

South Australia

# Historic Shipwrecks Act 1981

An Act relating to the protection of certain shipwrecks and relics of historic significance.

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## Legislative history

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### The Parliament of South Australia enacts as follows:

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Historic Shipwrecks Act 1981*.

### 3—Interpretation

- (1) In this Act, unless the contrary intention appears—

*Adelaide Dolphin Sanctuary* has the same meaning as in the *Adelaide Dolphin Sanctuary Act 2005*;

*the Commonwealth Act* means the *Historic Shipwrecks Act 1976* of the Commonwealth;

*historic relic* means—

- (aa) an article to which section 4A(3) or (4) applies;
- (a) an article to which a notice in force under section 5(2) applies;
- (b) an article to which a notice in force under section 6(2) applies;

*historic shipwreck* means—

- (aa) the remains of a ship to which section 4A(1) or (2) applies; or
- (a) the remains of a ship to which a notice in force under section 5(1) applies; or
- (b) an article or articles to which a notice in force under section 6(1) applies;

*inspector* means a person appointed as an inspector under section 21 or a police officer;

*marine park* has the same meaning as in the *Marine Parks Act 2007*;

*protected zone* means a protected zone constituted under section 7;

*Register* means the Register of Historic Shipwrecks kept under section 12;

*River Murray* has the same meaning as in the *River Murray Act 2003*;

*River Murray Protection Area* means a River Murray Protection Area under the *River Murray Act 2003*;

*ship* includes any vessel used in navigation by water;

*territorial waters of the State* means—

- (a) waters within the limits of the State; or
- (b) waters adjacent to the State being waters to which the Commonwealth Act does not apply.

- (2) A reference in this Act to the remains of a ship, or to an article or articles being situated in, or having been removed from, any waters includes a reference to the remains of a ship or to an article or articles—
  - (a) being situated in or forming part of, or having been removed from, as the case may be, the surface or subsoil of land submerged by those waters; or
  - (b) being situated on or forming part of, or having been removed from, as the case may be, a reef in those waters.
- (3) A thing will not be taken not to be an article for the purposes of this Act by reason that it is attached to the remains of a ship, to a reef or, to the subsoil of submerged land.
- (4) A reference in this Act to an article associated with a ship will be construed as a reference to an article that appears to have formed part of, to have been installed or carried on, or to have been constructed or used by a person associated with, a ship.

#### **4—Act to bind Crown**

This Act binds the Crown.

### **Part 2—Protection of historic shipwrecks and relics**

#### **4A—All shipwrecks and relics of a certain age historic**

- (1) The remains of ships that have been situated in territorial waters of the State for 75 years or more are historic shipwrecks for the purposes of this Act.
- (2) The remains of ships that have been removed from territorial waters of the State (whether before or after the commencement of this subsection) are, after the 75th anniversary of the date on which the remains first came to rest on the seabed, historic shipwrecks for the purposes of this Act.
- (3) Articles that have been situated in territorial waters of the State for 75 years or more and that were associated with ships are historic relics for the purposes of this Act.
- (4) Articles that have been removed from territorial waters of the State (whether before or after the commencement of this subsection) and that were associated with ships are, after the 75th anniversary of the date on which the articles first came to rest on the seabed, historic relics for the purposes of this Act.
- (5) The Governor may, by proclamation, declare that this section does not apply to—
  - (a) the remains, or part of the remains, of a ship or class of ships; or
  - (b) an article or class of articles.

#### **5—Certain shipwrecks and relics may be declared to be historic**

- (1) If the Minister is of the opinion that—
  - (a) the remains of a ship situated in territorial waters of the State; or
  - (b) any part of the remains of a ship removed from territorial waters of the State,are of historic significance, the Minister may, by notice in the Gazette, declare the remains to be a historic shipwreck.

- (2) If the Minister is of the opinion that an article, particular articles or all articles associated with a ship and situated in, or removed from, territorial waters of the State are of historic significance, the Minister may, by notice in the Gazette, declare the article or articles to be a historic relic or historic relics.
- (3) Subject to this Act, a declaration under this Act continues to apply to remains or an article despite the removal of the remains or article from the territorial waters of the State after the making of the declaration.

