



ANNO TRICESIMO TERTIO

# ELIZABETHAE II REGINAE

A.D. 1984

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No. 20 of 1984

An Act to amend the Fisheries Act, 1982.

[Assented to 10 May 1984]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Fisheries Act Amendment Act, 1984". Short title.

(2) The Fisheries Act, 1982, is in this Act referred to as "the principal Act".

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

3. Section 23 of the principal Act is amended by striking out from subsection (2) the passage "sections 28 and" and substituting the word "section". Amendment of s. 23—  
Delegation.

4. Section 38 of the principal Act is amended by inserting after subsection (4) the following subsections: Amendment of s. 38—  
Transfer of licences.

(5) Where—

(a) a licence is transferable;

and

(b) the holder of the licence dies,

the licence shall pass to and become vested in the personal representative of the deceased (whether the personal representative is a natural person or body corporate) as part of the estate of the deceased but shall not be transferred by him in the course of the administration of the estate except with the consent of the Director.

(6) If a deceased licence holder was immediately before his death registered as the master of a boat that may be used pursuant to the licence—

(a) such a boat may, while the licence remains vested in the personal representative of the deceased, continue to be

used for the purpose of engaging in fishing activities pursuant to the licence if it is in the charge of a person who is acting with the consent of the Director and in accordance with the conditions of that consent;

and

(b) a person so acting shall be deemed to be acting pursuant to section 34 (2) (b) (ii).

(7) A licence that becomes vested in the personal representative of a deceased licence holder shall, if it is not transferred (with the consent of the Director) within two years after the death of the licence holder or such further period as may be approved by the Minister, be suspended pending such transfer.

(8) In this section—

“personal representative” means—

(a) the executor of the will or administrator of the estate of the deceased licence holder;

or

(b) in relation to any period for which there is not an executor or administrator, the Public Trustee.

5. Section 43 of the principal Act is amended—

(a) by striking out subsections (1) and (2) and substituting the following subsections:

(1) A declaration may be made under this section that it shall be unlawful for a person to engage in a fishing activity of a specified class during a specified period.

(2) Subject to subsection (2a), a declaration under this section shall be made by the Governor by proclamation and may be varied or revoked by subsequent proclamation.

(2a) A declaration under this section may, if it relates to—

(a) abalone (*Haliotis* spp.);

or

(b) western king prawn (*Penaeus latisulcatus*),

be made by the Minister by notice published in the *Gazette* and may be varied or revoked by a subsequent such notice;

and

(b) by striking out from subsection (3) the word “proclamation” and substituting the word “declaration”.

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

C. L. LAUCKE, Governor's Deputy

Amendment of  
s. 43—  
Temporary  
prohibition of  
certain fishing  
activities.