

Maximum penalties applying to discharge of pollution offences under the
Protection of the Sea (Prevention of Pollution from Ships) Act 1983

Offence	Description	Penalty units – fault based offence		Penalty amount – fault based offence		Penalty units – strict liability offence		Penalty amount – strict liability offence	
		individual ¹	corporation ²	individual	corporation	individual	corporation	individual	corporation
9(1B)	Prohibition of discharge of oil or oily mixtures into sea (strict liability)	-	-	-	-	20,000 (the master, the charterer and the owner of the ship each)	100,000	\$4,440,000	\$22,200,000
10	Prohibition of discharge of oil residues into sea (strict liability)	-	-	-	-	20,000 (the master, the charterer and the owner of the ship each)	100,000	\$4,440,000	\$22,200,000
21(1)	Prohibition of discharge of substances into the sea (fault based offence)	2,000	10,000	\$444,000	\$2,220,000	-	-	-	-
21(1B)	Prohibition of discharge of substances into the sea (strict liability)	-	-	-	-	500 (master and owner each)	2,500	\$111,000	\$555,000

¹ Under subsection 4AA(1A) of the *Crimes Act 1914* (Cth) the value of a penalty unit is subject to indexation. The Minister must publish the amount of a penalty unit in a [notifiable instrument](#), and from 1 July 2020 the amount is \$222. On each third 1 July following 1 July 2020, the dollar amount will change.

² Subsection 4B(3) of the *Crimes Act 1914* provides that where a body corporate is convicted of an offence against a law of the Commonwealth, if the contrary intention does not appear, the court may impose a penalty not exceeding 5 times the amount of the maximum pecuniary penalty that could be imposed by the court on a natural person convicted of the same offence.

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		individual ¹	corporation ²	individual	corporation	individual	corporation	individual	corporation
26AB(1)	Prohibition of discharge by jettisoning of harmful substances into the sea (fault based)	2,000	10,000	\$444,000	\$2,220,000				
26AB(3)	Prohibition of discharge by jettisoning of harmful substances into the sea (strict liability)	-	-	-	-	500	2,500	\$111,000	\$555,000
26F(1)	Prohibition of discharge of garbage into the sea (fault based offence)	2,000	10,000	\$444,000	\$2,220,000	-	-	-	-
26F(3)	Prohibition of discharge of garbage into the sea (strict liability offence)	-	-	-	-	500 (master and owner each)	2,500	\$111,000	\$555,000