## **6—Provisional declaration that shipwrecks and relics are historic**

- (1) If it appears to the Minister that an article or articles appearing to be the remains of a ship situated in, or removed from, territorial waters of the State may be of historic significance, the Minister may, by notice in the Gazette, provisionally declare the article or articles to be a historic shipwreck.
- (2) If it appears to the Minister that an article, or particular articles, situated in or removed from territorial waters of the State—
  - (a) may have been associated with a ship; and
  - (b) may be of historic significance,the Minister may, by notice in the Gazette, provisionally declare the article or articles to be a historic relic or historic relics.
- (3) Subject to this Act, a declaration under this Act continues to apply to remains or an article despite the removal of the remains or article from the territorial waters of the State after the making of the declaration.
- (5) A notice under this section remains in force, unless sooner revoked, until the expiration of twelve months from the date of publication of the notice in the Gazette, but the revocation or expiration of a notice under this section does not prevent the publication in the Gazette of a further notice under this section in relation to an article or articles to which the revoked or expired notice applied.

## **7—Protected zones**

- (1) The Minister may, by notice in the Gazette, declare an area (not exceeding 100 hectares) consisting of water or partly of water and partly of land within which a historic shipwreck or historic relic is, situated to be a protected zone.
- (2) If a notice declaring an area to be a protected zone is in force under subsection (1), the protected zone will be taken to include the airspace above that area and, to the extent to which that area consists of the surface of water, to include the waters beneath that area and the surface and subsoil of the land submerged by those waters.
- (3) If a notice under section 5 or 6 in relation to the remains of a ship or in relation to an article or articles is revoked or otherwise ceases to be in force, any notice under this section in relation to the remains or in relation to the article or articles ceases to be in force but this subsection does not prevent the publication in the Gazette of a further notice under this section in relation to the remains or in relation to the article or articles if a further notice is published in the Gazette under section 5 or 6 in relation to the remains or in relation to the article or articles.

## 8—Further publication of notices

If a notice under section 5, 6 or 7 is published in the Gazette, the Minister may cause a copy of the notice to be published in newspapers, periodicals or other publications as the Minister thinks appropriate.

## 9—Notice of location of historic shipwrecks and relics

- (1) If—
  - (a) a person has possession, custody or control of an article; and
  - (b) a notice applying in respect of the article is published in the Gazette under section 5 or 6,

the person must, within thirty days after the date of publication of the notice in the Gazette, give the prescribed notice to the Minister in relation to the article.

Maximum penalty: \$1 250.

- (2) If an article in respect of which a notice published in the Gazette under section 5 or 6 applies comes into the possession, custody or control of a person, the person must, within thirty days after the day on which the article comes into his or her possession, custody or control, give the prescribed notice to the Minister in relation to the article.  
Maximum penalty: \$1 250.
- (3) It is a defence to a charge of an offence against subsection (1) or (2) in relation to an article in respect of which a notice was published in the Gazette under section 5 or 6 if the person proves that he or she did not know, and had no reasonable grounds for believing, that the article was an article to which the notice related.
- (4) For the purposes of this section, the prescribed notice in relation to an article means a notice in writing describing the article and stating where the article is situated.

## 10—Power of Minister to ascertain location of historic shipwrecks and relics

- (1) If it appears to the Minister that—
  - (a) a person may have, or may have had, possession, custody or control of an article; and
  - (b) the article is or may be, or is or may be a part of, a historic shipwreck or is or may be a historic relic,

the Minister may, by notice in writing to the person, require the person, within the time specified in the notice—

- (c) to inform the Minister whether the person has, or has had, possession, custody or control of the article; and
- (d) if the person has ceased to have possession, custody or control of the article, to give the Minister particulars of the circumstances in which the person ceased to have possession, custody or control of the article; and
- (e) if the person has transferred possession, custody or control of the article to another person, to give the Minister the name and address of the person to whom possession, custody or control of the article was transferred.

