

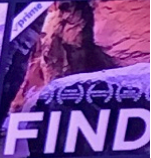
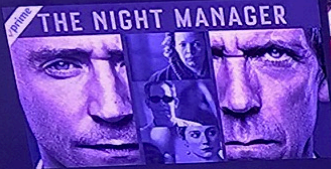
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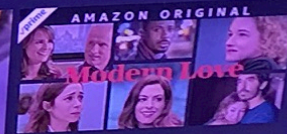
THE TEST

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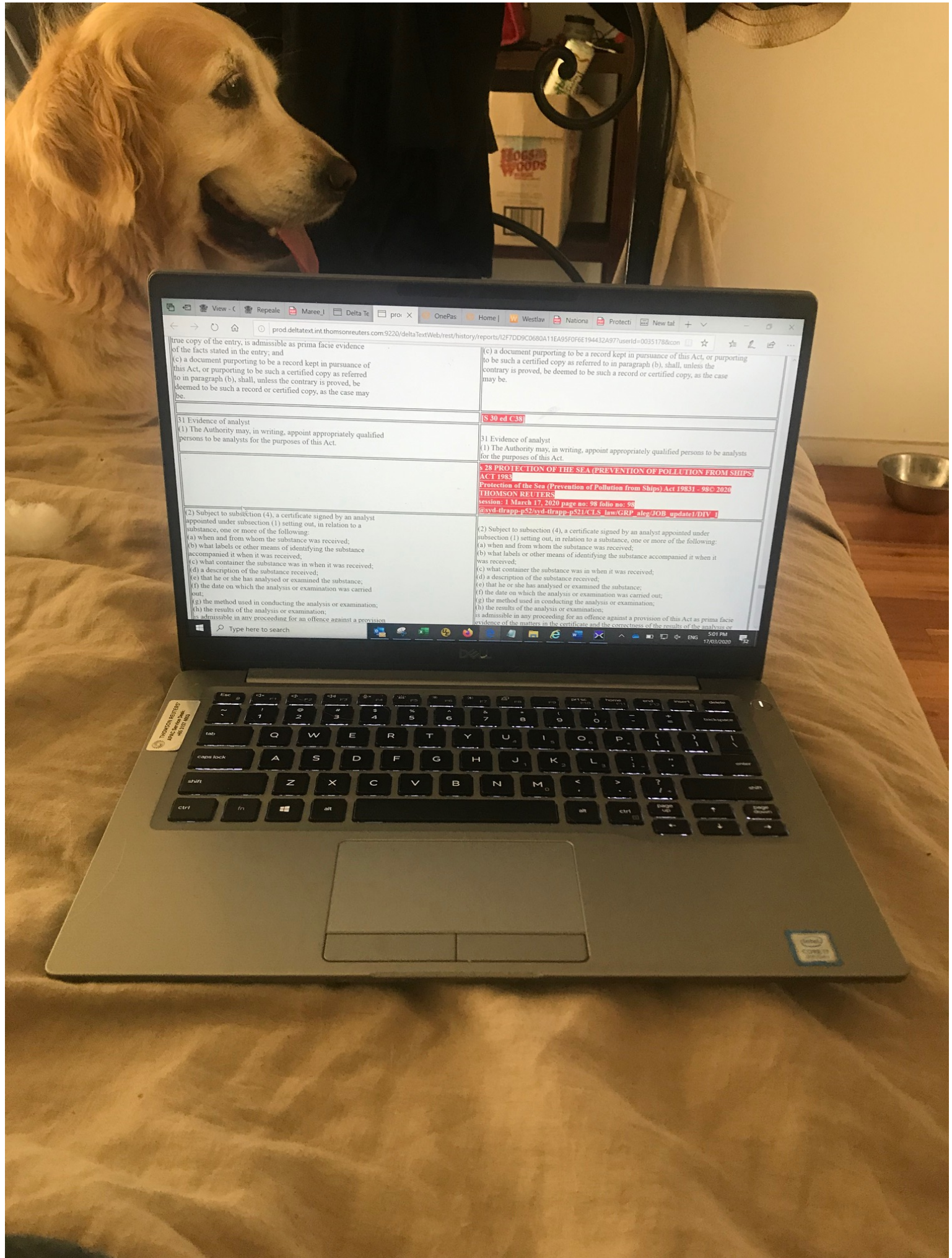












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true copy of the entry, is admissible as prima facie evidence of the facts stated in the entry; and
(c) a document purporting to be a record kept in pursuance of this Act, or purporting to be such a certified copy as referred to in paragraph (b), shall, unless the contrary is proved, be deemed to be such a record or certified copy, as the case may be.

