

**MARINE POLLUTION (PENALTIES) AMENDMENT
ACT 1993 No. 66**

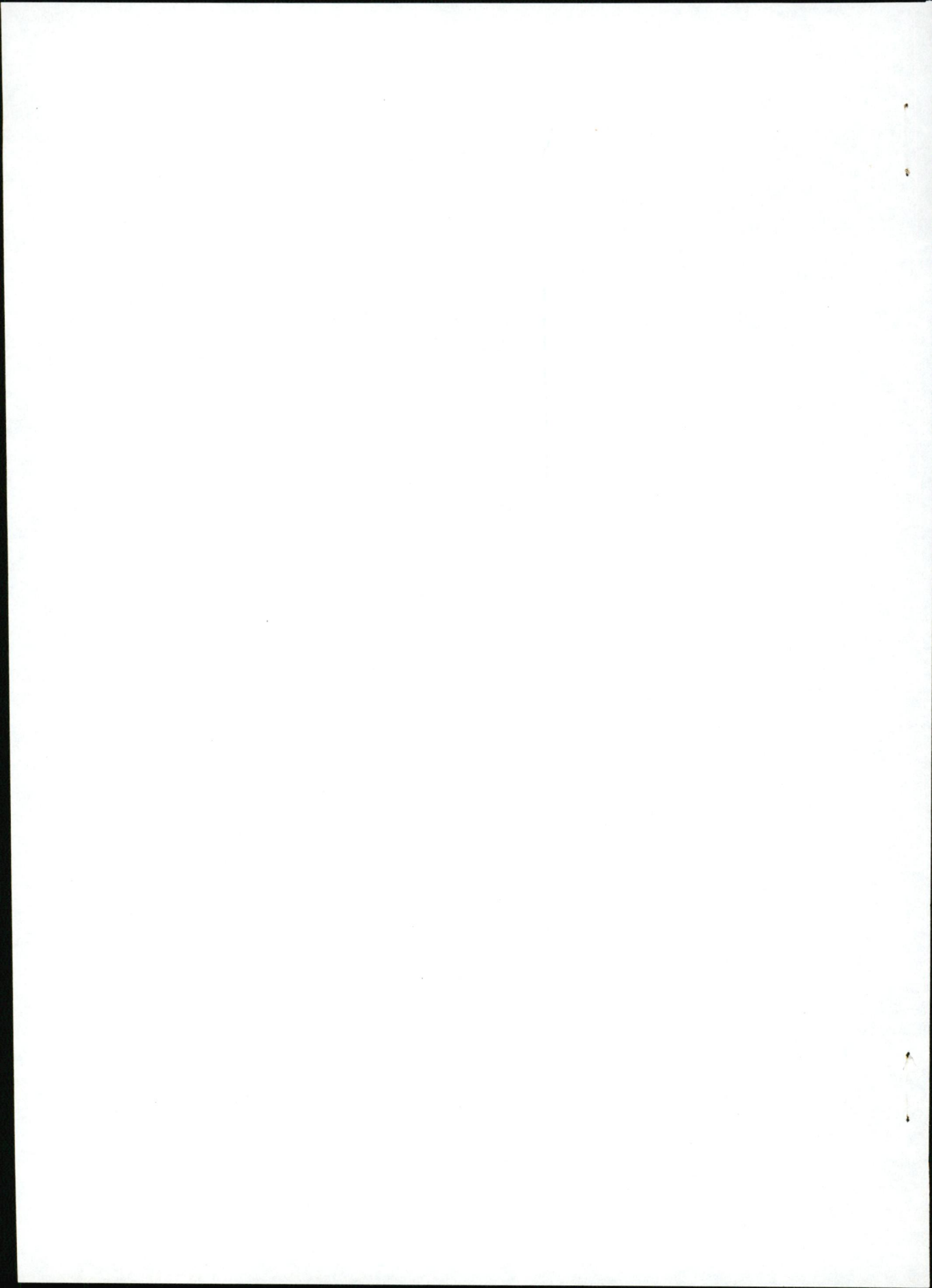
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Marine Pollution Act 1987 No. 299

SCHEDULE 1—AMENDMENTS



**MARINE POLLUTION (PENALTIES) AMENDMENT
ACT 1993 No. 66**

NEW SOUTH WALES



Act No. 66, 1993

An Act to amend the Marine Pollution Act 1987 to increase penalties for offences under that Act. [Assented to 9 November 1993]

Marine Pollution (Penalties) Amendment Act 1993 No. 66

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Marine Pollution (Penalties) Amendment Act 1993.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Marine Pollution Act 1987 No. 299

3. The Marine Pollution Act 1987 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- (1) Section 8 (**Prohibition of discharge of oil or oily mixtures into State waters**):
 - (a) From section 8 (1) (a), omit “500 penalty units”, insert instead “2 000 penalty units”.
 - (b) From section 8 (1) (b), omit “2 500 penalty units”, insert instead “10 000 penalty units”.
- (2) Section 9 (**Oil residues**):
 - (a) From section 9 (1) (a), omit “500 penalty units”, insert instead “2 000 penalty units”.
 - (b) From section 9 (1) (b), omit “2 500 penalty units”, insert instead “10 000 penalty units”.
- (3) Section 10 (**Duty to report certain incidents involving oil or an oily mixture**):
 - (a) From section 10 (1), omit “100 penalty units”, insert instead “500 penalty units”.
 - (b) From section 10 (3) (c), omit “100 penalty units”, insert instead “500 penalty units”.
 - (c) From section 10 (3) (d), omit “250 penalty units”, insert instead “2 500 penalty units”.
 - (d) From section 10 (6), omit “100 penalty units”, insert instead “200 penalty units”.

SCHEDULE 1—AMENDMENTS—*continued*

- (e) From section 10 (7), omit “100 penalty units”, insert instead “200 penalty units”.
 - (f) From section 10 (8), omit “100 penalty units”, insert instead “200 penalty units”.
- (4) **Section 11 (Oil record book):**
- (a) From section 11 (4) (a), omit “50 penalty units”, insert instead “200 penalty units”.
 - (b) From section 11 (4) (b), omit “250 penalty units”, insert instead “1 000 penalty units”.
 - (c) From section 11 (5), omit “50 penalty units”, insert instead “200 penalty units”.
 - (d) From section 11 (7), omit “50 penalty units”, insert instead “200 penalty units”.
- (5) **Section 12 (False entries in oil record book):**
Omit “100 penalty units”, insert instead “200 penalty units”.
- (6) **Section 13 (Oil record book to be retained):**
- (a) From section 13 (2) (a), omit “50 penalty units”, insert instead “200 penalty units”.
 - (b) From section 13 (2) (b), omit “250 penalty units”, insert instead “1 000 penalty units”.
- (7) **Section 18 (Prohibition of discharge of substances into State waters):**
- (a) From section 18 (1) (a), omit “500 penalty units”, insert instead “2 000 penalty units”.
 - (b) From section 18 (1) (b), omit “2 500 penalty units”, insert instead “10 000 penalty units”.
- (8) **Section 20 (Duty to report certain incidents involving certain substances):**
- (a) From section 20 (1), omit “100 penalty units”, insert instead “500 penalty units”.
 - (b) From section 20 (3) (c), omit “100 penalty units”, insert instead “500 penalty units”.

