



ANNO QUADRAGESIMO

ELIZABETHAE II REGINAE

A.D. 1991

No. 61 of 1991

An Act to amend the Environment Protection (Sea Dumping) Act 1984.

[Assented to 28 November 1991]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Environment Protection (Sea Dumping) (Coastal Waters and Radioactive Material) Amendment Act 1991*.

(2) The *Environment Protection (Sea Dumping) Act 1984* is referred to in this Act as “the principal Act”.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of long title

3. The long title to the principal Act is amended—

(a) by inserting “certain” before “wastes”;

and

(b) by inserting “, and by prohibiting the dumping into the sea, and the incineration at sea, of radioactive material” after “objects”.

Interpretation

4. Section 3 of the principal Act is amended—

(a) by striking out the definition of “coastal waters” in subsection (1) and substituting the following definition:

“coastal waters” means any part of the sea—

(a) that is within the limits of the State;

or

(b) that is from time to time included in the coastal waters of the State by virtue of the *Coastal Waters (State Powers) Act 1980* of the Commonwealth,

and includes any estuary or other tidal waters;

(b) by inserting after the definition of “premises” in subsection (1) the following definition:

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

and

(c) by inserting after subsection (2) the following subsection:

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

Dumping of wastes or other matter

5. Section 6 of the principal Act is amended by inserting “(other than radioactive material)” after “matter” where it first occurs.

Insertion of s. 6a

6. The following section is inserted after section 6 of the principal Act:

Dumping of radioactive material prohibited

6a. Where any radioactive material is dumped into coastal waters from any vessel, aircraft or platform, the owner and the person in charge of the vessel, aircraft or platform and the owner of the material are each guilty of an offence.

Loading of wastes or other matter for dumping

7. Section 8 of the principal Act is amended by inserting in paragraph (a) of the definition of “prescribed matter” in subsection (2) “(other than radioactive material)” after “matter”.

Insertion of s. 8a

8. The following section is inserted after section 8 of the principal Act:

Loading of radioactive material for dumping prohibited

8a. Where any radioactive material is loaded on any vessel or aircraft in the State or in coastal waters, or on any platform, for the purpose of being dumped into the sea or being incinerated at sea, the owner and the person in charge of the vessel, aircraft or platform and the owner of the material are each guilty of an offence.

Defences to charge of an offence

9. Section 9 of the principal Act is amended by inserting “, 6a” after “6”.

Offences under this Division

10. Section 10 of the principal Act is amended—

(a) by inserting “(other than an offence under section 6a or 8a)” after “Division”;

(b) by striking out from paragraph (a) “fifty thousand dollars” and substituting “\$200 000”;

(c) by striking out from paragraph (a) “one hundred thousand dollars” and substituting “\$1 000 000”;

(d) by striking out paragraph (b) “twenty-five thousand dollars” and substituting “\$100 000”;

(e) by striking out from paragraph (b) “fifty thousand dollars” and substituting “\$500 000”;

(f) by striking out from paragraph (c) “ten thousand dollars” and substituting “\$40 000”;

(g) by striking out from paragraph (c) “twenty thousand dollars” and substituting “\$200 000”;

and

(h) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) The penalty upon conviction of an offence under section 6a or 8a is a fine not exceeding the sum of \$200 000 if the offender is a natural person or the sum of \$1 000 000 if the offender is a body corporate.

Incineration at sea

11. Section 11 of the principal Act is amended—

(a) by striking out from subsection (2) “6”;

(b) by inserting in subsection (4) “(other than radioactive material)” after “matter”;

(c) by striking out from subsection (5) “referred to in subsection (2), (3) or (4)” and substituting “to which subsection (2), (3) or (4) applies or radioactive material”;

(d) by striking out from paragraph (a) of subsection (6) “fifty thousand dollars” and substituting “\$200 000”;

(e) by striking out from paragraph (a) of subsection (6) “one hundred thousand dollars” and substituting “\$1 000 000”;

(f) by striking out from paragraph (b) of subsection (6) “forty thousand dollars” and substituting “\$200 000”;

(g) by striking out from paragraph (b) of subsection (6) “eighty thousand dollars” and substituting “\$1 000 000”;

(h) by striking out from paragraph (c) of subsection (6) “twenty-five thousand dollars” and substituting “\$100 000”;

(i) by striking out from paragraph (c) of subsection (6) “fifty thousand dollars” and substituting “\$500 000”;

(j) by striking out from paragraph (d) of subsection (6) “ten thousand dollars” and substituting “\$40 000”;

and

(k) by striking out from paragraph (d) of subsection (6) “twenty thousand dollars” and substituting “\$200 000”.

Insertion of s. 11a

12. The following section is inserted after section 11 of the principal Act:

Incineration at sea of radioactive material prohibited

11a. (1) Where the incineration of radioactive material is carried out on a vessel in coastal waters, or on a platform, the owner and the person in charge of the vessel or platform and the owner of the material are each guilty of an offence.

(2) The penalty upon conviction of an offence under this section is a fine not exceeding the sum of \$200 000 if the offender is a natural person or the sum of \$1 000 000 if the offender is a body corporate.

Liability for expenses incurred by the State resulting from dumping

13. Section 13 of the principal Act is amended—

- (a) by inserting in paragraph (a) of subsection (1) “, 6a” after “6”;
- (b) by inserting in paragraph (a) of subsection (3) “, 6a” after “6”;
- (c) by striking out from paragraph (c) of subsection (5) “five thousand dollars” and substituting “\$20 000”;
- (d) by striking out from paragraph (d) of subsection (5) “five thousand dollars” and substituting “\$20 000”;

and

- (e) by striking out from paragraph (e) of subsection (5) “ten thousand dollars” and substituting “\$100 000”.

Grant of permit

14. Section 15 of the principal Act is amended—

- (a) by inserting before paragraph (a) of subsection (5) the following paragraph:

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

and

- (b) by inserting after subsection (9) the following subsection:

(10) Nothing in this Act is to be read as implying—

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

or

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

Radioactive wastes or other matter

15. Section 18 of the principal Act is repealed.

Identity cards and their production

16. Section 21 of the principal Act is amended by striking out from subsection (4) “One thousand dollars” and substituting “\$1 000”.

Boarding of vessels, etc., by inspector

17. Section 22 of the principal Act is amended by striking out from subsection (6) “Two thousand dollars” and substituting “\$10 000”.

False statements

18. Section 30 of the principal Act is amended—

- (a) by striking out from paragraph (c) of subsection (1) “five thousand dollars” and substituting “\$20 000”;
- (b) by striking out from paragraph (d) of subsection (1) “twenty thousand dollars” and substituting “\$100 000”;

(c) by striking out from paragraph (c) of subsection (2) "one thousand dollars" and substituting "\$5 000";

and

(d) by striking out from paragraph (d) of subsection (2) "two thousand dollars" and substituting "\$25 000".

Compliance with conditions of permit

19. Section 31 of the principal Act is amended—

(a) by striking out from paragraph (a) "five thousand dollars" and substituting "\$20 000";

and

(b) by striking out from paragraph (b) "ten thousand dollars" and substituting "\$100 000".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor