



Environment Protection (Sea Dumping) Amendment Act 1986

No. 141 of 1986

An Act to amend the *Environment Protection (Sea Dumping) Act 1981*

[Assented to 9 December 1986]

[Date of commencement 6 January 1987]

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

Short title, &c.

1. (1) This Act may be cited as the *Environment Protection (Sea Dumping) Amendment Act 1986*.

(2) The *Environment Protection (Sea Dumping) Act 1981*¹ is in this Act referred to as the Principal Act.

Long title

2. The title of the Principal Act is amended—

- (a) by inserting “certain” before “wastes”; and
- (b) by inserting “and by prohibiting the dumping into the sea, and the incineration at sea, of radioactive material” after “objects”.

Interpretation

3. Section 4 of the Principal Act is amended—

- (a) by inserting after the definition of “platform” in sub-section (1) the following definition:

“‘radioactive material’ means material that has an activity of more than 35 becquerels per gram;” and

- (b) by adding at the end the following sub-section:

“(5) For the purposes of this Act, where any matter or thing is disposed of from a vessel, an aircraft or a platform into part of the seabed or its subsoil, that matter or thing shall be taken to have been disposed of into the sea above that part.”.

Declaration by Minister in relation to coastal waters of a State, &c.

4. Section 9 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “shall” and substituting “may”;
- (b) by omitting from sub-section (1) all the words from and including “date” (second occurring) and substituting the following:

“date—

- (a) sections 10, 11, 14, 18, 19, 20, 21 and 23 do not apply in relation to the coastal waters of that State or of the Northern Territory, as the case may be; and
- (b) section 12 does not apply in relation to the loading in that State or in the Northern Territory, as the case may be, of any prescribed matter or thing within the meaning of sub-section 12(1) for the purpose of being dumped into, or incinerated at sea in, the coastal waters of that State or of the Northern Territory, as the case may be.”; and

- (c) by inserting in sub-section (2) “9A, 9B, 9C, 9D, 12,” after “section”.

5. After section 9 of the Principal Act the following sections are inserted:

Dumping of radioactive material prohibited

“9A. Where any radioactive material—

- (a) is dumped into Australian waters from any vessel or aircraft; or
- (b) is dumped into any part of the sea from any Australian vessel, Australian aircraft or Australian platform,

the owner and the person in charge of the vessel, aircraft or platform and the owner of the material are each guilty of an offence against this section.

Loading of radioactive material for dumping prohibited

“9B. Where any radioactive material—

- (a) is loaded on any vessel or aircraft in Australia or in Australian waters for the purpose of being dumped into the sea or being incinerated at sea; or

(b) is loaded on any Australian vessel or Australian aircraft in, or in the territorial sea of, a foreign country for the purpose of being dumped into the sea or being incinerated at sea, the owner and the person in charge of the vessel or aircraft and the owner of the material are each guilty of an offence against this section.

Incineration at sea of radioactive material prohibited

“9C. Where the incineration of radioactive material is carried out on—

- (a) a vessel in Australian waters;
- (b) an Australian vessel in any part of the sea; or
- (c) an Australian platform,

the owner and the person in charge of the vessel or platform and the owner of the material are each guilty of an offence against this section.

Penalties for offence relating to radioactive material

“9D. The penalty on conviction of an offence against section 9A, 9B or 9C is—

- (a) if the offender is a natural person—a fine not exceeding \$50,000; or
- (b) if the offender is a body corporate—a fine not exceeding \$100,000.”.

Dumping of wastes or other matter

6. Section 10 of the Principal Act is amended by inserting “(other than radioactive material)” after “matter” (first occurring).

Loading of wastes or other matter, &c., for dumping, &c.

7. Section 12 of the Principal Act is amended by inserting “(other than radioactive material)” after “matter” in paragraph (a) of the definition of “prescribed matter or thing” in sub-section (2).

Incineration at sea

8. Section 14 of the Principal Act is amended—

- (a) by omitting from sub-section (2) “, 6”;
- (b) by inserting in sub-section (4) “(other than radioactive material)” after “Annex II”; and
- (c) by omitting from sub-section (5) “referred to in sub-section (2), (3) or (4)” and substituting “to which sub-section (2), (3) or (4) applies or radioactive material”.

Defences to charge of an offence

9. Section 15 of the Principal Act is amended by inserting in sub-section (3) “9A,” after “section”.

Liability for expenses incurred by the Commonwealth resulting from dumping

10. Section 17 of the Principal Act is amended—

- (a) by inserting in paragraph (1) (a) “9A,” after “section”; and
- (b) by inserting in paragraph (3) (a) “9A,” after “section”.

Grant of permit

11. Section 19 of the Principal Act is amended—

(a) by inserting before paragraph (6) (a) the following paragraph:

“(aa) any treaty or convention to which Australia is a party that relates to the dumping of matter or to the loading of matter for the purpose of dumping or incineration at sea;”;
and

(b) by adding at the end the following sub-section:

“(11) Nothing in this Act shall be read as implying—

(a) that a permit for dumping or loading may be granted in respect of radioactive material; or

(b) that a permit for incineration at sea of radioactive material may be granted.”.

Repeal

12. Section 22 of the Principal Act is repealed.

Injunction

13. Section 33 of the Principal Act is amended by inserting in paragraph

(1) (a) “9A, 9B, 9C,” after “section”.

Indictable offences

14. Section 37 of the Principal Act is amended—

(a) by inserting in sub-section (1) “9A, 9B, 9C,” after “section”; and

(b) by inserting in sub-section (3) “9A, 9B, 9C,” after “section”.

NOTE

1. No. 101, 1981.

*[Minister's second reading speech made in—
House of Representatives on 27 May 1986
Senate on 16 September 1986]*