- (2) A person to whom a notice is given by the Minister under subsection (1) must not—
- (a) refuse or fail to comply with the notice to the extent that the person is capable of complying with it; or
  - (b) in purported compliance with the notice, knowingly furnish information that is false or misleading.

Maximum penalty: \$1 250.

- (3) A person is not excused from furnishing information under this section on the ground that the information may tend to incriminate the person but the information furnished is not admissible in evidence against the person except in proceedings for an offence against this section.

### **11—Power of Minister to give directions in relation to custody of historic shipwrecks and relics**

- (1) If a person has possession, custody or control of an article, being, or being a part of, a historic shipwreck or being a historic relic, the Minister may, for the purpose of—
- (a) the preservation of the article; or
  - (b) the exhibition of, or the provision of access to, the article,

by notice in writing, require the person to take specified action in relation to the article.

- (2) The action that a person may be required to take in relation to an article by a notice under subsection (1) includes but is not limited to—
- (a) keeping the article in a particular manner or place; and
  - (b) removing the article to a particular place within a particular time; and
  - (c) doing a particular act in relation to the article within a particular time, being an act designed to assist in the preservation of the article; and
  - (d) delivering the article into the custody of a particular person within a particular time.
- (3) If the Minister gives a notice to a person under subsection (1) requiring the person to take action in relation to an article other than action referred to in subsection (2)(d), the notice must include a statement that the person may, in lieu of taking that action, deliver the article within a specified time into the custody of a person specified in the notice.
- (4) A person to whom a notice is given by the Minister under subsection (1) must comply with the notice.
- Maximum penalty: \$2 500 or imprisonment for 2 years, or both.
- (5) A civil action does not lie against a person in respect of action taken in accordance with a notice given to the person by the Minister under subsection (1).
- (6) A person to whom a notice is given under subsection (1) may, within one month after the date of the notice, appeal to the Administrative and Disciplinary Division of the District Court against the decision to give the notice.

- (8) A person to whom a notice is given under subsection (1) may recover, as a debt due to the person from the Crown, reasonable costs incurred by the person in carrying out the requirements of the notice.

## **12—Register of Historic Shipwrecks**

- (1) The Minister must cause to be kept a register to be known as the Register of Historic Shipwrecks.
- (2) The Minister must cause to be entered in the Register—
- (a) particulars of all known remains and articles that are historic shipwrecks or historic relics by virtue of section 4A; and
  - (b) particulars of notices in force under section 5, 6 or 7.
- (3) A person may inspect the Register and, on payment of the prescribed fee, is entitled to be furnished with a copy of the Register or a part of the Register.

## **13—Prohibition of certain action in relation to historic shipwrecks and relics**

- (1) Except in accordance with a permit, a person must not—
- (a) damage or destroy a historic shipwreck or a historic relic; or
  - (b) interfere with a historic shipwreck or a historic relic; or
  - (c) dispose of a historic shipwreck or a historic relic; or
  - (d) remove a historic shipwreck or a historic relic from the territorial waters of the State.

Maximum penalty: \$5 000 or imprisonment for 5 years, or both.

- (2) A reference in subsection (1) to the removal of a historic shipwreck or a historic relic from the territorial waters of the State includes a reference to the removal of a historic shipwreck or a historic relic from the surface or subsoil of land submerged by those waters or from a reef in those waters.
- (4) In this section—
- historic shipwreck* includes a part of a historic shipwreck.

## **14—Regulations may prohibit certain activities in protected zone**

- (1) The regulations may prohibit or restrict—
- (a) the bringing into a protected zone of equipment constructed or adapted for the purpose of diving, salvage or recovery operations, or of explosives, instruments or tools the use of which would be likely to damage or interfere with a historic shipwreck or a historic relic situated within that protected zone; or
  - (b) the use within a protected zone of such equipment, explosives, instruments or tools; or
  - (c) causing a ship carrying such equipment, explosives, instruments or tools to enter, or remain within, a protected zone; or
  - (d) trawling, or diving or other underwater activity, within a protected zone; or
  - (e) the mooring or use of ships within a protected zone.

