

1996–97

The Parliament of the
Commonwealth of Australia

THE SENATE

As read a third time

**Environment, Sport and Territories
Legislation Amendment Bill 1997**

No. 1, 1997

**A Bill for an Act to amend legislation relating to the
environment, sport and Territories, and for related
purposes**

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1 THIS bill originated in the Senate; and,
2 having this day passed, is now ready for
3 presentation to the House of
4 Representatives for its concurrence.

5 HARRY EVANS
6 Clerk of the Senate
7 The Senate
8 26 June 1997

9 **A Bill for an Act to amend legislation relating to the**
10 **environment, sport and Territories, and for related**
11 **purposes**

12 The Parliament of Australia enacts:

13 **1 Short title**

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

16 **2 Commencement**

17 (1) Subject to subsections (2), (3) and (4), this Act commences on the
18 day on which it receives the Royal Assent.

19 (2) Item 36 of Schedule 1 is taken to have commenced on the day on
20 which the *Environment, Sport and Territories Legislation*
21 *Amendment Act 1995* received the Royal Assent.

1 (3) Item 49 of Schedule 1 commences on the day on which this Act
2 receives the Royal Assent only if Schedule 2 to the *Audit*
3 *(Transitional and Miscellaneous) Amendment Act 1997* has not
4 commenced before then.

5 (4) Item 60 of Schedule 1 is taken to have commenced immediately
6 after the commencement of the *Wet Tropics of Queensland World*
7 *Heritage Area Conservation Act 1994*.

8 **3 Schedule(s)**

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10 Act is amended or repealed as set out in the applicable items in the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

1
2 **Schedule 1—Amendment of Acts**

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

5 **1 Section 4 (definition of *Authority*)**

6 Omit “Planning”.

7 **2 Section 5**

8 Repeal the section, substitute:

9 **5 Establishment and name of *Authority***

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

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

15 **3 Paragraph 74(1)(a)**

16 Omit “Planning”.

17 **4 Paragraph 74(2)(a)**

18 Omit “Planning”.

19 *Australian Sports Drug Agency Act 1990*

20 **5 Subsections 10(2) and (3)**

21 Repeal the subsections, substitute:

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

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

25 **6 Paragraph 15(c)**

26 Repeal the paragraph, substitute:

27 (c) after providing the sample, the competitor:

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

5 ***Christmas Island Act 1958***

6 **7 Section 14E**

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

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

11 **8 Section 14E**

12 Omit “14,”.

13 **9 Paragraph 14E(a)**

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

16 **10 Paragraph 14E(b)**

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

19 **11 Paragraphs 14E(d) and (e)**

20 Repeal the paragraphs, substitute:

21 (d) a reference to the Registrar of the Supreme Court of the
22 Territory included a reference to:

23 (i) a person who has the powers and functions of the
24 Registrar of the Supreme Court of Western Australia in
25 the application of the *Supreme Court Act 1935* of
26 Western Australia in the Territory; or

27 (ii) a person who has the powers and functions of a judge of
28 the District Court of Western Australia in the
29 application of the *District Court of Western Australia*
30 *Act 1969* of Western Australia in the Territory; and

31 (e) a reference to the Sheriff of the Supreme Court of the
32 Territory included a reference to:

- 1 (i) a person who has the powers and functions of the sheriff
2 of the Supreme Court of Western Australia in the
3 application of the *Supreme Court Act 1935* of Western
4 Australia in the Territory; or
5 (ii) a person who has the powers and functions of the sheriff
6 of the District Court of Western Australia in the
7 application of the *District Court of Western Australia*
8 *Act 1969* of Western Australia in the Territory.

9 **12 Part V**

10 Repeal the Part.

11 **13 Citizenship already acquired under Part V continues** 12 **despite repeal of Part**

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

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

18 **14 Part IV**

19 Repeal the Part.

20 **15 Citizenship already acquired under Part IV continues** 21 **despite repeal of Part**

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

26 **16 Paragraph 15AAE(a)**

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

29 **17 Paragraph 15AAE(b)**

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

1 **18 Paragraphs 15AAE(c) and (d)**

2 Repeal the paragraphs, substitute:

3 (c) a reference in this Act to the Registrar of an indictment court
4 included a reference to:

5 (i) a person who has the powers and functions of the
6 Registrar of the Supreme Court of Western Australia in
7 the application of the *Supreme Court Act 1935* of
8 Western Australia in the Territory; or

