

PORTS, TRANSPORT AND POLLUTION - PENALTIES

In accordance with the *Monetary Units Act 2004*, the value for **2018-19** is:

Fee unit \$14.55
Penalty unit \$161.19

The amount of fees are determined by multiplying the number of fee units contained in the legislation by the current value of the fee unit (section 7(1)) and rounded to the nearest 10 cents (section 7(3))
The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of penalties		Infringement Penalty From 1 July 2018		Maximum Court Penalty From 1 July 2018	
		(\$)	Units	(\$)	Units
Port Management (Local Ports) Regulations 2015					
11(5)	Not complying with a set aside determination	n/a	n/a	\$1,612.00	10.00
18	Offence not to comply with a permit - the holder of a permit issued under these Regulations must comply with the permit, including any condition attached to the permit	n/a	n/a	\$3,224.00	20.00
22	Fail to have permit in possession while engaging in an activity or accessing an area	\$322.00	2.00	\$1,612.00	10.00
23	Fail to produce permit for inspection on request while engaging in activity or accessing an area	\$322.00	2.00	\$1,612.00	10.00
24(4)	A person to whom the port manager issues an identity card must immediately return the identity card to the port manager if that person ceases to be a delegate of the port manager	n/a	n/a	\$1,612.00	10.00
25(1)&(2)	A person must not in an area subject to a set aside determination— (a) engage in an activity which would unreasonably obstruct or interfere with an activity that is permitted by that determination; or (b) engage in an activity in contravention of that determination	n/a	n/a	\$1,612.00	10.00
26(1)	Engage in prohibited or restricted activity in an area subject to a set aside determination	\$322.00	2.00	\$1,612.00	10.00
27(1)	Enter into or remain in area subject to a set aside determination where access is prohibited or restricted	\$322.00	2.00	\$1,612.00	10.00
28	The master of a vessel must not berth, moor or anchor a vessel in an area that is subject to a set aside determination in contravention of that determination	N/A	N/A	\$1,612.00	10.00
29(1)	Install mooring in a local port without permission	\$322.00	2.00	\$1,612.00	10.00
29(2)	Moor vessel to a structure not provided or approved by port manager without a permit	\$322.00	2.00	\$1,612.00	10.00
30(1)	Berth vessel in a prohibited berthing area without permit	\$322.00	2.00	\$1,612.00	10.00
30(2)	Moor vessel in a prohibited mooring area without a permit	\$322.00	2.00	\$1,612.00	10.00
31(1)	Berth vessel in a permit-only berthing area without a permit	\$322.00	2.00	\$1,612.00	10.00
31(2)	Moor vessel in a permit-only mooring area without a permit	\$322.00	2.00	\$1,612.00	10.00
32	Anchor vessel in a mooring area without a permit	\$322.00	2.00	\$1,612.00	10.00
33(1)(a)	Allow vessel to be berthed or moored for a continuous period exceeding a specified period	\$322.00	2.00	\$1,612.00	10.00
33(1)(b)	Allow vessel to be berthed or moored for a continuous period exceeding 48 hours	\$322.00	2.00	\$1,612.00	10.00
34(1)	The master of a vessel must ensure that the vessel is secure and is not capable of breaking adrift when it is berthed, moored or anchored in a local port.	n/a	n/a	\$1,612.00	10.00
34(2)	The master of a vessel must ensure that, when the vessel is anchored in a local port, it is anchored so that neither the vessel nor the anchor is capable of endangering or causing damage to another vessel, port facilities, the environment or other property.	n/a	n/a	\$1,612.00	10.00
35	The master of a vessel must not berth the vessel alongside another vessel in a berthing area except (a) in accordance with a direction given by the port manager; or (b) in accordance with a permit	n/a	n/a	\$1,612.00	10.00
36(1)	Subject to subregulation (2), the master of a vessel that is berthed at a wharf in a local port must ensure that persons and goods have free access across the deck of that vessel at all times (a) to and from any vessel berthed alongside that vessel; and (b) to and from the wharf.	n/a	n/a	\$1,612.00	10.00
37(1)	Subject to subregulation (2), the master of a vessel must ensure that there is a person on board the vessel, or in the immediate vicinity of the vessel, who is licenced and can act as master of the vessel if the vessel is berthed in an area subject to a set aside determination which permits (a) the loading of cargo onto, or unloading of cargo from, the vessel; or	n/a	n/a	\$1,612.00	10.00
38	A person must not manage cargo in a local port, including undertaking any activity related to the arrival, loading, unloading or transfer of cargo, in an area that is subject to a set aside determination made under regulation 13 in contravention of that determination.	n/a	n/a	\$3,224.00	20.00
39	A person carrying out a hazardous port activity in a local port must immediately notify the port manager of any incident involving the activity, including but not limited to the following (a) an explosion, fire or harmful reaction; (b) the escape, spillage or leak of bulk cargo or liquids.	n/a	n/a	\$3,224.00	20.00
40	A person must not refuel a vessel in a local port except if the vessel is refuelled (a) once over a 24 hour period from a single, portable container of up to 25 litres in capacity which is suitable for containing fuel; or (b) using a fuelling facility in an area subject to a set aside determination which permits the carrying out of that activity in that area.	n/a	n/a	\$3,224.00	20.00
41(1)	Cause or permit propeller or other propulsion system to be operated while vessel is berthed at wharf	\$322.00	2.00	\$1,612.00	10.00
42	The master of a vessel must ensure that equipment and other items are not stowed or secured on the vessel in a local port in a manner which may cause harm or damage to the safety of any person or other property.	n/a	n/a	\$1,612.00	10.00
43	Enter or park vehicle in an area not subject to a set aside determination or without a permit	\$322.00	2.00	\$1,612.00	10.00
44(1)	A person must not leave a vessel, goods or other things left unattended in a local port without the permission of the port manager.	n/a	n/a	\$3,224.00	20.00
44(4)	The master or owner of a vessel must not berth, moor or anchor the vessel in a manner that creates an obstruction	n/a	n/a	\$3,224.00	20.00
45(4)	Not complying with direction to move vessel, goods or other things	n/a	n/a	\$3,224.00	20.00
46(4)	Moving vessel, goods or other thing without the permission of the port manager	n/a	n/a	\$3,224.00	20.00
