

CONTINENTAL SHELF (LIVING NATURAL RESOURCES) AMENDMENT ACT 1978

No. 100 of 1978

An Act to amend the *Continental Shelf (Living Natural Resources) Act* 1968.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title,
&c.

1. (1) This Act may be cited as the *Continental Shelf (Living Natural Resources) Amendment Act* 1978.¹

(2) The *Continental Shelf (Living Natural Resources) Act* 1968² is in this Act referred to as the Principal Act.

Commence-
ment

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Offences in
relation to
licences and
unlicensed
operations

3. Section 15 of the Principal Act is amended by omitting sub-section (6) and substituting the following sub-sections:

“(6) Subject to sub-sections (6A) and (6B), it is a defence to a prosecution for an offence against sub-section (1), (2), (3) or (4) if the person charged with the offence proves—

- (a) in the case of an offence against sub-section (1)—that he was not searching for or taking sedentary organisms for a commercial purpose;
- (b) in the case of an offence against sub-section (2)—that he was not using a ship in searching for or taking sedentary organisms for a commercial purpose;
- (c) in the case of an offence against sub-section (3)—that he did not have a ship in his possession or in his charge for use in searching for or taking sedentary organisms for a commercial purpose; or
- (d) in the case of an offence against sub-section (4)—that the diver, trial diver or diver’s tender was not employed or on board the ship for the purpose of searching for or taking sedentary organisms for a commercial purpose.

“(6A) Proof of the matter referred to in paragraph (a) of sub-section (6) is not a defence to a prosecution for an offence against sub-section (1) if a foreign ship was used for searching for or taking the sedentary organisms concerned.

“(6B) Proof of a matter referred to in paragraph (b), (c) or (d) of sub-section (6) is not a defence to a prosecution for an offence against sub-section (2), (3) or (4), as the case may be, if the ship concerned was a foreign ship.”.

4. Section 25 of the Principal Act is amended by omitting paragraph Regulations
(ca).

5. The amendments made by this Act apply in relation to offences committed after the commencement of this Act. Effect of
amend-
ments

NOTES

1. Act No. 100, 1978; assented to 24 August 1978.
2. Act No. 149, 1968, as amended. For previous amendments *see* Act No. 219, 1973; and No. 91, 1976.