



# **Environment, Sport and Territories Legislation Amendment Act 1997**

**No. 118, 1997**

**An Act to amend legislation relating to the  
environment, sport and Territories, and for related  
purposes**



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# Environment, Sport and Territories Legislation Amendment Act 1997

No. 118, 1997

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## An Act to amend legislation relating to the environment, sport and Territories, and for related purposes

[Assented to 7 July 1997]

The Parliament of Australia enacts:

### 1 Short title

This Act may be cited as the *Environment, Sport and Territories  
Legislation Amendment Act 1997*.

### 2 Commencement

- (1) Subject to subsections (2), (3) and (4), this Act commences on the day on which it receives the Royal Assent.
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- (2) Item 36 of Schedule 1 is taken to have commenced on the day on which the *Environment, Sport and Territories Legislation Amendment Act 1995* received the Royal Assent.
  - (3) Item 49 of Schedule 1 commences on the day on which this Act receives the Royal Assent only if Schedule 2 to the *Audit (Transitional and Miscellaneous) Amendment Act 1997* has not commenced before then.
  - (4) Item 60 of Schedule 1 is taken to have commenced immediately after the commencement of the *Wet Tropics of Queensland World Heritage Area Conservation Act 1994*.

### **3 Schedule(s)**

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of Acts**

### ***Australian Capital Territory (Planning and Land Management) Act 1988***

#### **1 Section 4 (definition of *Authority*)**

Omit “Planning”.

#### **2 Section 5**

Repeal the section, substitute:

#### **5 Establishment and name of *Authority***

The body known immediately before the commencement of this section as the National Capital Planning Authority is continued in existence with the new name, National Capital Authority.

Note: Section 25B of the *Acts Interpretation Act 1901* deals with the situation where a body changes its name.

#### **3 Paragraph 74(1)(a)**

Omit “Planning”.

#### **4 Paragraph 74(2)(a)**

Omit “Planning”.

### ***Australian Sports Drug Agency Act 1990***

#### **5 Subsections 10(2) and (3)**

Repeal the subsections, substitute:

(2) The Agency may charge fees for providing services, information or advice.

(3) The amount of a fee must not be such as to amount to taxation.

#### **6 Paragraph 15(c)**

Repeal the paragraph, substitute:

(c) after providing the sample, the competitor:

- (i) fails to do something in relation to the sample that the regulations require the competitor to do; or
- (ii) does something in relation to the sample that the regulations require the competitor not to do.

## ***Christmas Island Act 1958***

### **7 Section 14E**

After “Western Australia” (first occurring), insert “, the District Court of Western Australia”.

Note : The heading to section 14E is altered by omitting “**Supreme Court of Western Australia**” and substituting “**courts of Western Australia**”.

### **8 Section 14E**

Omit “14,”.

### **9 Paragraph 14E(a)**

After “Western Australia”, insert “or the District Court of Western Australia”.

### **10 Paragraph 14E(b)**

After “Western Australia”, insert “or of the District Court of Western Australia”.

### **11 Paragraphs 14E(d) and (e)**

Repeal the paragraphs, substitute:

- (d) a reference to the Registrar of the Supreme Court of the Territory included a reference to:
  - (i) a person who has the powers and functions of the Registrar of the Supreme Court of Western Australia in the application of the *Supreme Court Act 1935* of Western Australia in the Territory; or
  - (ii) a person who has the powers and functions of a judge of the District Court of Western Australia in the application of the *District Court of Western Australia Act 1969* of Western Australia in the Territory; and
- (e) a reference to the Sheriff of the Supreme Court of the Territory included a reference to:



- (i) a person who has the powers and functions of the sheriff of the Supreme Court of Western Australia in the application of the *Supreme Court Act 1935* of Western Australia in the Territory; or
- (ii) a person who has the powers and functions of the sheriff of the District Court of Western Australia in the application of the *District Court of Western Australia Act 1969* of Western Australia in the Territory.

## **12 Part V**

Repeal the Part.