48(1)	A person must not carry out any works in a local port except in accordance with a permit issued under regulation 17.	n/a	n/a	\$3,224.00	20.00
48(2)	A person must not carry out any alterations in a local port if those alterations involve the use of hot works or dangerous goods except in accordance with a permit	n/a	n/a	\$3,224.00	20.00
48(3)	A person must not carry out any alterations in a local port which do not involve the use of hot works or dangerous goods unless the alterations are carried out in an approved manner	n/a	n/a	\$3,224.00	20.00
48(4)	A person who carries out works or alterations in a local port must carry out those works or alterations in a manner that ensures any safety and environmental risks associated with the works or alterations are appropriately managed.	n/a	n/a	\$3,224.00	20.00
49	Camp in a local port without a permit	\$322.00	2.00	\$1,612.00	10.00
50(1)	Jump or dive from a wharf, natural asset or structure on a wharf in contravention of sign or notice	\$322.00	2.00	\$1,612.00	10.00
51(1)	Swim, bathe, snorkel or scuba dive under or within 20 metres of a wharf in contravention of sign or notice	\$322.00	2.00	\$1,612.00	10.00
52(1)	Clean fish on a wharf or other structure in a local port in an area not subject to a set aside determination or without a permit	\$322.00	2.00	\$1,612.00	10.00
52(2)	Leave or store fishing-related equipment in an area not subject to a set aside determination or without a permit	\$322.00	2.00	\$1,612.00	10.00
52(3)	A person must not stretch or repair fishing equipment in a local port, subject to a set aside determination which permits the carrying out of that activity in that area, or in accordance with a permit	\$322.00	2.00	\$1,612.00	10.00
53	Failing to retrieve fishing rod or line when a vessel approaches or departs from a wharf	\$322.00	2.00	\$1,612.00	10.00
54(1)	A person must not advertise or otherwise offer any thing or any service for sale, trade or hire in a local port except-- (a) in an area subject to a set aside determination which permits the carrying out of that activity in that area	n/a	n/a	\$3,224.00	20.00
54(2)	A person must not undertake any commercial filming activities in a local port except (a) in an area subject to a set aside determination	n/a	n/a	\$3,224.00	20.00
55(1)	A person must not organise or conduct or take part in organising or conducting an organised activity in a local port except if permitted	n/a	n/a	\$3,224.00	20.00
56(1)	Cut, break or destroy vessel mooring	\$322.00	2.00	\$1,612.00	10.00
56(2)	Interfere with, cast off or remove vessel from wharf or mooring	\$322.00	2.00	\$1,612.00	10.00
57	Damage, deface or interfere with port manager's property or infrastructure without a permit	\$322.00	2.00	\$1,612.00	10.00
58	Trespassing without permit or authorisation	n/a	n/a	\$1,612.00	10.00
59(1)	Discharging fireworks without a permit	n/a	n/a	\$3,224.00	20.00
59(2)	Allowing fireworks to be discharged in a local port without a permit	n/a	n/a	\$3,224.00	20.00
60	Leave or deposit litter or other industrial waste in a manner not permitted	\$322.00	2.00	\$1,612.00	10.00
61	Interfere with marine safety equipment in a manner not permitted	n/a	n/a	\$3,224.00	20.00
62	Damage, obstruct or interfere with road, footpath, footway, access area, unloading area or gate without a permit	\$322.00	2.00	\$1,612.00	10.00
63(1)	Fail to close gate after using it that is bearing a sign or notice stating the gate is to be kept closed at all times	\$322.00	2.00	\$1,612.00	10.00
64	A person must not leave or deposit on, or attach to, a wharf, navigation aid or any other structure in a local port any thing which may cause a hindrance or danger to navigation	n/a	n/a	\$1,612.00	10.00
65	Light, kindle, use or maintain a fire in a manner not permitted	\$322.00	2.00	\$1,612.00	10.00
66(3)	fail to comply with a direction from a port manager, transport safety officer or police officer	\$322.00	2.00	\$3,224.00	20.00
Port Management (Port of Melbourne Safety and Property) Regulations 2010					
9(3)	Application for authorisation to carry out a hazardous port activity - A person must not conduct hazardous port activities unless an authority has been obtained	\$806.00	5.00	\$3,224.00	20.00
12(3)	Conditions concerning authority - A person to whom an authority has been issued must comply with any conditions under subregulation (1) that are specified in the authority	\$806.00	5.00	\$3,224.00	20.00
17	Person to produce authority for inspection on request - A person to whom an authority has been issued must produce the authority for inspection if requested to do so by the port corporation, a port safety officer or a member of the police force	\$322.00	2.00	\$1,612.00	10.00
18(1)	Notice of proposal to carry out a hazardous port activity - For the purposes of section 88M(2) of the Act, the notice must be given at least 24 hours before the person proposes to carry out the hazardous port activity	\$806.00	5.00	\$3,224.00	20.00
20(1)	Transfers of cargo involving dangerous goods - (1) A person who proposes to transfer dry or liquid cargo that are dangerous goods to and from vessels or wharves must prepare a manifest which— (a) details the type and quantity of dangerous goods to be loaded, unloaded or transferred; and (b) has been signed by the master, owner or agent of the ship or vessel	\$806.00	5.00	\$3,224.00	20.00
20(2)	Transfers of cargo involving dangerous goods - (2) A person must not load, unload or transfer dangerous goods within the port or port waters unless the port corporation has been given a manifest prepared in accordance with subregulation (1) at least 24 hours before that activity is to occur	\$806.00	5.00	\$3,224.00	20.00

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Penalty unit \$161.19

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The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of penalties	Infringement Penalty From 1 July 2018		Maximum Court Penalty From 1 July 2018	
	(\$)	Units	(\$)	Units
21	n/a	n/a	\$3,224.00	20.00
Transport (Compliance and Miscellaneous) Act 1983				
230N	n/a	n/a	\$806.00	5.00
230W	n/a	n/a	\$9,671.00	60.00
230ZC(3)	n/a	n/a	\$9,671.00	60.00
Pollution of Waters by Oil and Noxious Substances Act 1986				
8(1)(a)	n/a	n/a	\$322,380.00	2,000.00
8(1)(b)	n/a	n/a	\$1,611,900.00	10,000.00
9(1)(a)	n/a	n/a	\$322,380.00	2,000.00
9(1)(b)	n/a	n/a	\$1,611,900.00	10,000.00
10(1)	n/a	n/a	\$80,595.00	500.00