- (2) Regulations made for the purposes of this section for restricting the doing of an act may prohibit the doing of that act except in accordance with a permit.
- (3) Regulations made for the purposes of subsection (1) may be of general application or may make different provision in relation to different protected zones.
- (3a) A person who contravenes or fails to comply with a regulation under subsection (1) is guilty of an offence.  
Maximum penalty: \$1 250 or imprisonment for 1 year, or both.
- (4) In this section—  
*ship* includes a hovercraft and any similar craft.

### **15—Permits for exploration or recovery of shipwrecks and relics**

- (1) The Minister may, in the Minister's discretion, on application by a person, grant a permit to that person authorising that person and other persons named or described in the permit to do an act or thing specified in the permit the doing of which would otherwise be prohibited by section 13 or by regulations made for the purposes of section 14.
- (2) The Minister may, when granting a permit or at any time while a permit is in force, impose conditions in respect of the permit and may at any time revoke or vary any conditions so imposed.
- (3) The conditions that may be imposed under subsection (2) in respect of a permit authorising the doing of an act or thing include but are not limited to—
  - (a) a condition requiring the act or thing to be done in a specified manner; and
  - (b) a condition requiring the act or thing to be done only in accordance with the directions of a person named or described in the permit as a person empowered to give such directions; and
  - (c) a condition requiring articles obtained by the doing of an act that is authorised by the permit to be done to be held in custody, or dealt with, as specified in the permit or in directions given by a person named or described in the permit as a person empowered to give such directions.
- (3a) If an application for a permit relates to a historic shipwreck or historic relic located within—
  - (a) the Adelaide Dolphin Sanctuary—
    - (i) the Minister must, in considering the application, seek to further the objects and objectives of the *Adelaide Dolphin Sanctuary Act 2005* and take into account the provisions of the Adelaide Dolphin Sanctuary Management Plan under that Act; and
    - (ii) if so required under the regulations—the Minister must, before making his or her decision on the application, consult with and have regard to the views of the Minister to whom the administration of the *Adelaide Dolphin Sanctuary Act 2005* is committed; or
  - (b) a marine park—



- (i) the Minister must, in considering the application, seek to further the objects of the *Marine Parks Act 2007* and take into account the provisions of the management plan for the marine park under that Act; and
  - (ii) if so required under the regulations—the Minister must, before making his or her decision on the application, consult with and have regard to the views of the Minister to whom the administration of the *Marine Parks Act 2007* is committed; or
- (c) the River Murray—
- (i) the Minister must, in considering the application, seek to further the objects of the *River Murray Act 2003* and the ***Objectives for a Healthy River Murray*** under that Act and take into account the provisions of the River Murray Act Implementation Strategy under that Act; and
  - (ii) if so required under the regulations—the Minister must, before making a decision on the application, consult with and have regard to the views of the Minister to whom the administration of the *River Murray Act 2003* is committed and comply with the Minister's directions (if any) in relation to the application.
- (4) A condition imposed in respect of a permit (other than a condition contained in a permit) or a revocation or variation of a condition so imposed takes effect when notice of the condition or of the revocation or variation is served on the person to whom the permit was granted.
- (5) A person must not contravene a condition imposed in respect of a permit that has been granted to the person or is otherwise applicable to the person.  
Maximum penalty: \$2 500 or imprisonment for 2 years, or both.
- (6) The Minister may, at any time, by notice in writing to the person to whom a permit has been granted—
- (a) revoke the permit; or
  - (b) suspend the permit; or
  - (c) cancel the suspension of the permit.
- (7) A suspension of a permit may be of indefinite duration or for a specified period.

### **15A—Permits not transferable**

A permit granted under this Act is not transferable.

### **16—Defences**

It is a defence to a charge of an offence against section 13, for an offence against a regulation made for the purposes of section 14, or for an offence against section 15(5), if the act that constituted the offence was done for the purpose of—

- (a) saving human life; or
- (b) securing the safety of a ship (including a hovercraft or any similar craft) where the ship was endangered by stress of weather or by navigational hazards; or

- (c) dealing with an emergency involving a serious threat to the environment, or was done with any other reasonable excuse.

