



New South Wales

Protection of the Environment Operations (Clean Air) Amendment (Cruise Ships) Regulation 2015

under the

Protection of the Environment Operations Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

MARK SPEAKMAN, MP
Minister for the Environment

Explanatory note

The object of this Regulation is to require cruise ships to use low sulfur fuel while berthed in Sydney Harbour (from 1 October 2015) and at any place within the boundaries of Sydney Harbour (when not berthed) from 1 July 2016.

The Regulation also makes provision for the following:

- (a) requiring fuel suppliers to provide the masters of cruise ships with certain documents and fuel samples relating to the refuelling of those ships,
- (b) providing that masters and owners of cruise ships must keep certain log books and other documents relating to fuels,
- (c) requiring appropriate persons to be available to answer questions and provide information about a cruise ship's fuel systems and engines while it is berthed in port,
- (d) enabling the Environment Protection Authority to approve alternative methods for a cruise ship to achieve low sulfur oxides and particulate matter emissions instead of using low sulfur fuel,
- (e) providing for certain defences, exemptions and exceptions to these requirements to use low sulfur fuel,
- (f) prescribing certain offences relating to these obligations and requirements as penalty notice offences,
- (g) enabling a penalty notice that relates to an offence that applies to a master of a vessel to be served by leaving it on, or attaching it to, the vessel or leaving it with the person having command or charge of the vessel for the time being,
- (h) providing for appeals to the Land and Environment Court against certain decisions of the Environment Protection Authority regarding certain exemptions and approvals.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 291 and 323 (the general regulation-making power) and items 4 and 15 of Schedule 2.

Protection of the Environment Operations (Clean Air) Amendment (Cruise Ships) Regulation 2015

under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Clean Air) Amendment (Cruise Ships) Regulation 2015*.

2 Commencement

This Regulation commences on 1 October 2015 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Protection of the Environment Operations (Clean Air) Regulation 2010

Part 6A

Insert after Part 6:

Part 6A Cruise ship fuels

Division 1 Interpretation

78A Definitions

(1) In this Part:

arrival at a berth, in relation to a vessel, means the time at which the vessel is first securely moored or anchored at the berth.

berth means a place at which a vessel is secured or anchored while in a port.

berthing period means the period commencing one hour after a vessel's arrival at a berth and concluding one hour before the vessel's departure from a berth.

cruise ship means a passenger ship not having a cargo deck, designed exclusively for commercial transportation of over 100 passengers in overnight accommodation on a sea voyage.

departure from a berth, in relation to a vessel, means the time at which the vessel is untied from its mooring or its anchor raised at the berth.

engine, of a vessel, includes the main engine, auxiliary engine, auxiliary boiler and any generator on the vessel.

fuel change over operation means an operation to change the fuel being used in a cruise ship's engines:

- (a) to low sulfur fuel from other fuel, or
- (b) to other fuel from low sulfur fuel.

low sulfur fuel means a fuel with a sulfur content of 0.10% or less.

MARPOL has the same meaning as in the *Marine Pollution Act 2012*.

master, in relation to a ship, means a person, other than a pilot, having command or charge of the ship.

owner, of a cruise ship, means one or more of the following:

- (a) a person who has a legal or beneficial interest in the ship, other than as a mortgagee,
- (b) a person with overall general control and management of the ship,
- (c) a person who has assumed responsibility for the ship from a person referred to in paragraph (a) or (b).

For the purposes of paragraph (b), a person is not taken to have overall general control and management of a ship merely because he or she is the master or pilot of the ship.

Sydney Harbour means the port described in clause 6 (Sydney Harbour) of Schedule 1 to the *Ports and Maritime Administration Regulation 2012*, but does not include any part of that port that is not within the limits of the State.

- (2) In this Part, a reference to the sulfur content of a fuel is a reference to the sulfur content of the fuel when tested in accordance with:
 - (a) ISO 8754:2003 *Petroleum products—Determination of sulfur content—Energy-dispersive X-ray fluorescence spectrometry*, or
 - (b) ASTM D5453-12 *Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence*, or
 - (c) ASTM D2622-10 *Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry*, or
 - (d) any test method for determining the sulfur content of diesel fuel approved by ASTM International (formerly known as the American Society for Testing and Materials (ASTM)) or the International Organization for Standardization (ISO).
- (3) A reference in this clause to an ASTM International or International Organization for Standardization standard includes a reference to a standard that replaces that standard.

