

Antarctic Treaty (Environment Protection) Act 1980

No. 103 of 1980

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Antarctic Treaty (Environment Protection) Act 1980

No. 103 of 1980

An Act relating to the protection and conservation of the environment of the Antarctic

[Assented to 6 June 1980]

WHEREAS Australia and certain other Contracting Parties to the Antarctic Treaty have agreed in accordance with Article IX of that Treaty on certain measures for the conservation of Antarctic fauna and flora:

AND WHEREAS it is desirable to make provision for giving effect to those measures and to other measures approved from time to time by Australia in accordance with that Article, and to make other provision relating to the protection of the environment of the Australian Antarctic Territory:

BE IT THEREFORE ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Antarctic Treaty (Environment Protection) Act 1980*.

Commencement

2. (1) Subject to sub-section (2), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Sections 16 to 21 (inclusive) shall come into operation on the expiration of 6 months after the day on which this Act receives the Royal Assent.

Interpretation

3. (1) In this Act, unless the contrary intention appears—

“Agreed Measures” means measures for the conservation of Antarctic fauna and flora approved by Australia under Article IX of the Treaty, and includes any measures for like purposes so approved after the commencement of this section;

- “aircraft” means a machine or apparatus that can derive support in the atmosphere from the reactions of the air or from buoyancy, but does not include a hovercraft;
- “animal” includes a native mammal or native bird;
- “another Contracting Party” means a Contracting Party to the Treaty other than Australia;
- “Antarctic” means the area south of 60° south latitude, including all ice shelves in the area;
- “article” includes a substance or a mixture of substances;
- “Australia” includes all the Territories;
- “Australian expedition” means an expedition organized by one or more of any of the following:
- (a) an Australian organization;
 - (b) an Australian citizen;
 - (c) a person resident or domiciled in Australia;
- “Australian organization” means—
- (a) a corporation that is incorporated in Australia or whose activities are carried on principally in Australia; or
 - (b) an unincorporated body or association the majority of whose members are Australian citizens or domiciled in Australia;
- “Australian property” means property that—
- (a) in the case of an aircraft or vessel—is in Australian control or is registered in accordance with the Air Navigation Regulations as an Australian aircraft or, as the case may be, registered in Australia under an Act or Imperial Act relating to the registration of ships that is applicable throughout the whole of Australia (not being an Act or Imperial Act relating to the registration of ships for a particular purpose or purposes only); or
 - (b) in any other case—is in Australian control;
- “authority of another contracting Party” means a permit or authority issued or given, or an arrangement made, by another Contracting Party for purposes of, and in accordance with, the Agreed Measures;
- “collect”, in relation to a native plant, includes severing, or applying any substance harmful to, the plant;
- “contravention”, in relation to a provision, includes a failure to comply with that provision;
- “corresponding law” means a law of another Contracting Party, as in force for the time being, giving effect to the Treaty or the Agreed Measures;
- “drive”, in relation to an aircraft, means to cause the aircraft to travel on land or water;
- “foreign” means of or pertaining to a country other than Australia;
- “ice” includes snow;

“in Australian control” means in the control or possession of one or more of any of the following:

- (a) the Commonwealth (including an arm of the Defence Force) or a State or Territory;
- (b) a corporation established for a public purpose by or under a law of the Commonwealth or of a State or Territory;
- (c) a company or other body corporate incorporated under a law of a State or Territory, being a company or other body corporate in which the Commonwealth has a controlling interest;
- (d) a person who, or persons each of whom, is a person to whom this Act applies by virtue of paragraph 4 (1) (b);

“indigenous to the Antarctic” includes occurring in the Antarctic through natural agencies of dispersal;

“inspector” means—

- (a) a person appointed as an inspector under section 13; or
- (b) a person referred to in section 14;

“land”—

- (a) when used as a verb in relation to an aircraft, includes to cause the aircraft to alight on water; and
- (b) when used as a noun, includes ice;

“native bird” means any member, at any stage of its life cycle (including eggs), of any species of the Class *Aves* indigenous to the Antarctic;