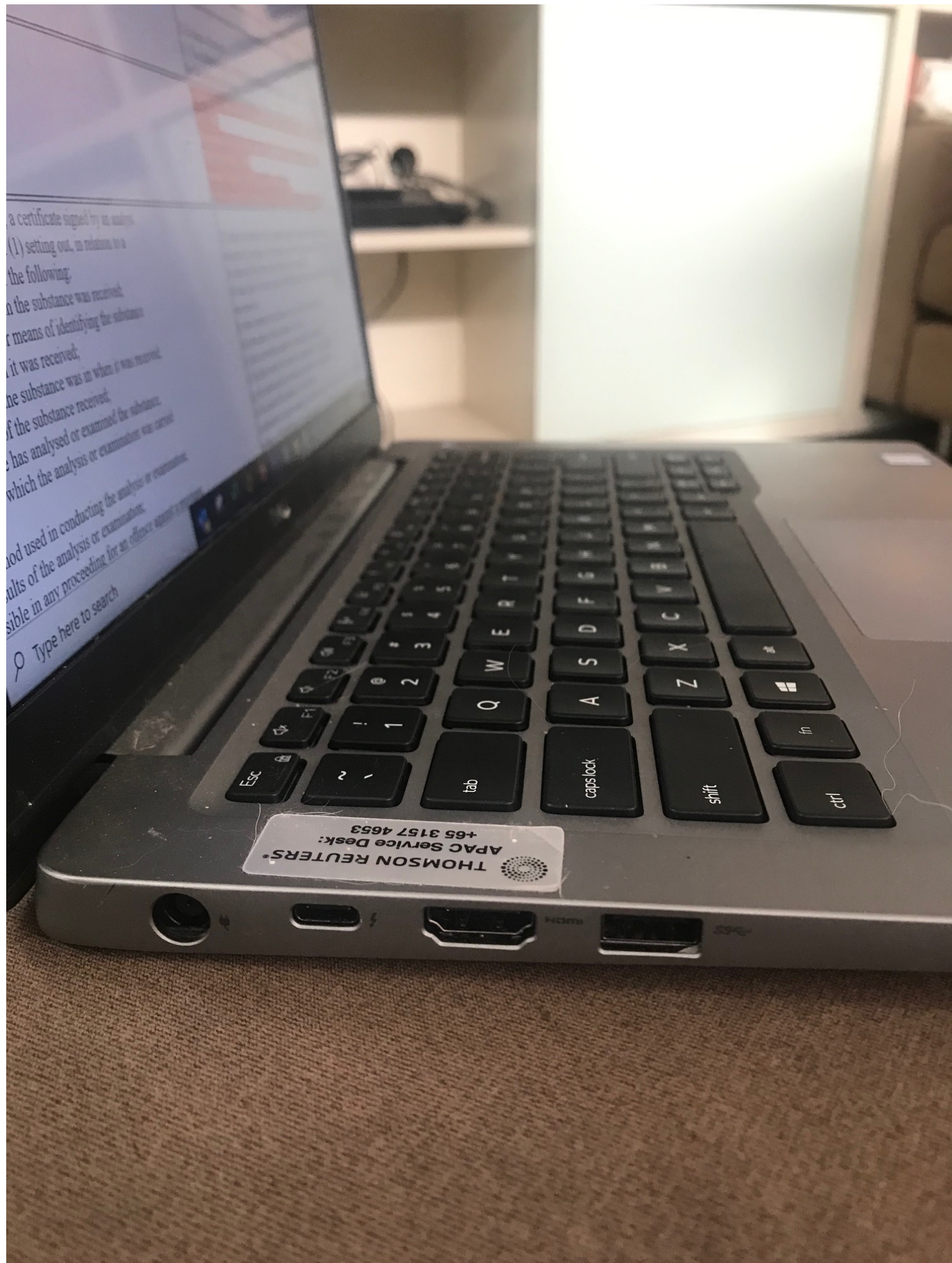
31 Evidence of analyst
(1) The Authority may, in writing, appoint appropriately qualified persons to be analysts for the purposes of this Act.