Marine Pollution (Penalties) Amendment Act 1993 No. 66

SCHEDULE 1—AMENDMENTS—*continued*

- (c) From section 20 (3) (d), omit “250 penalty units”, insert instead “2 500 penalty units”.
 - (d) From section 20 (6), omit “100 penalty units”, insert instead “200 penalty units”.
 - (e) From section 20 (7), omit “100 penalty units”, insert instead “200 penalty units”.
 - (f) From section 20 (8), omit “100 penalty units”, insert instead “200 penalty units”.
- (9) Section 21 (**Cargo record book**):
- (a) From section 21 (4) (a), omit “50 penalty units”, insert instead “200 penalty units”.
 - (b) From section 21 (4) (b), omit “250 penalty units”, insert instead “1 000 penalty units”.
 - (c) From section 21 (5), omit “50 penalty units”, insert instead “200 penalty units”.
 - (d) From section 21 (8), omit “50 penalty units”, insert instead “200 penalty units”.
- (10) Section 22 (**False entries in cargo record book**):
- Omit “100 penalty units”, insert instead “200 penalty units”.
- (11) Section 23 (**Cargo record book to be retained**):
- (a) From section 23 (2) (a), omit “50 penalty units”, insert instead “200 penalty units”.
 - (b) From section 23 (2) (b), omit “250 penalty units”, insert instead “1 000 penalty units”.
 - (c) From section 23 (4) (a), omit “50 penalty units”, insert instead “200 penalty units”.
 - (d) From section 23 (4) (b), omit “250 penalty units”, insert instead “1 000 penalty units”.
- (12) Section 27 (**Prohibition of discharges to which Part applies**):
- (a) From section 27 (1) (a), omit “500 penalty units”, insert instead “2 000 penalty units”.
 - (b) From section 27 (1) (b), omit “2 500 penalty units”, insert instead “10 000 penalty units”.

SCHEDULE 1—AMENDMENTS—*continued*

- (13) **Section 28 (Duty to report discharge):**
- (a) From section 28 (1), omit “100 penalty units”, insert instead “500 penalty units”.
 - (b) From section 28 (3), omit “100 penalty units”, insert instead “200 penalty units”.
 - (c) From section 28 (4), omit “100 penalty units”, insert instead “200 penalty units”.
- (14) **Section 29 (Keeping of records relating to transfer etc.):**
- (a) From section 29 (4), omit “50 penalty units”, insert instead “200 penalty units”.
 - (b) From section 29 (5), omit “50 penalty units”, insert instead “200 penalty units”.
 - (c) From section 29 (5), omit “250 penalty units”, insert instead “1 000 penalty units”.
 - (d) From section 29 (6), omit “100 penalty units”, insert instead “200 penalty units”.
- (15) **Section 32 (Restrictions on transfer of oil etc. at night):**
From section 32 (3), omit “100 penalty units”, insert instead “500 penalty units”.
- (16) **Section 45 (Reception facilities):**
From section 45 (6), omit “250 penalty units”, insert instead “1 000 penalty units”.
- (17) **Section 50 (Non-compliance with notice):**
- (a) From section 50 (1), omit “1 000 penalty units”, insert instead “2 000 penalty units”.
 - (b) From section 50 (2), omit “1 000 penalty units”, insert instead “2 000 penalty units”.
- (18) **Section 52C (Departure of ships under detention):**
- (a) From section 52C (1), omit “100 penalty units”, insert instead “1 000 penalty units”.
 - (b) From section 52C (1), omit “50 penalty units”, insert instead “200 penalty units”.

Marine Pollution (Penalties) Amendment Act 1993 No. 66

SCHEDULE 1—AMENDMENTS—*continued*

(19) Section 53 (**Powers of inspectors etc.**):

From section 53 (3), omit “20 penalty units”, insert instead
“200 penalty units”.

[*Minister's second reading speech made in—*

Legislative Assembly on 14 October 1993

Legislative Council on 29 October 1993 a.m.]

**MARINE POLLUTION (PENALTIES) AMENDMENT BILL
1993**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to increase penalties for offences under the Marine Pollution Act 1987, in line with penalties for equivalent or similar offences under the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 of the Commonwealth.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Marine Pollution Act 1987.

Schedule 1 amends the provisions of the Act set out in the first column of the Table so as to increase the maximum penalty for the offences contained in the provisions from the amount set out in the second column to the amount set out in the third column.

Provision	Current maximum penalty	New maximum penalty
Section 8 (1)—discharge of oil or oily mixture from ship	natural person—500 penalty units (\$50,000) body corporate—2 500 penalty units (\$250,000)	natural person—2 000 penalty units (\$200,000) body corporate—10 000 penalty units (\$1,000,000)
Section 9 (1)—failure to retain oily residues on ship	natural person—500 penalty units (\$50,000) body corporate—2 500 penalty units (\$250,000)	natural person—2 000 penalty units (\$200,000) body corporate—10 000 penalty units (\$1,000,000)

Marine Pollution (Penalties) Amendment 1993

Section 10 (1)—failure by master of ship to notify prescribed incident relating to oil or oily mixture	100 penalty units (\$10,000)	500 penalty units (\$50,000)
Section 10 (3)—failure by owner, charterer, etc. of ship to notify prescribed incident relating to oil or oily mixture	natural person—100 penalty units (\$10,000) body corporate—250 penalty units (\$25,000)	natural person—500 penalty units (\$50,000) body corporate—2 500 penalty units (\$250,000)
Section 10 (6)—failure by master of ship to report in relation to prescribed incident relating to oil or oily mixture	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 10 (7)—failure by owner, charterer, etc. of ship to report in relation to prescribed incident relating to oil or oily mixture	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 10 (8)—make false or misleading statement in notice or report	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 11 (4)—failure to carry oil record book	natural person—50 penalty units (\$5,000) body corporate—250 penalty units (\$25,000)	natural person—200 penalty units (\$20,000) body corporate—1 000 penalty units (\$100,000)
Section 11 (5)—failure to make entry in oil record book	50 penalty units (\$5,000)	200 penalty units (\$20,000)
Section 11 (7)—failure to sign page of oil record book	50 penalty units (\$5,000)	200 penalty units (\$20,000)
Section 12—make false or misleading entry in oil record book	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 13 (2)—failure to retain oil record book	natural person—50 penalty units (\$5,000) body corporate—250 penalty units (\$25,000)	natural person—200 penalty units (\$20,000) body corporate—1 000 penalty units (\$100,000)