“native mammal” means any member, at any stage of its life cycle, of any species of the Class *Mammalia* indigenous to the Antarctic except whales;

“native plant” means any kind of vegetation, at any stage of its life cycle (including seeds), indigenous to the Antarctic;

“permit” means a permit in force under this Act;

“plant” includes a native plant;

“property” means property of any description and, without limiting the generality of the foregoing, includes aircraft and vessels;

“site of special scientific interest” means a site of special scientific interest declared under sub-section 8 (2);

“specially protected area” means a specially protected area declared under sub-section 8 (2);

“specially protected species” means a specially protected species of native mammal or native bird declared under sub-section 8 (7);

“take”, in relation to a native bird or native mammal, includes catch or capture;

“Territory” means the Australian Antarctic Territory;

“this Act” includes the regulations;

“Treaty” means the Antarctic Treaty set out in the Schedule to the *Antarctic Treaty Act 1960*, including any modification or amendment of that

Treaty made after the commencement of this section and for the time being in force as to Australia;

“vehicle” includes a hovercraft;

“vessel” means a vessel or boat of any description and includes any floating structure, but does not include a hovercraft.

(2) Unless the contrary intention appears, a reference in this Act to a virus or bacterium shall be read as including a reference to an article containing, or an article, animal or plant infected by, a virus or bacterium.

(3) A reference in this Act to an offence shall be read as including a reference to an offence created by section 6, 7 or 7A of the *Crimes Act* 1914 in relation to this Act.

(4) A reference in this Act to a member of the Australian Federal Police or to a member of a police force shall be read as including a reference to a special member of the Australian Federal Police.

(5) Except so far as the contrary intention appears, an expression that is used in both this Act and either the Treaty or the Agreed Measures (whether or not a particular meaning is assigned to it by the Treaty or those Measures) has, in this Act, the same meaning as in the Treaty or those Measures, as the case may be.

Application of Act

4. (1) Subject to sub-section 4 (1) of the *Antarctic Treaty Act* 1960—

(a) this Act applies in the Territory in relation to any persons and property, including foreign persons and property; and

(b) this Act applies outside Australia in relation to—

(i) Australian citizens;

(ii) Australian expeditions and members of Australian expeditions;

(iii) Australian organizations;

(iv) members of the crew (including persons in charge) of aircraft, vessels or vehicles that are Australian property; and

(v) Australian property.

(2) This Act has effect subject to—

(a) the obligations of Australia under international law, including obligations under any international agreement binding on Australia; and

(b) any law of the Commonwealth giving effect to such an agreement.

Extension of Act to Territories

5. This Act extends to every external Territory.

Act binds Crown

6. This Act binds the Crown in right of the Commonwealth, of each of the States and of the Northern Territory, but nothing in this Act renders the Crown liable to be prosecuted for an offence.

Application of other laws

7. (1) Notwithstanding any other law, no action or proceeding lies against any person for or in relation to anything done by that person to the extent that it is authorized by a permit or by an authority of another Contracting Party.

(2) Where a provision of the *National Parks and Wildlife Conservation Act 1975* (other than section 10) is inconsistent with a provision of this Act, then, except as otherwise specifically provided by a provision of that or any other Act coming into operation after the commencement of this Act, the latter prevails, and the former has, to the extent of the inconsistency, no effect, but, subject to sub-section (1), provisions shall not be taken for the purposes of this sub-section to be inconsistent to the extent that they are capable of operating concurrently.

(3) Subject to paragraph 4 (2) (b), where regulations made under the *National Parks and Wildlife Conservation Act 1975* are inconsistent with regulations made under this Act, the latter prevail, and the former have, to the extent of the inconsistency, no effect, but, subject to sub-section (1), regulations shall not be taken for the purposes of this sub-section to be inconsistent to the extent that they are capable of operating concurrently.

