



2001B00281

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Environment Protection (Sea Dumping) Amendment Regulations 2001 (No. 1)¹

Statutory Rules 2001 No. ¹/₂

199

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Environment Protection (Sea Dumping) Act 1981*.

Dated 26 JUL 2001 2001

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

ROBERT HILL
Minister for the Environment and Heritage

Regulation 1

1 Name of Regulations

These Regulations are the *Environment Protection (Sea Dumping) Amendment Regulations 2001 (No. 1)*.

2 Commencement

These Regulations commence on gazettal.

3 Amendment of Environment Protection (Sea Dumping) Regulations

Schedule 1 amends the Environment Protection (Sea Dumping) Regulations.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 1

substitute

1 Name of Regulations

These Regulations are the *Environment Protection (Sea Dumping) Regulations 1983*.

[2] Regulation 2A

omit

2	<i>Environment Protection (Sea Dumping) Amendment Regulations 2001 (No. 1)</i>	2001, 1	199 /
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[3] Regulation 3*substitute***3 Reports of relevant conduct — prescribed information**

For paragraph 15 (3) (d) of the Act, the prescribed information for a report of relevant conduct is the following:

- (a) the name and address of the person giving the report;
- (b) the date of the relevant conduct and the time at which it took place (in Eastern Standard Time);
- (c) the depth of water where the relevant conduct took place;
- (d) the co-ordinates of the site where the relevant conduct took place (specified in degrees, minutes and seconds of latitude and longitude) as determined by reference to the Geocentric Datum of Australia, worked out as accurately as possible in the particular case;
- (e) the name (if any) and the registration or other identifying mark or marking of the vessel, aircraft or platform from or on which the relevant conduct took place;
- (f) the name of the owner and of the person in charge of the aircraft, vessel or platform from or on which the relevant conduct took place;
- (g) the name of the person or persons whose conduct facilitated, caused or constituted the relevant conduct;
- (h) a description of the method used in carrying out the relevant conduct;
- (i) the reason for the relevant conduct;

- (j) if controlled material (other than a vessel, aircraft or platform) was dumped into the sea, incinerated at sea, loaded for dumping or incineration, or placed as part of an artificial reef placement — the following information about the controlled material (worked out as accurately as possible in the particular case):
- (i) a general description;
 - (ii) its chemical composition;
 - (iii) its form;
 - (iv) its volume or mass;
 - (v) the method of packaging or containment (if any);
- (k) if a vessel, aircraft or platform was dumped into the sea, incinerated at sea, loaded for dumping or incineration, or placed as part of an artificial reef placement — the following information about the vessel, aircraft or platform:
- (i) whether it was a vessel, an aircraft or a platform;
 - (ii) its name (if any) and its registration or other identifying mark or marking;
 - (iii) its dimensions (including mass), worked out as accurately as possible in the particular case;
 - (iv) the method of packaging or containment (if any).

[4] Regulation 4

omit each mention of
the Schedule

insert
Schedule 1

[5] Regulation 5*substitute***5 Fees — applications for certain dumping permits**

- (1) For subsection 40 (1) of the Act, this regulation prescribes the fee payable for an application for a permit to dump dredged or excavated material into any part of the sea.
- (2) If:
- (a) no part of the material to be dumped is contaminated; and
 - (b) the site or sites of the dredging or excavation, and the site or sites of the proposed dumping, are not environmentally sensitive;

the fee is the fee applying to the application under the following table:

Period for which permit sought	Quantity of material for which permit sought (m ³ a year)		
	100,000 or less	over 100,000 and less than 500,000	500,000 or more
1 year or less	\$5 500	\$11 000	\$16 500
over 1 year and less than 3 years	\$11 000	\$16 500	\$16 500
over 3 years	\$16 500	\$16 500	\$16 500

- (3) If:
- (a) any part of the material to be dumped is contaminated; or

- (b) the site or sites of the dredging or excavation, or the site or sites of the proposed dumping, are environmentally sensitive;

the fee is the fee applying to the application under the following table:

Period for which permit sought	Quantity of material for which permit sought (m ³ a year)		
	100,000 or less	over 100,000 and less than 500,000	500,000 or more
1 year or less	\$11 000	\$16 500	\$16 500
over 1 year and less than 3 years	\$16 500	\$16 500	\$16 500
over 3 years	\$16 500	\$16 500	\$16 500

- (4) For paragraphs (2) (a) and (3) (a), material to be dumped is, or is taken to be, *contaminated* if:
- (a) it appears, from information included with the application, that the material contains a substance mentioned in Schedule 2:
- (i) in an amount that is equal to or greater than the screening level specified for the substance in the Schedule; or
- (ii) if the background level of the substance is higher than the screening level — in an amount that is equal to or greater than twice the background level; or
- (b) there are reasonable grounds to believe that the information included with the application may not accurately reflect the amount of those substances in the material; or
- (c) the application does not include information about the amount of those substances in the material.