9 (ii) a person who has the powers and functions of a judge of
10 the District Court of Western Australia in the
11 application of the *District Court of Western Australia*
12 *Act 1969* of Western Australia in the Territory; and

13 (d) a reference in this Act to the Sheriff of an indictment court
14 included a reference to:

15 (i) a person who has the powers and functions of the sheriff
16 of the Supreme Court of Western Australia in the
17 application of the *Supreme Court Act 1935* of Western
18 Australia in the Territory; or

19 (ii) a person who has the powers and functions of the sheriff
20 of the District Court of Western Australia in the
21 application of the *District Court of Western Australia*
22 *Act 1969* of Western Australia in the Territory; and

23 **19 Schedule**

24 Omit "*Juries Ordinance 1989*".

25 ***Coral Sea Islands Act 1969***

26 **20 Preamble**

27 Repeal the Preamble, substitute:

28 **Preamble**

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

31 (a) the area the boundary of which commences at the point of the
32 intersection of the line following the outer edge of the Great

1 Barrier Reef by the parallel of Latitude 12° 00' South and
2 runs:

- 3 (i) then south-easterly along the geodesic to the point of
4 Latitude 16° 00' South, Longitude 156° 06' East; and
5 (ii) then south along the meridian of Longitude 156° 06'
6 East to its intersection by the parallel of Latitude
7 24° 00' South; and
8 (iii) then west along that parallel to its intersection by the
9 meridian of Longitude 154° 00' East; and
10 (iv) then north along that meridian to its intersection by the
11 parallel of Latitude 22° 00' South; and
12 (v) then west along that parallel to its intersection by the
13 line following the outer edge of the Great Barrier Reef;
14 and
15 (vi) then generally north-westerly along that line to the point
16 of commencement; and
17 (b) the area the boundary of which commences at the point of
18 Latitude 29° 21' South, Longitude 158° 59' East and runs:
19 (i) then east along the parallel of Latitude 29° 21' South to
20 its intersection by the meridian of Longitude 159° 14'
21 East; and
22 (ii) then south-westerly along the geodesic to the point of
23 Latitude 30° 3' South, Longitude 159° 10' East; and
24 (iii) then west along the parallel of Latitude 30° 3' South to
25 its intersection by the meridian of Longitude 158° 55'
26 East; and
27 (iv) then north-easterly along the geodesic to the point of
28 commencement.

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

31 **21 Subsections 2(2) and (3)**

32 Repeal the subsections, substitute:

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

1 ***Customs Act 1901***

2 **22 After section 5C**

3 Insert:

4 **6 Regulations may provide for the extension of Act to Ashmore and**
5 **Cartier Islands**

6 (1) Subject to subsection (2), this Act does not extend to the Territory
7 of Ashmore and Cartier Islands.

8 (2) Regulations may be made to extend the whole or a part of this Act
9 (with or without modifications) to the Territory of Ashmore and
10 Cartier Islands.

11 ***Endangered Species Protection Act 1992***

12 **23 Subsection 4(1) (definition of *ecological community*)**

13 Omit “integrated”.

14 **24 Paragraph 6(3)(a)**

15 Omit “abundance”, substitute “extent”.

16 **25 Subsections 24(2) and (3)**

17 Omit “30 days”, substitute “90 days”.

18 **26 Application of amendment made by item 25**

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

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

24 **27 Subsection 4(1) (definition of *Convention*)**

25 Repeal the definition, substitute:

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

- 1 (a) the amendments the English text of which is set out in
2 Schedules 2, 3, 3A, 3B and 3C; and
3 (b) any other amendment to the Convention that is accepted by
4 Australia and a copy of the English text of which is set out in
5 the regulations.

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

9 **28 Subsection 19(2)**

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

11 **29 After subsection 19(4)**

12 Insert:

13 (4A) Where:

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

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

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

32 **31 Paragraphs 19(6)(a), b) and (c)**

33 Repeal the paragraphs, substitute:

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

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

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

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

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

10 **34 Paragraph 17(1)(b), subsections 17(2), 18(4) and (5) and**
11 **19(1), paragraph 19(9)(a), subsection 29(3), paragraphs**
12 **29(6)(b) and 29(7)(b), subsection 31(2), paragraph**
13 **32(2)(b), subsection 34(1) and paragraph 35(1)(a)**

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

15 **35 After Schedule 3**

16 Insert:

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

20 Note: See section 4.

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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,

