

**STATEMENT ADDRESSING THE BETTER REGULATION PRINCIPLES
IN RELATION TO THE PROPOSED**

***MANAGEMENT OF WATERS AND WATERSIDE LANDS AMENDMENT
(PENALTY NOTICE OFFENCES) REGULATION 2010***

1 *The need for government action should be established*

The proposed Regulation is to be made under the *Maritime Services Act 1935* to increase the Penalty Notice penalty amount for an alleged offence against clause 5 of the *Management of Waters and Waterside Lands Regulations – NSW* from the present amount of \$60.00 to \$250.00.

Clause 5 of the *Management of Waters and Waterside Lands Regulations – NSW* authorises the display of signs or notices on NSW Maritime owned and controlled land and structures to regulate the conduct and use of such land and structures by persons.

Dangerous or anti-social behaviour on or near Sydney ferry commuter wharves can affect the safe use of these wharves and the amenity for commuters.

The present Penalty Notice penalty amount is an inadequate deterrent to the commission of offences.

2 *The objective of government action should be clear*

The objective of the proposed Regulation is to increase the relevant Penalty Notice penalty amount to a level that is consistent with the corresponding provision relating to use of vessels contrary to notices under the *Marine Safety Act 1998*.

3 *The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options*

The costs of the measure will impact only on persons who fail to comply with a sign or notice on NSW Maritime owned or controlled land or structures. The measure is expected to benefit the community in particular by assisting actions to improve the safety and amenity of Sydney ferry commuter wharves.

4 *Government action should be effective and proportional*

It is considered that the proposed amendment will be effective in providing a suitable level of penalty for alleged offences.

The amendment is proportional as the increased penalty amount is equivalent to the Penalty Notice penalty amount for a corresponding provision under the *Marine Safety Act 1998*.

5 *Consultation with business and the community should inform regulatory development*

NSW Maritime has not consulted on the proposed amendment as complaints and observations of the state of Sydney ferry commuter wharves have informed the need to review the Penalty Notice penalty amount.

6 *The simplification, repeal, reform or consolidation of existing regulation should be considered*

The Regulation does not raise simplification, repeal, reform or consolidation of existing regulation issues for consideration.

7 *Regulation should be periodically reviewed, and if necessary reformed to ensure its continued efficiency and effectiveness*

The *Management of Waters and Waterside Lands Regulations – NSW* is expected to be repealed when suitable replacement Regulations are available. The experience under the present Regulations will inform the development of new Regulations.