Marine Pollution (Penalties) Amendment 1993

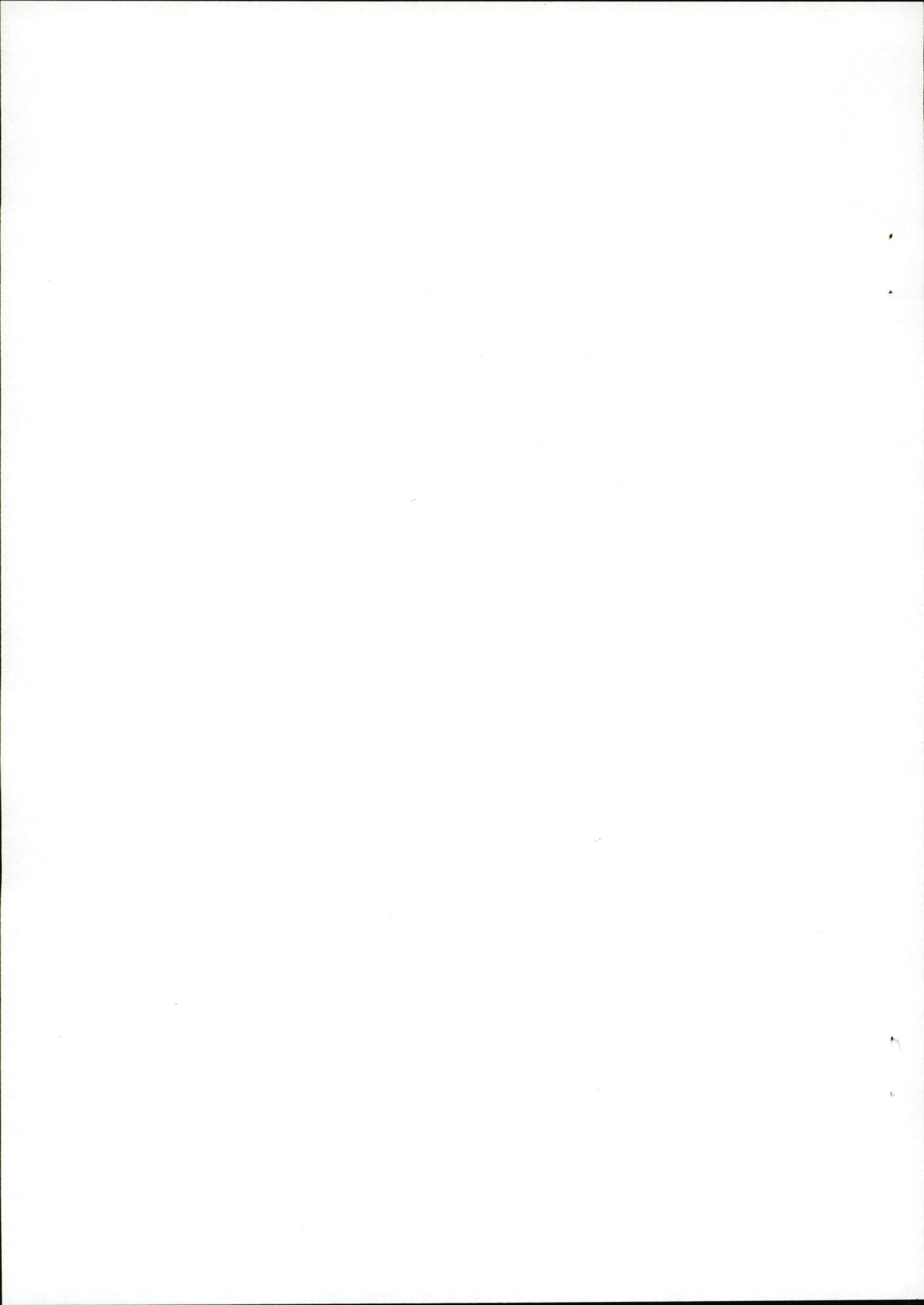
Section 18 (1)—discharge of liquid substance or mixture containing liquid substance from ship	natural person—500 penalty units (\$50,000) body corporate—2 500 penalty units (\$250,000)	natural person—2 000 penalty units (\$200,000) body corporate—10 000 penalty units (\$1,000,000)
Section 20 (1)—failure by master of ship to notify prescribed incident relating to liquid substance or mixture containing liquid substance	100 penalty units (\$10,000)	500 penalty units (\$50,000)
Section 20 (3)—failure by owner, charterer, etc. of ship to notify prescribed incident relating to liquid substance or mixture containing liquid substance	natural person—100 penalty units (\$10,000) body corporate—250 penalty units (\$25,000)	natural person—500 penalty units (\$50,000) body corporate—2 500 penalty units (\$250,000)
Section 20 (6)—failure by master of ship to report in relation to prescribed incident relating to liquid substance or mixture containing liquid substance	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 20 (7)—failure by owner, charterer, etc. of ship to report in relation to prescribed incident relating to liquid substance or mixture containing liquid substance	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 20 (8)—make false or misleading statement in notice or report	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 21 (4)—failure to carry cargo record book	natural person—50 penalty units (\$5,000) body corporate—250 penalty units (\$25,000)	natural person—200 penalty units (\$20,000) body corporate—1 000 penalty units (\$100,000)

Marine Pollution (Penalties) Amendment 1993

Section 21 (5)—failure to make entry in cargo record book	50 penalty units (\$5,000)	200 penalty units (\$20,000)
Section 21 (8)—failure to sign page of cargo record book	50 penalty units (\$5,000)	200 penalty units (\$20,000)
Section 22—make false or misleading entry in cargo record book	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 23 (2)—failure to retain cargo record book in ship	natural person—50 penalty units (\$5,000) body corporate—250 penalty units (\$25,000)	natural person—200 penalty units (\$20,000) body corporate—1 000 penalty units (\$100,000)
Section 23 (4)—failure to retain cargo record book in ship or office	natural person—50 penalty units (\$5,000) body corporate—250 penalty units (\$25,000)	natural person—200 penalty units (\$20,000) body corporate—1 000 penalty units (\$100,000)
Section 27 (1)—prohibited discharge in connection with transfer operation	natural person—500 penalty units (\$50,000) body corporate—2 500 penalty units (\$250,000)	natural person—2 000 penalty units (\$200,000) body corporate—10 000 penalty units (\$1,000,000)
Section 28 (1)—failure to notify discharge in connection with transfer operation	100 penalty units (\$10,000)	500 penalty units (\$50,000)
Section 28 (3)—failure to report in relation to discharge in connection with transfer operation	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 28 (4)—make false or misleading statement in notice or report	100 penalty units (\$10,000)	200 penalty units (\$20,000)
Section 29 (4)—failure to make entry in record	50 penalty units (\$5,000)	200 penalty units (\$20,000)
Section 29 (5)—failure to keep, retain or transmit record	natural person—50 penalty units (\$5,000) body corporate—250 penalty units (\$25,000)	natural person—200 penalty units (\$20,000) body corporate—1 000 penalty units (\$100,000)
Section 29 (6)—make false or misleading entry in record book	100 penalty units (\$10,000)	200 penalty units (\$20,000)

