

South Australia



**FISHERIES (GULF ST. VINCENT PRAWN FISHERY  
RATIONALIZATION) (CHARGES ON LICENCES) AMENDMENT  
ACT 1999**

**No. 49 of 1999**

**SUMMARY OF PROVISIONS**

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5. Substitution of s. 8
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**ELIZABETHAE II REGINAE**

A.D. 1999

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**No. 49 of 1999**

**An Act to amend the Fisheries (Gulf St. Vincent Prawn Fishery Rationalization) Act 1987.**

[Assented to 12 August 1999]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Fisheries (Gulf St. Vincent Prawn Fishery Rationalization) (Charges on Licences) Amendment Act 1999*.

(2) The *Fisheries (Gulf St. Vincent Prawn Fishery Rationalization) Act 1987* is referred to in this Act as "the principal Act".

**Commencement**

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

**Amendment of preamble**

3. The preamble to the principal Act is amended by striking out from clause 5 "equally".

**Repeal of s. 4**

4. Section 4 of the principal Act is repealed.

**Substitution of s. 8**

5. Section 8 of the principal Act is repealed and the following section is substituted:

**Charges on licences**

8. (1) The Minister must, by notice in the *Gazette*, quantify the net liabilities of the Fund under this Act as at the appointed day.

(2) As from the appointed day, each licence is charged with a debt calculated by dividing the amount determined under subsection (1) by the number of licences in force on the appointed day.

(3) The debt charged against a licence will bear interest at a rate (which may vary or be varied from time to time) fixed by the Minister for that licence and the liability to interest is a charge on the licence.

(4) A licensee must pay the debt, together with interest—

- (a) in quarterly instalments (which may be varied from time to time) fixed by the Minister by notice in the *Gazette* and payable on a date fixed by the Minister in the notice and thereafter at intervals of three months; or
- (b) if there is an agreement between the Minister and the licensee as to payment—in accordance with the agreement.

(5) Where a licence is transferred, the liability of the licensee passes to the transferee.

(6) Any amount payable by a licensee under this section may be recovered as a debt due to the Crown.

(7) If a licensee is in arrears for more than 60 days in the payment of an instalment, the Minister may, by notice in writing to the licensee, cancel the licence.

(8) Where a licence is surrendered on or after the appointed day or is cancelled under subsection (7)—

- (a) no compensation is payable under this Act; and
- (b) the total amount of the debt charged against the licence becomes immediately due and payable by the person holding the licence at the time of the surrender or cancellation.

(9) In this section—

"appointed day" means a day appointed by the Minister for the purposes of this section by notice in the *Gazette*;

"net liabilities of the Fund under this Act" means—

- (a) the aggregate of—
  - (i) compensation paid to former licensees before the appointed day; and
  - (ii) the amount expended in the purchase of vessels and equipment from former licensees before the appointed day; and
  - (iii) the interest and charges, that had accrued up to the appointed day, in respect of money borrowed by the Minister under this Act,

less—

- (b) the aggregate of—
- (i) the net amount realised from the sale of vessels and equipment under this Act before the appointed day; and
  - (ii) the amount received by way of surcharges imposed under this Act.

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

E. J. NEAL Governor