(4) A provision of the regulations regulating or prohibiting the flying of aircraft over a specified area of the Antarctic does not have any force or effect to the extent to which it is inconsistent with a law of the Commonwealth or a corresponding law, but such a provision shall not be taken for the purposes of this sub-section to be inconsistent with such a law to the extent that it is capable of operating concurrently with that law.

(5) A law of the Territory has effect to the extent to which it is not inconsistent with a provision of the regulations, but such a law shall not be taken for the purposes of this sub-section to be inconsistent with such a provision to the extent that it is capable of operating concurrently with that provision.

(6) In this section, “this Act” does not include the regulations.

Specially protected areas, &c.

8. (1) In this section, “area” means—

- (a) an area of land or sea within the Antarctic; or
- (b) an area of any such land and any such sea.

(2) Subject to this section, the Governor-General may—

- (a) by Proclamation, declare an area specified in the Proclamation to be a specially protected area; and
- (b) by the same or by another Proclamation, declare an area specified in the Proclamation to be a site of special scientific interest for a period specified in the Proclamation.

(3) A Proclamation shall not be made under sub-section (2) declaring an area to be a specially protected area unless—

- (a) the area includes an area or part of an area specified in the Agreed Measures for the purpose of designation as a specially protected area; or
- (b) the Governor-General is satisfied that the area should be so declared for a reason specified in the Agreed Measures as a reason for the designation of specially protected areas.

(4) A Proclamation under sub-section (2) declaring an area to be a site of special scientific interest—

- (a) shall not be made unless the Scientific Committee on Antarctic Research of the International Council of Scientific Unions has recommended that the area be so declared; and
- (b) shall include the plan of management recommended by the Committee in relation to the area.

(5) Where an area is declared by Proclamation under sub-section (2) to be a specially protected area or a site of special scientific interest—

- (a) the subsoil beneath any land within the area, extending to such depth below the surface as is specified in the Proclamation;
- (b) the waters and sea-bed beneath any ice shelf or sea within the area; and
- (c) the subsoil beneath any such sea-bed, extending to such depth below the sea-bed as is specified in the Proclamation,

shall be taken to be within that specially protected area or site of special scientific interest.

(6) The Governor-General may at any time, by Proclamation, revoke or amend a Proclamation made under sub-section (2).

(7) Where a species of native mammal or native bird is specified in the Agreed Measures for the purpose of designation as a specially protected species, the Minister may, by notice published in the *Gazette*, declare that species to be a specially protected species.

(8) The Minister may at any time, by notice published in the *Gazette*, revoke or amend a notice published under sub-section (7).

Grant and renewal of permits

9. (1) Subject to this section and to section 10, upon application made to the Minister in accordance with the prescribed form or, if no form is prescribed, a form approved by him, the Minister may, upon such conditions as he thinks fit, grant to a person a permit in writing authorizing the person to carry on during a specified period any specified activity or activities of the kind or kinds referred to in the provisions of sub-sections 19 (1) and (2) (other than paragraphs (1) (e), (1) (g), (2) (f) and (2) (g)).

(2) In deciding whether to grant a permit and in determining the conditions and limitations subject to which a permit is to be granted, the Minister shall have due regard to the purposes and principles of the Agreed Measures.

(3) An application made under sub-section (1) by an expedition or organization shall specify—

- (a) in the case of an expedition—every member of the expedition; or
- (b) in the case of an organization—every person authorized by the organization to act on its behalf,

and the permit may be expressed to apply to all those members or persons or to such of them as are specified in the permit.

(4) Where, subsequent to the grant of a permit to an organization, the persons authorized to act on behalf of the organization include a person or persons not referred to in sub-section (3), the organization shall forthwith inform the Minister accordingly, and the Minister may, by notice in writing to the organization, extend or refuse to extend the application of the permit to that person or those persons.

(5) The Minister shall cause to be kept, in such manner and at such place as he directs, a register of permits in force from time to time, showing the purpose for which and the conditions upon which each permit was granted and such other matters relating to each permit as the Minister thinks fit.

(6) Such fees as are prescribed are payable in respect of grants of permits.