Marine Pollution (Penalties) Amendment 1993

Section 32 (3)—prohibited transfer of substance	100 penalty units (\$10,000)	500 penalty units (\$50,000)
Section 45 (6)—fail to comply with notice about reception or disposal facilities	250 penalty units (\$25,000)	1 000 penalty units (\$100,000)
Section 50 (1)—fail to comply with notice about discharge	1 000 penalty units (\$100,000)	2 000 penalty units (\$200,000)
Section 50 (2)—obstruction in connection with notice about discharge	1 000 penalty units (\$100,000)	2 000 penalty units (\$200,000)
Section 52C (1)—depart State waters before released from detention	natural person—50 penalty units (\$5,000) body corporate—100 penalty units (\$10,000)	natural person—200 penalty units (\$20,000) body corporate—1 000 penalty units (\$100,000)
Section 53 (3)—obstruct or hinder inspector or fail to comply with requirement	20 penalty units (\$2,000)	200 penalty units (\$20,000)



FIRST PRINT

**MARINE POLLUTION (PENALTIES) AMENDMENT
BILL 1993**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Marine Pollution Act 1987 No. 299

SCHEDULE 1—AMENDMENTS

**MARINE POLLUTION (PENALTIES) AMENDMENT BILL
1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Marine Pollution Act 1987 to increase penalties for offences under that Act.

Marine Pollution (Penalties) Amendment 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Marine Pollution (Penalties) Amendment Act 1993.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Marine Pollution Act 1987 No. 299

3. The Marine Pollution Act 1987 is amended as set out in Schedule 1.

10

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 8 (**Prohibition of discharge of oil or oily mixtures into State waters**):

- 15 (a) From section 8 (1) (a), omit "500 penalty units", insert instead "2 000 penalty units".
- (b) From section 8 (1) (b), omit "2 500 penalty units", insert instead "10 000 penalty units".

(2) Section 9 (**Oil residues**):

- 20 (a) From section 9 (1) (a), omit "500 penalty units", insert instead "2 000 penalty units".
- (b) From section 9 (1) (b), omit "2 500 penalty units", insert instead "10 000 penalty units".

(3) Section 10 (**Duty to report certain incidents involving oil or an oily mixture**):

- 25 (a) From section 10 (1), omit "100 penalty units", insert instead "500 penalty units".
- (b) From section 10 (3) (c), omit "100 penalty units", insert instead "500 penalty units".
- 30 (c) From section 10 (3) (d), omit "250 penalty units", insert instead "2 500 penalty units".
- (d) From section 10 (6), omit "100 penalty units", insert instead "200 penalty units".

Marine Pollution (Penalties) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (e) From section 10 (7), omit “100 penalty units”, insert instead “200 penalty units”.
- (f) From section 10 (8), omit “100 penalty units”, insert instead “200 penalty units”. 5
- (4) **Section 11 (Oil record book):**
- (a) From section 11 (4) (a), omit “50 penalty units”, insert instead “200 penalty units”.
- (b) From section 11 (4) (b), omit “250 penalty units”, insert instead “1 000 penalty units”. 10
- (c) From section 11 (5), omit “50 penalty units”, insert instead “200 penalty units”.
- (d) From section 11 (7), omit “50 penalty units”, insert instead “200 penalty units”.
- (5) **Section 12 (False entries in oil record book):** 15
 Omit “100 penalty units”, insert instead “200 penalty units”.
- (6) **Section 13 (Oil record book to be retained):**
- (a) From section 13 (2) (a), omit “50 penalty units”, insert instead “200 penalty units”. 20
- (b) From section 13 (2) (b), omit “250 penalty units”, insert instead “1 000 penalty units”.
- (7) **Section 18 (Prohibition of discharge of substances into State waters):**
- (a) From section 18 (1) (a), omit “500 penalty units”, insert instead “2 000 penalty units”. 25
- (b) From section 18 (1) (b), omit “2 500 penalty units”, insert instead “10 000 penalty units”.
- (8) **Section 20 (Duty to report certain incidents involving certain substances):** 30
- (a) From section 20 (1), omit “100 penalty units”, insert instead “500 penalty units”.
- (b) From section 20 (3) (c), omit “100 penalty units”, insert instead “500 penalty units”.

Marine Pollution (Penalties) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (c) From section 20 (3) (d), omit “250 penalty units”, insert instead “2 500 penalty units”.
- 5 (d) From section 20 (6), omit “100 penalty units”, insert instead “200 penalty units”.
- (e) From section 20 (7), omit “100 penalty units”, insert instead “200 penalty units”.
- (f) From section 20 (8), omit “100 penalty units”, insert instead “200 penalty units”.
- 10 (9) Section 21 (**Cargo record book**):
- (a) From section 21 (4) (a), omit “50 penalty units”, insert instead “200 penalty units”.
- (b) From section 21 (4) (b), omit “250 penalty units”, insert instead “1 000 penalty units”.
- 15 (c) From section 21 (5), omit “50 penalty units”, insert instead “200 penalty units”.
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- (10) Section 22 (**False entries in cargo record book**):
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- (11) Section 23 (**Cargo record book to be retained**):
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- 25 (b) From section 23 (2) (b), omit “250 penalty units”, insert instead “1 000 penalty units”.
- (c) From section 23 (4) (a), omit “50 penalty units”, insert instead “200 penalty units”.
- 30 (d) From section 23 (4) (b), omit “250 penalty units”, insert instead “1 000 penalty units”.
- (12) Section 27 (**Prohibition of discharges to which Part applies**):
- (a) From section 27 (1) (a), omit “500 penalty units”, insert instead “2 000 penalty units”.
- 35 (b) From section 27 (1) (b), omit “2 500 penalty units”, insert instead “10 000 penalty units”.

