

UK P&I CLUB



LP Bulletin

Thursday 16 August 2018

Bulletin 1156 - 08/18 - Fines increased for marine polluters - Australia

The Club has recently been notified by our correspondent in Australia, HWL Ebsworth Lawyers, of an increase in fines for those polluting Australian waters.

Below is an excerpt from HWL Ebsworth Lawyers latest article on the matter. Members can read the full article on their website [here](#).

QUOTE

A new financial year brings with it an increase in the fines for those polluting Australian waters. Ship owners, charterers, masters, operators and their insurers should be aware of potential liabilities for fines in Australia on top of pollution clean-up and damage claims.

As at 1 July 2018, a majority of States (and the Northern Territory) have increased their penalty unit value in accordance with their annual indexation adjustments. The Commonwealth has also completed its three year increase of the applicable penalty unit in accordance with the Consumer Price Index.

[Click here](#) for a table of the applicable fines across Australia.

The State and Territory legislation and penalties apply to oil spills that are within, or migrate to within, 3 nautical miles of the coast. Beyond 3 nautical miles the Commonwealth legislation will apply.

The discharge of oil in Commonwealth, State or Territory waters is a strict liability offence for Owners and Masters and potentially crew members and those involved in the operation and maintenance of the ship. The Commonwealth legislation expressly includes Charterers in the list of those strictly liable.

These penalty unit increases mean that the maximum fine for a spill in Commonwealth waters has increased to \$4.2 million for a Master and \$21 million for a corporate Owner or Charterer.

Both Australian Maritime Safety Authority and the relevant State regulators and port authorities continue to police this area strictly. We recommend that our readers take these risks into account when involved in trade to Australia. Should a spill occur owners should take immediate steps to mitigate the physical damage and manage the resulting liabilities and penalties with care.

UNQUOTE

Source of Information

Loss Prevention / Joe Hurley, Partner at HWL Ebsworth Lawyers and Chris Sacré, Special Counsel