

**Continental Shelf (Living Natural Resources) Act 1968-1973**

**PART I - PRELIMINARY**

1. This Act may be cited as the Continental Shelf (Living Natural Resources) Act 1968-1973.
2. This Act shall come into operation on a date to be fixed by Proclamation.
3. The Pearl Fisheries Act 1952, the Pearl Fisheries Act 1953 and the Pearl Fisheries Act (No.2) 1953 are repealed.

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

"Australia" includes -

- (a) Norfolk Island;
- (b) the Territory of Ashmore and Cartier Islands; and
- (c) the Coral Sea Islands Territory;

"Australian continental shelf" means the continental shelf adjacent to the coast of Australia (including the continental shelf adjacent to Norfolk Island, the continental shelf adjacent to the Territory of Ashmore and Cartier Island, and the continental shelf adjacent to the Coral Sea Islands Territory);

"Australian ship" means a ship the operations of which are based on a place in Australia and that is wholly owned by a natural person who is a resident of, or by a company incorporated in Australia,

being a ship that -

- (a) was built in Australia;
- (b) has been lawfully imported into Australia, otherwise than for a limited period; or
- (c) has been sold, or otherwise disposed of, in Australia after having been forfeited or distrained under this or any other Act or under a law of a State or Territory;

"commercial purpose" includes any trading or manufacturing purpose;

"continental shelf" has the same meaning as in the Convention;

"continental shelf of an external Territory" means the continental shelf adjacent to an external Territory;

"controlled area" means an area of the Australian continental shelf, or an area of the continental shelf of an external

Territory, declared by notice in force under section 11 to be a controlled area in relation to sedentary organisms of any kind;

"Convention" means the Convention entitled "Convention on the Continental Shelf" signed at Geneva on 29 April 1958, being the Convention a copy of which in the English language is set out in Schedule 1 to the Petroleum (Submerged Lands) Act 1967-1973;

"diver" means a diver who dives with the aid of mechanical breathing apparatus, whether or not he also dives without such aid;

"diver's tender" means the person attending on a diver and in charge of the diving operations while the diver is under water;

"exempt boat" means a boat (not being a foreign ship) that belongs to, and is ordinarily attached to or carried on board, a ship, but does not include such a boat at a time when the boat is used independently of a ship;

"external Territory" means a Territory not forming part of Australia;

"foreign ship" means -

- (a) in relation to the Australian Continental Shelf - a ship other than an Australian ship; and
- (b) in relation to the continental shelf of an external Territory - a ship other than a ship that is a Territory ship in relation to that Territory;

"officer" means -

- (a) an officer or employee of Australia, of the Administration of a Territory or of an authority of Australia who is authorized in writing by the Secretary to the Department of Primary Industry or by the Secretary to the Department of External Territories, to perform duties under this Act;
- (b) an officer or employee of a State who is authorized in writing by the Secretary to the Department of Primary Industry to perform duties under this Act in pursuance of an arrangement between Australia and the State;
- (c) a member of the Commonwealth Police Force or of the Police Force of a State or Territory; or
- (d) a member of the Defence Force;

"sedentary organism" means an organism of a kind declared by Proclamation in force under section 7 to be a sedentary organism to which this Act applies;

"ship" means any vessel, boat or craft, other than a vessel or craft used in air navigation, and includes a barge, lighter or any other floating vessel;

"Territory ship", in relation to an external Territory, means a ship the operations of which are based on a place in the Territory and that is wholly owned by a natural person who is a resident of, or by a company incorporated in, the Territory, being a ship that -

- (a) was built in the Territory;

(b) has been lawfully imported into the Territory; or

(c) has been sold, or otherwise disposed of, in the Territory after having been forfeited or distrained under this or any other Act or under a law of the Territory.

(2) Unless the contrary intention appears, a reference in this Act to the Australian continental shelf or to the continental shelf of an external territory shall be read as including a reference to the waters above the Australian continental shelf or the continental shelf of the Territory, as the case may be, and a reference in this Act to an area, or part of an area, of the Australian continental shelf or of the continental shelf of an external Territory shall be read as including a reference to the waters above that area or that part of that area.