## **13 Citizenship already acquired under Part V continues despite repeal of Part**

People who have become Australian citizens under Part V of the *Christmas Island Act 1958* continue to be Australian citizens despite the repeal of that Part (subject to other Commonwealth laws relating to citizenship).

## ***Cocos (Keeling) Islands Act 1955***

## **14 Part IV**

Repeal the Part.

## **15 Citizenship already acquired under Part IV continues despite repeal of Part**

People who have become Australian citizens under Part IV of the *Cocos (Keeling) Islands Act 1955* continue to be Australian citizens despite the repeal of that Part (subject to other Commonwealth laws relating to citizenship).

## **16 Paragraph 15AAE(a)**

After “Western Australia”, insert “or the District Court of Western Australia”.

## **17 Paragraph 15AAE(b)**

After “Western Australia”, insert “or of the District Court of Western Australia”.

## 18 Paragraphs 15AAE(c) and (d)

Repeal the paragraphs, substitute:

- (c) a reference in this Act to the Registrar of an indictment court included a reference to:
  - (i) a person who has the powers and functions of the Registrar of the Supreme Court of Western Australia in the application of the *Supreme Court Act 1935* of Western Australia in the Territory; or
  - (ii) a person who has the powers and functions of a judge of the District Court of Western Australia in the application of the *District Court of Western Australia Act 1969* of Western Australia in the Territory; and
- (d) a reference in this Act to the Sheriff of an indictment court included a reference to:
  - (i) a person who has the powers and functions of the sheriff of the Supreme Court of Western Australia in the application of the *Supreme Court Act 1935* of Western Australia in the Territory; or
  - (ii) a person who has the powers and functions of the sheriff of the District Court of Western Australia in the application of the *District Court of Western Australia Act 1969* of Western Australia in the Territory; and

## 19 Schedule

Omit "*Juries Ordinance 1989*".

## *Coral Sea Islands Act 1969*

## 20 Preamble

Repeal the Preamble, substitute:

### Preamble

All the islands in the following areas are territories acquired by the Commonwealth:

- (a) the area the boundary of which commences at the point of the intersection of the line following the outer edge of the Great Barrier Reef by the parallel of Latitude 12° 00' South and runs:
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- (i) then south-easterly along the geodesic to the point of Latitude 16° 00' South, Longitude 156° 06' East; and
  - (ii) then south along the meridian of Longitude 156° 06' East to its intersection by the parallel of Latitude 24° 00' South; and
  - (iii) then west along that parallel to its intersection by the meridian of Longitude 154° 00' East; and
  - (iv) then north along that meridian to its intersection by the parallel of Latitude 22° 00' South; and
  - (v) then west along that parallel to its intersection by the line following the outer edge of the Great Barrier Reef; and
  - (vi) then generally north-westerly along that line to the point of commencement; and
- (b) the area the boundary of which commences at the point of Latitude 29° 21' South, Longitude 158° 59' East and runs:
- (i) then east along the parallel of Latitude 29° 21' South to its intersection by the meridian of Longitude 159° 14' East; and
  - (ii) then south-westerly along the geodesic to the point of Latitude 30° 3' South, Longitude 159° 10' East; and
  - (iii) then west along the parallel of Latitude 30° 3' South to its intersection by the meridian of Longitude 158° 55' East; and
  - (iv) then north-easterly along the geodesic to the point of commencement.

It is desirable to make provision for the government of those islands as one Territory.

## **21 Subsections 2(2) and (3)**

Repeal the subsections, substitute:

- (2) Where, for the purposes of this Act, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position must be determined by reference to the Geocentric Datum of Australia (GDA) as defined in the *Gazette* No. GN 35, 6 September 1995.

## ***Customs Act 1901***

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**22 After section 5C**

Insert:

**6 Regulations may provide for the extension of Act to Ashmore and Cartier Islands**

- (1) Subject to subsection (2), this Act does not extend to the Territory of Ashmore and Cartier Islands.
- (2) Regulations may be made to extend the whole or a part of this Act (with or without modifications) to the Territory of Ashmore and Cartier Islands.