10(3)(c)	n/a	n/a	\$80,595.00	500.00
10(3)(d)	n/a	n/a	\$402,975.00	2,500.00
10(6)	n/a	n/a	\$32,238.00	200.00
10(7)	n/a	n/a	\$32,238.00	200.00
10(8)	n/a	n/a	\$32,238.00	200.00
11(4)(a)	n/a	n/a	\$32,238.00	200.00
11(4)(b)	n/a	n/a	\$161,190.00	1,000.00
11(5)	n/a	n/a	\$32,238.00	200.00
11(7)	n/a	n/a	\$32,238.00	200.00
12	n/a	n/a	\$32,238.00	200.00
13(2)(a)	n/a	n/a	\$32,238.00	200.00
13(2)(b)	n/a	n/a	\$161,190.00	1,000.00
18(1)(a)	n/a	n/a	\$322,380.00	2,000.00
18(1)(b)	n/a	n/a	\$1,611,900.00	10,000.00
19(1)	n/a	n/a	\$80,595.00	500.00
19(3)(c)	n/a	n/a	\$80,595.00	500.00
19(3)(d)	n/a	n/a	\$402,975.00	2,500.00
19(6)	n/a	n/a	\$32,238.00	200.00
19(7)	n/a	n/a	\$32,238.00	200.00
19(8)	n/a	n/a	\$32,238.00	200.00
20(4)(a)	n/a	n/a	\$32,238.00	200.00
20(4)(b)	n/a	n/a	\$161,190.00	1,000.00
20(5)	n/a	n/a	\$32,238.00	200.00
20(8)	n/a	n/a	\$32,238.00	200.00
21	n/a	n/a	\$32,238.00	200.00
22(2)(a)	n/a	n/a	\$32,238.00	200.00
22(2)(b)	n/a	n/a	\$161,190.00	1,000.00

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The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of penalties	Infringement Penalty From 1 July 2018		Maximum Court Penalty From 1 July 2018	
	(\$)	Units	(\$)	Units
22(4)(a) Where a cargo record book of a ship is not retained in accordance with subsection (3), the owner of the ship is guilty of an offence punishable, upon conviction, by a fine not exceeding— (a) if the owner is a natural person—200 penalty units	n/a	n/a	\$32,238.00	200.00
22(4)(b) Where a cargo record book of a ship is not retained in accordance with subsection (3), the owner of the ship is guilty of an offence punishable, upon conviction, by a fine not exceeding— (b) if the owner is a body corporate— 1000 penalty units.	n/a	n/a	\$161,190.00	1,000.00
23B(1)(a) Prohibition of disposal of garbage into State waters (1) Subject to subsections (2) to (8) (inclusive), if any disposal of garbage occurs from a ship into State waters, the master and the owner of the ship are each guilty of an indictable offence punishable, upon conviction— (a) if the offender is a natural person, by a fine not exceeding 2000 penalty units, or imprisonment for 2 years, or both.	n/a	n/a	\$322,380.00	2,000.00
23B(1)(b) Prohibition of disposal of garbage into State waters (1) Subject to subsections (2) to (8) (inclusive), if any disposal of garbage occurs from a ship into State waters, the master and the owner of the ship are each guilty of an indictable offence punishable, upon conviction—(b) if the offender is a body corporate, by a fine not exceeding 10 000 penalty units.	n/a	n/a	\$1,611,900.00	10,000.00
23D(1) Duty to report certain incidents involving harmful substances (1) Where a prescribed incident occurs in State waters in relation to a ship, the master of the ship must, without delay, notify a prescribed officer of the incident, in the prescribed manner, and if a prescribed officer is not so notified the master is guilty of an indictable offence punishable upon conviction by a fine not exceeding 500 penalty units, or imprisonment for 1 year, or both.	n/a	n/a	\$80,595.00	500.00
23D(3)(a) Where a prescribed incident occurs in State waters in relation to a ship and— (a) the master of the ship is unable to comply with subsection (1) in relation to the incident; , and, if a prescribed officer is not so notified, each of those persons is guilty of an indictable offence punishable, upon conviction—				
23D(3)(d) In the case of a corporation	n/a	n/a	\$402,975.00	2,500.00
23D(3)(c) In the case of a natural person	n/a	n/a	\$80,595.00	500.00
23D(3)(b) Where a prescribed incident occurs in State waters in relation to a ship and (b) the incident occurs in circumstances in which the ship is abandoned— the owner, charterer, manager or operator of the ship or an agent of the owner, charterer, manager or operator of the ship shall, without delay, notify a prescribed officer of the incident, in the prescribed manner, and, if a prescribed officer is not so notified, each of those persons is guilty of an indictable offence punishable, upon conviction— (d) if the offender is a body corporate by a fine not exceeding—2500 penalty units.	n/a	n/a	\$402,975.00	2,500.00
23(3)(d) In the case of a corporation	n/a	n/a	\$402,975.00	2,500.00
23D(3)(c) In the case of a natural person	n/a	n/a	\$80,595.00	500.00
23D(6) A master of a ship who, pursuant to subsection (1), has notified a prescribed officer of the occurrence of a prescribed incident must, if so requested by a prescribed officer, give, within the prescribed time, a report to a prescribed officer in relation to the incident in accordance with the prescribed form.	n/a	n/a	\$32,238.00	200.00
23D(7) Where subsection (3) applies in relation to a prescribed incident in relation to a ship, a person who, pursuant to that subsection, has notified a prescribed officer of the occurrence of the prescribed incident must, if so requested by a prescribed officer give, within the prescribed time, a report to a prescribed officer in relation to the incident in accordance with the prescribed form	n/a	n/a	\$32,238.00	200.00
23D(8) A person must not, in a notice given to prescribed officer pursuant to subsection (1) or (3) or in a report given to a prescribed officer to subsection (6) or (7), knowingly or recklessly make a statement that is false or misleading in a material particular.	n/a	n/a	\$32,238.00	200.00
23E(1)(a) Prohibition of discharge by jettisoning of harmful substances into State waters (1) Subject to subsections (2) and (3), if any discharge by jettisoning of a harmful substance, being a substance carried as cargo in packaged form or in a freight container, portable tank or road and rail tank wagon, occurs from a ship into State waters, the master and the owner of the ship are each guilty of an offence punishable, upon conviction— (a) if the offender is a natural person, by a fine not exceeding 2000 penalty units, or imprisonment for 2 years, or both.	n/a	n/a	\$322,380.00	2,000.00
23E(1)(b) Prohibition of discharge by jettisoning of harmful substances into State waters (1) Subject to subsections (2) and (3), if any discharge by jettisoning of a harmful substance, being a substance carried as cargo in packaged form or in a freight container, portable tank or road and rail tank wagon, occurs from a ship into State waters, the master and the owner of the ship are each guilty of an offence punishable, upon conviction—(b) if the offender is a body corporate, by a fine not exceeding 10 000 penalty units.	n/a	n/a	\$1,611,900.00	10,000.00