Division 2 Use of low sulfur fuels in cruise ships in Sydney Harbour

78B Cruise ships to use low sulfur fuel while berthed in Sydney Harbour

The master and the owner of a cruise ship are each guilty of an offence if any of the engines of the ship use fuel other than low sulfur fuel during the ship's berthing period in Sydney Harbour.

Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

78C Cruise ships to use low sulfur fuel while within the boundaries of Sydney Harbour

- (1) The master and the owner of a cruise ship are each guilty of an offence if any of the engines of the ship use fuel other than low sulfur fuel while the ship is in Sydney Harbour (other than during the ship's berthing period in the port).
Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).
- (2) This clause has effect on and from 1 July 2016.
- (3) This clause does not limit the operation of clause 78B.

Division 3 Defences and exceptions to fuel use offences

78D Defence relating to availability of fuel

- (1) It is a defence to a prosecution for an offence under clause 78C if the defendant establishes that the master and the owner of the ship took all reasonable steps to obtain sufficient low sulfur fuel to ensure that the ship complied with the clause.
- (2) The master or owner of a cruise ship that contravenes clause 78C in circumstances specified in subclause (1) must notify the EPA (or cause the EPA to be notified) of those circumstances referred to in that subclause at least

48 hours before the ship's arrival in Sydney Harbour or, if that is not possible, as soon as practicable after that time.

Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

- (3) A notification under subclause (2):
- (a) is to be made by telephone to the EPA environment line, and
 - (b) must include all relevant details of the reasonable steps taken to obtain sufficient low sulfur fuel.

78E Defence of master reasonably acting under order or direction of owner

It is a defence to a prosecution of a master of a cruise ship for an offence under clause 78B or 78C if the defendant establishes that:

- (a) the act or omission giving rise to the alleged offence was done or omitted in accordance with an order or direction of the owner of the ship, and
- (b) the master took all other reasonable steps to ensure that the ship complied with the provision concerned.

78F Defences relating to special circumstances

- (1) It is a defence to a prosecution for an offence under clause 78B or 78C if the defendant establishes that one or more of the following circumstances applied:
- (a) fuelling operations (including fuel change over operations) to enable the cruise ship to comply with the provision concerned presented a significant risk to the immediate safety of the cruise ship or life at sea and that the risk could not be eliminated or minimised to a reasonable level (having regard to practices in other jurisdictions inside and outside Australia that require the use of low sulfur fuel by ships in ports),
 - (b) all of the following applied:
 - (i) the cruise ship's fuel system was properly and efficiently maintained,
 - (ii) technical problems with the cruise ship's fuel system arising during the visit to Sydney Harbour, that were not reasonably foreseeable, delayed or prevented the use of fuel that complies with the provision concerned,
 - (iii) reasonable efforts were made by the master or owner of the cruise ship to rectify those technical problems as soon as practicable,
 - (iv) the use of complying fuel commenced as soon as practicable after the technical problems were rectified,
 - (c) the cruise ship was not scheduled to visit Sydney Harbour and the berthing concerned was due to an emergency (such as a medical emergency or severe weather that presented a significant risk to the safety of the cruise ship), but only if the cruise ship did not have sufficient low sulfur fuel available on board to be used during the visit,
 - (d) the cruise ship's departure from its berth was delayed beyond its scheduled departure time due to circumstances beyond the reasonable control of the master of the ship (for example, delays caused by or ordered by the Australian Maritime Safety Authority, the Australian

Quarantine and Inspection Service or the Port Authority of New South Wales), but only if:

- (i) the cruise ship did not have sufficient low sulfur fuel available on board to be used during the delay, and
 - (ii) the delaying circumstances occurred within one hour before the ship's scheduled departure time,
- (e) the use of fuel that does not comply with the provision concerned was the result of securing the safety of another ship or saving life at sea,
- (f) unintentional damage to the cruise ship or its equipment (that could not have been reasonably avoided by the master or owner of the cruise ship) resulted in an inability to comply with the provision concerned and reasonable efforts were made to rectify that damage as soon as practicable.
- (2) The master or owner of a cruise ship that contravenes clause 78B or 78C in circumstances specified in subclause (1) must notify the EPA (or cause the EPA to be notified) of those circumstances at least 48 hours before the ship's arrival at a berth in the port concerned or, if that is not possible, as soon as practicable after that time.
- Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).
- (3) A notification under subclause (2):
- (a) is to be made by telephone to the EPA environment line, and
 - (b) must include all relevant details of the circumstances concerned.