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

6
7 RECOGNIZING the commitment of Contracting Parties under Article IX of the
8 Convention in respect of technical assistance,

9
10 NOTING in this regard the undertaking reached by UNCED, Agenda 21,
11 Chapter 34.14(b) on “Transfer of environmentally sound technology,
12 co-operation and capacity-building”,

13
14 RECALLING ALSO resolution LDC.43(13) by which Contracting Parties
15 agreed, inter alia, that the dumping of industrial waste at sea would cease by
16 31 December 1995 at the latest and that they should endeavour to adopt
17 individual or regional commitments to cease dumping of industrial waste before
18 31 December 1995,

19
20 RECALLING FURTHER resolution LDC.44(14) on the application of a
21 precautionary approach in environmental protection within the framework of
22 the London Convention 1972,

23
24 NOTING ALSO that several Contracting Parties, individually or under regional
25 agreements covering the dumping of wastes, have already phased out sea
26 disposal of industrial waste,

27
28 WELCOMING the efforts undertaken within the framework of other
29 Conventions in order to develop and adopt technical guidelines for the
30 environmentally sound management of hazardous wastes on land,

31
32 RECALLING the encouragement by UNCED, Agenda 21, Chapter 17.30(b)(ii)
33 to the Contracting Parties to take appropriate steps to stop ocean dumping of
34 hazardous substances,

35
36 REAFFIRMING the agreement that Contracting Parties commit themselves to
37 take all necessary steps to enable all Contracting Parties to comply with phasing
38 out of sea disposal of industrial waste, including the promotion of technical

1 assistance to this end taking into account the outcome of the Global Waste
2 Survey,

3
4 REAFFIRMING ALSO the agreement that Contracting Parties facilitate access
5 to, and transfer of, environmentally sound technologies particularly to
6 developing countries to promote:

- 7
8 - the modification of industrial processes in such a way as to reduce
9 and eliminate the amount of waste generated;
10
11 - the recycling of wastes or the reuse of them in other industries;
12
13 - the environmentally sound management of wastes on land;
14
15 - the further development of alternative and environmentally sound
16 means of disposal,
17

18 REAFFIRMING FURTHER the agreement that a better protection of the
19 marine environment by cessation of dumping of industrial waste should not
20 result in unacceptable environmental effects elsewhere,
21

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

- 24
25 (a) amendments to Annex I; and
26
27 (b) amendments to Annex II;
28

29 the texts of which are set out in the attachment to this resolution,
30

31 REQUESTS the Secretary-General of the International Maritime Organization
32 to inform the Contracting Parties of the above mentioned amendments in
33 accordance with Article XV(1)(b) of the Convention,
34

35 ATTACHMENT
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38 ANNEX I
39

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

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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,

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

5
6 RECALLING ALSO resolutions LDC.35(11), LDC.39(13) and LC.47(15) on
7 the status of incineration of noxious liquid wastes at sea and resolution
8 LDC.44(14) on the application of a precautionary approach in environmental
9 protection within the framework of the London Convention 1972,

10
11 RECALLING FURTHER the encouragement by UNCED Agenda 21, Chapter
12 17.30(b)(ii) to the Contracting Parties to take appropriate steps to stop ocean
13 incineration of hazardous substances,

14
15 RECOGNIZING that Contracting Parties should give priority to no-waste and
16 low-waste technology within the hierarchy of waste management,

17
18 NOTING that the incineration at sea of noxious liquid wastes by Contracting
19 Parties ceased in February 1991,

20
21 REAFFIRMING the agreement that, in case Contracting Parties face difficulties
22 in finding methods for environmentally sound management of their incinerable
23 wastes, Contracting Parties take upon themselves to consider favourably
24 requests for technical or scientific assistance, including transfer of relevant
25 publicly available information, taking into account the outcome of the Global
26 Waste Survey,

27
28 ADOPTS the following amendment to Annex I to the Convention in accordance
29 with Articles XIV(4)(a) and XV(2) thereof, the text of which is set out in the
30 attachment to this resolution,

31
32 REQUESTS the Secretary-General of the International Maritime Organization
33 to inform the Contracting Parties of the above mentioned amendments in
34 accordance with Article XV(1)(b) of the Convention.