23G(1)(a) Prohibition of discharge of sewage into State waters (1) Subject to subsections (2) to (6) (inclusive), if any discharge of sewage occurs from a ship into State waters, the master and the owner of the ship are each guilty of an indictable offence punishable upon conviction— (a) if the offender is a natural person, by a fine not exceeding 2000 penalty units, or imprisonment for 2 years, or both	n/a	n/a	\$322,380.00	2,000.00
23G(1)(b) Prohibition of discharge of sewage into State waters (1) Subject to subsections (2) to (6) (inclusive), if any discharge of sewage occurs from a ship into State waters, the master and the owner of the ship are each guilty of an indictable offence punishable upon conviction— (b) if the offender is a body corporate, by a fine not exceeding 10 000 penalty units	n/a	n/a	\$1,611,900.00	10,000.00
23J(3)(a) Prohibited discharge into State waters (3) A person who is guilty of an offence under subsection (1) or (2) is liable— (a) in the case of an individual, to a fine not exceeding 2000 penalty units or imprisonment for 2 years, or both.	n/a	n/a	\$322,380.00	2,000.00
23J(3)(b) Prohibited discharge into State waters (3) A person who is guilty of an offence under subsection (1) or (2) is liable—(b) in the case of a body corporate, to a fine not exceeding 10 000 penalty units.	n/a	n/a	\$1,611,900.00	10,000.00
23K(3)(a) Discharge from ships - A person who is guilty of an offence under subsection (1) or (2) is liable— (a) in the case of an individual, to a fine not exceeding 2000 penalty units or imprisonment for 2 years, or both.	n/a	n/a	\$322,380.00	2,000.00
23K(3)(b) Discharge from ships - A person who is guilty of an offence under subsection (1) or (2) is liable— (b) in the case of a body corporate, to a fine not exceeding 10 000 penalty units.	n/a	n/a	\$1,611,900.00	10,000.00
23L(1)(a) Duty to report discharges - (1) If a prohibited discharge occurs from any apparatus used in a transfer operation on any place on land or from any ship that is not an oil tanker and has a gross tonnage of less than 400, the occupier of that place, or the owner or master of the ship must, without delay, inform the Authority or its delegate of all details of the occurrence and if the Authority or its delegate is not so notified each of those persons is guilty of an indictable offence punishable, on conviction— (a) if the offender is an individual, by a fine not exceeding 500 penalty units, or imprisonment for one year, or both.	n/a	n/a	\$80,595.00	500.00
23L(1)(b) Duty to report discharges - (1) If a prohibited discharge occurs from any apparatus used in a transfer operation on any place on land or from any ship that is not an oil tanker and has a gross tonnage of less than 400, the occupier of that place, or the owner or master of the ship must, without delay, inform the Authority or its delegate of all details of the occurrence and if the Authority or its delegate is not so notified each of those persons is guilty of an indictable offence punishable, on conviction—(b) if the offender is a body corporate, by a fine not exceeding 2500 penalty units.	n/a	n/a	\$402,975.00	2,500.00
23L(2) Duty to report discharges - (2) If information is given orally under subsection (1), the occupier, owner or master must give to the Authority within 24 hours a written notice confirming the information.	n/a	n/a	\$322.00	2.00
24(2) Powers of authorised officers - A person shall not— (a) without reasonable excuse, hinder or obstruct or refuse or fail to comply with a requirement made of the person by, an authorised officer in the exercise of his powers under subsection (1); or (b) in answer to a question that the person is required to answer under subsection (1), make a statement that is false or misleading in a material particular.	n/a	n/a	\$32,238.00	200.00
24E(6) Reception facilities- An owner or occupier must comply with a requirement made by a notice.	n/a	n/a	\$40,298.00	250.00
38(1)(a) Alteration etc. of construction of ships and cancellation of certificates (1) Where the construction of a ship in respect of which a ship construction certificate issued under section 37 is in force is altered, or such a ship is damaged, in a manner which affects its compliance with the provisions of Annex I, the master or owner of the ship shall, within 7 days after the construction of the ship is altered or the ship is damaged, as the case may be, give notice in writing of the alteration or damage to such person, and in such form, as are prescribed and, if the notice is not so given, the master and the owner of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding— (a) if the offender is a natural person— 20 penalty units.	n/a	n/a	\$3,224.00	20.00
38(1)(b) Alteration etc. of construction of ships and cancellation of certificates (1) Where the construction of a ship in respect of which a ship construction certificate issued under section 37 is in force is altered, or such a ship is damaged, in a manner which affects its compliance with the provisions of Annex I, the master or owner of the ship shall, within 7 days after the construction of the ship is altered or the ship is damaged, as the case may be, give notice in writing of the alteration or damage to such person, and in such form, as are prescribed and, if the notice is not so given, the master and the owner of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding— (b) if the offender is a body corporate—50 penalty units	n/a	n/a	\$8,060.00	50.00
38(2)(c)(i) Alteration etc. of construction of ships and cancellation of certificates (c) The penalty applicable to each such separate and further offence is a fine not exceeding— (i) if the offender is a natural person— 10 penalty units.	n/a	n/a	\$1,612.00	10.00
38(2)(c)(ii) Alteration etc. of construction of ships and cancellation of certificates (c) The penalty applicable to each such separate and further offence is a fine not exceeding— (ii) if the offender is a body corporate— 50 penalty units	n/a	n/a	\$8,060.00	50.00
39(2)(a) Ships to be surveyed periodically - (2) Where the owner of a ship in respect of which a ship construction certificate issued under section 37 is in force fails to comply with subsection (1) in relation to the ship and to a period that is a prescribed period in relation to the ship, the owner is guilty of an offence punishable on conviction by a fine not exceeding— (a) if the owner is a natural person—20 penalty units.	n/a	n/a	\$3,224.00	20.00