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- (5) For subparagraph (4) (a) (ii), the **background level** of a substance is taken to be the level of the substance that is reasonably believed to exist in sediment that is:
- (a) at the proposed dumping site; or
 - (b) near the proposed dumping site and comparable to sediment at the proposed dumping site;
- and is not affected by previous dredging, excavation, dumping or related activities.
- (6) For subparagraphs (4) (a) (i) and (ii), and subregulation (5), the total dry weight concentration of a substance mentioned in any of items 11 to 33, or item 35, of Schedule 2 is to be normalised to a 1 percent of total organic carbon basis (but subject to a maximum multiplier of 5) before comparing its concentration in the sediment with the screening level in the Schedule.

Examples

1 If the total organic carbon in the sediment is 0.5 percent, the measured dry weight of a contaminant mentioned in any of those items must be doubled before comparison with the screening level in the Schedule.

2 If the total organic carbon in the sediment is 0.2 percent or less, the measured dry weight of a contaminant mentioned in any of those items is to be multiplied by 5 before comparison with the screening level in the Schedule.

- (7) For paragraphs (2) (b) and (3) (b), a site is **environmentally sensitive** if it appears that the dredging, excavation, dumping or a related activity may have an impact on:
- (a) any of the following (as the relevant term is defined in the *Environment Protection and Biodiversity Conservation Act 1999*):
 - (i) a declared World Heritage property;
 - (ii) a declared Ramsar wetland;
 - (iii) a Commonwealth marine area;
 - (iv) a critical habitat for a listed threatened species or a listed threatened ecological community;
 - (v) a Biosphere reserve;

- (vi) a Commonwealth reserve;
 - (vii) a conservation zone;
 - (viii) a listed threatened species;
 - (ix) a listed threatened ecological community;
 - (x) a listed migratory species;
 - (xi) cetaceans;
 - (xii) a listed marine species; or
- (b) seagrasses that are a habitat of a species or ecological community mentioned in subparagraph (a) (viii), (ix), (x), (xi) or (xii); or
 - (c) any other habitat of a species or ecological community mentioned in subparagraph (a) (viii), (ix), (x), (xi) or (xii); or
 - (d) a coral reef.

5A Fees — certain other applications

For subsection 40 (1) of the Act, the following fees are prescribed:

- (a) for an application for a permit to dump a platform into any part of the sea — \$10 000;
- (b) for an application for a permit to dump a vessel into any part of the sea — \$5 000;
- (c) for an application for a permit to dump into any part of the sea any controlled material for which a fee is not prescribed under regulation 5 or another paragraph of this regulation — \$5 000;
- (d) for an application for an artificial reef permit — \$5 000;
- (e) for an application for a permit to bury a person at sea — \$1 000;
- (f) for an application to vary a permit granted under the Act — \$500.

5B Fees — time for payment

For subsection 40 (2) of the Act, the time for payment of the fee for an application mentioned in regulation 5

or 5A is a time not later than 30 days after the application is made but before the permit or variation is granted.

[6] **Schedule, heading**

substitute

Schedule 1 Prescribed courts

(regulation 4)

[7] **After the Schedule**

insert

Schedule 2 Substances and screening levels

(paragraph 5 (4) (a))

Item	Substance	Screening level
Metals and metalloids		
1	Antimony	2 mg/kg
2	Arsenic	20 mg/kg
3	Cadmium	1.5 mg/kg
4	Chromium	80 mg/kg
5	Copper	65 mg/kg
6	Lead	50 mg/kg
7	Mercury	0.15 mg/kg
8	Nickel	21 mg/kg
9	Silver	1.0 mg/kg
10	Zinc	200 mg/kg
Organics		
11	Total PCBs	23 µg/kg

Item	Substance	Screening level
<i>Pesticides</i>		
12	DDD	2 µg/kg
13	DDE	2.2 µg/kg
14	Total DDT	1.6 µg/kg
15	Dieldrin	0.02 µg/kg
16	Chlordane	0.5 µg/kg
17	Lindane	0.32 µg/kg
18	Endrin	0.02 µg/kg
<i>Polynuclear aromatic hydrocarbons (PAHs)</i>		
19	Acenaphthene	16 µg/kg
20	Acenaphthalene	44 µg/kg
21	Anthracene	85 µg/kg
22	Fluorene	19 µg/kg
23	Napthalene	160 µg/kg
24	Phenanthrene	240 µg/kg
25	Low-molecular-weight PAHs	552 µg/kg
26	Benzo [a] anthracene	261 µg/kg
27	Benzo [a] pyrene	430 µg/kg
28	Dibenz [a] anthracene	63 µg/kg
29	Fluoranthene	600 µg/kg
30	Chrysene	384 µg/kg
31	Pyrene	665 µg/kg
32	High-molecular-weight PAHs	1 700 µg/kg
33	Total PAH	4 000 µg/kg
Other substances		
34	Radionuclides	35 Bq/g
35	Tributyltin (as Sn)	5 ng Sn/g

Notes

1. These Regulations amend Statutory Rules 1983 No. 8/
2. Notified in the *Commonwealth of Australia Gazette* on

, as amended by
1984 No. 423
27 July

2001.

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*Environment Protection (Sea Dumping) Amendment
Regulations 2001 (No.)*

2001,