### **17—Discovery of shipwrecks and relics to be notified**

- (1) A person who finds, in a fixed position in territorial waters of the State, the remains of a ship or of a part of a ship, or an article associated with a ship, must, as soon as practicable, give to the Minister a notice setting out a description of the remains or of the article and a description of the place where the remains are, or the article is, situated, being a description of that place that is sufficient to enable the remains or article to be located.

Maximum penalty: \$1 250.

- (2) It is a defence to a charge of an offence against subsection (1) if the person proves, or proves that he or she had reasonable grounds for believing, that a notice setting out a description of the place where the remains are or the article is situated, being a description that is sufficient to enable the remains or article to be located, was given to the Minister by another person before it was practicable for the firstmentioned person to give such a notice.

- (3) A person must not in a notice purporting to be given to the Minister under subsection (1) make a statement that to the person's knowledge is false or misleading in a material particular.

Maximum penalty: \$1 250.

### **18—Rewards**

- (1) The Minister may—

- (a) pay a reward not exceeding the prescribed amount to the person who first notifies the Minister in accordance with section 17 of the location of any remains or article—
- (i) a description of the location of which, being a description sufficient to enable the remains or article to be located, had not previously been published in Australia; and
  - (ii) in respect of which a declaration has, since the notification was made, been made under section 5; and
- (b) offer and pay a reward not exceeding the prescribed amount to the person who first furnishes to the Minister a description of the location of a historic shipwreck, or of a historic relic or historic relics, specified in the offer, being a description sufficient to enable the historic shipwreck or historic relic or historic relics to be located; and
- (c) pay a reward not exceeding the prescribed amount to any person who furnishes information leading to the conviction of a person for an offence against this Act.

- (2) Payments under subsection (1) must be made out of money appropriated by the Parliament for the purpose.

## **Part 3—Miscellaneous**

### **19—Arrangements for Commonwealth authorities to perform functions in relation to historic shipwrecks and relics**

The Governor may make arrangements with the Governor-General of the Commonwealth for the performance of functions by a competent authority of the Commonwealth in relation to the protection, recovery, preservation and exhibition of historic shipwrecks and historic relics.

### **20—Power of Minister to vest property in historic shipwrecks and relics in the Crown**

- (1) If the Minister is of the opinion that it is necessary to do so in order to protect the public interest, the Minister may, by notice in the Gazette, declare any historic shipwreck or historic relic to be vested in the Crown.
- (2) On the publication of a notice under subsection (1), the ownership of the historic shipwreck or historic relic vests in the Crown free of any other interest.
- (3) No notice may be published under subsection (1) in respect of a historic shipwreck or historic relic lawfully in the possession of a person at the commencement of this Act.
- (4) A person who would, but for the publication of a notice under this section, have been entitled to a historic shipwreck or historic relic, or to any interest in a historic shipwreck or historic relic, may, within six months of the publication of the notice, claim compensation for the loss by action against the Crown in the Land and Valuation Court.
- (5) On a claim under subsection (4), the Land and Valuation Court may award such compensation against the Crown as it considers just.

### **21—Appointment of inspectors**

- (1) The Minister may appoint a person to be an inspector for the purposes of this Act.
- (2) The Minister must cause to be issued to each inspector appointed under subsection (1) an identity card containing a photograph of the inspector.
- (3) A person who ceases to be an inspector appointed under subsection (1) must immediately return his or her identity card to the Minister.

Maximum penalty: \$125.