Marine Pollution (Penalties) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (13) Section 28 (**Duty to report discharge**):
- (a) From section 28 (1), omit “100 penalty units”, insert instead “500 penalty units”.
 - (b) From section 28 (3), omit “100 penalty units”, insert instead “200 penalty units”. 5
 - (c) From section 28 (4), omit “100 penalty units”, insert instead “200 penalty units”.
- (14) Section 29 (**Keeping of records relating to transfer etc.**):
- (a) From section 29 (4), omit “50 penalty units”, insert instead “200 penalty units”. 10
 - (b) From section 29 (5), omit “50 penalty units”, insert instead “200 penalty units”.
 - (c) From section 29 (5), omit “250 penalty units”, insert instead “1 000 penalty units”. 15
 - (d) From section 29 (6), omit “100 penalty units”, insert instead “200 penalty units”.
- (15) Section 32 (**Restrictions on transfer of oil etc. at night**):
- From section 32 (3), omit “100 penalty units”, insert instead “500 penalty units”. 20
- (16) Section 45 (**Reception facilities**):
- From section 45 (6), omit “250 penalty units”, insert instead “1 000 penalty units”.
- (17) Section 50 (**Non-compliance with notice**):
- (a) From section 50 (1), omit “1 000 penalty units”, insert instead “2 000 penalty units”. 25
 - (b) From section 50 (2), omit “1 000 penalty units”, insert instead “2 000 penalty units”.
- (18) Section 52C (**Departure of ships under detention**):
- (a) From section 52C (1), omit “100 penalty units”, insert instead “1 000 penalty units”. 30
 - (b) From section 52C (1), omit “50 penalty units”, insert instead “200 penalty units”.

Marine Pollution (Penalties) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(19) Section 53 (**Powers of inspectors etc.**):

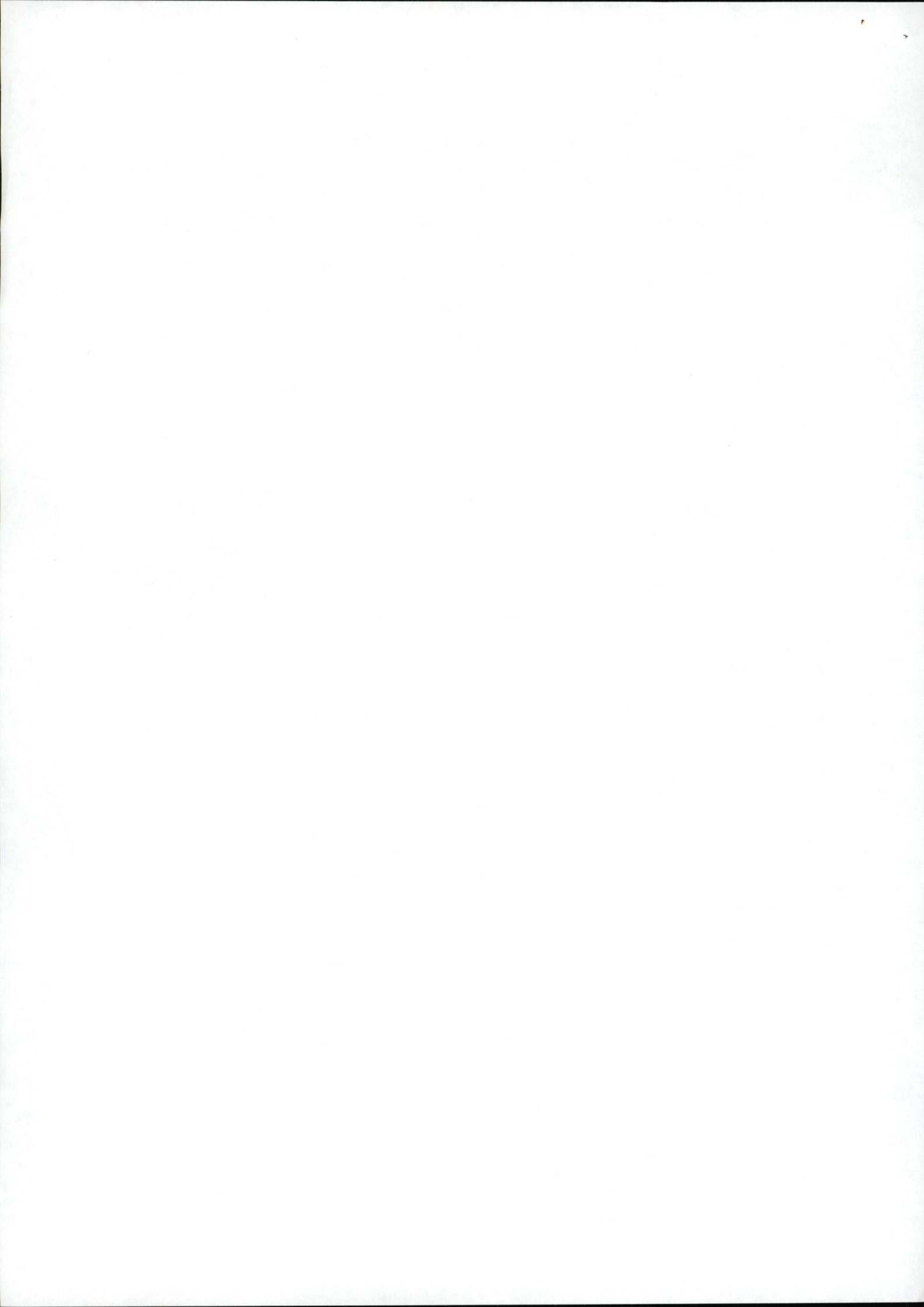
From section 53 (3), omit “20 penalty units”, insert instead
“200 penalty units”.

SECOND READING SPEECH

IT IS WITH GREAT PLEASURE THAT I INTRODUCE THIS LEGISLATION WHICH WILL UPDATE THE EXISTING PENALTY PROVISIONS OF THE STATE'S MARINE POLLUTION LEGISLATION AND ENSURE THAT THE PUBLIC IN GENERAL AND MARINERS IN PARTICULAR ARE MADE AWARE OF THE HIGH PRIORITY THIS GOVERNMENT PLACES UPON THE PROTECTION OF OUR MARINE ENVIRONMENT.

THE OBJECT OF THE BILL BEFORE THE HOUSE IS TO INCREASE THE LEVEL OF PENALTIES FOR OFFENCES IN STATE WATERS UNDER THE MARINE POLLUTION ACT 1987 SO THAT THE MAXIMUM PENALTY IS INCREASED FROM THE CURRENT \$250,000 TO \$1 MILLION. THIS PROPOSAL WILL BRING THE MAXIMUM PENALTY INTO LINE WITH THAT PROVIDED IN THE NSW ENVIRONMENTAL OFFENCES AND PENALTIES ACT, WHICH IS ALSO \$1 MILLION.