35
36 ATTACHMENT

37
38 ANNEX I

1
2 The existing text of Annex I, paragraph 10 is replaced by the following:
3

- 4 “(a) Incineration at sea of industrial waste, as defined in paragraph 11
5 below, and sewage sludge is prohibited.
6
7 (b) The incineration at sea of any other wastes or matter requires the
8 issue of a special permit.
9
10 (c) In the issue of special permits for incineration at sea Contracting
11 Parties shall apply regulations as are developed under this
12 Convention.
13
14 (d) For the purpose of this Annex:
15
16 (i) “Marine incineration facility” means a vessel, platform, or
17 other man-made structure operating for the purpose of
18 incineration at sea.
19
20 (ii) “Incineration at sea” means the deliberate combustion of
21 wastes or other matter on marine incineration facilities for
22 the purpose of their thermal destruction. Activities incidental
23 to the normal operation of vessels, platforms or other
24 man-made structures are excluded from the scope of this
25 definition.”

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

29 Note: See section 4.
30

31 ANNEX 5

32 RESOLUTION LC.51(16)

33
34
35 AMENDMENTS TO THE ANNEXES TO THE CONVENTION ON THE
36 PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES

1 AND OTHER MATTER, 1972 CONCERNING DISPOSAL AT SEA OF
2 RADIOACTIVE WASTES AND OTHER RADIOACTIVE MATTER
3 (London, 12 November 1993)
4

5 THE SIXTEENTH CONSULTATIVE MEETING,
6

7 RECALLING Articles I and II of the Convention on the Prevention of Marine
8 Pollution by Dumping of Wastes and other Matter which state, inter alia, that
9 Contracting Parties shall individually and collectively promote the effective
10 control of all sources of pollution of the marine environment and that they shall
11 harmonize their policies to prevent marine pollution caused by dumping,
12

13 BEING AWARE that the dumping of high level radioactive wastes or other
14 high level radioactive matter is prohibited under Article IV in connection with
15 Annex I, paragraph 6 of the Convention,
16

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

22 NOTING ALSO that the International Atomic Energy Agency (IAEA) is the
23 competent international body to define waste and other matter considered to be
24 radioactive for purposes of regulatory control under the Convention and has
25 been requested by Contracting Parties to develop quantitative limits for de
26 minimis (exempt) levels of radioactivity,
27

28 RECOGNIZING that in the interim, the Parties shall be guided by IAEA Safety
29 Series 78 and 89, and decisions and recommendations taken at the Consultative
30 Meetings,
31

32 NOTING FURTHER that amendments to the Convention relating to the issue
33 of inclusion of sub-sea-bed repositories accessed from the sea in the definition
34 of “dumping” are under consideration by the Contracting Parties,
35

36 RECALLING ALSO resolution LDC.44(14) on the application of a
37 precautionary approach to environmental protection within the framework of
38 the London Convention 1972,
39

1 BEING ALSO AWARE of the encouragement by UNCED Agenda 21, Chapter
2 22.5(b) to the Contracting Parties to expedite work to complete studies on
3 replacing the current voluntary moratorium on disposal of low level radioactive
4 waste at sea by a ban, and

5
6 NOTING FURTHER the conclusions and the options on disposal at sea of
7 radioactive waste as contained in the final report (LC/IGPRAD 6/5) of the Inter-
8 governmental Panel of Experts on Radioactive Waste Disposal at Sea which
9 was established on the basis of resolution LDC.28(10) and expressing its
10 appreciation to the experts involved in the preparation of this final report,

11
12 HAVING ADOPTED amendments to Annex I to the Convention by resolution
13 LC.49(16) concerning phasing out sea disposal of industrial waste,

14
15 ADOPTS the following amendments to the Annexes to the Convention in
16 accordance with Articles XIV(4)(a) and XV(2) thereof:

- 17
18 (a) amendment to Annex I, paragraphs 6, 8, 9 and insertion of a new
19 paragraph 12; and
20
21 (b) amendment to Annex II, section D

22
23 the texts of which are set out in the attachment to this resolution,

24
25 REQUESTS the Secretary-General of the International Maritime Organization
26 to inform the Contracting Parties of the above mentioned amendments in
27 accordance with Article XV(1)(b) of the Convention,

28
29 REAFFIRMS that, with respect to any Party as to which the amendment to
30 paragraph 6 of Annex I is not in force, the suspension of all dumping of
31 radioactive wastes and other matter established by resolution LDC 21(9) shall
32 continue until the entry into force of the amendment to Annex I, paragraph 6 of
33 the Convention,

34
35 AGREES that the disposal of radioactive wastes and other radioactive matter
36 into sub-sea-bed repositories accessed from the sea in accordance with
37 resolution LDC.41(13) is suspended until such time as the Parties determine
38 otherwise, noting that whether such disposal is “dumping” within the meaning
39 of the Convention is under consideration by the Consultative Meeting,

40

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

6
7 ATTACHMENT

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10 ANNEX I

11
12 1. The existing text of paragraph 6, Annex I, is replaced by the following:

13
14 “6. Radioactive wastes or other radioactive matter.”