39(2)(b) Ships to be surveyed periodically - (2) Where the owner of a ship in respect of which a ship construction certificate issued under section 37 is in force fails to comply with subsection (1) in relation to the ship and to a period that is a prescribed period in relation to the ship, the owner is guilty of an offence punishable on conviction by a fine not exceeding—(b) if the owner is a body corporate— 100 penalty units.	n/a	n/a	\$16,119.00	100.00
40(2) Requirement for ship construction certificates - The master of a ship to which this section applies shall not begin a voyage unless there is in force in respect of the ship a ship construction certificate.	n/a	n/a	\$16,119.00	100.00
40(3)(a) Requirement for ship construction certificates - The owner of a ship to which this section applies shall not permit the ship to begin a voyage unless there is in force in respect of the ship a ship construction certificate. Penalty— (a) if the offender is a natural person— 100 penalty units or imprisonment for 4 years, or both.	n/a	n/a	\$16,119.00	100.00
40(3)(b) Requirement for ship construction certificates - The owner of a ship to which this section applies shall not permit the ship to begin a voyage unless there is in force in respect of the ship a ship construction certificate. (b) if the offender is a body corporate— 500 penalty units.	n/a	n/a	\$80,595.00	500.00

PORTS, TRANSPORT AND POLLUTION - PENALTIES

In accordance with the *Monetary Units Act 2004*, the value for **2018-19** is:
Fee unit \$14.55
Penalty unit \$161.19

The amount of fees are determined by multiplying the number of fee units contained in the legislation by the current value of the fee unit (section 7(1)) and rounded to the nearest 10 cents (section 7(3))
The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of penalties	Infringement Penalty From 1 July 2018		Maximum Court Penalty From 1 July 2018	
	(\$)	Units	(\$)	Units
40(6) Requirement for ship construction certificates - The owner of a ship to which this section applies in respect of which a ship construction certificate is in force shall cause the certificate to be carried on board the ship	n/a	n/a	\$1,612.00	10.00
44(1)(a) Alteration etc. of construction of ships and cancellation of certificates (1) Where the construction of a ship in respect of which a chemical tanker construction certificate issued under section 43 is in force is altered, or such a ship is damaged, in a manner which affects its compliance with the provisions of Annex II, the master or owner of the ship shall, within 7 days after the construction of the ship is altered or the ship is damaged, as the case may be, give a notice in writing of the alteration or damage to such person, and in such form, as are prescribed and, if the notice is not so given, the master and the owner of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding—(a) if the offender is a natural person— 10 penalty units.	n/a	n/a	\$1,612.00	10.00
44(1)(b) Alteration etc. of construction of ships and cancellation of certificates (1) Where the construction of a ship in respect of which a chemical tanker construction certificate issued under section 43 is in force is altered, or such a ship is damaged, in a manner which affects its compliance with the provisions of Annex II, the master or owner of the ship shall, within 7 days after the construction of the ship is altered or the ship is damaged, as the case may be, give a notice in writing of the alteration or damage to such person, and in such form, as are prescribed and, if the notice is not so given, the master and the owner of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding— (b) if the offender is a body corporate— 50 penalty units.	n/a	n/a	\$8,060.00	50.00
44(2)(c)(i) Alteration etc. of construction of ships and cancellation of certificates (2) Where a notice required to be given under subsection (1) is not given within the period referred to in that subsection, the following provisions of this subsection have effect— (a) the obligation to give the notice continues, notwithstanding that that period has expired, until the notice is given; (b) the master and the owner of the ship are each guilty of a separate and further offence in respect of each day during which the notice is not given, being a day after the expiration of that period; (c) the penalty applicable to each such separate and further offence is a fine not exceeding— (i) if the offender is a natural person—10 penalty units.	n/a	n/a	\$1,612.00	10.00
44(2)(c)(ii) Alteration etc. of construction of ships and cancellation of certificates (2) Where a notice required to be given under subsection (1) is not given within the period referred to in that subsection, the following provisions of this subsection have effect— (a) the obligation to give the notice continues, notwithstanding that that period has expired, until the notice is given; (b) the master and the owner of the ship are each guilty of a separate and further offence in respect of each day during which the notice is not given, being a day after the expiration of that period; (c) the penalty applicable to each such separate and further offence is a fine not exceeding—(ii) if the offender is a body corporate— 50 penalty units.	n/a	n/a	\$8,060.00	50.00
45(2)(a) Ships to be surveyed periodically - Where the owner of a ship in respect of which a chemical tanker obstruction certificate issued under section 43 is in force fails to comply with subsection (1) in relation to the ship and to a period that is a prescribed period in relation to the ship, the owner is guilty of an offence punishable on conviction by a fine not exceeding— (a) if the owner is a natural person—20 penalty units.	n/a	n/a	\$3,224.00	20.00
45(2)(b) Ships to be surveyed periodically - Where the owner of a ship in respect of which a chemical tanker construction certificate issued under section 43 is in force fails to comply with subsection (1) in relation to the ship and to a period that is a prescribed period in relation to the ship, the owner is guilty of an offence punishable on conviction by a fine not exceeding— (b) 1if the owner is a body corporate— 50 penalty units.	n/a	n/a	\$8,060.00	50.00