***Endangered Species Protection Act 1992***

**23 Subsection 4(1) (definition of *ecological community*)**

Omit “integrated”.

**24 Paragraph 6(3)(a)**

Omit “abundance”, substitute “extent”.

**25 Subsections 24(2) and (3)**

Omit “30 days”, substitute “90 days”.

**26 Application of amendment made by item 25**

The amendment made by item 25 does not apply to a decision under subsection 24(2) if the Scientific Subcommittee’s advice was received before the commencement of that item. In that case, the former 30 day limit continues to apply.

***Environment Protection (Sea Dumping) Act 1981***

**27 Subsection 4(1) (definition of *Convention*)**

Repeal the definition, substitute:

***Convention*** means the Convention a copy of the English text of which is set out in Schedule 1, as amended by:

- (a) the amendments the English text of which is set out in Schedules 2, 3, 3A, 3B and 3C; and

- (b) any other amendment to the Convention that is accepted by Australia and a copy of the English text of which is set out in the regulations.

Note: The amendments set out in Schedule 3A have effect, in relation to Australia, subject to the declaration mentioned in the note at the end of the Schedule.

**28 Subsection 19(2)**

Omit “and (4)”, substitute “, (4) and (4A)”.

**29 After subsection 19(4)**

Insert:

(4A) Where:

- (a) within 90 days after an application for a permit is made, the Minister administering the *Environment Protection (Impact of Proposals) Act 1974*, in accordance with procedures approved for the purposes of that Act, directs the submission to him or her of a public environment report in relation to the conduct in respect of which the application is made; and
  - (b) neither of subsections (3) and (4) is applicable;  
the Minister administering this Act must give a decision under subsection (1) on the application:
  - (c) within 30 days after the completion of all procedures under the *Environment Protection (Impact of Proposals) Act 1974* in connection with the public environment report referred to in paragraph (a); or
  - (d) within 90 days after the application is made;
- whichever period is the last to end.

**30 Application of amendments made by items 28 and 29**

The amendments made by items 28 and 29 do not apply to applications received before the commencement of those items.

**31 Paragraphs 19(6)(a), (b) and (c)**

Repeal the paragraphs, substitute:

- and (a) the matters set out in Annexes II and III to the Convention.

**32 Section 16, subsection 18(3), paragraphs 18(4)(e) and 19(9)(f), subsection 20(1), paragraphs 23(3)(a) and (b), subsection 28(2), section 29, subsections 30(3) and (4), paragraph 32(2)(a) and subsection 40(3)**

After “he” (wherever occurring), insert “or she”.

**33 Subsections 18(3) and (4), paragraphs 19(4)(a), (9)(b) and (9)(g) and subsections 28(2), 29(6) and (8), 32(3) and 34(1)**

After “him” (wherever occurring), insert “or her”.

**34 Paragraph 17(1)(b), subsections 17(2), 18(4) and (5) and 19(1), paragraph 19(9)(a), subsection 29(3), paragraphs 29(6)(b) and 29(7)(b), subsection 31(2), paragraph 32(2)(b), subsection 34(1) and paragraph 35(1)(a)**

After “his” (wherever occurring), insert “or her”.

**35 After Schedule 3**

Insert:

**Schedule 3A—Amendments concerning  
phasing out sea disposal of industrial  
waste**

Note: See section 4.

ANNEX 3

RESOLUTION LC.49(16)

AMENDMENTS TO THE ANNEXES TO THE CONVENTION ON THE  
PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES  
AND OTHER MATTER, 1972 CONCERNING PHASING OUT SEA  
DISPOSAL OF INDUSTRIAL WASTE

(London, 12 November 1993)

THE SIXTEENTH CONSULTATIVE MEETING,

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RECALLING Articles I and II of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter which state, *inter alia*, that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment and that they shall harmonize their policies to prevent marine pollution caused by dumping,

RECOGNIZING the commitment of Contracting Parties under Article IX of the Convention in respect of technical assistance,

