



Environment Protection (Sea Dumping) Amendment Act 1993

No. 16 of 1994

An Act to amend the *Environment Protection (Sea Dumping) Act 1981*, and for related purposes

[Assented to 19 January 1994]

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Environment Protection (Sea Dumping) Amendment Act 1993*.

(2) In this Act, “**Principal Act**” means the *Environment Protection (Sea Dumping) Act 1981*¹.

Commencement

2.(1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

(2) If this Act does not commence under subsection (1) within the period of 12 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period.

Interpretation

3. Section 4 of the Principal Act is amended:

(a) by inserting after paragraph (b) of the definition of “Australian waters” in subsection (1) the following word and paragraphs:

“or (c) each area of sea that consists of that part of the Australian fishing zone adjacent to, and on the seaward side of, the territorial sea of Australia or the territorial sea of an external Territory; or

(d) any other area of sea:

(i) that is above the Australian continental shelf or the continental shelf of an external Territory; and

(ii) that does not form part of the Australian fishing zone;”;

(b) by inserting in subsection (1) the following definitions:

“‘**Australian fishing zone**’ has the same meaning as in the *Fisheries Management Act 1991*;

‘**SPREP Protocol**’ means the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, a copy of the English text of which is set out in Schedule 4, as amended by any amendment to the SPREP Protocol that is accepted by Australia and a copy of the English text of which is set out in the regulations;”;

(c) by inserting after subsection (4) the following subsection:

“(4A) Except so far as the contrary intention appears, an expression that is used both in this Act and in the SPREP Protocol (whether or not a particular meaning is assigned to it by the SPREP Protocol) has, in this Act, the same meaning as in the SPREP Protocol.”.

Declaration by Minister in relation to coastal waters of a State etc.

4.(1) Section 9 of the Principal Act is amended:

(a) by inserting in subsection (1) “and the SPREP Protocol” after “Convention” (first occurring);

(b) by omitting from subsection (1) “extends” and substituting “and the SPREP Protocol extend”;

(c) by inserting in subsection (3) “and the SPREP Protocol” after “Convention”.

*Environment Protection (Sea Dumping) Amendment
No. 16, 1994*

(2) Subsections (3), (4) and (5) apply to a declaration in relation to a State or the Northern Territory in force under section 9 of the Principal Act immediately before the commencement of this section.

(3) Subject to subsection (4), the declaration remains in force despite the amendments of section 9 of the Principal Act made by this section.

(4) If, after the end of the period of 12 months beginning on the day on which this section commences, the Minister is not satisfied that the laws of the State or the Northern Territory have made provision for giving effect to the SPREP Protocol in relation to the coastal waters of that State or Territory, the Minister must, by notice in the *Gazette*, revoke the declaration.

(5) Subsection (4) does not, by implication, limit the Minister's power to revoke a declaration.

Loading of wastes or other matter etc. for dumping etc.

5. Section 12 of the Principal Act is amended by inserting after paragraph (1)(b) the following word and paragraph:

“or (c) is loaded on any Australian vessel or Australian aircraft in, or in the territorial sea of, a country that is not a party to the SPREP Protocol for the purpose of being dumped into the sea;”.

Penalties for certain offences

6. Section 13 of the Principal Act is amended by inserting after paragraph (b) the following paragraph:

“(ba) if the offence relates to wastes or other matter to which Annex I to the SPREP Protocol applies but neither Annex I nor II to the Convention applies—500 penalty units; or”.

Defences to charge of an offence

7. Section 15 of the Principal Act is amended:

(a) by omitting from subsection (1) all the words after “charged” and substituting:

“proves:

(a) that the incineration the subject of the charge was carried out in accordance with a permit granted in accordance with the Convention by a country (other than Australia) that was a party to the Convention; or

(b) if the wastes or other matter to which the charge relates are wastes or matter to which the SPREP Protocol but not the Convention apply—that the dumping or loading the subject of the charge was carried out in accordance with a permit granted in accordance with the SPREP Protocol by a country (other than Australia) that was a party to the SPREP Protocol; or