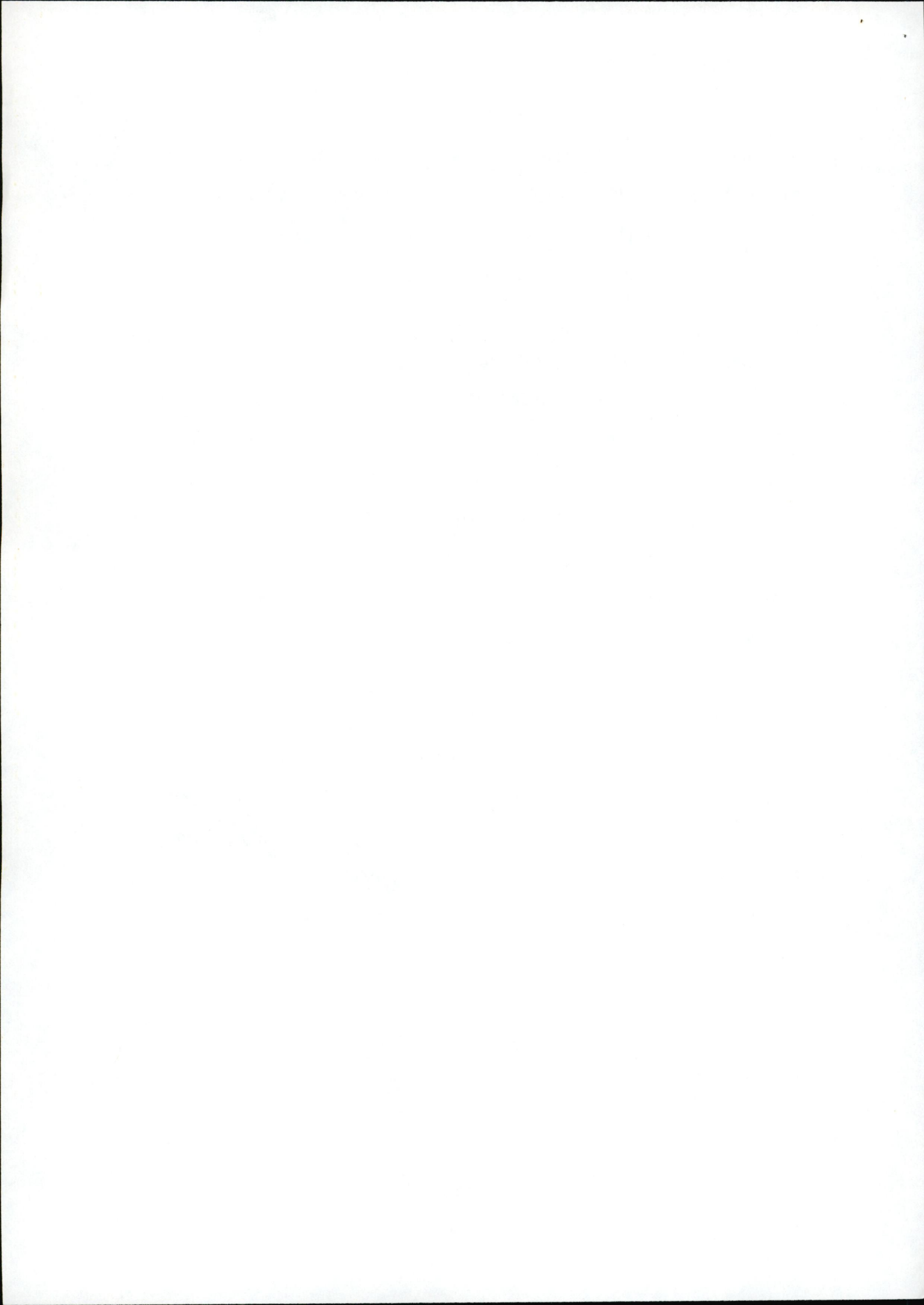
WHEN THE MARINE POLLUTION ACT WAS PROCLAIMED IN 1990, IT WAS AN IMPORTANT STEP TOWARDS REAFFIRMING THE STATE'S COMMITMENT TO PROTECTING THE MARINE ENVIRONMENT. IT WAS ALSO A MAJOR MILESTONE IN THAT IT ACHIEVED CONSISTENCY WITH THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, WHICH THE COMMONWEALTH HAD EARLIER RATIFIED.



CONSEQUENTLY, WHEN THE NEW SOUTH WALES ACT CAME INTO FORCE IT WAS GENERALLY CONSISTENT WITH THE COMMONWEALTH'S PROTECTION OF THE SEA (PREVENTION OF POLLUTION FROM SHIPS) ACT 1983 AND THE MAXIMUM PENALTY UNDER EACH ACT WAS \$250,000.