NOTING in this regard the undertaking reached by UNCED, Agenda 21, Chapter 34.14(b) on “Transfer of environmentally sound technology, co-operation and capacity-building”,

RECALLING ALSO resolution LDC.43(13) by which Contracting Parties agreed, *inter alia*, that the dumping of industrial waste at sea would cease by 31 December 1995 at the latest and that they should endeavour to adopt individual or regional commitments to cease dumping of industrial waste before 31 December 1995,

RECALLING FURTHER resolution LDC.44(14) on the application of a precautionary approach in environmental protection within the framework of the London Convention 1972,

NOTING ALSO that several Contracting Parties, individually or under regional agreements covering the dumping of wastes, have already phased out sea disposal of industrial waste,

WELCOMING the efforts undertaken within the framework of other Conventions in order to develop and adopt technical guidelines for the environmentally sound management of hazardous wastes on land,

RECALLING the encouragement by UNCED, Agenda 21, Chapter 17.30(b)(ii) to the Contracting Parties to take appropriate steps to stop ocean dumping of hazardous substances,

REAFFIRMING the agreement that Contracting Parties commit themselves to take all necessary steps to enable all Contracting Parties to comply with phasing out of sea disposal of industrial waste, including the promotion of technical assistance to this end taking into account the outcome of the Global Waste Survey,

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REAFFIRMING ALSO the agreement that Contracting Parties facilitate access to, and transfer of, environmentally sound technologies particularly to developing countries to promote:

- the modification of industrial processes in such a way as to reduce and eliminate the amount of waste generated;
- the recycling of wastes or the reuse of them in other industries;
- the environmentally sound management of wastes on land;
- the further development of alternative and environmentally sound means of disposal,

REAFFIRMING FURTHER the agreement that a better protection of the marine environment by cessation of dumping of industrial waste should not result in unacceptable environmental effects elsewhere,

ADOPTS the following amendments to the Annexes to the Convention in accordance with Articles XIV(4)(a) and XV(2) thereof:

- (a) amendments to Annex I; and
- (b) amendments to Annex II;

the texts of which are set out in the attachment to this resolution,

REQUESTS the Secretary-General of the International Maritime Organization to inform the Contracting Parties of the above mentioned amendments in accordance with Article XV(1)(b) of the Convention,

#### ATTACHMENT

##### ANNEX I

1. The following text is added to Annex I as a new paragraph 11:

“11. Industrial waste as from 1 January 1996.



For the purposes of this Annex:

“Industrial waste” means waste materials generated by manufacturing or processing operations and does not apply to:

- (a) dredged material;
- (b) sewage sludge;
- (c) fish waste, or organic materials resulting from industrial fish processing operations;
- (d) vessels and platforms or other man-made structures at sea, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent;
- (e) uncontaminated inert geological materials the chemical constituents of which are unlikely to be released into the marine environment;
- (f) uncontaminated organic materials of natural origin.

Dumping of wastes and other matter specified in subparagraphs (a) - (f) above shall be subject to all other provisions of Annex I, and to the provisions of Annexes II and III.

This paragraph shall not apply to the radioactive wastes or any other radioactive matter referred to in paragraph 6 of this Annex.”

2. The following phrase is added to the beginning of the existing text of paragraph 9:

“Except for industrial waste as defined in paragraph 11 below, ...”

3. In paragraph 9, the word “spoils” is replaced by “material”.

## ANNEX II

1. “Beryllium, chromium, nickel and vanadium and their compounds” are moved from Annex II, paragraph B to paragraph A of Annex II. The remainder of the text of paragraph B is deleted. The subsequent sections are redesignated accordingly.

2. The existing text of paragraph F is replaced by the following:

Materials 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.

