Adelaide Dolphin Sanctuary Act 2005

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The Adelaide Dolphin Sanctuary Act 2005 was proclaimed by the Parliament of South Australia in June 4, 2005 with an objective to establish a sanctuary for the protection of dolphins of the Port Adelaide River estuary and Barker Inlet and its natural habitat. The Act comprises of eight parts and two schedules.


The object of Act is discussed in Part 2 of the Act where it envisages to protect the dolphin population of the Port Adelaide River estuary and Barker Inlet, and it’s natural habitat. The objectives of the Act are the protection of dolphin population from direct physical harm being caused to them and to sustain through it’s proper maintenance, protection and restoration, and to develop public awareness about the healthy Port Adelaide River estuary and Barker Inlet, for developing economic, social and cultural development of the local communities, and to promote the principles of ecological sustainable development in relation to the use and management of such estuary and inlet.

Part 3 of the Adelaide Dolphin Sanctuary (ADS) is further divided into four divisions – Sanctuary, ADS Management Plan, ADS Advisory Board and ADS Fund.

The Sanctuary in relation to the establishment of ADS, describes it’s area of coverage and alterations. The boundaries of the Sanctuary can be altered by the Governor through a regulation passed before both the houses of parliament and on receiving their approval.

The ADS management plan shall be prepared by the minister within twelve months from the commencement of this Act construing the proposals and the priorities of the Minister in relation to that plan by following the prescribed procedure for it’s creation or amendment. It may be amended at any time but must be reviewed at least once in seven years by the minister. A failure to comply with the prescribed procedure does not invalidate the plan since it is an expression of policy and hence does not suo moto affect the rights and liabilities. The minister means the minister responsible for the administration of a related operational Act.

The ADS Advisory Board talks about it’s constitution of members. The Board consists of eleven members appointed by the Governor on the recommendations of the minister. However, their appointment is on terms and conditions determined by the Governor. The members of the Board are from various disciplines like dolphin conservation and research, community education programs management, conservation of marine ecosystems, fisheries management, local government, tourism and recreation management, industry development and management, port and harbor management, etc. The members shall be inclusive of atleast two female and two men. Further one among the members shall act as presiding officer on the recommendations of the minister.

The ADS Fund is to be maintained in a separate account at the Treasury consisting of any money sanctioned for ADS by the Parliament, the Government of the Commonwealth, in the

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form of grants, gifts and bequests made to the minister, from specific sale proceeds by the
minister, or any income arising from the investment of the fund and all other such money
required or authorized by or under this Act or any other law. The fund must be utilized for
fulfilling the objects or objectives of this Act and in payment of the administering expenses of
the fund by the minister on the advice of the ADS Advisory Board. The minister is
responsible for the maintenance of accounts of the fund and the auditor-general on his
discretion shall audit the accounts of the fund at least once in each year.

The Part 4 dealing with the administration of the Act is further divided into two divisions:
Division 1 deals with the powers and functions of the minister whereas division 2 talks about the
appointment and powers of the authorized officers, and persons engaged in administration of Act
and their protections from self-incrimination. The general duty of care with regards to prevent
and minimize any harm to the Sanctuary through his or her actions or activities are mentioned in
part 5 of the Act.

With regards to the passing of orders in relation to protection, Part 6 of division 1 discusses the
powers of the minister to pass orders for securing compliance with the general duty of care
whereas the registration and effect of charges pertaining to the protection orders and appeals to
Environment, Resources and Development Court (ERD Court) by a person aggrieved on such
protection or reparation orders are discussed in 2nd and 3rd divisions of that Part. The provisions
related to official insignia, the interpretation of the term ‘official insignia’, declaration of logo,
protection of official insignia and, power of seizure and forfeiture of goods are discussed in Part 7
of the Act.

The Part 8 of the Act being a miscellaneous segment discusses the native title, immunity
provision, continuing offence, offences by bodies corporate, general defence, criminal jurisdiction
of ERD court, confidentiality, service, evidentiary provision and regulations.

The Schedule 1 to the Act mentions the coverage of ADS, i.e., the subjacent land, the waters,
rivers, creeks, inlets and drains to medium high water mark, and the land within it’s jurisdiction.
Whereas, Schedule 2 interprets the application of various amendments to different related
legislations made in par with this Act. The different legislations undergone such amendments are
Aquaculture Act 2001, the Coast Protection Act 1972, the Development Act 1993, the
Environment Protection Act 1993, the Fisheries Act 1982, the Harbors and Navigation Act 1993,
the Historic Shipwrecks Act 1981, the Mining Act 1971, the National Parks and Wildlife Act