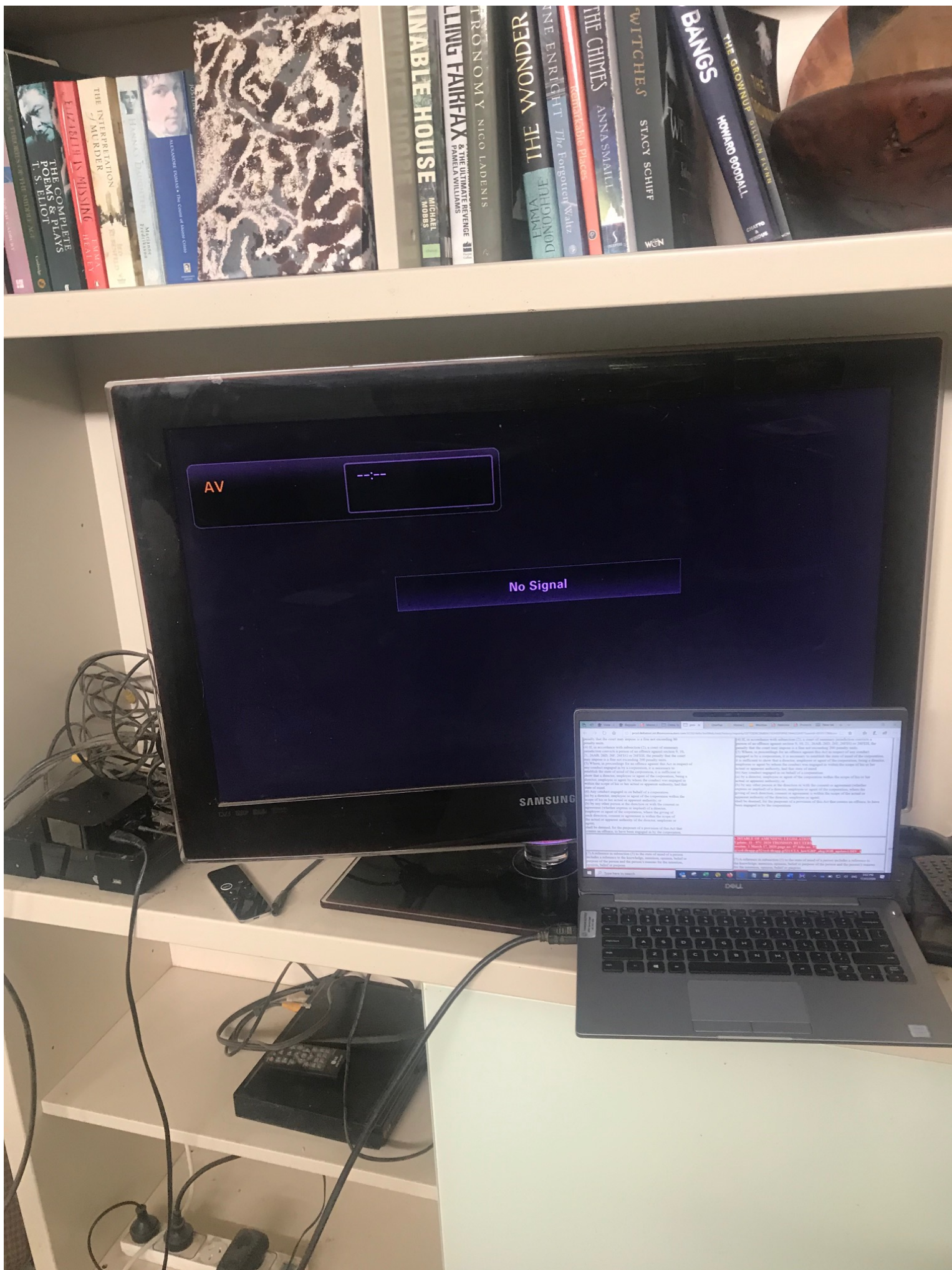
32 Subject to subsection (4), a certificate signed by an analyst appointed under subsection (1) setting out, in relation to a substance, one or more of the following:
(a) when and from whom the substance was received;
(b) what labels or other means of identifying the substance accompanied it when it was received;
(c) what container the substance was in when it was received;
(d) a description of the substance received;
(e) that he or she has analysed or examined the substance;
(f) the date on which the analysis or examination was carried out;
(g) the method used in conducting the analysis or examination;
(h) the results of the analysis or examination;
is admissible in any proceeding for an offence against a provision of this Act as prima facie evidence of the matters in the certificate and the correctness of the results of the analysis or examination.