(7) In this section, “grant” includes grant by way of renewal.

Restrictions applicable to permits

10. (1) A permit shall not authorize a person to kill, take, injure or otherwise interfere with a native bird or native mammal unless—

- (a) the Minister is satisfied that—
 - (i) the number of birds or mammals of any species that may be killed or taken in that year by virtue of that permit and all other permits granted under section 9 and by virtue of corresponding laws will be replaced in the immediately succeeding breeding season by natural reproduction; and
 - (ii) the variety of species and the balance of the natural ecological systems existing within the Antarctic will be maintained;
- (b) the permit is so expressed as to ensure, as far as possible, that the activities authorized by the permit will be carried on to the extent only that they are necessary for—
 - (i) providing, in limited quantities and in conformity with the purposes and principles of the Agreed Measures, essential food for humans or working dogs in the Antarctic; and
 - (ii) providing specimens for scientific research, public education (including display in museums, zoological gardens or other educational or cultural institutions) or such other educational or cultural purposes as the Minister thinks fit; and
- (c) in the case of a permit relating to a specially protected species—
 - (i) the permit is granted for a compelling scientific purpose; and

- (ii) the Minister is satisfied that the activities authorized by the permit will not jeopardize the existing ecological system or the survival of that species.

(2) A permit shall not authorize a person to bring into the Antarctic a live domestic fowl.

(3) A permit shall not authorize a person to bring into the Antarctic an animal, plant, virus, bacterium, yeast or fungus that is not indigenous to the Antarctic unless it is of a kind specified in the permit, being a kind specified in the Agreed Measures for the purposes of the grant of such a permit.

(4) The conditions of a permit authorizing the bringing into the Antarctic of an animal, plant, virus, bacterium, yeast or fungus that is not indigenous to the Antarctic and might cause harmful interference with the natural system if left unsupervised within the Antarctic shall include the condition that it shall be—

- (a) kept under such control as is specified in the permit; and
- (b) removed from the Antarctic or destroyed after it has served its purpose.

(5) The conditions of a permit authorizing the bringing of a dog into the Antarctic shall include the following conditions, namely—

- (a) that the dog is or has been inoculated, not less than 2 months before the date of its arrival in the Antarctic, against such diseases as are specified in the conditions, being the diseases against which dogs are required by the Agreed Measures to be inoculated for the purpose of being brought into the Antarctic; and
- (b) that the inoculation is in effect at that date.

(6) A permit shall not authorize any activity to be carried on in a specially protected area unless—

- (a) the activity is to be carried on for a compelling scientific purpose which cannot be served elsewhere; and
- (b) the Minister is satisfied that the activity will not jeopardize the natural ecological system existing in that area.

Suspension and revocation of permits

11. (1) The Minister may, by notice in writing served personally, by post or otherwise as prescribed on the holder of the permit, vary, suspend or revoke a permit where he is satisfied that a provision of this Act relating to the permit or a condition of the permit has been contravened or that it is necessary or expedient to do so in order to conserve and protect the fauna and flora of the Antarctic.

(2) Subject to sub-section (3), a permit shall not be suspended for a period exceeding 90 days.

(3) Where proceedings for an offence in relation to a permit are commenced during the period of suspension of the permit, the suspension may be continued until the proceedings (including any appeal) are completed.

(4) During the period of suspension of a permit, the permit has no force or effect, but the period of currency of the permit continues to run.

(5) The suspension of a permit does not prevent its revocation.

Variation and revocation of conditions

12. (1) Subject to this section, the Minister may, while a permit is in force, by notice in writing served personally, by post or otherwise as prescribed on the holder of the permit, vary or revoke any of the conditions of the permit or impose further conditions.

(2) In deciding whether to vary or revoke any of the conditions of a permit or to impose further conditions, the Minister shall have due regard to the purposes and principles of the Agreed Measures.

Appointment of inspectors

13. The Minister may, by instrument in writing, appoint a person as an inspector.

Inspectors *ex officio*

14. By force of this section, any member of the Australian Federal Police or of the police force of a Territory is an inspector.

