



Historic Shipwrecks Regulations 1978

Statutory Rules 1978 No. 93 as amended

made under the

Historic Shipwrecks Act 1976

This compilation was prepared on 21 February 2002
taking into account amendments up to SR 2002 No. 8

Prepared by the Office of Legislative Drafting,
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1 Name of Regulations [see Note 1]

These Regulations are the *Historic Shipwrecks Regulations 1978*.

2 Interpretation

In these Regulations:

ship includes a hovercraft and any similar craft.

the Act means the *Historic Shipwrecks Act 1976*.

3 Prescribed fee for the purposes of subsection 12 (3) of the Act

For the purposes of subsection 12 (3) of the Act, the prescribed fee, on payment of which a person is entitled to be furnished with a copy of, or of any part of, the Register, is 50 cents per page of the copy.

4 Prohibition of certain activities in protected zones generally

- (1) A person shall not do any of the following acts:
- (a) bring into a protected zone equipment constructed or adapted for diving, salvage or recovery operations, or any explosives, instruments or tools the use of which would be likely to cause damage to, or interference with, a historic shipwreck or a historic relic situated within that protected zone;
 - (b) use within a protected zone any such equipment, explosives, instruments or tools;
 - (c) cause a ship carrying any such equipment, explosives, instruments or tools to enter, or remain within, a protected zone;
 - (d) trawl, or dive or engage in any other underwater activity, within a protected zone;

Regulation T4AT

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

Penalty: 10 penalty units, or imprisonment for 1 year, or both.

- (2) However, it is a defence to a prosecution under subregulation (1) if the person:
- (a) is acting in accordance with a permit granted under subsection 15 (1) of the Act; or
 - (b) has a reasonable excuse.

Note A defendant bears an evidential burden in relation to the matters mentioned in subregulation (2) (see section 13.3 of the *Criminal Code*).

4A Prescribed amount for the purposes of subsection 18 (1) of the Act

For the purposes of subsection 18 (1) of the Act the prescribed amount is \$50,000.

5 Identity card

- (1) An identity card required by subsection 22 (2) of the Act to be issued to each inspector appointed under subsection 22 (1) of the Act shall be substantially in accordance with the form in the Schedule.
- (2) Each identity card issued under subsection 22 (2) shall be numbered consecutively.
- (3) The Minister shall cause a record to be kept of each identity card issued and of its number.

**Schedule Inspector's Identity Card
No.**

(regulation 5)

COMMONWEALTH OF AUSTRALIA

Historic Shipwrecks Act 1976

(subsection 22 (2))

INSPECTOR'S IDENTITY CARD No.

The person whose name, address, photograph and signature appear below is an inspector for the purposes of the *Historic Shipwrecks Act 1976*.

Name	Photograph
Address	
Signature.....	

Dated this day of 19 .

Minister of State for Home Affairs

Table of Statutory Rules

Notes to the Historic Shipwrecks Regulations 1978

Note 1

The *Historic Shipwrecks Regulations 1978* (in force under the *Historic Shipwrecks Act 1976*) as shown in this compilation comprise Statutory Rules 1978 No. 93 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1978 No. 93	27 June 1978	27 June 1978	
1979 No. 124	5 July 1979	5 July 1979	—
1980 No. 391	31 Dec 1980	31 Dec 1980	—
1983 No. 24	28 Feb 1983	28 Feb 1983	—
1990 No. 115	5 June 1990	5 June 1990	—
2002 No. 8	21 Feb 2002	21 Feb 2002	—

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 2002 No. 8
R. 2	am. 1983 No. 24; 1990 No. 115
R. 4	am. 1979 No. 124; 1983 No. 24; 1990 No. 115; 2002 No. 8
Rr. 4AA, 4AB	ad. 1983 No. 24 rep. 1990 No. 115
R. 4A.....	ad. 1980 No. 391