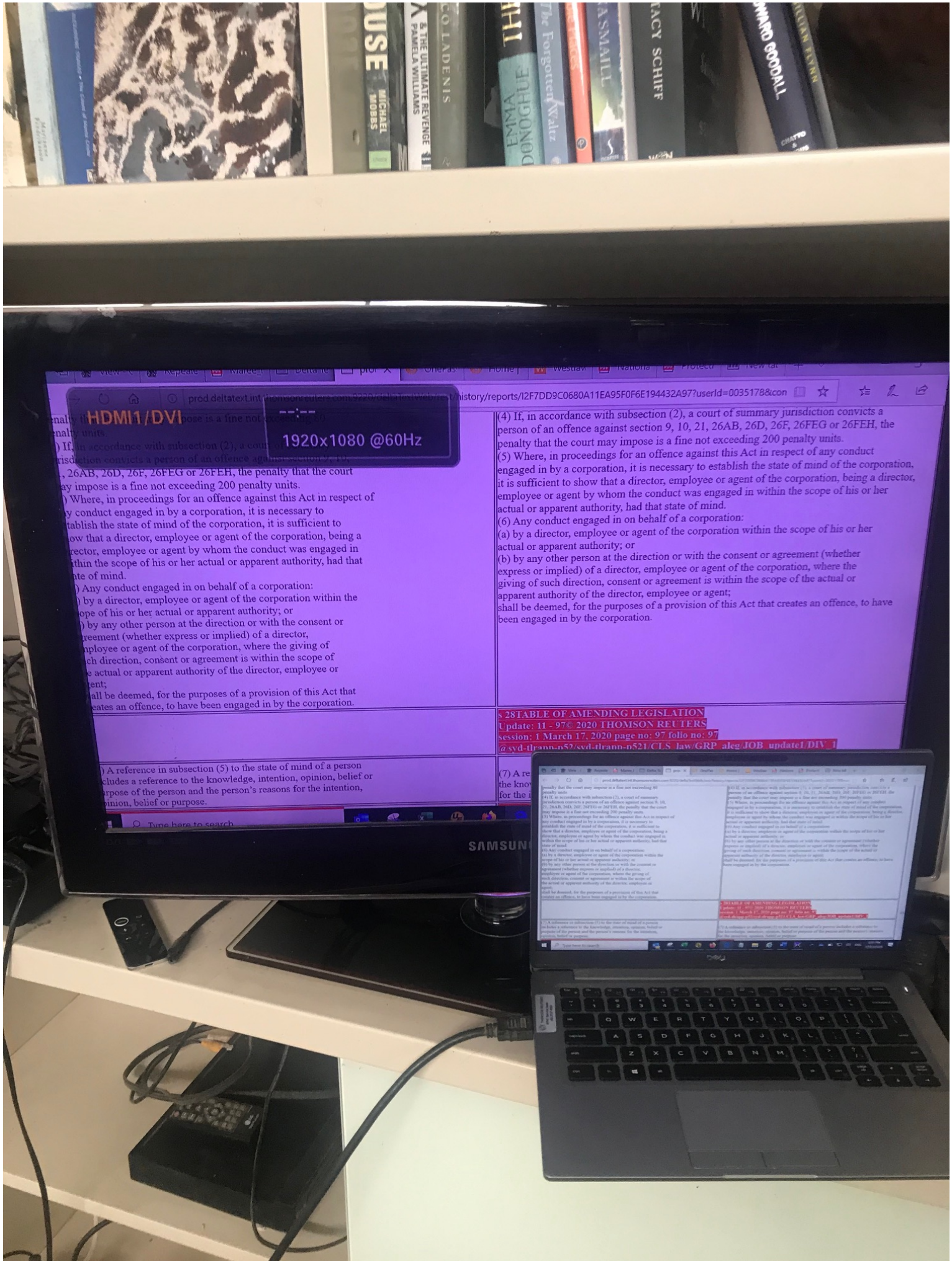
(c) a document purporting to be a record kept in pursuance of this Act, or purporting to be such a certified copy as referred to in paragraph (b), shall, unless the contrary is proved, be deemed to be such a record or certified copy, as the case may be.

31 Evidence of analyst
(1) The Authority may, in writing, appoint appropriately qualified persons to be analysts for the purposes of this Act.

