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# ELIZABETHAE II REGINAE

A.D. 1980

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## No. 41 of 1980

An Act to amend the Fisheries Act, 1971-1977.

[Assented to 19th June, 1980]

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, 1980". Short titles.

(2) The Fisheries Act, 1971-1977, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Fisheries Act, 1971-1980".

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

3. Section 28 of the principal Act is amended by striking out subsections (2) and (3) and inserting in lieu thereof the following subsection:— Amendment of principal Act, s. 28—  
Fishing licences.

(2) A fishing licence authorizes the taking of fish for sale subject to the provisions of this Act and the conditions—

- (a) limiting the number or kind, or the number of any specified kind, of devices which may be used for taking fish pursuant to the licence;
- (b) prohibiting the use of devices of a specified kind for taking fish pursuant to the licence except during specified periods;
- (c) limiting the areas in which fishing, or fishing of any class, may be carried on pursuant to the licence;
- (d) limiting the taking of fish pursuant to the licence by reference to the species, quantity, sex or size, of fish, or any other factor relating to fish, or any combination of two or more of such factors;

(e) prohibiting the taking of fish of a specified species or class pursuant to the licence except during specified periods;

(f) fixing the maximum number of boats that may be used for fishing pursuant to the licence or regulating their use;

or

(g) imposing any other restriction or prohibition, whether like or unlike those referred to in the foregoing paragraphs of this subsection,

contained in the licence.

Amendment of  
principal Act,  
s. 32—  
Licences to  
employ.

4. Section 32 of the principal Act is amended by inserting after subsection (4) the following subsections:—

(5) A licence to employ shall be subject to such conditions as are specified in the licence relating to the circumstances in which an employee may take fish.

(6) A holder of a licence to employ shall not cause, suffer or permit an employee to take fish in contravention of a condition contained in the licence.

Penalty: Two hundred dollars.

Amendment of  
principal Act,  
s. 34—  
Grant of  
licences and  
imposition of  
conditions.

5. Section 34 of the principal Act is amended—

(a) by striking out subsections (3) and (4) and inserting in lieu thereof the following subsections:—

(3) The Director shall, upon determining an application for a licence, give the applicant either personally or by post written notice of his decision.

(4) An applicant for a licence who is aggrieved by a decision of the Director refusing his application or imposing a condition of the licence may request the Minister to have the Director's decision reviewed.

(4a) A request for review of a decision of the Director must—

(a) be in writing;

(b) state the grounds for the request;

and

(c) be delivered to the Minister within one month after service of the notice of the Director's decision.;

(b) by inserting after subsection (5) the following subsection:—

(5a) Upon a review under this section, the person who requested the review must establish that the decision of the Director refusing the licence or imposing a condition of the licence was not justified.

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

K. D. SEAMAN, Governor