78G Exemptions relating to ship safety and dry dock scheduling

- (1) The EPA may exempt a cruise ship from the operation of the following:
- (a) clauses 78B, 78C and 78J, if it is satisfied that it is not practicable for the cruise ship to comply with the requirements of those clauses because complying with the requirements would present a significant risk to the safety of the ship,
 - (b) clauses 78C and 78J, if it is satisfied that:
 - (i) engineering modifications to the cruise ship necessary to enable the ship to comply with requirements of the clauses, or to obtain an approval under Division 6, cannot reasonably be carried out by 30 June 2016, and
 - (ii) the cruise ship is required to be in a dry dock to carry out those engineering modifications, and
 - (iii) the next scheduled dry dock period for the cruise ship is at a time that will result in the cruise ship not being able to comply with the clause before 30 June 2016.
- (2) The master or owner of a cruise ship (or an agent of the master or owner) may apply for an exemption under this clause in the manner and form approved by the EPA.
- (3) An application must be accompanied by:
- (a) a statement, signed by a suitably qualified marine engineer who:
 - (i) is resident in Australia, and

- (ii) is not an employee or agent of the owner of the cruise ship, that:
 - (iii) sets out the reasons for the exemption, and
 - (iv) in relation to an exemption referred to in subclause (1) (b)— confirms that the modifications will enable the cruise ship to comply with requirements of the relevant clauses or facilitate the granting of an approval under Division 6 (as the case may be), and
- (b) in relation to an exemption referred to in subclause (1) (b)—a statement signed by an authorised representative of the dry dock concerned setting out the proposed date of the engineering modifications in the dry dock, and
- (c) the fee (if any) determined by the EPA.
- (4) A person must not, in or in connection with any application under this clause, make a statement that the person knows, or ought reasonably to know, to be false or misleading in a material particular.
Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).
- (5) An exemption may be unconditional or may be subject to conditions.
- (6) An exemption:
 - (a) operates from the date of the EPA's decision to grant or issue the exemption or another date specified by the EPA in the exemption, and
 - (b) has effect while the cruise ship is operating in accordance with the conditions to which the exemption is subject (if any).
- (7) The EPA may, by notice in writing served on the master or owner of the cruise ship, revoke, suspend or vary an exemption if:
 - (a) the EPA reasonably believes that information in the application for exemption is false or misleading, or
 - (b) there has been a contravention of a condition of the exemption, or
 - (c) there has been a contravention of the Act or this Regulation in relation to the exemption, or
 - (d) the EPA has other reasonable grounds for the revocation, suspension or variation.
- (8) A variation includes the attaching of a condition to an exemption (whether or not any conditions have already been attached), the substitution of a condition, the omission of a condition or the amendment of a condition.
- (9) An exemption under subclause (1) (b):
 - (a) may not be granted in relation to a cruise ship unless the ship has entered Sydney Harbour at least once during the period commencing on 1 October 2013 and ending on 1 October 2015 or is, at the commencement of this clause, scheduled to enter Sydney Harbour at least once before 1 October 2017, and
 - (b) ceases to have effect on 31 December 2018.