46(1)(a) Requirement for chemical tanker construction certificates - Where a trading ship proceeding on an intra-state voyage is constructed or adapted so that it can carry as cargo, or part cargo, in bulk any substance that, for the purposes of Division 3 of Part 2 is a substance in Category A, B, C or D, the master of that ship shall not begin a voyage, and the owner of that ship shall not permit that ship to begin a voyage, unless there is in force in respect of that ship a chemical tanker construction certificate. Penalty— (a) if the offender is a natural person— 100 penalty units, or imprisonment for 4 years, or both.	n/a	n/a	\$16,119.00	100.00
46(1)(b) Requirement for chemical tanker construction certificates - Where a trading ship proceeding on an intra-state voyage is constructed or adapted so that it can carry as cargo, or part cargo, in bulk any substance that, for the purposes of Division 3 of Part 2 is a substance in Category A, B, C or D, the master of that ship shall not begin a voyage, and the owner of that ship shall not permit that ship to begin a voyage, unless there is in force in respect of that ship a chemical tanker construction certificate. Penalty— (b) if the offender is a body corporate— 500 penalty units.	n/a	n/a	\$80,595.00	500.00
46(4) Requirement for chemical tanker construction certificates -The owner of a ship of the kind referred to in subsection (1) in respect of which a chemical tanker construction certificate is in force shall cause the certificate to be carried on board the ship.	n/a	n/a	\$1,612.00	10.00
53(1)(a) Alteration etc. of construction of ships and cancellation of certificates - Where the construction of a ship in respect of which a sewage certificate is in force is altered, or such a ship is damaged, in a manner which affects its compliance with the provisions of Annex IV, the master or owner of the ship shall, within 7 days after the construction of the ship is altered or the ship is damaged, as the case may be, give a notice in writing of the alteration or damage to such person, and in such form, as are prescribed and, if the notice is not so given, the master and the owner of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding—(a) if the offender is a natural person— 10 penalty units.	n/a	n/a	\$1,612.00	10.00
53(1)(b) Alteration etc. of construction of ships and cancellation of certificates - Where the construction of a ship in respect of which a sewage certificate is in force is altered, or such a ship is damaged, in a manner which affects its compliance with the provisions of Annex IV, the master or owner of the ship shall, within 7 days after the construction of the ship is altered or the ship is damaged, as the case may be, give a notice in writing of the alteration or damage to such person, and in such form, as are prescribed and, if the notice is not so given, the master and the owner of the ship are each guilty of an offence punishable upon conviction by a fine not exceeding—(b) if the offender is a body corporate— 50 penalty units.	n/a	n/a	\$8,060.00	50.00
53(2)(c)(i) Alteration etc. of construction of ships and cancellation of certificates - Where a notice required to be given under subsection (1) is not given within the period referred to in that subsection, the following provisions of this subsection have effect— (a) the obligation to give the notice continues, notwithstanding that that period has expired, until the notice is given; (b) the master and the owner of the ship are each guilty of a separate and further offence in respect of each day during which the notice is not given, being a day after the expiration of that period; (c) the penalty applicable to each such separate and further offence is a fine not exceeding— (i) if the offender is a natural person—10 penalty units.	n/a	n/a	\$1,612.00	10.00
53(2)(c)(ii) Alteration etc. of construction of ships and cancellation of certificates - Where a notice required to be given under subsection (1) is not given within the period referred to in that subsection, the following provisions of this subsection have effect— (a) the obligation to give the notice continues, notwithstanding that that period has expired, until the notice is given; (b) the master and the owner of the ship are each guilty of a separate and further offence in respect of each day during which the notice is not given, being a day after the expiration of that period; (c) the penalty applicable to each such separate and further offence is a fine not exceeding— (ii) if the offender is a body corporate— 50 penalty units.	n/a	n/a	\$8,060.00	50.00
54(2)(a) Ships to be surveyed periodically - Where the owner of a ship in respect of which a sewage certificate issued under section 52 is in force fails to comply with subsection (1) in relation to the ship and to a period that is a prescribed period in relation to the ship, the owner is guilty of an offence punishable upon conviction by a fine not exceeding— (a) if the owner is a natural person—20 penalty units.	n/a	n/a	\$3,224.00	20.00
54(2)(b) Ships to be surveyed periodically - Where the owner of a ship in respect of which a sewage certificate issued under section 52 is in force fails to comply with subsection (1) in relation to the ship and to a period that is a prescribed period in relation to the ship, the owner is guilty of an offence punishable upon conviction by a fine not exceeding—(b) if the owner is a body corporate— 100 penalty units.	n/a	n/a	\$16,119.00	100.00
55(2) Requirement for sewage certificates - The master of a ship to which this section applies shall not begin a voyage unless there is in force in respect of the ship a sewage certificate.	n/a	n/a	\$16,119.00	100.00
55(3)(a) Requirement for sewage certificates - The owner of a ship to which this section applies shall not permit the ship to begin a voyage unless there is in force in respect of the ship a sewage certificate. Penalty— (a) if the offender is a natural person— 100 penalty units or imprisonment for 4 years, or both.	n/a	n/a	\$16,119.00	100.00
55(3)(b) Requirement for sewage certificates - The owner of a ship to which this section applies shall not permit the ship to begin a voyage unless there is in force in respect of the ship a sewage certificate. Penalty— (b) if the offender is a body corporate— 500 penalty units.	n/a	n/a	\$80,595.00	500.00
55(5) The owner of a ship to which this section applies in respect of which a sewage certificate is in force shall cause the certificate to be carried on board the ship.	n/a	n/a	\$1,612.00	10.00