Identity cards

15. (1) The Minister shall cause to be issued to each inspector, other than a member of a police force, an identity card in the form approved by the Minister, containing a photograph of the holder.

(2) A person who ceases to be an inspector shall forthwith return his identity card to the Minister.

(3) A person who contravenes sub-section (2) is guilty of an offence punishable on conviction by a fine not exceeding \$100.

Arrest without warrant

16. (1) An inspector may, without warrant, arrest any person if the inspector reasonably believes—

- (a) that the person has committed, or is committing, an offence against this Act; and
- (b) that proceedings against the person by summons would not be effective.

(2) Where an inspector (other than a member of a police force who is in uniform) arrests a person under sub-section (1), he shall—

- (a) in the case of a member of a police force—produce, for inspection by that person, written evidence of the fact that he is a member of a police force; or
- (b) in any other case—produce his identity card for inspection by that person.

(3) Where a person is arrested under sub-section (1), an inspector shall forthwith bring the person, or cause him to be brought, before a Justice of the Peace or other proper authority to be dealt with in accordance with law.

(4) Nothing in this section prevents the arrest of a person in accordance with any other law.

General powers of inspectors

17. (1) Subject to sub-section (2), an inspector may search a vehicle, sled, aircraft or vessel if he believes on reasonable grounds that there is in or on that vehicle, sled, aircraft or vessel—

- (a) any animal, plant, virus, bacterium, yeast, fungus or article in respect of which an offence against this Act has been committed; or
- (b) anything that will afford evidence as to the commission of an offence against this Act,

and for that purpose stop or detain that vehicle, sled, aircraft or vessel.

(2) Subject to sub-section (3), an inspector shall not search—

- (a) an aircraft or vessel belonging to an arm of the Defence Force; or
- (b) a foreign aircraft or foreign vessel,

unless permission to do so is given by the person for the time being in control of the aircraft or vessel and, if that person so requires, personnel of an arm of the Defence Force or of the foreign aircraft or foreign vessel, as the case may be, are present to supervise the search.

(3) Sub-section (2) does not apply in relation to a foreign aircraft or foreign vessel (not being an aircraft or vessel of war) while it is in the Territory.

(4) An inspector may—

- (a) require any person whom he finds committing or whom he reasonably suspects of having committed an offence against this Act to state his full name and usual place of residence; and
- (b) require any person whom he finds doing or whom he reasonably suspects of having done an act in respect of which the person is required to hold a permit to produce such a permit or evidence of the existence and contents of such a permit.

(5) Where an inspector (other than a member of a police force who is in uniform) stops, or proposes to search or detain, a vehicle, sled, aircraft or vessel, he shall—

- (a) in the case of a member of a police force—produce, for inspection by the person in charge of that vehicle, sled, aircraft or vessel, written evidence of the fact that he is a member of a police force; or

(b) in any other case—produce his identity card for inspection by that person,

and, if he fails to do so, he is not authorized to search or detain that vehicle, sled, aircraft or vessel.

(6) Where an inspector (other than a member of a police force who is in uniform) makes a requirement of a person in pursuance of sub-section (4), he shall—

(a) in the case of a member of a police force—produce, for inspection by that person, written evidence of the fact that he is a member of a police force; or

(b) in any other case—produce his identity card for inspection by that person,

and, if he fails to do so, that person is not obliged to comply with the requirement.

(7) A person who, without reasonable excuse, fails to comply with a requirement made of him by an inspector under this section is guilty of an offence punishable on conviction by a fine not exceeding \$1,000.

(8) For the purposes of paragraph (4) (b), “permit” includes an authority of another Contracting Party.

Seizure

18. (1) An inspector may seize any article that he reasonably believes to have been involved in the commission of an offence against this Act and may retain it until the expiration of a period of 60 days after the seizure or, if proceedings for an offence against this Act in the commission of which it may have been involved are commenced within that period, until the proceedings (including any appeal) are completed.