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

- (c) if the wastes or other matter to which the charge relates are wastes or matter to which both the Convention and the SPREP Protocol apply—that the dumping or loading the subject of the charge was carried out in accordance with a permit granted in accordance with the Convention and the SPREP Protocol by a country (other than Australia) that was a party to the Convention and the SPREP Protocol; or
- (d) if the wastes or other matter to which the charge relates are wastes or matter to which both the Convention and the SPREP Protocol apply—that the dumping or loading the subject of the charge was carried out in accordance with a permit granted in accordance with the Convention by a country (other than Australia) that:
 - (i) was a party to the Convention; but
 - (ii) was not a party to the SPREP Protocol; or
- (e) if the wastes or other matter to which the charge relates are wastes or matter to which both the Convention and the SPREP Protocol apply—that the dumping or loading the subject of the charge was carried out in accordance with a permit granted in accordance with the SPREP Protocol by a country (other than Australia) that:
 - (i) was a party to the SPREP Protocol; but
 - (ii) was not a party to the Convention.”;
- (b) by omitting from paragraph (2)(a) “or in the sea above the continental shelf of Australia or of an external Territory”;
- (c) by omitting from paragraph (2)(b) all the words after “Australian waters”.

Restoration of environment

- 8.** Section 16 of the Principal Act is amended:
- (a) by omitting from paragraph (a) “or into a part of the sea above the continental shelf of Australia or of an external Territory”;
 - (b) by omitting subparagraph (b)(iii) and substituting the following subparagraph:
 - “(iii) result in interference with the exercise of the sovereign rights of Australia as a coastal State to explore, and exploit the natural resources of, the seabed and subsoil beneath Australian waters;”.

Grant of permit

- 9.** Section 19 of the Principal Act is amended:
- (a) by inserting after subsection (5) the following subsection:

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

“(5A) A permit for dumping or loading must not be granted in respect of any wastes or other matter to which Annex I to the SPREP Protocol applies except if, in the Minister’s opinion, there is an emergency posing an unacceptable risk relating to human health and admitting of no other feasible solution.”;

(b) by inserting after subsection (6) the following subsection:

“(6A) In considering the granting of a permit for incineration at sea of wastes or other matter not listed in Annex I or II to the Convention, the Minister must have regard to any treaty or other convention to which Australia is a party that relates to the incineration at sea of those wastes or that other matter.”;

(c) by inserting in subsection (10) “or the SPREP Protocol, as the case requires,” after “Convention,”.

Applications for review

10. Section 24 of the Principal Act is amended by adding at the end of paragraph (2)(b) “or (5A)”.

Addition of new Schedule

11. The Principal Act is amended by adding at the end the Schedule set out in Schedule 1 to this Act.

Amendments of the Principal Act relating to penalties

12. The Principal Act is further amended as set out in Schedule 2 to this Act.

*Environment Protection (Sea Dumping) Amendment
No. 16, 1994*

SCHEDULE 1

Section 11

ADDITION OF NEW SCHEDULE

SCHEDULE 4

Section 4

**PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE
SOUTH PACIFIC REGION BY DUMPING**

THE PARTIES TO THE PROTOCOL

BEING PARTIES to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, adopted in Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

RECOGNIZING the danger posed to the marine environment by pollution caused by the dumping of waste or other matter;

CONSIDERING that they have a common interest to protect the South Pacific Region from this danger, taking into account the unique environmental quality of the region;

DESIRING to enter into a regional agreement consistent with the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 as provided in article VIII thereof according to which the Contracting Parties to that Convention have undertaken to endeavour to act consistently with the objectives and provisions of such regional agreement;

HAVE AGREED AS FOLLOWS:

Article 1

DEFINITIONS

For the purpose of this Protocol “Convention” means the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six.

Article 2

GEOGRAPHICAL COVERAGE

The area to which this Protocol applies, hereinafter referred to as the “Protocol Area”, shall be the Convention Area as defined in article 2 of the Convention together with the continental shelf of a Party where it extends, in accordance with international law, outward beyond the Convention Area.