Port Management Act 1995				
56(5) Financial and business records - A person who without lawful excuse fails to comply with any requirement made under this section is guilty of an offence.	n/a	n/a	\$19,343.00	120.00
56(7) Financial and business records - A person must not, in purported compliance with a requirement, knowingly give the Commission information that is false or misleading.	n/a	n/a	\$19,343.00	120.00
56(8) Financial and business records - A person must not— (a) threaten, intimidate or coerce another person; or (b) take, threaten to take, incite or be involved in any action that causes another person to suffer any loss, injury or disadvantage— because that other person complied, or intends to comply, with a requirement made under this section.	n/a	n/a	\$19,343.00	120.00
57(2)(d) Restriction on disclosure of confidential information - if it is aware that the person who supplied the information or document in turn received the information or document from another person and is aware of that other person's identity and address, it gives that other person a written notice— (i) containing the details required by paragraph (c); and (ii) stating that the Commission is of the opinion required by paragraph (b) in relation to him, her or it and setting out detailed reasons why it is of that opinion.	n/a	n/a	\$19,343.00	120.00
63A Prohibition - services must not engage in the provision of prescribed services unless the person— (a) is the holder of a licence authorising the provision of the relevant prescribed services; or (b) is exempted from the requirement to obtain a licence in respect of the provision of the relevant prescribed services.	n/a	n/a	\$16,119.00	100.00
63H A port licence holder must comply with the conditions of the port licence the port licence holder holds.	n/a	n/a	\$16,119.00	100.00
73E(1) Offence to provide towage services without notification - A person must not provide a towage service in the port of Melbourne unless the person is a notified towage services provider.	n/a	n/a	\$9,671.00	60.00
73O(3) Compliance with determined towage condition - A notified towage services provider must comply with any condition in a towage conditions determination, in respect of which a specification under section (2)(b) has been given to the provider, within two months of the date on which the notice under subsection (1) has been served on the provider.	n/a	n/a	\$38,686.00	240.00

PORTS, TRANSPORT AND POLLUTION - PENALTIES

In accordance with the *Monetary Units Act 2004*, the value for **2018-19** is:
Fee unit \$14.55
Penalty unit \$161.19

The amount of fees are determined by multiplying the number of fee units contained in the legislation by the current value of the fee unit (section 7(1)) and rounded to the nearest 10 cents (section 7(3))
The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of penalties	Infringement Penalty From 1 July 2018		Maximum Court Penalty From 1 July 2018	
	(\$)	Units	(\$)	Units
88B(1) Offence to enter restricted access area - A person, who is not an authorised person, must not enter into or remain in a restricted access area, or cause a vessel to enter into or remain in a restricted access area, in contravention of the declaration of the area.	n/a	n/a	\$1,612.00	10.00
88C(1) Interference with activities (1) A person, who is not an authorised person, must not, in contravention of a declaration of a restricted access area— (a) interfere with or hinder; or (b) cause any other person to interfere with or hinder— the carrying out of any activity in the area that is being carried out for the purpose of enabling the recommending authority for the area to carry out its powers or functions or give effect to its objectives under this Act.	n/a	n/a	\$1,612.00	10.00
88C(3) Interference with activities - (3) A person, who is not an authorised person, must not, in contravention of a declaration of a restricted access area— (a) interfere with or hinder; or (b) cause any other person to interfere with or hinder— the entry into a restricted access area by a person authorised by a certificate under section 88G to do so.	n/a	n/a	\$1,612.00	10.00
88D(1) Offence not to give certain information to police when asked to do so - A person who is in a restricted access area must, if asked to do so by a member of the police force— (a) give his or her name and address; and (b) state the authority under which he or she is entitled to be in the area and provide evidence that the person has that relates to that authority.	n/a	n/a	\$806.00	5.00
88D(2) Offence not to give certain information to police when asked to do so - A person who is not entitled to enter or remain in a restricted access area without a certificate of authorisation under section 88G must, when asked to do so by a member of the police force, produce the certificate.	n/a	n/a	\$806.00	5.00
88M(1) Hazardous port activity notice - A person who proposes to carry out a hazardous port activity in port of Melbourne waters or on port of Melbourne land, must give notice to the Port of Melbourne Corporation before doing so.	n/a	n/a	\$3,224.00	20.00
88M(1A) A person who proposes to carry out a hazardous activity on leased port of Melbourne land must give notice to the Victorian Ports Corporation (Melbourne) and the port of Melbourne operator before doing so.	n/a	n/a	\$3,224.00	20.00
88O Offence not to comply with hazardous port activity direction - A person who has been given a hazardous port activity direction under section 88N must comply with that direction, unless that person has a reasonable excuse for not doing so.	n/a	n/a	\$9,671.00	60.00
88P(1) A person must not leave any thing unattended in port of Melbourne waters or on port of Melbourne land that is not leased port of Melbourne land for more than one month without the permission of the Victorian Ports Corporation (Melbourne).	n/a	n/a	\$9,671.00	60.00
88P(2) A person must not leave any thing unattended on leased port of Melbourne land for more than one month without the permission of the port of Melbourne operator.	n/a	n/a	\$9,671.00	60.00
88ZF A person must not obstruct or otherwise interfere with an authorised officer in the performance of any function, or exercise of any power, of the authorised officer under this Division.	n/a	n/a	\$9,671.00	60.00
88ZK(1) A person must not without reasonable excuse fail to comply with the information direction given to the person.				