78H Exception for use of LNG, CNG and LPG

- (1) Divisions 2, 4 and 5 do not apply to a cruise ship if the cruise ship uses liquefied natural gas, compressed natural gas or liquefied petroleum gas as its

primary fuel source, but only if the master of the ship has notified the EPA (or caused the EPA to be notified) of that fact:

- (a) at least 48 hours before the ship's first arrival (after the commencement of this Part) in Sydney Harbour, or
 - (b) if that is not possible, as soon as practicable after that time.
- (2) The notification is to be made in the manner and form approved by the EPA and must include all relevant details of the use of the primary fuel source.
 - (3) A person must not, in or in connection with any notification under this clause, make a statement that the person knows, or ought reasonably to know, to be false or misleading in a material particular.
 - (4) The master of a cruise ship to which subclause (1) applies, must keep the following information in English (in a single document or in different documents):
 - (a) a fuel system diagram that shows all storage, service and mixing tanks, fuel handling, pumping and processing equipment, valves and associated piping,
 - (b) a list of the fuel tank capacities and locations, and the nominal fuel consumption rate of the ship's engines at the engine's rated power and the engine's average fuel consumption at sea and while berthed,
 - (c) a description of the make, model, rated power and serial numbers of all of the ship's engines.
 - (5) A document kept under this clause must be provided to an authorised officer on request.
Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

Division 4 Requirement relating to fuelling cruise ships

781 Fuelling supplier obligations

- (1) This clause applies to a person supplying fuel, purporting to be low sulfur fuel, to a cruise ship in Sydney Harbour.
- (2) The person must:
 - (a) provide the master of the cruise ship (or the officer in charge of the bunkering operation) with a bunker delivery note (that complies with Appendix V of Annex VI of MARPOL), and
 - (b) provide the fuel in accordance with the bunker delivery note, and
 - (c) provide the master of the cruise ship (or the officer in charge of the bunkering operation) with a representative sample of the fuel when the bunkering operations are complete.
- (3) The person must keep a copy of any bunker delivery note provided in accordance with subclause (2) (a) for a period of at least 3 years from its creation.
- (4) A copy of a bunker delivery note kept under subclause (3) must be provided to an authorised officer on request.
- (5) The representative sample of fuel referred to in subclause (2) (c) is to be provided:
 - (a) in accordance with Appendix V of Annex VI of MARPOL and *International Maritime Organisation Resolution MEPC 182 (59): 2009*

Guidelines for the Sampling of Fuel Oil for Determination of Compliance with the Revised MARPOL Annex VI, and

- (b) in addition to any other sample required to be provided under any other legislation.
- (6) A person must not, in or in connection with any representative sample of fuel provided under this clause, make a statement that the person knows, or ought reasonably to know, to be false or misleading in a material particular.
Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

Division 5 Record keeping and information provision requirements

78J Log books and other records

- (1) This clause applies to a cruise ship that:
 - (a) berths in Sydney Harbour, or
 - (b) on or after 1 July 2016—is in Sydney Harbour.
- (2) The master and the owner of a cruise ship to which this clause applies must ensure that the following records are kept:
 - (a) a log book that complies with this clause (which may be the ship's official log book),
 - (b) the documents relating to the changing of fuels referred to in subclause (3),
 - (c) any bunker delivery notes received in accordance with this Part,
 - (d) any documents created or received under or for the purposes of clause 78F.
- (3) If the cruise ship complies with the requirements of Division 2 by changing fuels, the following information must be kept in English (in a single document or in different documents):
 - (a) a fuel system diagram that shows all storage, service and mixing tanks, fuel handling, pumping and processing equipment, valves and associated piping,
 - (b) a list of the fuel tank capacities and locations, and the nominal fuel consumption rate of the ship's engines at the engine's rated power and the engine's average fuel consumption at sea and while berthed,
 - (c) the procedures by which fuel is changed from one type to another with detailed instructions and clear identification of the ship's crew members' responsibilities and setting out time frames for safe and sufficient flushing of fuels to enable compliance with Division 2,
 - (d) a description of the make, model, rated power and serial numbers of all of the ship's engines.
- (4) The following must be entered in a log book and signed by the person making the entry:
 - (a) the date and time of arrival at and departure from the relevant berth,
 - (b) the location, date and time that any fuel change over operation commenced and was completed (including details of corresponding levels and volumes in each fuel tank involved and whether the fuel tank holds low sulfur fuel or other fuel),

(c) details regarding any circumstances referred to in clause 78F.

The information must be entered in the log book as soon as is practicable after the event referred to occurs.