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

SCHEDULE 1—continued

Article 3

GENERAL OBLIGATIONS

1. The parties shall take all appropriate measures to prevent, reduce and control pollution in the Protocol Area by dumping.
2. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf of a Party as defined in international law shall not be carried out without the express prior approval of that Party, which has the right to permit, regulate and control such dumping taking fully into account the provisions of this Protocol, and after due consideration of the matter with other Parties which by reason of their geographical situation may be adversely affected thereby.
3. National laws, regulations and measures adopted by the Parties shall be no less effective in preventing, reducing and controlling pollution by dumping than the relevant internationally recognised rules and procedures relating to the control of dumping established within the framework of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

Article 4

PROHIBITED SUBSTANCES

1. The dumping in the Protocol Area of wastes or other matter listed in Annex I to this Protocol is prohibited except as provided in this Protocol.
2. No provision of this Protocol is to be interpreted as preventing a Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organisation.

Article 5

SPECIAL PERMITS

The dumping in the Protocol Area of wastes or other matter listed in Annex II to this Protocol requires, in each case, a prior special permit.

Article 6

GENERAL PERMITS

The dumping in the Protocol Area of all wastes or other matter not listed in Annexes I and II to this Protocol requires a prior general permit.

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

SCHEDULE 1—continued

Article 7

FACTORS GOVERNING THE ISSUE OF PERMITS

The permits referred to in articles 5 and 6 shall be issued only after careful consideration of all the factors set forth in Annex III to this Protocol. The Organisation shall receive records of such permits.

Article 8

ALLOCATION OF SUBSTANCES TO ANNEXES

Substances are allocated to Annexes I and II of this Protocol in accordance with Annex IV.

Article 9

FORCE MAJEURE

The provisions of articles 4, 5 and 6 shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of force majeure caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life. Such dumping shall immediately be reported to the Organisation and, either through the Organisation or directly, to any Party or Parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 10

EMERGENCIES

1. A Party may issue a special permit as an exception to article 4, in emergencies arising in the Protocol Area, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organisation which, after consulting other Parties, and international organisations as appropriate, shall in accordance with article 15 promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organisation of the action it takes. The Parties pledge themselves to assist one another in such situations.

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

SCHEDULE 1—continued

2. This article does not apply with respect to materials in whatever form produced for biological and chemical warfare referred to in paragraph 6 of Section A of Annex I.
3. Any Party may waive its rights under paragraph 1 at the time of, or subsequent to ratification, acceptance or approval of, or accession to this Protocol.

Article 11

ISSUANCE OF PERMITS

1. Each Party shall designate an appropriate authority or authorities to:
 - (a) issue the special permits provided for in article 5 and in the emergency circumstances provided for in article 10;
 - (b) issue the general permits provided for in article 6;
 - (c) keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping; and
 - (d) monitor individually, or in collaboration with other Parties, and competent international organisations, the condition of the Protocol Area for the purposes of this Protocol.
2. The appropriate authority or authorities of each Party shall issue the permits provided for in articles 5 and 6 and in the emergency circumstances provided for in article 10 in respect of the wastes or other matter intended for dumping:
 - (a) loaded in its territory or at its off-shore terminals; or
 - (b) loaded by vessels flying its flag or vessels or aircraft of its registry when the loading occurs in the territory or at the offshore terminals of a State not Party to this Protocol.
3. In issuing permits under paragraphs 1(a) and (b) the appropriate authority or authorities shall comply with Annex III together with such additional criteria, measures and requirements as they may consider relevant.

Article 12

IMPLEMENTATION AND ENFORCEMENT

1. Each Party shall apply the measures required to implement this Protocol to all:
 - (a) vessels flying its flag and vessels and aircraft of its registry;
 - (b) vessels and aircraft loading in its territory or at its offshore terminals wastes or other matter which are to be dumped; and

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

SCHEDULE 1—continued

- (c) vessels, aircraft and fixed or floating platforms believed to be engaged in dumping in areas under its jurisdiction.
2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Protocol.
3. The Parties agree to co-operate in the development of procedures for the effective application of this Protocol particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Protocol.
4. This Protocol shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However, each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Protocol and shall inform the Organisation accordingly.

Article 13

ADOPTION OF OTHER MEASURES

Nothing in this Protocol shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping.

Article 14

REPORTING OF DUMPING INCIDENTS

Each Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the Protocol Area which give rise to suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur. That Party shall, if it considers it appropriate, report accordingly to the Organisation and to any other Party concerned.

