

South Australia

## Historic Shipwrecks Regulations 2017

under the *Historic Shipwrecks Act 1981*

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#### 1—Short title

These regulations may be cited as the *Historic Shipwrecks Regulations 2017*.

#### 3—Interpretation

In these regulations—

*Act* means the *Historic Shipwrecks Act 1981*.

#### 4—Fee for copy of Register

For the purposes of section 12(3) of the Act, the prescribed fee is \$1.80 per page copied of the Register.

#### 5—Certain acts in protected zone prohibited without permit

- (1) A person must not, except in accordance with a permit granted by the Minister under section 15 of the Act—
  - (a) bring into a protected zone—
    - (i) equipment constructed or adapted for the purposes of diving, salvage or recovery operations; or
    - (ii) explosives, instruments or tools,  
the use of which would be likely to damage or interfere with a historic shipwreck or historic relic situated within the protected zone; or
  - (b) use any such equipment, explosives, instruments or tools within a protected zone; or
  - (c) cause a vessel carrying such equipment, explosives, instruments or tools to enter, or remain within, a protected zone; or
  - (d) trawl, dive or engage in any other underwater activity within a protected zone; or

(e) moor or use a vessel within a protected zone.

Maximum penalty: \$10 000.

Expiation fee: \$750.

(2) If subregulation (1)(c) or (e) is contravened, the owner and operator of the vessel are each guilty of an offence.

Maximum penalty: \$10 000.

Expiation fee: \$750.

(3) An inspector may give an expiation notice for an alleged offence against this regulation.

(4) In this regulation—

*operator* and *owner*, of a vessel, have the same respective meanings as in the *Harbours and Navigation Act 1993*.

## 6—Applications for warrants by telephone

(1) If an application for the issue of a warrant under section 22 of the Act is made by telephone—

- (a) the applicant must inform the judicial officer of the applicant's name and identify the position that the applicant holds for the purposes of the Act, and the judicial officer, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and
- (b) the applicant must inform the judicial officer of the purpose for which the warrant is required and the grounds on which it is sought; and
- (c) if it appears to the judicial officer from the information given by the applicant that there are proper grounds to issue a warrant, the judicial officer must inform the applicant of the facts that justify, in the judicial officer's opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
- (d) if the applicant gives such an undertaking, the judicial officer may then make out and sign a warrant, noting on the warrant the facts that justify, in the judicial officer's opinion, the issue of the warrant; and
- (e) the warrant is taken to have been issued, and comes into force, when signed by the judicial officer; and
- (f) the judicial officer must inform the applicant of the terms of the warrant; and
- (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the judicial officer an affidavit verifying the facts referred to in paragraph (c).

(2) In this regulation—

*judicial officer* means the magistrate or justice to whom application for the issue of a warrant is made.

## Legislative history

### Notes

- 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).

### Legislation revoked by principal regulations

The *Historic Shipwrecks Regulations 2017* revoked the following:

*Historic Shipwrecks Regulations 2014*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2017	29	<i>Gazette 5.4.2017 p1026</i>	1.5.2017: r 2
<b>2017</b>	<b>247</b>	<b><i>Gazette 15.8.2017 p3574</i></b>	<b>15.8.2017: r 2</b>

### Provisions varied

New entries appear in bold.

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

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>15.8.2017</i>
r 4	varied by 247/2017 r 4	15.8.2017
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>15.8.2017</i>