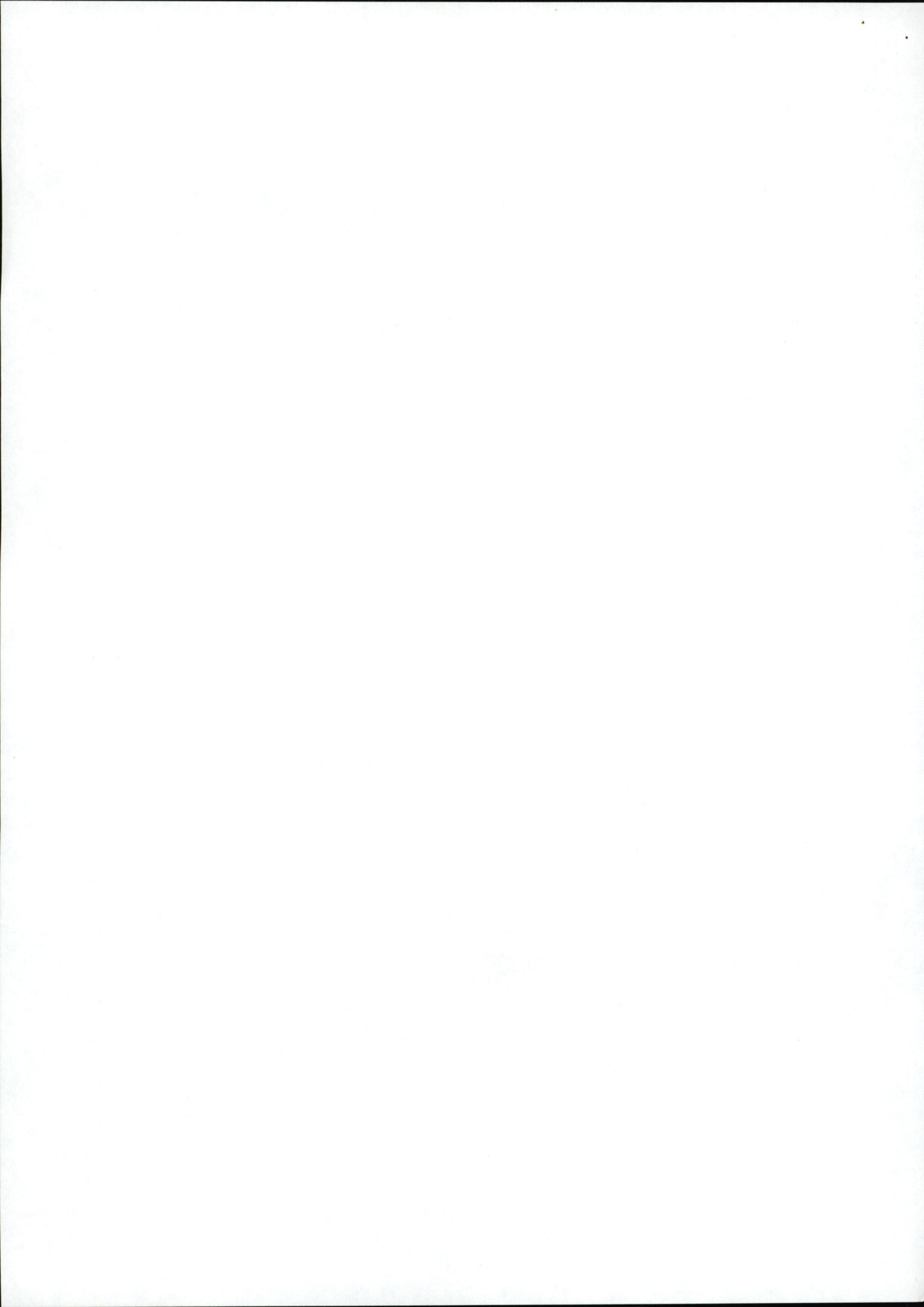
SINCE THAT TIME, THE COMMUNITY'S AWARENESS OF THE NEED TO PROTECT AND PRESERVE THE MARINE ENVIRONMENT HAS CONTINUED TO INCREASE, DUE IN LARGE MEASURE TO THE SPECTACULAR AND DISASTROUS OIL SPILLS WHICH CONTINUE TO OCCUR AROUND THE WORLD FROM TIME TO TIME. IN RESPONSE TO ITS OBLIGATIONS TO THE COMMUNITY IN THIS AREA THE GOVERNMENT HAS REVIEWED ITS MARINE POLLUTION LEGISLATION TO ENSURE IT IS CAPABLE OF DEALING WITH POLLUTION OFFENCES FIRMLY AND EFFECTIVELY.

DURING THE REVIEW PROCESS THE GOVERNMENT RECOGNISED THAT LEGISLATION OF THIS NATURE MUST HAVE TWO IMPORTANT ELEMENTS. FIRST, IT MUST EMBODY ARRANGEMENTS WHICH ENSURE THE STATUTORY AUTHORITIES CONCERNED ARE CAPABLE OF RESPONDING APPROPRIATELY TO AN ACT OF POLLUTION, AND SECOND, IT MUST HAVE PENALTIES SET AT A LEVEL WHICH ACT AS A DETERRENT TO WOULD-BE POLLUTERS.



IT WAS DETERMINED THAT THE PROVISIONS OF THE MARINE POLLUTION ACT ALREADY ENABLE APPROPRIATE LEVELS OF CONTROL TO BE EXERCISED SO THAT THE POSSIBILITY OF AN INCIDENT IS MINIMISED TO THE GREATEST EXTENT THAT IS REALISTICALLY POSSIBLE. HOWEVER, THE PENALTIES NEEDED TO BE INCREASED TO REFLECT THE INCREASED CONCERN IN THE COMMUNITY AND TO ACT AS A DETERRENT TO POTENTIAL POLLUTERS. ACCORDINGLY, THIS BILL PROVIDES FOR GREATER PENALTIES THAN ORIGINALLY ALLOWED FOR IN 1987. AT THE SAME TIME, CONSISTENCY WILL BE ACHIEVED WITH THE COMMONWEALTH'S MARINE POLLUTION LEGISLATION INCLUDING ITS MAXIMUM PENALTY, WHICH HAS ALSO BEEN INCREASED TO \$1 MILLION. IT WILL ALSO ACHIEVE CONSISTENCY WITH COMPARABLE LEGISLATION OF MAJOR MARITIME COUNTRIES SUCH AS THE UK AND USA.

