

LEGISLATIVE COUNCIL

Marine Pollution Bill 2011

First Print

Proposed amendments

No. 1 Page 43. Insert after line 18:

90 Master of fishing vessel to report and retrieve lost fishing gear

- (1) The master of a fishing vessel must, without delay, report any loss of any fishing net or other fishing gear that occurs in State waters from the vessel to the Minister in the manner prescribed by the regulations.
Maximum penalty: \$10,000.
- (2) The master of a fishing vessel that has lost any fishing net or other fishing gear in State waters must make all reasonable efforts to retrieve the lost fishing gear.
Maximum penalty: \$10,000.

No. 2 Page 105. Insert after line 10:

Division 4 Proceedings for restraint of breach

240 Remedy or restraint of breaches of this Act or regulations

- (1) Any person may bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of this Act or the regulations.
- (2) Any such proceedings may be brought whether or not proceedings have been instituted for an offence against this Act or the regulations.
- (3) Any such proceedings may be brought whether or not any right of the person has been or may be infringed by or as a consequence of the breach.
- (4) Any such proceedings may be brought by a person on the person's own behalf or on behalf of another person (with their consent), or of a body corporate or unincorporate (with the consent of its committee or other controlling or governing body), having like or common interests in those proceedings.

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- (5) Any person on whose behalf proceedings are brought is entitled to contribute to or provide for the payment of the legal costs and expenses incurred by the person bringing the proceedings.
 - (6) If the Court is satisfied that a breach has been committed or that a breach will, unless restrained by order of the Court, be committed, it may make such orders as it thinks fit to remedy or restrain the breach.
 - (7) In this section:
breach includes a threatened or apprehended breach.

No. 3 Page 112, Schedule 1.2. Insert after line 11:

[1] Section 20 Class 4—environmental planning and protection and development contract civil enforcement

Insert after section 20 (1) (dh):

- (di) proceedings under section 240 of the *Marine Pollution Act 2011*,