



ANNO VICESIMO SEXTO

**ELIZABETHAE II REGINAE**

A.D. 1977

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**No. 27 of 1977****An Act to amend the Fisheries Act, 1971-1975.***[Assented to 19th May, 1977]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**Short titles.**

1. (1) This Act may be cited as the "Fisheries Act Amendment Act, 1976-1977".
- (2) The Fisheries Act, 1971-1975, is hereinafter referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Fisheries Act, 1971-1976".

**Commencement.**

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

**Amendment of principal Act, s. 5—  
Interpretation.**

3. Section 5 of the principal Act is amended by inserting in the definition of "waters" in subsection (1) after the passage "bay, gulf" the passage "strait, passage".

**Amendment of principal Act, s. 11—  
Restrictions on interests of inspectors.**

4. Section 11 of the principal Act is amended—
  - (a) by striking out from subsection (1) the passage "appointed under subsection (1) of section 8 of this Act";
  - (b) by inserting at the foot of subsection (1) the following passage:—  
Penalty: Two hundred dollars. ;
  - and
  - (c) by inserting in subsection (2) after the passage "If an inspector" the passage "appointed under subsection (1) of section 8 of this Act".

**Amendment of principal Act, s. 24—  
Aquatic Reserves.**

5. Section 24 of the principal Act is amended by inserting at the foot of subsection (4) the passage "Penalty: One hundred dollars".

6. Section 34 of the principal Act is amended by striking out subsections (1) and (2) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 34—  
Decision on application for licence.

(1) The Director may—

(a) grant an applicant a fishing licence or licence to employ;

or

(b) refuse an application for a fishing licence or licence to employ.

(2) The Director shall not grant an applicant a fishing licence or licence to employ unless he is satisfied that the granting of that licence will not prejudice the proper management of the fishery in relation to which the relevant licence is applied for.

7. Section 37 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 37 of principal Act and enactment of section in its place—  
Surrender and revocation of "authority".

37. (1) In this section "authority" means a licence, permit, certificate of registration, authorization certificate, franchise lease or licence provided for by or under this Act.

(2) The holder of an authority may surrender that authority at any time and upon such surrender that authority shall cease to have any further force or effect.

(3) The Minister may by notice in the *Gazette*—

(a) revoke any authority;

or

(b) suspend the operation of any authority for a period specified in the notice,

and upon the publication of that notice that authority shall—

(c) in the case of revocation, cease to have any further force or effect;

and

(d) in the case of a suspension, cease to have any force or effect during the period of the suspension.

8. Section 55 of the principal Act is amended—

Amendment of principal Act, s. 55—  
Noxious fish.

(a) by inserting in subsection (1) after the passage "noxious fish" the passage "in relation to an area being the State or part of the State";

(b) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) A person shall not, without the prior written consent of the Director, within the area in relation to which any noxious fish have been declared—

(a) keep, hatch, rear, consign or convey any such noxious fish;

(b) release any such noxious fish into any waters;

(c) put any such noxious fish into any container in which the fish or the eggs of the fish will remain alive.

Penalty: Two hundred dollars.

(3) Where a person is convicted of an offence that is a contravention of subsection (2) of this section the Minister may cause the noxious fish, in relation to which the person was so convicted, to be destroyed or dispensed of to his satisfaction and no compensation shall be payable in respect of that destruction or disposal.

Amendment of  
principal Act,  
s. 56—  
Regulations.

**9. Section 56 of the principal Act is amended—**

(a) by inserting after paragraph (f) the following paragraph:—

(fa) regulating any matter or thing relating to the storage or carriage of fishing gear and equipment on any boat;

(b) by inserting after paragraph (h) the following paragraph:—

(ha) providing for or prescribing any matter or thing relating to the hygiene or cleanliness of any premises or place at which a person carries on business as a fish dealer; ;

(c) by inserting in paragraph (i) after the word “take,” the word “purchase,”;

(d) by inserting in paragraph (i) after the word “taken,” the word “purchased,”;

and

(e) by inserting in paragraph (i) after the passage “incidental or connected with such” the passage “taking, purchasing,”.

Amendment of  
principal Act,  
s. 57—  
Evidentiary.

**10. Section 57 of the principal Act is amended by inserting after subsection (9) the following subsection:—**

(9a) Where in proceedings for an offence against this Act it is proved that fish were in the possession or control of a person it shall be presumed in the absence of proof to the contrary that those fish were taken by that person.

Repeal of s. 61  
of principal  
Act.

**11. Section 61 of the principal Act is repealed.**

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

W. R. CROCKER, Lieutenant-Governor