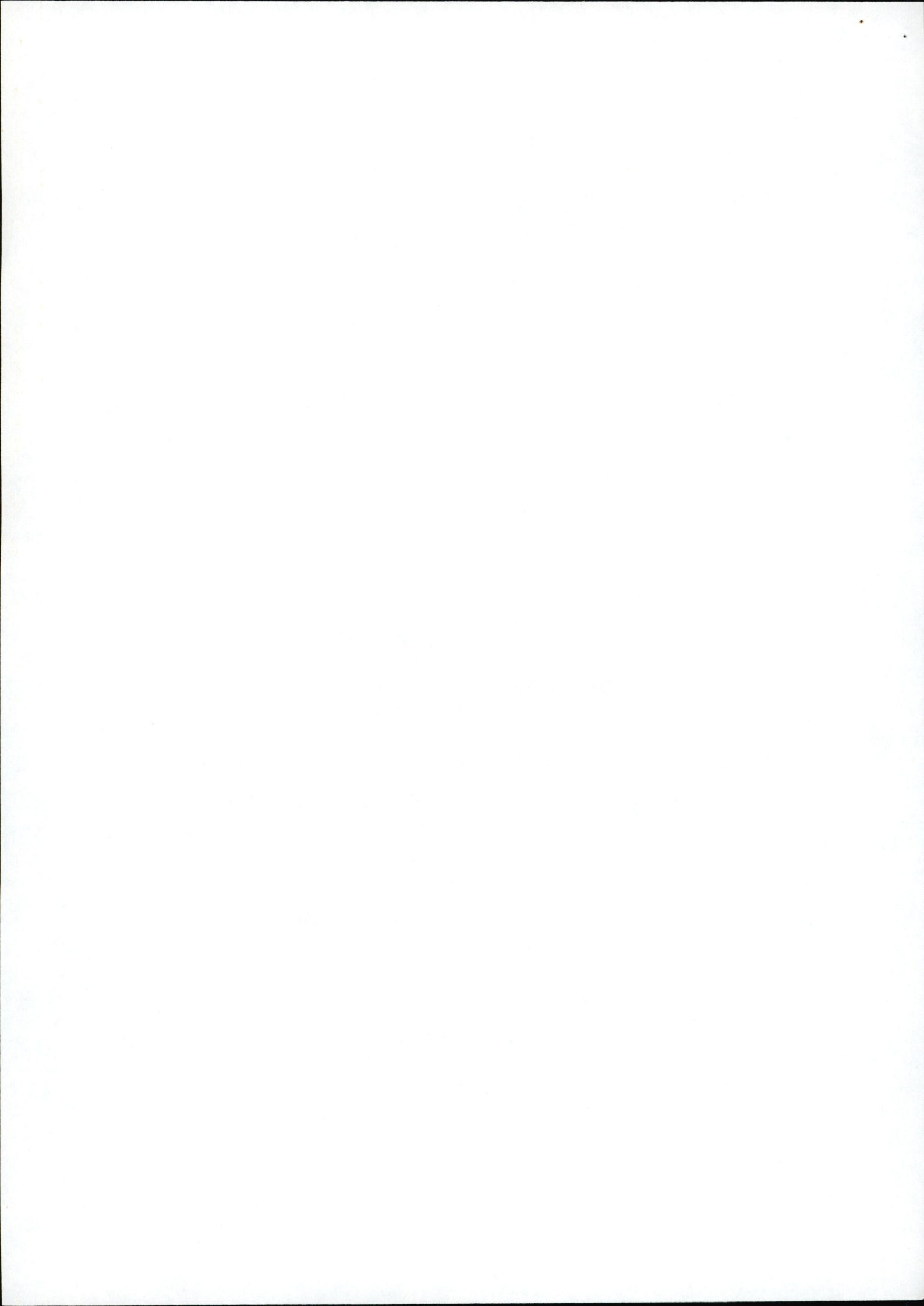
THE MINISTER HAS STRESSED MR PRESIDENT, THAT A COURT WOULD RARELY BE EXPECTED TO IMPOSE THE MAXIMUM PENALTY OF \$1 MILLION. IT WOULD ONLY DO SO IF THE POLLUTION WAS CAUSED BY A RECKLESS ACT. IN RECENT CONVICTIONS OBTAINED BY THE MARITIME SERVICES BOARD, THE PENALTIES IMPOSED HAVE BEEN AROUND THE \$70,000 LEVEL. THESE WERE FOR OFFENCES WHICH, THOUGH POTENTIALLY DAMAGING TO THE ENVIRONMENT, DID NOT INVOLVE THE DISCHARGE OF VERY LARGE QUANTITIES OF OIL.



IN SETTING A MAXIMUM PENALTY OF \$1 MILLION, THE LEGISLATION PROVIDES THE COURT WITH FLEXIBILITY AND A RANGE WITHIN WHICH IT CAN IMPOSE A PUNISHMENT APPROPRIATE TO THE OFFENCE AFTER TAKING INTO CONSIDERATION ALL OF THE RELEVANT FACTORS AND THE EXPECTATIONS OF THE COMMUNITY IN GENERAL.

AT THIS POINT, MR PRESIDENT, THE MINISTER HAS STRESSED THAT THE PROPOSED INCREASE IN PENALTIES IS SEPARATE AND DISTINCT FROM THE COSTS ASSOCIATED WITH THE CLEAN-UP OF AN OIL SPILL. THE ACT ALREADY PROVIDES FOR UNLIMITED CLEAN-UP COSTS TO BE RECOVERED FROM THE POLLUTER.

HONOURABLE MEMBERS ARE AWARE THAT SHIPPING IS AN INTERNATIONAL BUSINESS AND THEREFORE THE MEASURES ADOPTED MUST ALSO REFLECT INTERNATIONAL ATTITUDES. THE PROPOSED LEGISLATION ACHIEVES THIS THROUGH THE INCREASES CONTAINED IN THIS AMENDING BILL. IT ENSURES THAT THE LEGISLATIVE FRAMEWORK APPROPRIATELY COMPLEMENTS ANOTHER IMPORTANT MEASURE DESIGNED TO PROTECT THE MARINE ENVIRONMENT. I REFER, OF COURSE, TO THE NATIONAL PLAN TO COMBAT POLLUTION OF THE SEA BY OIL WHICH HAS RECENTLY BEEN REVIEWED BY THE COMMONWEALTH, IN CONSULTATION WITH THE STATES, TO ENSURE THAT THE ARRANGEMENTS TO COMBAT OIL POLLUTION ARE UP TO DATE, EFFECTIVE AND COMPREHENSIVE.



THIS PLAN WOULD BE ACTIVATED FOLLOWING ANY INCIDENT WHICH COULD INVOLVE A SIGNIFICANT DEGREE OF OIL POLLUTION. TAKEN AS A PACKAGE, THE MARINE POLLUTION ACT, THE PROPOSED AMENDMENT NOW BEFORE THE HOUSE AND THE NATIONAL PLAN PROVIDE A POWERFUL DETERRENT AGAINST A POLLUTER AS WELL AS AN EFFECTIVE MECHANISM FOR RESPONSE AND CLEAN-UP.

HONOURABLE MEMBERS WILL AGREE WITH ME WHEN THE MINISTER SAID THAT NEW SOUTH WALES IS THE PROUD OWNER OF SOME OF THE NATION'S MOST BEAUTIFUL WATERWAYS AND BEACHES AND WE ALL KNOW THAT SYDNEY HARBOUR IS RENOWNED AROUND THE WORLD AS ONE OF THE FINEST, IF NOT THE FINEST, HARBOUR IN THE WORLD. IT IS OUR RESPONSIBILITY TO SPARE NO EFFORT IN THE PROTECTION OF THESE PRICELESS ASSETS. THE PUBLIC EXPECTS THE GOVERNMENT TO TAKE WHATEVER MEASURES ARE NECESSARY TO ENSURE THEIR PRESERVATION. THIS GOVERNMENT RECOGNISES THAT EXPECTATION AND IS FIRMLY COMMITTED TO PROTECTING THE PORTS AND WATERWAYS OF NEW SOUTH WALES FROM MARINE POLLUTION. THE BILL BEFORE THE HOUSE WILL SERVE TO REMIND ALL WHO HAVE AN INTEREST IN OUR WATERWAYS THAT THIS GOVERNMENT PLACES THE HIGHEST VALUE ON ITS MARINE HERITAGE AND WILL ENSURE THAT A HIGH PRICE IS EXACTED FOR ANY DAMAGE WHICH MAY BE CAUSED TO IT.

I COMMEND THIS BILL TO THE HOUSE.