(3) For the purposes of this Act, a person shall be deemed to be using a ship in searching for and taking sedentary organisms of a particular kind if:

(a) he is using the ship as a place of abode or refuge, or for storing provisions, for -

(i) persons employed in or in connexion with searching for or taking sedentary organisms of that kind; or

(ii) persons engaged in a superintending persons so employed;

(b) he is using the ship for transporting, or as a place for storing, sedentary organisms, or parts of sedentary organisms of that kind;

(c) he is using the ship as a place from which persons search for or take sedentary organisms of that kind; or

(d) he is otherwise using the ship in or in connexion with searching for or taking sedentary organisms of that kind.

(4) For the purposes of this Act, the Territory of Papua and the territory of New Guinea shall be deemed to form one Territory and that Territory shall be deemed to be an external Territory.

6. A reference in a provision of this Act to the appropriate Minister or to the appropriate Secretary, shall, in the application of that provision in relation to the Australian continental shelf, be read as a reference to the Minister of State for Primary Industry or to the Secretary to the Department of Primary Industry, as the case may be, and shall, in the application of that provision in relation to the continental shelf of an external Territory, be read as a reference to the Minister of State for External Territories or the Secretary to the Department of External Territories, as the case may be.

6A. (1) The Secretary of the Department of Primary Industry or his delegate or a delegate of the Minister of State for Primary Industry is, in the exercise of his powers and the performance of his functions under this Act, subject to the directions of the Minister of State for Primary Industry.

(2) The Secretary to the Department of External Territories or his delegate or a delegate of the Minister of State for External Territories, other than a Minister of the House of Assembly for Papua New Guinea, is, in the exercise of his powers and the performance of his functions under this act, subject to the directions of the Minister of State for External territories.

7. Where the Governor-General is satisfied that a marine organism of any kind is, for the purposes of the Convention, part of the living natural resources of the Australian continental shelf, or the continental shelf of an external Territory, by reason that it is, for the purposes of the Convention, an organism belonging to sedentary species, he may, by Proclamation, declare the organism to be sedentary organism to which this Act applies.

8. (1) The Governor-General may, by proclamation, declare an area of continental shelf specified in the Proclamation to be, for the purposes of this Act, an area of continental shelf adjacent to an external Territory so specified.

(2) Where a Proclamation is in force under the last preceding subsection, the area of continental shelf specified in the Proclamation shall, for the purposes of this Act, be deemed to be an area of continental shelf adjacent to the Territory specified in the Proclamation, and shall be deemed not to be an area of continental shelf adjacent to Australia.

9. This act extends to all the Territories and to all parts of the Australian continental shelf and all parts of the continental shelf of an external Territory and applies to all persons, including foreigners, and to all ships including foreign ships.

10. (1) Subject to this section a Minister of State, or the Secretary to a Department, on whom powers or functions are conferred by this Act may, by writing under his hand, delegate to a person or authority, either generally or otherwise, all or any of those powers or functions except this power of delegation or his powers and functions under section 13A.

(1A) The Minister of State for External Territories may, by writing under his hand, delegate to a Minister of the House of Assembly for Papua New Guinea, either generally or otherwise, all or any of his powers and functions under Section 13A with respect to natural persons resident in, companies incorporated in, or ships the operations of which are based on a place in, Papua New Guinea.

(2) A power or function delegated under sub-section (1) or (1A) may be exercised or performed by the delegate in accordance with the delegation, and, when so exercised or performed, shall, for the purposes of this Act, be deemed to have been exercised or performed by the person who gave the delegation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the person who gave the delegation.

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## **PART II - REGULATION OF THE TAKING OF SEDENTARY ORGANISMS**

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11. The appropriate Minister may, by notice published in the Gazette, declare an area of the Australian continental shelf, or an area of the continental shelf of an external Territory specified in the notice to be, in relation to sedentary organisms of a kind so specified, a controlled area for the purposes of this Act.