- (5) The master of the cruise ship must ensure that any record required to be kept under this clause is retained on the ship or at premises in the State approved by the EPA for a period of at least 3 years from its creation.
- (6) A person must not:
- (a) destroy or mutilate a log book, or an entry in such a log book, required to be kept under this clause, or
 - (b) render such an entry illegible.
- (7) A person must not, in or in connection with any record under this clause, make a statement that the person knows, or ought reasonably to know, to be false or misleading in a material particular.
- (8) A record kept under this clause must be provided to an authorised officer on request.
- (9) A person is guilty of an offence if:
- (a) the person provides a record to an authorised officer under this clause, and
 - (b) the person does so knowing that the document is false or misleading in a material particular.
- (10) Subsection (9) does not apply to a person who provides a record if the record is accompanied by a written statement signed by the person or, in the case of a body corporate, by a competent officer of the body corporate:
- (a) stating that the record is, to the knowledge of the first-mentioned person, false or misleading in a material particular, and
 - (b) setting out, or referring to, the material particular in which the record is, to the knowledge of the first-mentioned person, false or misleading.
- (11) The burden of establishing a matter referred to in subsection (10) lies on the accused person.
- Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

78K Fuel samples to be kept

- (1) The master of the cruise ship must ensure that the representative sample of fuel provided under Division 4 is kept on the ship or at premises in the State approved by the EPA for at least one year.
- (2) A representative sample of fuel kept under this clause must be provided to an authorised officer on request.
- Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

78L Master or appropriate officer to remain on cruise ship while berthed in Sydney Harbour

The master of the cruise ship that is berthed in Sydney Harbour must ensure that he or she or another appropriate officer of the ship, being an officer responsible for the ship's fuel systems and engines (for example, the ship's chief engineer or that officer's assistant) is available on the ship at all

reasonable times to answer questions and provide information to authorised officers.

Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

Division 6 Alternative methods for emission reductions

78M Application for approval

- (1) The master or owner of a cruise ship may apply to the EPA for approval for the ship to use alternative methods to achieve emissions of sulfur oxides and particulate matter at a level equal to or below the levels that would be achieved by the cruise ship complying with clauses 78B and 78C.
- (2) The application is to be made in the manner and form approved by the EPA and must include:
 - (a) the fee (if any) determined by the EPA, and
 - (b) the email addresses of the master and owner of the cruise ship for the service of notices under this Division.
- (3) The application must include:
 - (a) one of the following documents:
 - (i) an International Air Pollution Prevention Certificate issued under Annex VI of MARPOL which certifies that an exhaust gas cleaning technology has been installed on the ship that is capable of achieving the required emission levels,
 - (ii) a report prepared by a suitably qualified marine engineer who is resident in Australia certifying that technology has been installed on the ship that is capable of achieving the required emission levels (including supporting information justifying the report),
 - (iii) a certificate or other document issued under Regulation 4 of Annex VI of MARPOL and *International Maritime Organisation Resolution MEPC 184 (59): 2009 Guidelines for exhaust gas cleaning systems* which certifies that an exhaust gas cleaning technology has been installed on the ship that is capable of achieving the required emission levels, or
 - (b) all of the following prepared by a suitably qualified marine engineer who is resident in Australia:
 - (i) a detailed description of the expected outcomes of the alternative method, and how it will enable the ship to achieve emissions of sulfur oxides and particulate matter at a level equal to or below levels that would be achieved by a cruise ship complying with clauses 78B and 78C,
 - (ii) a document setting out proposed monitoring procedures and time frames for the alternative method,
 - (iii) a document setting out proposed reporting milestones and implementation procedures.
- (4) A person must not, in or in connection with any application under this clause, make a statement that the person knows, or ought reasonably to know, to be false or misleading in a material particular.

Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

78N Granting of approval

- (1) The EPA may grant or refuse to grant an approval under this Division.
- (2) The EPA may grant an approval:
 - (a) in relation to an application accompanied by a document referred to in clause 78M (3) (a)—only if it is satisfied that the alternative methods described in the application achieve emissions of sulfur oxides and particulate matter at a level equal to or below the levels that would be achieved by the cruise ship complying with clauses 78B and 78C, or
 - (b) in any other case—only if it is satisfied that the alternative methods described in the application have a reasonable prospect of achieving emissions of sulfur oxides and particulate matter at a level equal to or below the levels that would be achieved by the cruise ship complying with clauses 78B and 78C.
- (3) An approval may be unconditional or may be subject to conditions.
- (4) An approval has effect for the period specified in the approval. However, an approval referred to in subclause (2) (b) must not be granted for a period that exceeds 3 years.
- (5) Without limiting subclause (1), the EPA may refuse to grant an approval if it is of the opinion that the application contains false or misleading information.