Note: A declaration dated 11 February 1994 was deposited for Australia with the Secretary-General of the IMO on 15 February 1994 and stated the following:

“Australia accepts the prohibition on the dumping of industrial wastes at sea as from 1 January 1996 as envisaged in resolution LC.49(16) for all types of industrial wastes as defined by the resolution with the exception of jarosite waste for which it is necessary, for technical reasons which will be elaborated at future meetings of the London Convention, to retain the option of dumping at sea for a short period after the expiration of the deadline set down in resolution LC.49(16). Under no circumstances will the dumping at sea of jarosite be permitted by the Australian Government beyond 31 December 1997.”.

## **Schedule 3B—Amendments concerning incineration at sea**

Note: See section 4.

### ANNEX 4

#### RESOLUTION LC.50(16)

AMENDMENT TO ANNEX I TO THE CONVENTION ON THE  
PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES  
AND OTHER MATTER, 1972 CONCERNING INCINERATION AT SEA  
(London, 12 November 1993)

THE SIXTEENTH CONSULTATIVE MEETING,

RECALLING Article I of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter which states that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment,

RECALLING ALSO resolutions LDC.35(11), LDC.39(13) and LC.47(15) on the status of incineration of noxious liquid wastes at sea and resolution LDC.44(14) on the application of a precautionary approach in environmental protection within the framework of the London Convention 1972,

RECALLING FURTHER the encouragement by UNCED Agenda 21, Chapter 17.30(b)(ii) to the Contracting Parties to take appropriate steps to stop ocean incineration of hazardous substances,

RECOGNIZING that Contracting Parties should give priority to no-waste and low-waste technology within the hierarchy of waste management,

NOTING that the incineration at sea of noxious liquid wastes by Contracting Parties ceased in February 1991,

REAFFIRMING the agreement that, in case Contracting Parties face difficulties in finding methods for environmentally sound management of their incinerable wastes, Contracting Parties take upon themselves to consider favourably requests for technical or scientific assistance, including transfer of relevant publicly available information, taking into account the outcome of the Global Waste Survey,

ADOPTS the following amendment to Annex I to the Convention in accordance with Articles XIV(4)(a) and XV(2) thereof, the text of which is set out in the attachment to this resolution,

REQUESTS the Secretary-General of the International Maritime Organization to inform the Contracting Parties of the above mentioned amendments in accordance with Article XV(1)(b) of the Convention.

ATTACHMENT

ANNEX I

The existing text of Annex I, paragraph 10 is replaced by the following:

- “(a) Incineration at sea of industrial waste, as defined in paragraph 11 below, and sewage sludge is prohibited.

- (b) The incineration at sea of any other wastes or matter requires the issue of a special permit.
- (c) In the issue of special permits for incineration at sea Contracting Parties shall apply regulations as are developed under this Convention.
- (d) For the purpose of this Annex:
  - (i) “Marine incineration facility” means a vessel, platform, or other man-made structure operating for the purpose of incineration at sea.
  - (ii) “Incineration at sea” means the deliberate combustion of wastes or other matter on marine incineration facilities for the purpose of their thermal destruction. Activities incidental to the normal operation of vessels, platforms or other man-made structures are excluded from the scope of this definition.”

## **Schedule 3C—Amendments concerning disposal at sea of radioactive wastes and other radioactive material**

Note: See section 4.

### ANNEX 5

#### RESOLUTION LC.51(16)

AMENDMENTS TO THE ANNEXES TO THE CONVENTION ON THE  
PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES  
AND OTHER MATTER, 1972 CONCERNING DISPOSAL AT SEA OF  
RADIOACTIVE WASTES AND OTHER RADIOACTIVE MATTER  
(London, 12 November 1993)

THE SIXTEENTH CONSULTATIVE MEETING,

RECALLING Articles I and II of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter which state, inter alia, that

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Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment and that they shall harmonize their policies to prevent marine pollution caused by dumping,

BEING AWARE that the dumping of high level radioactive wastes or other high level radioactive matter is prohibited under Article IV in connection with Annex I, paragraph 6 of the Convention,

NOTING resolution LDC.21(9) on the suspension of all dumping at sea of radioactive wastes and other radioactive matter and recognizing that, such suspension shall continue until the entry into force of the amendment to Annex I, paragraph 6 of the Convention,