12. (1) The appropriate Minister may, by notice published in the Gazette -

(a) prohibit the taking, either at all times or during a specified period, of sedentary organisms of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, that is a controlled area in relation to sedentary organisms of that kind;

(b) prohibit the taking of any sedentary organism of a specified kind that is less than a specified size or has, or has a part having, a dimension less than a specified dimension in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, that is a controlled area in relation to sedentary organisms of that kind;

(c) prohibit the taking, by a method or equipment of a specified kind, of any sedentary organism of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of an external Territory that is a controlled area in relation to sedentary organisms of that kind;

(d) prohibit the taking by any one ship during a specified period, of a quantity of sedentary organisms of a specified kind that is in excess of a specified quantity in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, that is a controlled area in relation to sedentary organisms of that kind;

(da) prohibit the searching for or taking of sedentary organisms of a specified kind in a specified part of an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, except by a person who holds a licence under sub-section (1) of section 13 that, by virtue of an endorsement under sub-section (1A) of that section, extends to authorizing that searching or taking, as the case may be;

(db) prohibit the use of ships for searching for or taking sedentary organisms of a specified kind in a specified part of an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, other than ships in respect of which there are licences under sub-section (2) of section 13 that, by virtue of an endorsement under sub-section (2A) of that section, extend to authorizing that use;

(e) prohibit the taking by any one person, during a specified period, of a quantity of sedentary organisms of a specified kind that is in excess of a specified quantity in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, that is a controlled area in relation to sedentary organisms of that kind; and

(f) prohibit the removal of sedentary organisms of a specified kind from the Australian continental shelf, or the continental shelf of an external Territory, being an external Territory specified in the notice, unless the organisms are dead.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

13. (1) The appropriate Minister or the appropriate Secretary may grant to a person a licence authorizing the person to search for and take sedentary organisms of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, that is a controlled area in relation to sedentary organisms of that kind.

(1A) Where a licence granted under sub-section (1) would, but for a notice under paragraph (da) of sub-section (1) of section 12, extend to authorizing a person to search for and take sedentary organisms of a kind to which the notice applies in the part of an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, to which the notice applies, the appropriate Minister or the appropriate Secretary may endorse it so as to extend it to authorize the persons to search for and take sedentary organisms of that kind in that part.

(2) The appropriate Minister or the appropriate Secretary may grant to a person a licence in respect of a ship authorizing the use of the ship by that person, or by a person acting on his behalf, in searching for and taking sedentary organisms of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, that is a controlled area in relation to sedentary organisms of that kind.

(2A) Where a licence granted under sub-section (2) would, but for a notice under paragraph (db) of

sub-section (1) of section 12, extend to authorizing the use of a ship in searching for and taking sedentary organisms of a kind to which the notice applies in the part of an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, to which the notice applies, the appropriate Minister or the appropriate Secretary may endorse it so as to extend it to authorize the use of the ship in searching for and taking sedentary organisms of that kind in that part.

(3) A licence authorizing the use of a ship in searching for and taking sedentary organisms of a particular kind in an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, extends, subject to any conditions specified in the licence, to authorizing the use of the ship in that area, in relation to sedentary organisms of that kind, for any purpose specified in a paragraph of sub-section (3) of section 5.

(4) The appropriate Minister or the appropriate Secretary may grant to or in respect of a person -

- (a) a licence authorizing the employment of the person, in a controlled area specified in the licence, as a diver;
- (b) a licence authorizing the employment of the person, in a controlled area specified in the licence, as a trial diver; or
- (c) a licence authorizing the employment of the person, in a controlled area specified in the licence, as a diver's tender.

(5) A person authorized to grant licences under this section may, in his discretion, grant or refuse an application for a licence.

(6) A licence granted under this section -

- (a) is subject to such conditions as are specified in the licence; and
- (b) remains in force for such period as is specified in the licence.

(7) The appropriate Minister or the appropriate Secretary may, in his discretion, on the application of the holder of a licence in respect of a ship and of another person as proposed transferee, transfer the licence to that other person.

(8) Such fees, if any, as are prescribed are payable in respect of the grant of a licence, or the transfer of a licence, under this section.