32 PROTECTION OF THE SEA (PREVENTION OF POLLUTION FROM SHIPS) ACT 1983
Protection of the Sea (Prevention of Pollution from Ships) Act 1983 - 98C 2020
THOMSON REUTERS
session: 1 March 17, 2020 page 66: 98 folio no: 98
@syd-trapp-p52-syd-trapp-p521-CLS law-GRP aleg-JOB update1/DIV-1







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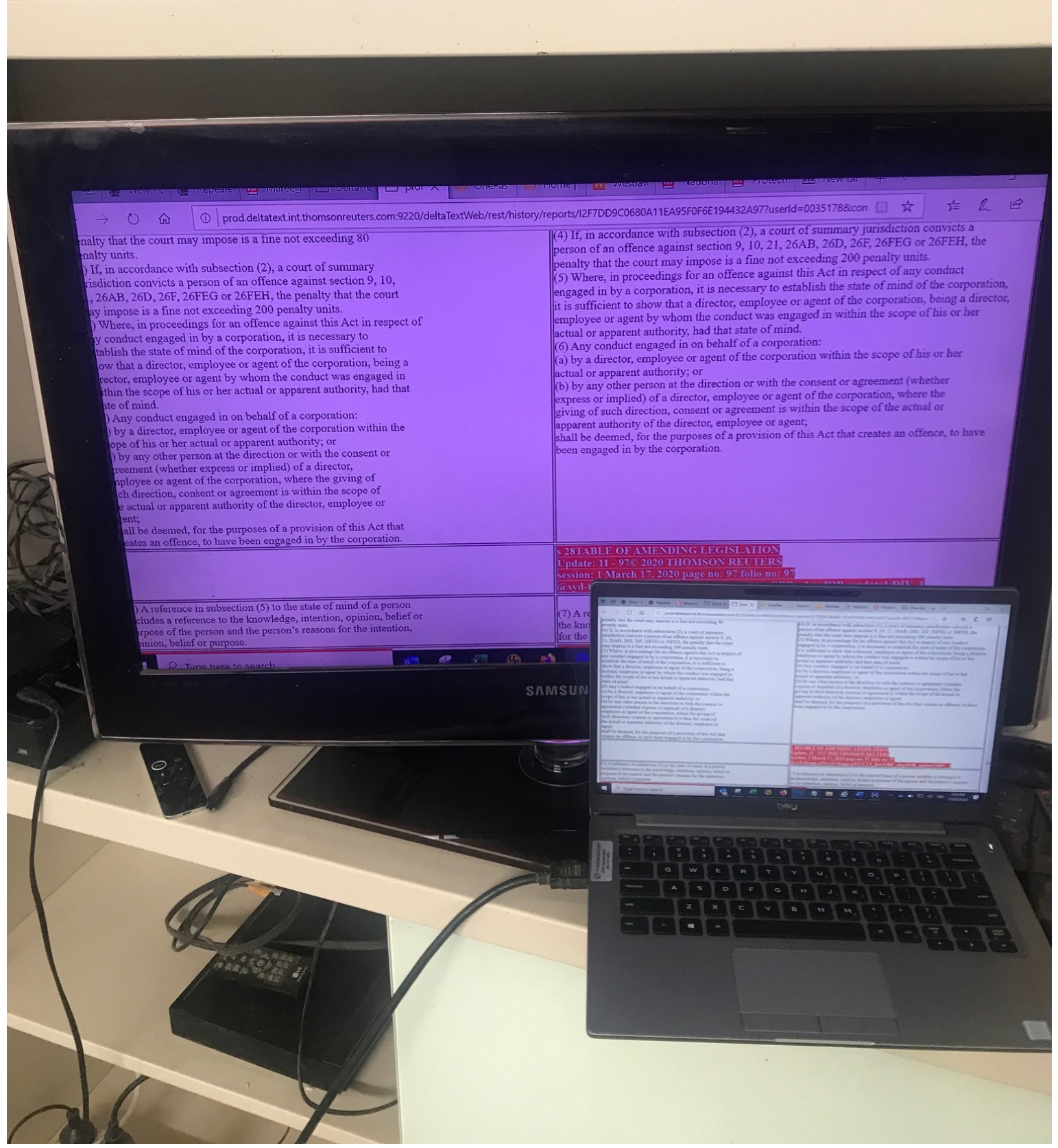
penalty that he or it may impose is a fine not exceeding 200 penalty units.

(1) If, in accordance with subsection (2), a court of criminal jurisdiction convicts a person of an offence against section 26AB, 26D, 26F, 26FEG or 26FEH, the penalty that the court may impose is a fine not exceeding 200 penalty units.

