 (the general regulation making power) and section 30D which provides that penalty notices may be served in respect of offences prescribed under that Act or under the Commercial Vessels Act 1979 (and the regulations made under those Acts).