NOTING ALSO that the International Atomic Energy Agency (IAEA) is the competent international body to define waste and other matter considered to be radioactive for purposes of regulatory control under the Convention and has been requested by Contracting Parties to develop quantitative limits for de minimis (exempt) levels of radioactivity,

RECOGNIZING that in the interim, the Parties shall be guided by IAEA Safety Series 78 and 89, and decisions and recommendations taken at the Consultative Meetings,

NOTING FURTHER that amendments to the Convention relating to the issue of inclusion of sub-sea-bed repositories accessed from the sea in the definition of “dumping” are under consideration by the Contracting Parties,

RECALLING ALSO resolution LDC.44(14) on the application of a precautionary approach to environmental protection within the framework of the London Convention 1972,

BEING ALSO AWARE of the encouragement by UNCED Agenda 21, Chapter 22.5(b) to the Contracting Parties to expedite work to complete studies on replacing the current voluntary moratorium on disposal of low level radioactive waste at sea by a ban, and

NOTING FURTHER the conclusions and the options on disposal at sea of radioactive waste as contained in the final report (LC/IGPRAD 6/5) of the Inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea which

was established on the basis of resolution LDC.28(10) and expressing its appreciation to the experts involved in the preparation of this final report,

HAVING ADOPTED amendments to Annex I to the Convention by resolution LC.49(16) concerning phasing out sea disposal of industrial waste,

ADOPTS the following amendments to the Annexes to the Convention in accordance with Articles XIV(4)(a) and XV(2) thereof:

- (a) amendment to Annex I, paragraphs 6, 8, 9 and insertion of a new paragraph 12; and
- (b) amendment to Annex II, section D

the texts of which are set out in the attachment to this resolution,

REQUESTS the Secretary-General of the International Maritime Organization to inform the Contracting Parties of the above mentioned amendments in accordance with Article XV(1)(b) of the Convention,

REAFFIRMS that, with respect to any Party as to which the amendment to paragraph 6 of Annex I is not in force, the suspension of all dumping of radioactive wastes and other matter established by resolution LDC 21(9) shall continue until the entry into force of the amendment to Annex I, paragraph 6 of the Convention,

AGREES that the disposal of radioactive wastes and other radioactive matter into sub-sea-bed repositories accessed from the sea in accordance with resolution LDC.41(13) is suspended until such time as the Parties determine otherwise, noting that whether such disposal is “dumping” within the meaning of the Convention is under consideration by the Consultative Meeting,

RESOLVES FURTHER that Contracting Parties shall endeavour to co-operate in assisting countries with special problems relating to the safe disposal of radioactive wastes to meet effectively their international obligations under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.

ATTACHMENT

ANNEX I

1. The existing text of paragraph 6, Annex I, is replaced by the following:  
“6. Radioactive wastes or other radioactive matter.”
2. The following phrase is added at the beginning of paragraph 8, Annex I:  
“8. With the exception of paragraph 6 above, ...”
3. The second sentence of the existing text, paragraph 9, Annex I, is replaced by the following:  
“Paragraph 6 above does not apply to wastes or other materials (e.g. sewage sludges and dredged materials) containing de minimis (exempt) levels of radioactivity as defined by the IAEA and adopted by the Contracting Parties. Unless otherwise prohibited by Annex I, such wastes shall be subject to the provisions of Annexes II and III as appropriate.”
4. The following text is added to Annex I as a new paragraph 12:  
“12. Within 25 years from the date on which the amendment to paragraph 6 enters into force and at each 25 year interval thereafter, the Contracting Parties shall complete a scientific study relating to all radioactive wastes and other radioactive matter other than high level radioactive wastes or matter, taking into account such other factors as the Contracting Parties consider appropriate, and shall review the position of such substances in Annex I in accordance with the procedures set forth in Article XV.”

ANNEX II

The present text of Annex II, Section D is deleted and the subsequent sections are redesignated accordingly.

