



New South Wales

Environmental Offences and Penalties Amendment (Marine Vessel Noise) Regulation 1996

under the

Environmental Offences and Penalties Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Offences and Penalties Act 1989*.

PAM ALLAN, M.P.,
Minister for the Environment

Explanatory note

The object of this Regulation is to list the offences under the *Noise Control (Marine Vessels) Regulation 1996* for which penalty notices can be issued.

This Regulation is made under the *Environmental Offences and Penalties Act 1989*, including section 8G (penalty notices) and section 28 (the general regulation making power).

Environmental Offences and Penalties Amendment (Marine Vessel Noise) Regulation 1996

1 Name of Regulation

This Regulation is the *Environmental Offences and Penalties Amendment (Marine Vessel Noise) Regulation 1996*.

2 Commencement

This Regulation commences on 4 October 1996.

3 Amendment of Environmental Offences and Penalties Act 1989

Schedule 2 to the *Environmental Offences and Penalties Act 1989* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation

Schedule 1 Amendments

(Clause 3)

Schedule 2 Penalty notices

Insert after the matter relating to the *Noise Control Act 1975* the following matter:

Noise Control (Marine Vessels) Regulation 1996

Provision of Regulation	Short description	Officer	Penalty
Clause 4: Cause or permit a vessel's siren, whistle, hooter, fog horn or bell to be sounded on navigable waters except for the purposes of navigation	Cause/permit siren/whistle/hooter/fog horn/bell to be sounded	1, 2, 5, 6	\$200
Clause 5: Cause or permit an engine powered vessel to be used on navigable waters in such a way as to emit offensive noise	Cause/permit vessel to emit offensive noise on navigable waters	1, 2, 5, 6	\$200
Clause 6(1): Cause or permit an engine powered vessel to be used on navigable waters if the vessel's noise control equipment is not in place and in effective condition and good working order	Cause/permit powered vessel to be used without effective noise control equipment in place/in good working order	2, 5, 6	\$200
Clause 7(1): Cause or permit the use of any musical instrument or sound system on a vessel in such a manner as to emit noise that can be heard within a room in any residential premises between midnight and 8 a.m. on any day after being warned not to	Cause/permit use of musical instrument/sound system after warning	1, 2, 5, 6	\$200

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Schedule 1 Amendments

Noise Control (Marine Vessels) Regulation 1996—continued

Provision of Regulation	Short description	Officer	Penalty
Clause 9(1): Being the master of a vessel, fail to comply with any direction to do whatever an authorised officer considers reasonably necessary to enable the vessel to be tested or inspected	Fail to comply with direction	2 ,5 ,6	\$300
Clause 10 (5): Cause or permit a vessel to be used after a date indicated on a defective vessel notice	Cause/permit vessel to be used contrary to defective vessel notice	2 ,5 ,6	\$300
Clause 11 (4): Remove, obscure or deface a defective vehicle label from a vessel otherwise than under the direction of an authorised officer	Remove/ obscure/deface defective vessel label	2 , 5 , 6	\$300