



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 44 of 1969

An Act to amend the Fisheries Act, 1917-1962, as amended by the Fisheries Act Amendment Act, 1967.

[Assented to 20th November, 1969.]

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, 1969". Short titles.

(2) The Fisheries Act, 1917-1962, as amended by the Fisheries Act Amendment Act, 1967, and, as amended by this Act, may be cited as the "Fisheries Act, 1917-1969".

(3) The Fisheries Act, 1917-1962, as amended by the Fisheries Act Amendment Act, 1967, is hereinafter referred to as "the principal Act".

2. The following section is enacted and inserted in the principal Act immediately after section 3 thereof:— Enactment of s. 3a of principal Act—

3a. (1) The Fisheries Act Amendment Act, 1967, is repealed and the amendments to this Act enacted by that Act shall be deemed never to have been enacted. Repeal of Fisheries Act Amendment Act, 1967, and validation of certain actions.

(2) Notwithstanding anything in subsection (1) of this section all persons, things and circumstances appointed or created or purporting to be appointed or created and all acts or things done or purporting to have been done pursuant to this Act on or after the first day of November,

1967, shall be deemed to be and always to have been as validly and effectually appointed, created or done, as the case may be, as they would have been had they been appointed, created or done pursuant to this Act, as amended by the Fisheries Act Amendment Act, 1969, and had that Act been enacted and come into operation on that day.

(3) Without limiting the generality of subsection (2) of this section—

- (a) every permit granted or purporting to have been granted pursuant to section 15c of this Act on or after the first day of November, 1967, shall be deemed to be and always to have been as validly and effectually granted as it would have been had it been granted pursuant to this Act, as amended by the Fisheries Act Amendment Act, 1969, and had that Act been enacted and come into operation on that day ;
 - (b) every regulation made or purporting to have been made pursuant to this Act on and after the first day of November, 1967, shall be deemed to be and always to have been as validly and effectually made as it would have been had it been made pursuant to this Act, as amended by the Fisheries Act Amendment Act, 1969, and had that Act been enacted and come into operation on that day ;
 - (c) all duties, obligations and liabilities imposed, created or incurred or purporting to have been imposed, created or incurred and all penalties, forfeitures and punishments incurred or imposed or purporting to have been incurred or imposed pursuant to this Act on or after the first day of November, 1967, shall be deemed to have been as validly and effectually imposed, created or incurred as they would have been had they been imposed, created or incurred pursuant to this Act, as amended by the Fisheries Act Amendment Act, 1969, and had that Act been enacted and come into operation on that day ;
- and
- (d) any investigation, legal proceeding or remedy in respect of any duty, obligation or liability created or purported to have been created pursuant to this Act on or after the first day of November, 1969, may be as validly and

effectually continued, made, taken or exercised as it could have been had the Fisheries Act Amendment Act, 1967, been enacted and come into operation on that day.

(4) Notwithstanding anything in this Act, in any proceedings for an offence that is a contravention of—

(a) paragraph (a1) of section 53 of this Act ;

or

(b) any regulation made pursuant to the powers conferred by paragraph (c9) of section 59 of this Act,

it shall be a defence to those proceedings if the person charged proves that the act or omission constituting the offence occurred during the period commencing on and including the thirty-first day of May, 1969, and concluding on and including the day immediately before the day of commencement of the Fisheries Act Amendment Act, 1969.

3. The following section is enacted and inserted in the principal Act immediately after section 15b thereof:—

Enactment of s. 15c of principal Act—

15c. (1) Subject to this section permits to take fish of the species known as "crayfish" may be granted to holders of licences by the Chief Inspector of Fisheries or some person authorized by him in writing to grant such permits.

Permits to take crayfish.

(2) Application for a permit pursuant to subsection (1) of this section may be made by the holder of a licence which was in force on the first day of September, 1967, who was prior to that date following the trade or calling of a fisherman and was engaged in taking crayfish for the purposes of such trade or calling.

(3) The holder of a licence which was not in force on the first day of September, 1967, or who was not, prior to that date, engaged in taking crayfish for the purposes of his trade or calling, shall not be granted a permit pursuant to this section: Provided that a holder of a licence who satisfies the Chief Inspector of Fisheries that he was, on the thirty-first day of August, 1967, constructing or having constructed on his behalf a vessel for the specific purpose of taking crayfish for the purposes of his trade or calling, may be granted a permit pursuant to this section.

(4) Every permit granted under this section shall be endorsed upon the licence of the person to whom such permit is granted.

Amendment of
principal Act,
s. 53—
Offences.

4. Section 53 of the principal Act is amended by inserting after paragraph (a) the following paragraph :—

(a1) not being the holder of a permit duly endorsed on a licence pursuant to section 15c of this Act to take fish of the species known as “crayfish”, uses more than three crayfish pots or more than three drop nets from any boat at any one time in taking any such fish :.

Amendment of
principal Act,
s. 59—
Governor may
make
regulations.

5. Section 59 of the principal Act is amended by inserting after paragraph (c8) the following paragraph :—

(c9) prescribing the maximum number of crayfish pots which may be used by any person using any boat in the taking of fish of the species known as “crayfish”.

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

J. M. NAPIER, Governor's Deputy.