***Environment, Sport and Territories Legislation Amendment  
Act 1995***

**36 Item 3 of Schedule 3**

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Omit “(j), (k) and (m)”, substitute “(j) and (k)”.

Note: This amendment corrects a misdescribed amendment of the *Australian Sports Commission Act 1989*.

## ***Great Barrier Reef Marine Park Act 1975***

### **37 Paragraph 3(8)(a)**

Omit “stern”, substitute “stem”.

### **38 At the end of section 7A**

Add:

- (8) The Minister may, by writing, delegate to the Authority or to the Chairperson his or her power to give approvals under subsection (4).

### **39 Subsection 10(2)**

Omit “Chairman”, substitute “Chairperson”.

Note: The title of the head of the Great Barrier Reef Marine Park Authority was changed to “Chairperson” by the *Environment, Sport and Territories Legislation Amendment Act 1995*. This amendment was overlooked at that time.

### **40 Subsection 38J(5)**

After “platform” (first occurring), insert “by a person”.

### **41 Paragraphs 38J(5)(c) and (d)**

After “were taken”, insert “by the person, or on behalf or at the direction of the person,”.

### **42 Subsection 38J(6)**

Omit “in charge, or the owner or a co-owner, of the vessel, aircraft or platform”, substitute “referred to in subsection (5)”.

### **43 Subsection 38J(7) (definition of *aircraft*)**

Repeal the definition.

### **44 Subsection 38J(7) (definition of *prescribed officer*)**

Omit “*Pollution of Ships*”, substitute “*Pollution from Ships*”.



**45 Subsection 38J(7) (definition of vessel)**

Repeal the definition.

**46 At the end of section 39ZD**

Add:

- (8) The things the enforcement provisions may do include, but are not limited to, prohibiting or regulating:
- (a) entry into an area, or a part of an area, to which the plan relates; or
  - (b) the use (generally), or a particular use, of an area, or a part of an area, to which the plan relates.

**47 Subsections 48A(3) and (4)**

Repeal the subsections.

***Migration Act 1958***

**48 Subsection 7(1)**

Omit “and the Territory of Christmas Island”, substitute “, the Territory of Christmas Island and the Territory of Ashmore and Cartier Islands”.

***National Parks and Wildlife Conservation Act 1975***

**49 Subsection 52(1A)**

Omit “48”, substitute “49”.

***Ozone Protection Act 1989***

**50 Subsection 7(1) (definition of essential uses licence)**

After “stage-2 scheduled substance”, insert “, or to import specified HBFCs,”.

**51 Subsection 26(1)**

Omit “(the *base year*)”, substitute “(the *excess year*)”.

**52 Paragraph 57(1)(a)**

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Omit “, 17A or 23”.

**53 Paragraph 57(1)(b)**

Omit “, 17A, 24”.

**54 Paragraph 57(1)(c)**

Omit “, 17A, 25”.

**55 Part V of Schedule 1**

Omit “CHF<sub>2</sub>Cl<sub>2</sub>”, substitute “CHF<sub>2</sub>Cl”.

**56 Annex C to Schedule 3**

Omit “CHF<sub>2</sub>Cl<sub>2</sub>”, substitute “CHF<sub>2</sub>Cl”.

**57 Clause 3 of Schedule 4**

Repeal the clause.

***Quarantine Act 1908***

**58 Subsection 6AA(2)**

After “this Act”, insert “(with or without modifications)”.

**59 After section 6AA**

Insert:

**6AB Regulations may provide for the extension of Act to Ashmore and Cartier Islands**

- (1) Subject to subsection (2), this Act does not extend to the Territory of Ashmore and Cartier Islands.
- (2) Regulations may be made to extend the whole or a part of this Act (with or without modifications) to the Territory of Ashmore and Cartier Islands.

***Wet Tropics of Queensland World Heritage Area  
Conservation Act 1994***

**60 Section 3**

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After “Act)”, insert “, as amended from time to time,”.

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*[Minister’s second reading speech made in—  
Senate on 12 December 1996  
House of Representatives on 27 June 1997]*

(204/96)