



Ship Type: All Trade Area: NSW, Australia

Bulletin 242 - 04/02 - Increased Penalties for Marine Polluters - NSW, Australia

The Minister for Transport & Minister for Roads has recently issued the following press release, on the changes being introduced into the Marine Pollution Act 1987 (NSW).

Penalties will be increased from Aus\$1M (US\$0.54M) million to Aus\$10M (US\$5.4M) for corporations, and from Aus\$220,000 (US\$119,000) to Aus\$500,000 (US\$270,000) for individuals.

Legislation will also be introduced to cover incidents relating to damage arising from *wear and tear* (as a consequence of the *SITKA II* case in Lord Howe Island in 1996).

INCREASED PENALITIES FOR MARINE POLLUTERS

Penalties for ship owners and operators responsible for marine pollution in NSW will be significantly increased under legislation to be introduced into State Parliament.

The Minister for Transport, Mr Carl Scully, said changes being introduced to the Marine Pollution Act would see tougher penalties for owners and operators responsible for chemical and oil spills.

"Under the new legislation NSW will have the highest fines for oil and chemical spills in Australia," Mr Scully said.

"The maximum penalty for oil and chemical spills under the Marine Pollution Act will be increased from \$1.1 million for corporations to \$10 million.

For individuals the penalty will be increased from \$220,000 to \$500,000.

We are sending a strong message to the shipping community - if your vessel pollutes our Harbour or our waterways, then you will pay dearly for your negligence.

The legislation provides for nearly a tenfold increase in penalties to better protect Sydney Harbour.

Our Harbour and many of our waterways are vital to the NSW economy. But the same waterways are also important ecosystems, fisheries and recreation areas.

These stronger penalties will help ensure that commercial use of our waterways by ships is not at the expense of future generations use and enjoyment of the waterways for other purposes."

Mr Scully said to further strengthen the legislation, a significant loophole would also be closed.

"In the past, shipping operators have used a 'wear and tear' defence to avoid prosecution, and to avoid their responsibility to protect the ports and waterways they use," Mr Scully said.

This loophole will be closed to make sure shipping operators ensure their vessels are properly maintained.

These new penalties follow measures already implemented by the State Government following spillage of 300,000 litres of crude oil at Gore Cove from the *Laura D'Amato* in August 1999.

Those measures, which include the mandatory use of booms around vessels during transfer operations, already surpass world's best practice.

Sydney Harbour is the cleanest it has been for a very long time, with more and more whales and dolphins returning to it every year.

These new measures will act to preserve the health of Sydney Harbour and our other waterways.”

Source of Information: Marcus John, Thomas Miller, Sydney