### **22—Powers of inspectors**

- (1) If an inspector has reasonable grounds for believing that it is necessary to do so for the purpose of ascertaining whether an offence against this Act has been or is being committed or that by doing so evidence in relation to the commission of such an offence may be obtained, the inspector may, with or without persons and equipment to assist him or her—
  - (a) go on board a ship; and
  - (b) require a person in charge of a ship to take steps to facilitate boarding; and

- (c) open, or require a person to open, cargo holds, compartments or containers on a ship boarded in accordance with paragraph (a) and inspect the contents of such cargo holds, compartments or containers; and
  - (d) require a person found in or on a ship boarded in accordance with paragraph (a) to produce a permit in force under this Act that is in the person's possession; and
  - (e) require a person to answer questions.
- (2) If an inspector has reason to believe that a person has failed to comply with a notice given to the person under section 11(1), the inspector may make application to a Justice of the Peace for a warrant authorising the inspector, with or without persons and equipment to assist him or her, for the purpose of ascertaining whether the person has failed to comply with the notice—
  - (a) to enter any specified land or premises; and
  - (b) to search any land or premises so entered and to break open any cupboard, drawer, desk, box, package or other receptacle, whether a fixture or not, on the land or in the premises.
- (3) If, on an application under subsection (2), the Justice of the Peace is satisfied by information on oath or affirmation that the issue of the warrant is reasonably required for the purposes of that subsection, the Justice of the Peace may grant a warrant accordingly.
- (4) A warrant under subsection (3) must specify a date after which the warrant ceases to have effect.
- (5) A person must not—
  - (a) without reasonable excuse, fail to comply with a requirement of an inspector in the exercise of a power under this section; or
  - (b) in answer to a question that the person is required to answer under this section, make a statement that is false or misleading in a material particular.

Maximum penalty: \$1 250.

- (6) It is a reasonable excuse for a person to fail to answer a question that the person is required to answer under this section that the answer to the question may tend to incriminate him or her.
- (7) A person who—
  - (a) without reasonable excuse, hinders or obstructs an inspector in the exercise of a power under this section; or
  - (b) assaults or threatens an inspector exercising a power under this section,is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 2 years, or both.

- (8) In this section—

*ship* includes a hovercraft and any similar craft.

### 23—Arrest without warrant

- (1) An inspector may, without warrant, arrest a person if the inspector reasonably believes—
  - (a) that the person has committed an offence against section 13 or against regulations made for the purposes of section 14; and
  - (b) that proceedings against the person by summons would not be effective.
- (2) If an inspector (other than a police officer who is in uniform) arrests a person under subsection (1), the inspector must—
  - (a) in the case of an inspector who is a police officer—produce, for inspection by the person arrested, written evidence of the fact that the inspector is a police officer; or
  - (b) in any other case—produce his or her identity card for inspection by the person arrested.
- (3) If a person is arrested under subsection (1), an inspector must immediately bring the person, or cause the person to be brought, before a Justice of the Peace or other proper authority to be dealt with in accordance with law.
- (4) Nothing in this section prevents the arrest of a person in accordance with any other law.

### 24—Seizure and forfeiture

- (1) An inspector may seize any ship, equipment or article that the inspector reasonably believes to have been used or otherwise involved in the commission of an offence against this Act and may retain the ship, equipment or article until the expiration of a period of 60 days after the seizure or, if a prosecution for an offence against this Act in the commission of which the ship, equipment or article may have been used or otherwise involved is instituted within that period, until the prosecution is terminated.
- (2) The Minister may authorise any ship, equipment or article seized under subsection (1) to be released to its owner, or to the person from whose possession it was seized, either unconditionally or on such conditions as the Minister thinks fit, including conditions as to the giving of security for payment of its value if it is forfeited.
- (3) If a court convicts a person of an offence against this Act, the court may order the forfeiture to the Crown of any ship, equipment or article used or otherwise involved in the commission of the offence.
- (4) Any ship, equipment or article forfeited under this section may be sold or otherwise dealt with as the Minister thinks fit.
- (5) A reference in this section to an article involved in the commission of an offence includes a reference to any historic shipwreck, or part of a historic shipwreck or any historic relic, to which the offence relates.
- (6) In this section—

*ship* includes a hovercraft and any similar craft.

## 26—Certificate by Minister to be evidence

- (1) In any proceedings for an offence against this Act, a certificate by the Minister stating that a place specified in the certificate is a place—
  - (a) in territorial waters of the State; or
  - (b) in a specified protected zone,is proof, in the absence of proof to the contrary, of the matters stated in the certificate.
- (2) An apparently genuine document purporting to be a certificate of the Minister under this section will, in the absence of proof that it is not such a certificate, be accepted as such in any proceedings for an offence against this Act.