In the case of a natural person	n/a	n/a	\$19,343.00	120.00
In the case of a corporation	n/a	n/a	\$96,714.00	600.00
88ZK(3) A person must not in purported compliance with an information direction given to the person provide information that the person knows, or ought reasonably to know, is false or misleading in a material particular.				
In the case of a natural person	n/a	n/a	\$19,343.00	120.00
In the case of a corporation	n/a	n/a	\$96,714.00	600.00
88ZN If a person to whom an identity card has been issued ceases to be an authorised officer, the person must return the identity card to the Port of Melbourne operator as soon as practicable	n/a	n/a	\$806.00	5.00
88ZO An authorised officer must produce the officer's identity card for inspection - (a) before exercising a power under this Part; or (b) if asked to do so by any person at any time during the exercise of a power under this Part.	n/a	n/a	\$806.00	5.00
89(1) Offence to fail to comply with direction given by harbour master - A person must not, without reasonable excuse, refuse or fail to comply with any direction given under this Part to the master by a harbour master.	n/a	n/a	\$19,343.00	120.00
89(2) A person must not, without reasonable excuse, obstruct a harbour master (or a person acting under the direction of a harbour master) exercising any function under this Part.	n/a	n/a	\$9,671.00	60.00
91C(1) Port manager's responsibilities for management plans (1) A port manager must ensure that— (a) a safety management plan; and (b) an environment management plan— are prepared in accordance with this Part for the port or part of the port that the port manager manages, superintends or controls. Local port penalty.	n/a	n/a	\$9,671.00	60.00
91C(1) Port manager's responsibilities for management plans (1) A port manager must ensure that— (a) a safety management plan; and (b) an environment management plan— are prepared in accordance with this Part for the port or part of the port that the port manager manages, superintends or controls. Commercial trading port penalty.	n/a	n/a	\$38,686.00	240.00
91C(1A) Port manager's responsibilities for management plans - A port manager must ensure that (a) the safety management plan; and (b) the environment management plan— for the port or the part of the port that the port manager manages, superintends or controls are audited in accordance with this Part. Penalty: 60 penalty units in the case of a local port.	n/a	n/a	\$9,671.00	60.00
91C(1A) Port manager's responsibilities for management plans - A port manager must ensure that (a) the safety management plan; and (b) the environment management plan— for the port or the part of the port that the port manager manages, superintends or controls are audited in accordance with this Part. Penalty: 240 penalty units, in the case of a commercial or trading port.	n/a	n/a	\$38,686.00	240.00
91C(2) Port manager's responsibilities for management plans - A port manager must ensure that reasonable steps are taken to— (a) implement the measures or strategies that are specified in the management plan to prevent or reduce the hazards and risks associated with the operation of the port; and (b) follow the processes that are set out in the management plan to involve tenants, licensees and service providers in the port with the implementation of the management plan; and (c) follow the procedures that are set out in the management plan for implementing, reviewing and revising the management plan. Penalty: 60 penalty units in the case of a local port.	n/a	n/a	\$9,671.00	60.00
91C(2) Port manager's responsibilities for management plans - A port manager must ensure that reasonable steps are taken to— (a) implement the measures or strategies that are specified in the management plan to prevent or reduce the hazards and risks associated with the operation of the port; and (b) follow the processes that are set out in the management plan to involve tenants, licensees and service providers in the port with the implementation of the management plan; and (c) follow the procedures that are set out in the management plan for implementing, reviewing and revising the management plan. Penalty: 240 penalty units, in the case of a commercial trading port.	n/a	n/a	\$38,686.00	240.00
91C(3) Port manager's responsibilities for management plans - The port manager must comply with any written direction of the Minister under section 91H. Penalty: 60 penalty units in the case of a local port.	n/a	n/a	\$9,671.00	60.00
91C(3) Port manager's responsibilities for management plans - The port manager must comply with any written direction of the Minister under section 91H. Penalty: 240 penalty units, in the case of a commercial trading port.	n/a	n/a	\$38,686.00	240.00
91C(4) Port manager's responsibilities for management plans - The port manager must ensure that copies of the following documents are kept at the office of the port manager at the port— (a) the port safety management plan and the environment management plan for the port; and (b) the certificates required to be attached to those plans; and (c) audit reports on the management plans prepared under section 91F.	n/a	n/a	\$3,224.00	20.00
91C(5) Port manager's responsibilities for management plans - The port manager must ensure that copies of the documents referred to in subsection (4) are made available for inspection by a person authorised in writing by the Minister to have access to those documents.	n/a	n/a	\$3,224.00	20.00
91N(2) Ministerial directions - A relevant port authority must comply with a direction given to the relevant port authority under subsection (1).	n/a	n/a	\$38,686.00	240.00
91N(4) Ministerial directions - A relevant port authority must comply with a direction given to the relevant port authority under subsection (3).	n/a	n/a	\$38,686.00	240.00
91U The port of Melbourne operator must comply with a direction given to it by the Minister under subsection (2).	n/a	n/a	\$38,686.00	240.00
91V The port of Melbourne operator must comply with a direction given to it by the Minister under subsection (2) in relation to a Rail Access Strategy.	n/a	n/a	\$38,686.00	240.00