(2) An inspector may seize any animal, plant, virus, bacterium, yeast or fungus that he reasonably believes to have been involved in the commission of an offence against this Act.

(3) Where anything has been seized under sub-section (2), the Minister may cause it to be retained or disposed of and, if it was not involved in the commission of an offence against this Act, any person who has suffered loss or damage by reason of the seizure is entitled to reasonable compensation.

Offences relating to the environment

19. (1) A person shall not—

(a) kill, take, injure or otherwise interfere with a native bird or native mammal in the Antarctic;

(b) gather, collect, injure or otherwise interfere with a native plant in the Antarctic;

(c) bring into the Antarctic an animal, plant, virus, bacterium, yeast or fungus that is not indigenous to the Antarctic;

(d) enter a specially protected area;

- (e) land or drive an aircraft, or drive a vehicle, in a specially protected area;
- (f) enter a site of special scientific interest; or
- (g) do anything in a site of special scientific interest otherwise than as authorized by the plan of management relating to the site.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(2) A person shall not, in the Antarctic—

- (a) fly an aircraft in such a manner as to disturb a concentration of birds or seals;
- (b) land or drive an aircraft, or drive a vehicle, within 200 metres of a concentration of birds or seals;
- (c) detonate an explosive within 300 metres of a concentration of birds or seals;
- (d) discharge a firearm within 300 metres of a concentration of birds or seals;
- (e) while on foot, disturb a concentration of birds or seals during any period while they are breeding;
- (f) cause or permit a dog to run free; or
- (g) cause or permit to escape from his control or the control of any other person an animal, plant, virus, bacterium, yeast or fungus that is not indigenous to the Antarctic and has been brought into the Antarctic by virtue of a permit or to be used as food.

Penalty: \$2,000 or imprisonment for 12 months, or both.

(3) Sub-sections (1) and (2) do not apply in relation to any action if—

- (a) the action in question was done in a case of extreme emergency, which may include circumstances involving possible loss of human life or injury of persons or the safety of a vessel or aircraft;
- (b) in the case of action of a kind referred to in paragraph (1) (c)—that the animal (not being a live domestic fowl), plant, virus, bacterium, yeast or fungus, as the case may be, was brought into the Antarctic to be used as food;
- (c) except in the case of action of a kind referred to in paragraph (1) (e), (1) (g), (2) (f) or (2) (g)—that the action in question was done in accordance with a permit or in accordance with an authority of another Contracting Party; or
- (d) in the case of action of a kind referred to in paragraph (2) (a), (2) (b), (2) (c) or (2) (e)—that the action in question was reasonably necessary for the establishment, supply or operation of a station.

(4) In this section—

“concentration” means—

- (a) in relation to birds—an identifiable group of more than 20 birds; and

- (b) in relation to seals—an identifiable group of more than 10 seals;

“permit”, when used as a noun, includes all conditions to which a permit is subject.

Contravening provisions of permits

20. Where a provision of a condition of a permit is applicable to a person and the person contravenes that provision, he is guilty of an offence punishable on conviction by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both.

Furnishing information

21. (1) A person who, in the Antarctic, gathers, collects, injures or otherwise interferes with any native plant or kills, takes, injures or otherwise interferes with any native bird or native mammal, whether in accordance with a permit or in accordance with an authority of another Contracting Party or otherwise, shall, as soon as practicable thereafter, give notice of his so doing to the Minister or an authorized officer in accordance with the prescribed form or, if no form is prescribed, a form approved by the Minister.

Penalty: \$1,000 or imprisonment for 6 months, or both.

(2) In sub-section (1), “authorized officer” means a person designated by the Minister, by notice published in the *Gazette*, for the purposes of that sub-section.

Personation of inspector

22. A person who, by words or conduct, falsely represents that he is an inspector is guilty of an offence punishable—

- (a) on summary conviction—by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both; or
- (b) on conviction on indictment—by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both.