## 27—Delegation

- (1) The Minister may delegate to a body or person (including a person for the time being holding or acting in a specified office or position) a function or power of the Minister under this Act.
- (2) A delegation under this section—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the power of the Minister to act in a matter; and
  - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

## 28—Notices

- (1) Without prejudice to any other method of service permitted by law, a notice to a person by the Minister under this Act may be served on the person by being sent by post to the person at the address of the person last known by the Minister.
- (2) A notice to the Minister under this Act may be given as prescribed.
- (3) A notice by the Minister that has been published in the Gazette under this Act may be amended or revoked by the Minister by a further notice published in the Gazette.

## 29—Regulations

The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1981	76	<i>Historic Shipwrecks Act 1981</i>	19.11.1981	3.12.1981 ( <i>Gazette</i> 3.12.1981 p2206)
1983	81	<i>Historic Shipwrecks Act Amendment Act 1983</i>	24.11.1983	24.11.1983
2000	4	<i>District Court (Administrative and Disciplinary Division) Amendment Act 2000</i>	20.4.2000	Sch 1 (cl 18)—1.6.2000 ( <i>Gazette</i> 18.5.2000 p2554)
2003	35	<i>River Murray Act 2003</i>	31.7.2003	Sch (cl 10)—24.11.2003 ( <i>Gazette</i> 20.11.2003 p4203)
2005	5	<i>Adelaide Dolphin Sanctuary Act 2005</i>	14.4.2005	Sch 2 (cll 29 & 30)—1.7.2005 ( <i>Gazette</i> 2.6.2005 p1684)
2005	20	<i>Statutes Amendment (Environment and Conservation Portfolio) Act 2005</i>	9.6.2005	Pt 2 (ss 4—8) & Sch 2—23.6.2005 ( <i>Gazette</i> 23.6.2005 p1901)
2007	60	<i>Marine Parks Act 2007</i>	29.11.2007	Sch 1 (cll 28 & 29)—6.11.2008 ( <i>Gazette</i> 6.11.2008 p5055)
<b>2011</b>	<b>11</b>	<b><i>Statutes Amendment (Personal Property Securities) Act 2011</i></b>	<b>14.4.2011</b>	<b>Pt 12 (s 40)—16.6.2011 (<i>Gazette</i> 16.6.2011 p2610)</b>
2017	1	<i>Historic Shipwrecks (Miscellaneous) Amendment Act 2017</i>	28.2.2017	1.5.2017 ( <i>Gazette</i> 5.4.2017 p1022)

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	24.11.2003
s 3		
s 3(1)		

Adelaide Dolphin Sanctuary	inserted by 5/2005 Sch 2 (cl 29)	1.7.2005
historic relic	amended by 20/2005 s 4(1)	23.6.2005
historic shipwreck	amended by 20/2005 s 4(2)	23.6.2005
inspector	amended by 20/2005 Sch 2	23.6.2005
marine park	inserted by 60/2007 Sch 1 cl 28	6.11.2008
protected zone	substituted by 81/1983 s 2(a)	24.11.1983
	amended by 20/2005 Sch 2	23.6.2005
River Murray	inserted by 35/2003 Sch cl 10(a)	24.11.2003
River Murray Protection Area	inserted by 35/2003 Sch cl 10(a)	24.11.2003
<i>sea</i>	<i>deleted by 81/1983 s 2(b)</i>	<i>24.11.1983</i>
s 3(2)	amended by 81/1983 s 2(c)	24.11.1983
s 3(3)	amended by 81/1983 s 2(d)	24.11.1983
	amended by 20/2005 Sch 2	23.6.2005
s 3(4)	amended by 20/2005 Sch 2	23.6.2005
Pt 2		
s 4A	inserted by 20/2005 s 5	23.6.2005
s 5	substituted by 20/2005 Sch 2	23.6.2005
s 6		
s 6(1) and (2)	amended by 20/2005 Sch 2	23.6.2005
s 6(3)	substituted by 20/2005 Sch 2	23.6.2005
s 6(4)	<i>deleted by 20/2005 Sch 2</i>	<i>23.6.2005</i>
s 7		
s 7(1)	amended by 81/1983 s 3(a)	24.11.1983
	amended by 20/2005 Sch 2	23.6.2005
s 7(2)	amended by 81/1983 s 3(b)	24.11.1983
	amended by 20/2005 Sch 2	23.6.2005
s 7(3)	amended by 20/2005 Sch 2	23.6.2005
s 8	amended by 20/2005 Sch 2	23.6.2005
s 9		
s 9(1)—(3)	amended by 20/2005 Sch 2	23.6.2005
s 10		
s 10(1)—(3)	amended by 20/2005 Sch 2	23.6.2005
s 11		
s 11(1) and (3)—(5)	amended by 20/2005 Sch 2	23.6.2005
s 11(6)	amended by 4/2000 s 9(1) (Sch 1 cl 18(a))	1.6.2000
s 11(7)	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 18(b))</i>	<i>1.6.2000</i>
s 11(8)	amended by 20/2005 Sch 2	23.6.2005
s 12		
s 12(1)	amended by 20/2005 Sch 2	23.6.2005
s 12(2)	substituted by 20/2005 s 6	23.6.2005
s 12(3)	amended by 20/2005 Sch 2	23.6.2005