78O Revocation and suspension of approvals

The EPA may, by notice in writing served on the master and owner of the cruise ship concerned, revoke or suspend an approval under this Division if:

- (a) the EPA reasonably believes that information in the application for the approval is false or misleading, or
- (b) there has been a contravention of a condition of the approval, or
- (c) there has been a contravention of the Act or this Regulation in relation to the approval, or
- (d) the EPA has other reasonable grounds for the revocation or suspension.

78P Variation of approval

- (1) The EPA may, by notice in writing served on the master and owner of the cruise ship concerned, vary an approval (including the conditions of the approval).
- (2) A variation includes the attaching of a condition to an approval (whether or not any conditions have already been attached), the substitution of a condition, the omission of a condition or the amendment of a condition.
- (3) An approval may be varied on application in writing to the EPA by the holder of the approval or on the initiative of the EPA.
- (4) An approval may be varied at any time during its currency.
- (5) A variation operates from the date of the EPA's decision to grant or issue the variation or another date specified by the EPA in the notice.

78Q Effect of approval

Divisions 2–5 do not apply to a cruise ship while an approval under this Division applying to the cruise ship is in force and the cruise ship is operating in accordance with the approval.

Division 7 Appeals

78R Appeals against certain decisions

- (1) The master or owner of a cruise ship may appeal to the Land and Environment Court regarding the making of one of the following decisions by the EPA, within 21 days after the making of the decision:
 - (a) a decision to grant or issue, or refuse to grant or issue, an exemption under clause 78G or an approval under clause 78N (including a decision to impose conditions on the exemption or approval),
 - (b) a decision to revoke, suspend or vary any such exemption or approval.
- (2) The lodging of an appeal does not, except to the extent that the Land and Environment Court otherwise directs in relation to the appeal, operate to stay the decision appealed against.

Schedule 2 Amendment of Protection of the Environment Operations (General) Regulation 2009

[1] Clause 83A

Insert after clause 83:

83A Service of penalty notices on masters of vessels

- (1) This clause applies to offences against the Act or the regulations under the Act that apply specifically to the master of a vessel.
- (2) A penalty notice may, if it relates to an offence to which this clause applies, be served by leaving it on, or attaching it to, the vessel or leaving it with the person having command or charge of the vessel for the time being.
- (3) A penalty notice may, if it relates to an offence to which this clause applies, be addressed to the master of a vessel without naming the master or stating his or her address.
- (4) In this clause, *master* of a vessel means a person, other than a pilot, having command or charge of the vessel.

[2] Schedule 6 Penalty notice offences

Insert at the end of the matter relating to the *Protection of the Environment Operations (Clean Air) Regulation 2010*:

Clause 78B	2	\$15,000	—
Clause 78C	2	\$15,000	—
Clause 78D (2)	2	\$8,000	—
Clause 78F (2)	2	\$8,000	—
Clause 78G (4) in the case where the person ought reasonably to have known the statement made was false or misleading	2	\$8,000	—
Clause 78H (3) in the case where the person ought reasonably to have known the statement made was false or misleading	2	\$8,000	—
Clause 78H (4) and (5)	2	\$8,000	—
Clause 78I (2)–(5)	2	\$8,000	—
Clause 78I (6) in the case where the person ought reasonably to have known the statement made was false or misleading	2	\$8,000	—
Clause 78J (2)–(6) and (8)	2	\$4,000	—
Clause 78J (7) in the case where the person ought reasonably to have known the statement made was false or misleading and (9)	2	\$8,000	—
Clause 78K	2	\$8,000	—
Clause 78L	2	\$2,000	—
Clause 78M (4) in the case where the person ought reasonably to have known the statement made was false or misleading	2	\$8,000	—