

FISHERIES.

13° Elizabeth II., No. LXIII.

No. 63 of 1964.

AN ACT to amend the Fisheries Act, 1905-1962.

[Assented to 4th December, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Fisheries Act Amendment Act, 1964*.

Reprinted
as approved
for reprint,
16th March,
1962, and
amended by
Act No. 63
of 1962.

(2) In this Act the Fisheries Act, 1905-1962, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Fisheries Act, 1905-1964.

2. The principal Act is amended by adding after section twelve, the following sections—

Ss. 12A to 12D added.

12A. (1) In this section, “proclaimed fishing zone” means a specific portion of the State that the Governor by proclamation made pursuant to this section declares to be a proclaimed fishing zone for the purposes of this Act.

Governor may declare proclaimed fishing zones.

(2) The Governor, on the recommendation of the Minister, may at any time and from time to time declare a specific portion of the State south of the thirty-second parallel being any part of the seashore up to high water mark, and any portion of Western Australian waters contiguous to that part of the seashore, to be a proclaimed fishing zone for the purposes of this Act during any specified time in any specified year or during a specified portion of every year.

(3) A proclamation made under this section—

- (a) shall specify and describe the part of the seashore and contiguous waters declared by the proclamation to be a proclaimed fishing zone;
- (b) shall specify the period during which the portion of the State specified and described in the proclamation shall be a proclaimed fishing zone;
- (c) may be cancelled or from time to time varied, or an error in the proclamation may be rectified, by a subsequent proclamation.

12B. In addition to all other powers that he has under this Act, the Chief Inspector of Fisheries shall, in respect to any proclaimed fishing zone, have the following powers—

Additional powers of Chief Inspector of Fisheries.

- (a) to authorise in writing in the prescribed form any person or persons to enter in or upon a proclaimed fishing zone and remain therein or thereon under and subject to such conditions and for such period or

periods as the Chief Inspector of Fisheries may determine and shall specify in the authority;

- (b) to regulate and control in such manner and by such means as he may think fit, the use of the proclaimed fishing zone and the behaviour, conduct and activities while therein or thereon of any person authorised by him to enter in or upon that proclaimed fishing zone;
- (c) to erect and display, and at any time alter or remove, such signs and notices as the Chief Inspector of Fisheries may from time to time think necessary or convenient for facilitating the effective control and use of the proclaimed fishing zone, and either verbally or in writing to make such requests and give such directions and orders as he may think necessary in the circumstances, and to require compliance therewith and with any sign or notice erected and displayed pursuant to this paragraph;
- (d) to regulate or prohibit the entry in or upon a proclaimed fishing zone, or the use within the same, of any vehicle, tractor, boat, outboard motor, engine, machinery, implement, appliance, line, net, pot, gear, or other article whatsoever whether of the same or a different kind.

Delegation
by Chief
Inspector of
Fisheries.

12C. (1) The Chief Inspector of Fisheries may by writing signed by him delegate all or any of the powers conferred upon him by section twelve B of this Act to any one or more of the inspectors under this Act, and every inspector to whom any power is so delegated may, during the period that any proclaimed fishing area is declared so to be, exercise in respect to that proclaimed fishing zone the power so delegated in the same manner and with the same effect as if it were directly conferred upon him by this Act and not by delegation.

(2) Where the exercise of the power is dependent upon the opinion, or belief, of the Chief Inspector of Fisheries in relation to any matter, that power when delegated may be exercised by the delegate upon his opinion, or belief, in relation to the matter.

(3) An inspector who purports to exercise a power pursuant to a delegation conferred upon him under the provisions of this section is presumed to do so in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation made pursuant to this section may be revoked wholly or in part by the Chief Inspector of Fisheries at any time, but no delegation shall prevent the Chief Inspector of Fisheries from exercising personally any power delegated by him under this section.

12D. A person who—

- (a) not being a licensed professional fisherman enters in or upon a proclaimed fishing zone without first obtaining the authority in writing of the Chief Inspector of Fisheries or his lawful delegate;
- (b) by act or omission contravenes or attempts to contravene any of the provisions of section twelve B of this Act; or
- (c) refuses or neglects to comply with and obey any requirement of the Chief Inspector of Fisheries or his lawful delegate, or of any sign or notice, to do or refrain from doing any act or thing within a proclaimed fishing zone,

Penalty for offences in respect of proclaimed fishing zones.

commits an offence against this Act.

Penalty: A fine of not less than ten pounds nor more than one hundred pounds, which minimum penalty of ten pounds is irreducible in mitigation notwithstanding the provisions of any Act.