(9) Where, during any month of the year, a licence under this section relating to the continental shelf of an external Territory has been granted or transferred, Australia shall, not later than the last day of the next succeeding month, pay to the Administration of the Territory an amount equal to the amount of any fee received by Australia in respect of the grant or transfer of the licence.

(10) A licence under this section shall be in accordance with a form approved by the Minister of State for Primary Industry.

(11) Registers showing the licences granted under this section and in force from time to time shall be kept at such places as the appropriate Minister directs.

(12) Nothing in this Act prevents a licence under this section and a licence of the same kind under a law of a State or Territory being combined and issued as one instrument.

13A. (1) The appropriate Minister or the appropriate Secretary may cancel a licence under this section if -

- (a) he is satisfied that there has been a contravention of, or a failure to comply with, a condition to which the licence is subject;
- (b) the holder of the licence has been convicted of an offence against this Act or the Fisheries Act 1952 or that Act as amended; or
- (c) the holder has been convicted of an offence under the law of a State or Territory relating to fisheries.

(2) The appropriate Minister or the appropriate Secretary may, by notice in writing expressed to be given under this sub-section given to the holder of a licence under section 13, suspend that licence if he has reasonable grounds to suspect that there has been a contravention of, or a failure to comply with, a condition to which the licence is subject, not being grounds in relation to which he has previously exercised his powers under this sub-section.

(3) The suspension of a licence under sub-section (2), unless sooner revoked, ceases -

- (a) if proceedings for an offence in respect of the licence are instituted against its holder within one month after the suspension - on the completion of those proceedings; or
- (b) in any other case - on the expiration of one month after the suspension.

(4) The appropriate Minister or the appropriate Secretary may, by notice in writing expressed to be given under this sub-section given to the holder of a licence under section 13, suspend that licence for a specified time if -

- (a) the holder has had a licence relating to a ship or to the searching for or taking of sedentary organisms held by him under the law of a State or Territory suspended or cancelled; and
- (b) the appropriate Minister or the appropriate Secretary, as the case may be, is satisfied, after consulting the relevant authority of the State or Territory, that suspension for that period under this sub-section is necessary for the proper management of sedentary organisms in an area of the sea-bed or subsoil of the sea.

(5) A suspension of a licence under sub-section (2) or (4) may be expressed to operate either generally or in so far as the licence applies in relation to an area of the continental shelf or to sedentary organisms of a specified kind.

14. An officer may -

- (a) board or enter upon a ship in a controlled area, or a ship that he has reason to believe has been used, is being used or is intended to be used for searching for or taking sedentary organisms in a controlled area, and may search the ship for equipment used, or capable of being used, for searching for or taking sedentary organisms;
- (b) examine any equipment found on any ship or in any place, being equipment that he has reason to believe has been used, is being used or is intended to be used for searching for or taking sedentary organisms in a controlled area;
- (c) seize, take, detain, remove and secure any ship that the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act or any sedentary organisms that the officer has reason to believe have been taken in contravention of this Act;

- (d) arrest, without warrant, a person whom the officer has reason to believe has committed an offence against this Act;
- (e) require the master or other person in charge of a ship that the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to bring the ship to a place specified by the officer, being a place in Australia or a Territory, and to remain in control of the ship at that place until an officer permits him to depart from that place;
- (f) bring a ship that the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to a place in Australia or a Territory and remain in control of the ship pending the taking and determination of proceedings in respect of that contravention;
- (g) require the master or other person in charge of a ship in respect of which a licence is required to be in force under this Act to produce the licence, and take copies of, or extracts from, the licence;
- (h) require the master or other person in charge of a ship in respect of which a licence is required to be in force under this Act to give information concerning the ship and the crew and any person on board the ship;
- (i) require a person who is on board a ship in respect of which a licence is required to be in force under this Act, or who is engaged in searching for or taking sedentary organisms in a controlled area, or whom he reasonably suspects of having committed an offence against this Act, to state his name and place of abode;
- (j) require a person engaged in searching for or taking sedentary organisms in a controlled area to state whether he is the holder of a licence under sub-section (1) or (4) of section 13 and, if so, to produce the licence; and
- (k) sell any sedentary organisms seized by him under this Act.

