



New South Wales

Marine Safety (General) Amendment (Marine Pollution Penalty Notice Offences) Regulation 2014

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*.

DUNCAN GAY, MLC
Minister for Roads and Freight

Explanatory note

The object of this Regulation is to prescribe certain offences under the *Marine Pollution Act 2012* and the *Marine Pollution Regulation 2014* as penalty notice offences that can be dealt with under the *Marine Safety Act 1998* (as the *Marine Pollution Act 2012* and the *Marine Pollution Regulation 2014* are marine legislation within the meaning of the *Marine Safety Act 1998*).

This Regulation is made under the *Marine Safety Act 1998*, including sections 126 (relating to penalty notices) and 137 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Marine Safety (General) Amendment (Marine Pollution Penalty Notice Offences) Regulation 2014*.

2 Commencement

This Regulation commences on 1 September 2014 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Marine Safety (General) Regulation 2009

[1] Clause 93 Penalty notice offences and penalties

Insert “of the *Marine Safety Act 1998* or the regulations made under that Act” after “provision” in clause 93 (1) (a).

[2] Clause 93 (1A)

Insert after clause 93 (1):

- (1A) For the purposes of section 126 of the Act:
 - (a) each offence created by a provision of the *Marine Pollution Act 2012* or the regulations made under that Act specified in Column 1 of Schedule 7A is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is:
 - (i) in the case of an offence committed by a natural person—the amount specified opposite the provision in Column 2 of the Schedule, or
 - (ii) in the case of an offence committed by a corporation—the amount specified opposite the provision in Column 3 of the Schedule.

[3] Clause 93 (2) and (3)

Insert “or Schedule 7A” after “Schedule 7” wherever occurring.

[4] Clause 93 (4)

Insert at the end of the subclause:

Level 6 means a penalty of \$5,000.

[5] Schedule 7, heading

Insert “—offences under *Marine Safety Act 1998*” after “offences”.

[6] Schedule 7

Omit “(Clause 93)”. Insert instead “(Clause 93 (1))”.

[7] Schedule 7

Omit the matter relating to offences under the *Marine Pollution Regulation 2006* (including the heading).

[8] Schedule 7A

Insert after Schedule 7:

**Schedule 7A Penalty notice offences—offences under
 Marine Pollution Act 2012**

(Clause 93 (1A))

Column 1—Offences	Column 2— Level of penalty for natural persons	Column 3— Level of penalty for corporations
Offences under the Marine Pollution Act 2012		
Section 15 (1)	6	6
Section 16 (1)	6	-
Section 16 (2)	6	6
Section 17	6	6
Section 26 (1)	6	6
Section 27 (1)	4	5
Section 28	4	5
Section 29 (1)	6	6
Section 30 (1)	6	-
Section 30 (2)	6	6
Section 31	6	6
Section 43 (1)	2	3
Section 44	2	3
Section 45 (1)	5	6
Section 46 (1)	5	-
Section 46 (2)	5	6
Section 47	5	6
Section 53 (1)	5	6
Section 54 (1)	5	-
Section 54 (2)	5	6
Section 55	5	6
Section 60 (1)	5	6
Section 61 (1)	5	-
Section 61 (2)	5	6
Section 62	5	6
Section 68 (1) or (2)	5	6
Section 69 (1) or (2)	5	6
Section 70 (1) or (2)	5	6

Column 1—Offences	Column 2— Level of penalty for natural persons	Column 3— Level of penalty for corporations
Section 71 (1) or (2)	5	6
Section 72 (2)	5	6
Section 73	5	6
Section 74 (1) or (2)	5	5
Section 78 (1)	4	4
Section 79	4	4
Section 80	4	5
Section 81	4	5
Section 82	4	4
Section 87 (1)	6	-
Section 88	6	-
Section 89	6	-
Section 90 (1) or (2)	6	6
Section 91 (1)	6	6
Section 92 (1) or (2)	6	6
Section 93	6	6
Section 95 (1)	5	5
Section 100 (1)	5	5
Section 104	4	4
Section 107 (1)	4	4
Section 110 (1)	4	4
Section 113 (1)	5	6
Section 116	4	-
Section 117 (1) or (2)	4	-
Section 119	4	-
Section 120	4	5
Section 121 (1) or (2)	4	5
Section 122	4	-
Section 124	4	5
Section 127	4	-
Section 128 (1) or (2)	4	-
Section 130	4	-
Section 131	4	5
Section 132 (1) or (2)	4	5
Section 133	3	-
Section 135 (1)	3	4

Column 1—Offences	Column 2— Level of penalty for natural persons	Column 3— Level of penalty for corporations
Section 136	3	4
Section 140	3	-
Section 141 (1) or (2)	4	-
Section 143	4	-
Section 144	3	4
Section 145 (1) or (2)	3	4
Section 146	3	-
Section 150 (1)	4	-
Section 150 (2)	4	5
Section 150 (3)	1	1
Section 151 (1)	4	-
Section 151 (2)	4	5
Section 151 (3)	1	1
Section 152 (1)	4	-
Section 152 (2)	4	5
Section 152 (3)	1	1
Section 157	1	2
Section 158	1	2
Section 160	2	3
Section 161 (1)	2	3
Section 163	2	3
Section 164	2	3
Section 172 (1)	5	6
Section 174 (1)	5	6
Section 175	5	6
Section 177 (1)	5	6
Section 181	6	6
Section 187 (1)	5	6
Section 193 (4)	5	6
Section 195 (5)	5	5
Section 198	5	6
Section 200 (5)	5	5
Section 202	5	6
Section 209 (1)	5	6
Section 222 (1)	5	6
Section 231 (b)	5	5

Column 1—Offences	Column 2— Level of penalty for natural persons	Column 3— Level of penalty for corporations
Offences under the Marine Pollution Regulation 2014		
Clause 7 (2)	2	-
Clause 10 (2)	2	-
Clause 14 (1) or (2)	5	6
Clause 15 (2) or (3)	5	6
Clause 16	5	6
Clause 17	5	6
Clause 18	4	5
Clause 30	5	6
Clause 32	5	6
Clause 34 (1)	5	6
Clause 35	5	6
Clause 36 (1) or (2)	5	6
Clause 37 (3)	5	6
Clause 39 (2)	5	6
Clause 45 (1)	5	-
Clause 46 (1)	5	-
Clause 47 (1)	5	-
Clause 48 (1) or (2)	5	6
Clause 49 (1)	5	6
Clause 50 (1) or (2)	5	6
Clause 51	5	6