(2) Where, in proceedings for an offence against this Act, it is necessary to establish the state of mind of the corporation, it is sufficient to show that a director, employee or agent of the corporation engaged in by whom the conduct was engaged in within the scope of his or her actual or apparent authority acted with that state of mind.

(3) Any conduct engaged in on behalf of a corporation:
(a) by a director, employee or agent of the corporation within the scope of his or her actual or apparent authority; or
(b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the corporation, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent;
shall be deemed, for the purposes of a provision of this Act that creates an offence, to have been engaged in by the corporation.

(4) A reference



penalty that the court may impose is a fine not exceeding 80 penalty units.

(4) If, in accordance with subsection (2), a court of summary jurisdiction convicts a person of an offence against section 9, 10, 26AB, 26D, 26F, 26FEG or 26FEH, the penalty that the court may impose is a fine not exceeding 200 penalty units.

(5) Where, in proceedings for an offence against this Act in respect of any conduct engaged in by a corporation, it is necessary to establish the state of mind of the corporation, it is sufficient to show that a director, employee or agent of the corporation, being a director, employee or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

(6) Any conduct engaged in on behalf of a corporation:

(a) by a director, employee or agent of the corporation within the scope of his or her actual or apparent authority; or

(b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the corporation, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent;

shall be deemed, for the purposes of a provision of this Act that creates an offence, to have been engaged in by the corporation.

(7) A reference in subsection (5) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the intention, opinion, belief or purpose.

(4) If, in accordance with subsection (2), a court of summary jurisdiction convicts a person of an offence against section 9, 10, 21, 26AB, 26D, 26F, 26FEG or 26FEH, the penalty that the court may impose is a fine not exceeding 200 penalty units.

(5) Where, in proceedings for an offence against this Act in respect of any conduct engaged in by a corporation, it is necessary to establish the state of mind of the corporation, it is sufficient to show that a director, employee or agent of the corporation, being a director, employee or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

(6) Any conduct engaged in on behalf of a corporation:

(a) by a director, employee or agent of the corporation within the scope of his or her actual or apparent authority; or

(b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the corporation, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent;

shall be deemed, for the purposes of a provision of this Act that creates an offence, to have been engaged in by the corporation.

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(7) A reference in subsection (5) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the intention, opinion, belief or purpose.

(8) A reference in subsection (5) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the intention, opinion, belief or purpose.

TABLE OF AMENDING LEGISLATION
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(4) If, in accordance with subsection (2), a court of summary jurisdiction convicts a person of an offence against section 9, 10, 21, 26AB, 26D, 26F, 26FEG or 26FEH, the penalty that the court may impose is a fine not exceeding 200 penalty units.
(5) Where, in proceedings for an offence against this Act in respect of any conduct engaged in by a corporation, it is necessary to establish the state of mind of the corporation, being a director, employee or agent by whom the conduct was engaged, show that the director, employee or agent of the corporation within the scope of his or her actual or apparent authority, had that state of mind.
(6) Any conduct engaged in on behalf of a corporation within the state of mind of a director, employee or agent of the corporation, or by a director, employee or agent of the corporation, or by any other person at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the corporation, where the scope of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent, shall be deemed, for the purposes of a provision of this Act that creates an offence, to have been engaged in by the corporation.
(7) A reference in subsection (5) to the state of mind of a person includes the knowledge, intention, opinion, belief or purpose of the person and the purpose of the person and the person's reasons for the intention, opinion, belief or purpose.

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(4) If, in accordance with subsection (2), a court of summary jurisdiction convicts a person of an offence against section 9, 10, 21, 26AB, 26D, 26F, 26FEG or 26FEH, the penalty that the court may impose is a fine not exceeding 200 penalty units.
(5) Where, in proceedings for an offence against this Act in respect of any conduct engaged in by a corporation, it is necessary to establish the state of mind of the corporation, being a director, employee or agent by whom the conduct was engaged, show that the director, employee or agent of the corporation within the scope of his or her actual or apparent authority, had that state of mind.
(6) Any conduct engaged in on behalf of a corporation within the state of mind of a director, employee or agent of the corporation, or by a director, employee or agent of the corporation, or by any other person at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the corporation, where the scope of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent, shall be deemed, for the purposes of a provision of this Act that creates an offence, to have been engaged in by the corporation.
(7) A reference in subsection (5) to the state of mind of a person includes the knowledge, intention, opinion, belief or purpose of the person and the purpose of the person and the person's reasons for the intention, opinion, belief or purpose.

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