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### **PART III - OFFENCES**

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15. (1) A person shall not, in an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, that is a controlled area in relation to sedentary organisms of any kind, whether on his own account or as the partner, agent or employee of another person, search for or take sedentary organisms of that kind except as authorized by a licence granted to him under sub-section (1) of section 13.

(2) A person shall not, in an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, that is a controlled area in relation to sedentary organisms of any kind, use a ship (other than an exempt boat) in searching for or taking sedentary organisms of that kind except as authorized by a licence granted to him, or to a person on whose behalf he is acting, under sub-section (2) of section 13.

(3) A person shall not, in a controlled area, have in his possession or in his charge a ship (other than an exempt boat) for use in searching for or taking sedentary organisms unless there is in force in respect of the ship a licence under sub-section (2) of section 13 authorizing the use of the ship by him, or by a person on whose behalf he is acting, in searching for and taking sedentary organisms in that area.

(3A) A person shall not, in an area of the Australian continental shelf, or an area of the continental shelf of an



external Territory, that is a controlled area in relation to sedentary organisms of any kind, use a foreign ship in searching for or taking sedentary organisms of that kind unless there is in force a licence under sub-section (2) of section 13 authorizing the use of the ship in that area.

(3B) A person shall not, in a controlled area, have in his possession or in his charge a foreign ship for use in searching for or taking sedentary organisms unless there is in force a licence under sub-section (2) of section 13 authorizing the use of the ship in that area.

(3C) A person shall not, in a controlled area, trans-ship sedentary organisms to a ship in respect of which there is not in force a licence under section 13.

(4) A person shall not, in a controlled area, employ or have on board a ship, for the purpose of searching for or taking any sedentary organisms, a diver, a trial diver or diver's tender unless there is in force in respect of him a licence granted under sub-section (4) of section 13 authorizing his employment, in that area, as a diver, trial diver or diver's tender, as the case may be.

(5) A person who is the holder of a licence under this Act shall not contravene a condition of the licence and a person acting on behalf of the holder of a licence under sub-section (2) of section 13 shall not contravene a condition of that licence.

(6) It is a defence to a prosecution for an offence against sub-section (1), (2), (3), (3A), (3B), 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) or (3A) 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) or (3B) 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.

(7) Sub-sections (2), (3), (3A) and (3B) do not apply in relation to a foreign ship if -

- (a) the equipment for searching for and taking sedentary organisms belonging to the ship is stowed and secured; and
- (b) the work of cutting up, dismembering, cleaning, sorting or packing sedentary organisms is not being carried out on the ship.

16. (1) A person (including a person who is, or is acting on behalf of the person who is, the holder of a licence under this Act or in respect of whom a licence is in force under this Act) shall not contravene a notice in force under section 12.

(2) For the purposes of the prosecution of a person for an offence arising under sub-section (1), an act done by an employee or other agent of the person charged shall be deemed to have been done also by that person.

17. A person shall not -

- (a) fail to facilitate by all reasonable means the boarding of a ship by an officer acting in pursuance of his powers under this Act;
- (b) refuse to allow a search to be made that is authorized by or under this Act;
- (c) refuse or neglect to comply with a requirement made by an officer under section 14;
- (d) when lawfully required to state his name and place of abode to an officer acting in pursuance of his powers under this Act - state a false name or place of abode to the officer;
- (e) when lawfully required to give information by an officer acting in pursuance of his powers under this Act - give false or misleading information to the officer;
- (f) use abusive or threatening language to an officer acting in pursuance of his powers under this Act;
- (g) assault, resist or obstruct an officer acting in pursuance of his powers under this Act;
- (h) impersonate an officer; or
- (i) in an application for the purposes of this Act - make a statement or furnish information which is false or misleading in any particular.

17A. (1) The master or other person in charge of a ship on which, or by the use of which, an offence against this Act (in this section referred to as the "primary offence") is committed is guilty of an offence against this section.

(2) A person may be convicted of an offence against this section, whether or not the identity of the person who committed the primary offence appears, or has appeared, from the evidence in the proceedings in respect of the offence against this section or in any other proceedings, but shall not be convicted of both an offence against this section and of the primary offence.