Assaulting, &c., inspector

23. A person who assaults or threatens an inspector acting in the performance of his duties under this Act is guilty of an offence punishable—

- (a) on summary conviction—by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both; or
- (b) on conviction on indictment—by a fine not exceeding \$5,000 or imprisonment for a period not exceeding 2 years, or both.

Prosecution of offences

24. (1) An offence against this Act (other than an offence referred to in sub-section (2)) may be prosecuted summarily or on indictment.

(2) An offence against this Act that is punishable by a fine only shall be prosecuted summarily.

(3) Where proceedings for an offence against this Act (other than an offence referred to in sub-section (2)) are brought in a court of summary jurisdiction, the court may commit the defendant for trial or to be otherwise dealt with in accordance with law or, with the consent of the defendant and of the prosecutor, may, if the court is satisfied that it is proper to do so, determine the proceedings summarily.

Offices and employees of governments and authorities

25. The Governor-General may make arrangements with the Governor of a State or the Administrator of the Northern Territory for the performance of functions and the exercise of powers under this Act by officers or employees of that State or Territory or of an authority of that State or Territory, as the case may be.

Programs, &c., relating to the Antarctic

26. The Minister may cause, make arrangements for, or co-operate with any government, organization or person in—

- (a) the formulation and implementation of programs;
- (b) the carrying out of research; and
- (c) the dissemination of information,

relating to the conservation of Antarctic fauna and flora and the protection of the environment of the Antarctic.

Delegation

27. (1) The Minister may, either generally or as otherwise provided in the instrument of delegation, by writing signed by him, delegate to a person any of his powers under this Act, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister.

Review of decisions

28. (1) An application may be made to the Administrative Appeals Tribunal for a review of a decision of the Minister made under section 9, 10, 11 or 12.

(2) In sub-section (1), “decision” has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Regulations

29. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act or the Agreed Measures.

(2) Without limiting the generality of sub-section (1), regulations may be made—

- (a) providing for functions and powers to be conferred, and duties to be imposed, upon inspectors;
- (b) providing for the conservation of Antarctic fauna and flora and the protection of the environment of the Antarctic;
- (c) regulating or prohibiting the pollution of soil, air, water or ice where such pollution is, or is likely to be, harmful to the fauna, flora and environment of the Antarctic;
- (d) regulating the conduct of persons in specially protected areas and sites of special scientific interest;
- (e) providing for giving effect to the plans of management relating to sites of special scientific interest;
- (f) regulating or prohibiting the taking of animals, plants, viruses, bacteria, yeasts and fungi into, or out of, the Antarctic;
- (g) providing for the control and destruction in the Antarctic of animals, plants, viruses, bacteria, yeasts and fungi that are not indigenous to the Antarctic;
- (h) providing for the prevention of the introduction of diseases and parasites into the Antarctic;
- (i) providing for the collection of specimens and the pursuit of research in the Antarctic for scientific purposes;
- (j) regulating or prohibiting, for purposes related to the conservation of Antarctic fauna and flora and the protection of the environment of the Antarctic, the use of vehicles, sleds and vessels in, and the landing and use of aircraft in and the flying of aircraft over, specified areas of the Antarctic; and
- (k) providing for any matter incidental to or connected with any of the foregoing.

(3) The power to make regulations conferred by this Act may be exercised—

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised, the same provision for all those cases or different provision for different cases or classes of case.

(4) The power to make regulations conferred by this Act shall not be taken, by implication, to exclude the power to make provision for or in relation to a matter by reason only of the fact that—

- (a) a provision is made by this Act in relation to that matter or another matter; or
- (b) power is expressly conferred by this Act to make provision by regulation for or in relation to another matter.

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(5) The regulations may provide, in respect of an offence against the regulations, for the imposition of—

- (a)** a fine not exceeding \$2,000; or
- (b)** a fine not exceeding \$200 for each day during which the offence continues.

(6) The limitation imposed by sub-section (5) on the penalties that may be prescribed by the regulations does not prevent the regulations from requiring a person to make a statutory declaration.