s 13		
s 13(1)	amended by 20/2005 Sch 2	23.6.2005
s 13(2)	amended by 81/1983 s 4	24.11.1983
s 13(3)	<i>deleted by 20/2005 Sch 2</i>	23.6.2005
s 14		
s 14(1) and (2)	substituted by 20/2005 s 7(1)	23.6.2005
s 14(3)	amended by 20/2005 s 7(2)	23.6.2005
s 14(3a)	inserted by 20/2005 s 7(3)	23.6.2005
s 15		
s 15(1) and (3)	amended by 20/2005 Sch 2	23.6.2005
s 15(3a)	inserted by 35/2003 Sch cl 10(b)	24.11.2003
	substituted by 60/2007 Sch 1 cl 29	6.11.2008
s 15(3b)	<i>inserted by 35/2003 Sch cl 10(b)</i>	24.11.2003
	<i>amended by 20/2005 Sch 2</i>	23.6.2005
	<i>deleted by 60/2007 Sch 1 cl 29</i>	6.11.2008
s 15(3c) and (3d)	<i>inserted by 5/2005 Sch 2 (cl 30)</i>	1.7.2005
	<i>deleted by 60/2007 Sch 1 cl 29</i>	6.11.2008
s 15(5)	amended by 20/2005 Sch 2	23.6.2005
<b>s 15A</b>	<b>inserted by 11/2011 s 40</b>	<b>16.6.2011</b>
s 16	amended by 20/2005 Sch 2	23.6.2005
s 17		
s 17(1)—(3)	amended by 20/2005 Sch 2	23.6.2005
s 18		
s 18(2)	amended by 20/2005 Sch 2	23.6.2005
Pt 3		
s 20		
s 20(1), (2), (4) and (5)	amended by 20/2005 Sch 2	23.6.2005
s 21		
s 21(1)—(3)	amended by 20/2005 Sch 2	23.6.2005
s 22		
s 22(1), (2) and (4)—(7)	amended by 20/2005 Sch 2	23.6.2005
s 23		
s 23(2) and (3)	amended by 20/2005 Sch 2	23.6.2005
s 24		
s 24(1) and (3)	amended by 20/2005 Sch 2	23.6.2005
s 25	<i>deleted by 20/2005 s 8</i>	23.6.2005
s 26		
s 26(2)	amended by 20/2005 Sch 2	23.6.2005
s 27	substituted by 20/2005 Sch 2	23.6.2005
s 28		
s 28(3)	amended by 20/2005 Sch 2	23.6.2005

## **Historical versions**

Reprint No 1—15.8.1991

Reprint No 2—1.6.2000

Reprint No 3—24.11.2003

23.6.2005 (electronic only)

1.7.2005

6.11.2008