(3) The provisions of section 18 apply in relation to an offence against this section in like manner as they would apply if that offence were the primary offence.

18. (1) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence.

(2) Subject to this section, an offence against this Act shall be prosecuted summarily and is punishable by a fine not exceeding One thousand dollars.

(3) An offence against sub-section (3A) or (3B) of section 15 may be prosecuted summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence, and such an offence is punishable -

(a) upon summary conviction - by a fine not exceeding One thousand dollars or imprisonment for a period not exceeding six months, or both; or

(b) upon conviction on indictment - by a fine not less than One thousand dollars and not exceeding Ten thousand dollars or imprisonment for a period not exceeding one year, or both.

(4) Where proceedings for an offence against sub-section (3A) or (3B) of section 15 are brought in a court of summary jurisdiction, the court may commit the defendant for trial or, with the consent of the defendant,

determine the proceedings.

(5) Where a person is convicted of an offence against section 15 or 16, the court may order the forfeiture of any ship used or otherwise involved in the commission of the offence, and of its equipment and contents (other than the personal effects of members of the crew) and of any sedentary organisms found on the ship or the proceeds of the sale of any sedentary organisms so found.

(6) A ship or goods ordered by a court to be forfeited under this section becomes the property of Australia and shall be dealt with or disposed of in accordance with the directions of the appropriate Secretary.

(7) An offence against section 17 is punishable by a fine not exceeding One thousand dollars or by imprisonment for a period not exceeding 6 months.

19. (1) Subject to this section -

- (a) the several courts of the States are invested with federal jurisdiction; and
- (b) jurisdiction is conferred on the several courts of the Territories, with respect to offences against this Act or the regulations that are committed outside Australia and the Territories.

(2) The jurisdiction invested in or conferred on courts by the last preceding sub-section is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions.

(3) The trial on indictment of an offence against this Act not committed within a State may be held in any State or Territory.

(4) Subject to this Act, the laws of a State or Territory with respect to the arrest and custody of offenders or persons charged with offences and the procedure for -

- (a) their summary conviction;
- (b) their examination and commitment for trial on indictment;
- (c) their trial and conviction on indictment; and
- (d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act or the regulations that was committed outside Australia and the Territories.

(5) Except as provided by this Act, the Judiciary Act 1903-1968 applies in relation to offences against this Act or the regulations.

20. (1) The Minister of State for Primary Industry or a person authorized in writing by him to give certificates under this sub-section may give certificate that, at a time specified in the certificate, a ship specified in the certificate was, or was not, an Australian ship.

(1A) The Minister of State for External Territories or a person authorized in writing by him to give certificates

under this sub-section may give a certificate that, at a time specified in the certificate, a ship specified in the certificate was, or was not, in relation to an external Territory or an external Territory specified in the certificate, a Territory ship.

(1B) The appropriate Minister of a person authorized in writing by him to give a certificate under this sub-section may give a certificate -

- (a) that a submarine area specified in the certificate is an area of the Australian continental shelf or an area of the continental shelf of an external Territory;
- (b) that, at a time specified in the certificate, a person specified in the certificate was, or was not, the holder of a licence under sub-section (1) of section 13 authorizing him to search for and take sedentary organisms of a kind specified in the certificate in, or in a part of, an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, so specified;
- (c) that, at a time specified in the certificate, a person specified in the certificate was, or was not, the holder of a licence under sub-section (1) of section 13 endorsed under sub-section (1A) of that section so as to authorize him to search for and take sedentary organisms of a kind specified in the certificate in a part of an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, so specified;
- (d) that, at a time specified in the certificate, a person specified in the certificate was, or was not, or no person was, the holder of a licence under sub-section (2) of section 13 authorizing the use of a ship by him or by a person acting on his behalf in searching for and taking sedentary organisms of a kind specified in the certificate in, or in a part of, an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, so specified;
- (e) that, at a time specified in the certificate, a person specified in the certificate was, or was not, or no person was, the holder of a licence in respect of a ship under sub-section (2) of section 13 endorsed under sub-section (2A) of that section so as to authorize the use of the ship by him or by a person acting on his behalf in searching for and taking sedentary organisms of a kind specified in the certificate in a part of an area of the Australian continental shelf, or an area of the continental shelf of an external Territory, so specified; or
- (f) that, at a time specified in the certificate, a licence under sub-section (4) of section 13 was not in force authorizing the employment of a person specified in the certificate, in a controlled area so specified, as a diver, as a trial diver or as a diver's tender, as the case may be.

