Date Introduced: 13 April 1978
House: House of Representatives
Presented by: Rt. Hon. I. McC. Sinclair, Minister for Primary Industry

Purpose
To restrict certain defences under the Act to Australian ships and to remove a redundant provision from the regulation-making power.

Background
The Continental Shelf (Living Natural Resources) Act 1968 regulates the taking of sedentary organisms from the sea-bed and subsoil of the continental shelf, in accordance with the 1958 Convention on the Continental Shelf. Section 15 creates certain offences of searching for or taking sedentary organisms and using ships to search for or take sedentary organisms. Sub-section 15(6) provides a defence if the relevant acts are not done for a commercial purpose. In his Second Reading Speech the Minister stated that these defences are being abused by certain foreign ships.

When the Act was amended in 1973, amendments to the Bill in the Senate, relating to the forfeiture of ships, made unnecessary the insertion of paragraph (ca) in section 25 dealing with regulations. The provision was overlooked and is now redundant.

Provisions
Clause 3 amends section 15 so that the defences in sub-section (6) will not apply to foreign ships. A new sub-section (6) is substituted which omits references to sub-sections (3A) and (3B) which relate exclusively to foreign ships; and new sub-sections (6A) and (6B) provide that the defence does not apply where a foreign ship is involved. Clause 4 omits paragraph (ca) of section 25.

The Act is to come into operation at Royal Assent (clause 2) but the amendments only apply to offences committed after the Act commences (clause 5).

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