15
16 2. The following phrase is added at the beginning of paragraph 8, Annex I:

17
18 “8. With the exception of paragraph 6 above, ...”

19
20 3. The second sentence of the existing text, paragraph 9, Annex I, is
21 replaced by the following:

22
23 “Paragraph 6 above does not apply to wastes or other materials (e.g.
24 sewage sludges and dredged materials) containing de minimis (exempt)
25 levels of radioactivity as defined by the IAEA and adopted by the
26 Contracting Parties. Unless otherwise prohibited by Annex I, such wastes
27 shall be subject to the provisions of Annexes II and III as appropriate.”

28
29 4. The following text is added to Annex I as a new paragraph 12:

30
31 “12. Within 25 years from the date on which the amendment to
32 paragraph 6 enters into force and at each 25 year interval thereafter,
33 the Contracting Parties shall complete a scientific study relating to
34 all radioactive wastes and other radioactive matter other than high
35 level radioactive wastes or matter, taking into account such other
36 factors as the Contracting Parties consider appropriate, and shall
37 review the position of such substances in Annex I in accordance
38 with the procedures set forth in Article XV.”

39

1 ANNEX II

2
3 The present text of Annex II, Section D is deleted and the subsequent sections
4 are redesignated accordingly.

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

7 **36 Item 3 of Schedule 3**

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

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

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

12 **37 Paragraph 3(8)(a)**

13 Omit “stern”, substitute “stem”.

14 **38 At the end of section 7A**

15 Add:

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

19 **39 Subsection 10(2)**

20 Omit “Chairman”, substitute “Chairperson”.

21 Note: The title of the head of the Great Barrier Reef Marine Park Authority was changed to
22 “Chairperson” by the *Environment, Sport and Territories Legislation Amendment Act*
23 *1995*. This amendment was overlooked at that time.

24 **40 Subsection 38J(5)**

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

26 **41 Paragraphs 38J(5)(c) and (d)**

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

29 **42 Subsection 38J(6)**

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

3 **43 Subsection 38J(7) (definition of *aircraft*)**

4 Repeal the definition.

5 **44 Subsection 38J(7) (definition of *prescribed officer*)**

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

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

8 Repeal the definition.

9 **46 At the end of section 39ZD**

10 Add:

11 (8) The things the enforcement provisions may do include, but are not
12 limited to, prohibiting or regulating:

13 (a) entry into an area, or a part of an area, to which the plan
14 relates; or

15 (b) the use (generally), or a particular use, of an area, or a part of
16 an area, to which the plan relates.

17 **47 Subsections 48A(3) and (4)**

18 Repeal the subsections.

19 ***Migration Act 1958***

20 **48 Subsection 7(1)**

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

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

24 **49 Subsection 52(1A)**

25 Omit “48”, substitute “49”.

26 ***Ozone Protection Act 1989***

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

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

4 **51 Subsection 26(1)**

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

6 **52 Paragraph 57(1)(a)**

7 Omit “, 17A or 23”.

8 **53 Paragraph 57(1)(b)**

9 Omit “, 17A, 24”.

10 **54 Paragraph 57(1)(c)**

11 Omit “, 17A, 25”.

12 **55 Part V of Schedule 1**

13 Omit “CHF₂Cl₂”, substitute “CHF₂Cl”.

14 **56 Annex C to Schedule 3**

15 Omit “CHF₂Cl₂”, substitute “CHF₂Cl”.

16 **57 Clause 3 of Schedule 4**

17 Repeal the clause.

18 ***Quarantine Act 1908***

19 **58 Subsection 6AA(2)**

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

21 **59 After section 6AA**

22 Insert:

23 **6AB Regulations may provide for the extension of Act to Ashmore**
24 **and Cartier Islands**

25 (1) Subject to subsection (2), this Act does not extend to the Territory
26 of Ashmore and Cartier Islands.

1 (2) Regulations may be made to extend the whole or a part of this Act
2 (with or without modifications) to the Territory of Ashmore and
3 Cartier Islands.

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

6 **60 Section 3**

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