(1C) A person giving a certificate under paragraph (d) or (c) of sub-section (1B) that a person was the holder of a licence may, in the certificate, certify that conditions specified in the certificate were the conditions specified in the licence.

(1D) In proceedings for an offence against this Act or the regulations or in proceedings for the condemnation or recovery of a ship seized under this Act, a certificate given under this section is prima facie evidence of the matters specified in the certificate.

(1E) For the purposes of this section, a writing purporting to be a certificate given under this section shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.

(2) Where a person (including a person on board a ship) is at any place that is, or is above, a part of the Australian continental shelf or a part of the continental shelf of an external Territory and he has in his possession or under his control any sedentary organism, then, in any prosecution of that person for an offence against sub-section

(1) of section 15, that possession or control is evidence that the person took the sedentary organism in that part of the Australian continental shelf or that part of the continental shelf of the Territory, as the case may be.

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## PART IV - RESEARCH

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21. The appropriate Minister may cause to be carried out research into the living natural resources of the Australian continental shelf or the continental shelf of an external Territory and, in particular, without limiting the generality of the foregoing, research into -

- (a) means for developing the commercial exploitation of those resources; and
- (b) means for the conservation of those resources.

22. The appropriate Minister may cause investigations to be carried out into economic matters relating to the exploitation of the living natural resources of the Australian continental shelf or of the continental shelf of an external Territory.

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## PART V - MISCELLANEOUS

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23. (1) The appropriate Minister, or a person authorized in writing by the appropriate Minister to grant permits under this section, may grant a permit to a person authorizing that person, in an area of the Australian continental shelf or an area of the continental shelf of a Territory to search for and take, for scientific purposes, subject to such conditions as are specified in the permit, sedentary organisms the taking of which is otherwise prohibited by or under this Act.

(2) The holder of a permit under this section is not guilty of an offence against this Act by reason of anything done by him that is authorized by the permit.

24. (1) A part of a controlled area is, for the purposes of this Act, sufficiently identified in an instrument under this Act if it is described in the instrument as being such part of the controlled area as is within an area specified in the instrument notwithstanding that the area specified in the instrument includes any area that is not part of the controlled area.

(2) An area of continental shelf is, for the purposes of this Act, sufficiently described in an instrument under this Act if it is described in the instrument as being the area of continental shelf beneath an area of waters specified in the instrument.

25. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular -

- (a) for prescribing short methods of reference to areas of the Australian continental shelf, or areas of the continental shelf of a Territory, specified in the regulations, and the purposes for which those methods of reference

may be used;

- (b) for prescribing signals and rules of navigation to be observed by persons in charge of ships engaged in searching for or taking sedentary organisms in controlled areas;
- (c) for prescribing the methods of marking a ship in respect of which a licence is in force under this Act;
- (ca) for providing for services in actions for the condemnation of foreign ships seized as forfeited;
- (d) for providing for the sale or disposal of any ship, sedentary organisms or other goods the forfeiture of which is ordered under this Act or of unclaimed equipment for use in searching for or taking sedentary organisms found in controlled areas;
- (e) for regulating the rights of priority, in respect of the searching for or taking of sedentary organisms in controlled areas, as between persons engaged in searching for or taking sedentary organisms and for prescribing rules to be observed by persons engaged in searching for and taking of sedentary organisms in controlled areas;
- (f) for providing for the furnishing of statistics in relation to the taking of sedentary organisms in controlled areas and in relation to the sale or disposal of sedentary organisms taken in controlled areas; and
- (g) for prescribing penalties not exceeding a fine of two hundred dollars for offences against the regulations.