



ENVIRONMENT PROTECTION (SEA DUMPING) (CONSISTENCY WITH COMMONWEALTH ACT) AMENDMENT ACT 1993

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ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1993

No. 74 of 1993

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

[Assented to 21 October 1993]

The Parliament of South Australia enacts as follows:

Short title

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

(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 s. 17—Conditions in respect of permits

3. Section 17 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) A condition imposed in respect of a permit, or a revocation, suspension, variation or cancellation of suspension of such a condition, takes effect when notice of the condition or of the revocation, suspension, variation or cancellation is served on the holder of the permit or on such later date (if any) as is specified in the notice.

Insertion of s. 19A

4. The following section is inserted after section 19 of the principal Act:

Matters to be published in Gazette

19A. The Minister must cause to be published in the *Gazette* particulars of—

- (a) applications for permits; and
- (b) permits granted and any conditions imposed in respect of those permits; and

- (c) refusals to grant permits; and
- (d) any revocation, suspension or cancellation of suspension of a permit; and
- (e) any revocation, suspension, variation or cancellation of suspension of a condition imposed in respect of a permit.

Substitution of s. 32

5. Section 32 of the principal Act is repealed and the following section is substituted:

No time limit for prosecution

32. A prosecution for an offence against this Act may be brought at any time.

Amendment of s. 34—Evidence of analyst

6. Section 34 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) Subject to subsection (4), in proceedings for an offence against this Act a certificate signed by an analyst appointed under subsection (1) setting out, in relation to a substance, one or more of the following:

- (a) that he or she is appointed as the analyst under subsection (1);
- (b) when and from whom the substance was received;
- (c) what labels or other means of identification accompanied the substance when it was received;
- (d) what container the substance was in when it was received;
- (e) a description, including the weight, of the substance when it was received;
- (f) the name of any method used to analyse the substance or any portion of it;
- (g) the results of any such analysis;
- (h) how the substance was dealt with after handling by the analyst, including details of:
 - (i) the quantity of the substance retained after analysis; and
 - (ii) names of any person to whom any of the retained substance was given after analysis; and
 - (iii) measures taken to secure any retained quantity of the substance after analysis,

constitutes proof, in the absence of proof to the contrary, of the matters in the certificate and the correctness of the results of the analysis.

Amendment of s. 37—Regulations

7. Section 37 of the principal Act is amended by striking out from subsection (2)(b) "five hundred dollars" and substituting "\$1 000 if the offender is a natural person and \$5 000 if the offender is a body corporate".

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

ROMA MITCHELL Governor