Article 15

INSTITUTIONAL ARRANGEMENTS

The Parties designate the Organisation to carry out the following functions:

- (a) to assist the Parties, upon request, in the communication of reports in accordance with articles 9 and 14;
- (b) to convey to the Parties concerned all notifications received by the Organisation in accordance with articles 4(2) and 10;

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

SCHEDULE 1—continued

- (c) to transmit to the International Maritime Organization as the organisation responsible for the secretariat functions under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 records and any other information received in accordance with article 7;
- (d) to keep itself informed on evolving international standards and the results of research and investigation, and to advise meetings of Parties to this Protocol of such developments and any modification of the Annexes which may become desirable; and
- (e) to carry out other duties assigned to it by the Parties.

Article 16

MEETING OF THE PARTIES

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Parties to the Convention held pursuant to article 22 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with article 22 of the Convention.
2. It shall be the function of the meetings of the Parties to this Protocol to:
 - (a) keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;
 - (b) study and consider the records of the permits issued in accordance with articles 5, 6, 7 and the emergency situation in article 10, and of the dumping which has taken place;
 - (c) review and amend as required any Annex to this Protocol taking into account Annex IV;
 - (d) adopt as necessary guidelines for the preparation of records and procedures to be followed in submitting such records for the purposes of article 7;
 - (e) develop, adopt and implement in consultation with the Organisation and other competent international organisations procedures pursuant to article 10 including basic criteria for determining emergency circumstances and procedures for consultative advice and the safe disposal, storage or destruction of matter in such circumstances;
 - (f) invite, as necessary, the appropriate scientific body or bodies to collaborate with and to advise the Parties and the Organisation on any scientific or technical aspects relevant to this Protocol, including particularly the content and applicability of the Annexes; and
 - (g) perform such other functions as may be appropriate for the implementation of this Protocol.

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

SCHEDULE 1—continued

3. The adoption of amendments to the Annexes to this Protocol pursuant to article 25 of the Convention shall require a three fourths majority vote of the Parties to this Protocol.

Article 17

RELATIONSHIP BETWEEN THIS PROTOCOL AND THE
CONVENTION

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.

2. The rules of procedures and the financial rules adopted pursuant to article 22 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Protocol.*

DONE at Noumea, New Caledonia on the twenty-fifth day of November in the year one thousand nine hundred and eighty-six, in a single copy in the English and French languages, the two texts being equally authentic.

* Signatures omitted

ANNEX I

—A—

The following substances and materials are listed for the purposes of article 4 of this Protocol.

1. Organohalogen compounds.
2. Mercury and mercury compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
5. Crude oil and its wastes, refined petroleum products, petroleum distillate residues and any mixtures containing any of these taken on board for the purpose of dumping.
6. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases, or in a living state) produced for biological and chemical warfare.
7. Organophosphorous compounds.

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

SCHEDULE 1—continued

—B—

Section A does not apply to substances, other than substances produced for biological or chemical warfare, which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- make edible marine organisms unpalatable; or
- endanger human health or that of marine biota.

The consultative procedure provided for under article 10 shall be followed by a Party if there is doubt about the harmlessness of the substance.

—C—

This Annex does not apply to wastes or other materials, such as sewage sludges and dredged spoils, containing the matters referred to in paragraphs 1-5 of Section A as trace contaminants. The dumping of such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following substances and materials requiring special care are listed for the purposes of article 5 of this Protocol.

—A—

Wastes containing a significant amount of the matters listed below:

arsenic)	
lead)	
copper)	and their compounds
zinc)	

organosilicon compounds
cyanides
fluorides
pesticides and their by-products not covered in Annex I.

—B—

In the issue of permits for dumping of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in section A and to the following additional substances:

beryllium)	
chromium)	
nickel)	and their compounds
vandium)	

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

SCHEDULE 1—continued

—C—

Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

—D—

Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account article 7 of this Protocol, include:

—A—

Characteristics and Composition of the Matter

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form (e.g. solid, sludge, liquid, or gaseous).
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (e.g. fish, shellfish, etc.).
9. In issuing a permit for dumping, Parties should consider whether an adequate scientific basis and sufficient knowledge of the composition and characteristics of the waste or other matter proposed for dumping exist for assessing the impact of such material on the marine environment and human health.

*Environment Protection (Sea Dumping) Amendment
No. 16, 1994*

SCHEDULE 1—continued

—B—

Characteristics of Dumping Site and Method of Deposit

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD), —nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. In issuing a permit for dumping, Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex, taking into account seasonal variations.

—C—

General Considerations and Conditions

1. Possible effects on amenities (e.g. presence of floating or stranded materials, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structure, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance of scientific or conservation purposes).

Environment Protection (Sea Dumping) Amendment

No. 16, 1994

SCHEDULE 1—continued

4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

—D—

References

Reference should also be made to “Guidelines for the Implementation and Uniform Interpretation of Annex III” as adopted by the Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972.

ANNEX IV

ALLOCATION OF SUBSTANCES TO ANNEXES

1. Substances are allocated to Annexes I and II on the grounds of any combination of the following criteria:

Persistence and degradability,

Bioaccumulation potential,

Toxicity to marine life,

Toxicity to man, domestic animals, marine mammals and birds preying on marine organisms,

Carcinogenicity and mutagenicity,

Ability to interfere with other legitimate uses of the sea.

2. Annex I substances are those which have a high degree of persistence coupled with:

a the ability to accumulate to harmful levels in terms of toxicity to marine organisms and their predators, to domestic animals or to man; or

b the ability to accumulate through marine pathways to levels harmful in terms of carcinogenicity or mutagenicity to domestic animals or to man; or

c the ability to cause interference with fisheries, amenities or other legitimate uses of the sea.

3. Annex II substances are all those considered suitable for inclusion in the Annexes except for those allocated to Annex I.

*Environment Protection (Sea Dumping) Amendment
No. 16, 1994*

SCHEDULE 2

Section 12

**AMENDMENTS OF THE PRINCIPAL ACT RELATING
TO PENALTIES**

1. Section 9D:

Omit all the words after “9C”, substitute “is a fine not exceeding 500 penalty units.”.

2. Paragraph 13(a):

Omit all the words after “applies—”, substitute “500 penalty units; or”.

3. Paragraph 13(b):

Omit all the words after “applies—”, substitute “250 penalty units; or”.

4. Paragraph 13(c):

Omit all the words after “case—”, substitute “100 penalty units.”.

5. Paragraph 14(6)(a):

Omit all the words after “subsection (2)—”, substitute “500 penalty units; or”.

6. Paragraph 14(6)(b):

Omit all the words after “subsection (3)—”, substitute “400 penalty units; or”.

7. Paragraph 14(6)(c):

Omit all the words after “subsection (4)—”, substitute “250 penalty units; or”.

8. Paragraph 14(6)(d):

Omit all the words after “subsection (5)—”, substitute “100 penalty units.”.

9. Paragraph 17(5)(c):

Omit all the words after “master—²”, substitute “by imprisonment for a term not exceeding 2 years; or”.

10. Paragraphs 17(5)(d) and (e):

Omit the paragraphs, substitute:

“(d) in the case of the owner—by imprisonment for a term not exceeding 2 years.”.

11. Section 28 (Penalty):

Omit “\$100”, substitute “One penalty unit”.

*Environment Protection (Sea Dumping) Amendment
No. 16, 1994*

SCHEDULE 2—continued

12. Subsection 29(8):

Omit “\$2,000”, substitute “20 penalty units”.

13. Subsection 35(1):

Omit all the words after “conviction,”, substitute “by imprisonment for a term not exceeding 2 years.”.

14. Subsection 35(2):

Omit all the words after “fine”, substitute “not exceeding 10 penalty units.”.

15. Paragraph 36(a):

Omit “\$5,000”, substitute “50 penalty units”.

16. Paragraph 36(b):

Omit “\$50,000”, substitute “500 penalty units”.

17. Subsection 37(3):

Omit all the words after “fine”, substitute “not exceeding 20 penalty units”.

18. Subsection 37(4):

Omit all the words after “impose”, substitute “is imprisonment for a term not exceeding 12 months.”.

19. Paragraph 41(1)(b):

Omit all the words after “exceeding”, substitute “10 penalty units.”.

NOTE

1. No. 101, 1981, as amended. For previous amendments, see No. 141, 1986; No. 60, 1989 and No. 21, 1992.

[*Minister’s second reading speech made in—
Senate on 28 October 1993
House of Representatives on 17 December 1993*]