

FISHERIES.

11° Elizabeth II., No. LXIII.

No. 63 of 1962.

AN ACT to amend the Fisheries Act, 1905-1961.

[Assented to 30th November, 1962.]

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:—

1. (1) This Act may be cited as the *Fisheries Act Amendment Act, 1962*.

(2) In this Act the Fisheries Act, 1905-1961. is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Fisheries Act, 1905-1962.

Short title
and citation.

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approved for
reprint, 16th
March 1962.

S. 6
amended.

2. Section six of the principal Act is amended—

(a) by adding immediately after the section number, "6" in line one, the subsection designation, "(1)";

(b) by adding after paragraph (g) the following paragraph—

(ga) prescribing in addition to those specified in this Act, persons and things required to be licensed and the circumstances in which they are required to be licensed; ;

(c) by substituting for the passage commencing with the word, "Such" immediately following paragraph (p) down to and including the word, "regulations", being the last word in that passage, a subsection as follows—

(2) The regulations may impose a penalty not exceeding one hundred pounds for a breach of any regulation made under this section and, in the case of a continuing breach, not exceeding two pounds for each day that the breach is continued, and may provide for the forfeiting, in addition to any penalty, of nets, crayfish pots, lines, implements, or appliances used and fish brought into Western Australian waters, taken, consigned or in the possession of any person, in breach of those regulations. ; and

(d) by substituting for the proviso a subsection as follows—

(3) Notwithstanding the provisions of subsection (1) of this section, when the council of a shire, acting under any authority in that behalf contained in any Act relating to local government now or hereafter in force, has made and gazetted by-laws for any of the purposes of paragraphs (b) and (c) of subsection (1) of this section and applying to any

Western Australian waters vested in or under the control of that shire or to specified portions of those waters, regulations made by the Governor, so far as they relate to the purposes of paragraphs (b) and (c) of subsection (1) of this section, shall not, so long as those by-laws remain in force, apply to those waters or to the taking of fish therein. .

3. Section nine of the principal Act is amended— S. 9
amended.

- (a) by inserting after the word, “waters” in line ten, the word, “for any specified term”;
- (b) by substituting for the words, “a road board” in line one of the proviso, the words, “the council of a shire”; and
- (c) by substituting for the words, “the road board” in line six of the proviso, the words, “that shire”.

4. Section seventeen of the principal Act is amended by adding after paragraph (da) of subsection (3), the following paragraph— S. 17
amended.

- (db) limiting the number of crayfish pots that any such boat may carry or use at any one time when engaged in the taking of crayfish; .

5. Section twenty-eight of the principal Act is amended by substituting for the passage, “a road board, includes the secretary and any member or officer of the road board” in lines three and four of subsection (2), the passage, “the council of a shire, includes the shire clerk and any member or officer of that council”. S. 28
amended.

6. Section thirty-one of the principal Act is amended by substituting for the passage, “1919-1948” in line five of paragraph (b) of subsection (8), the passage, “1919, or the Local Government Act, 1960”. S. 31
amended.

S. 31A
amended.

7. Section thirty-one A of the principal Act is amended—

- (a) by substituting for the word, “municipality” in line three of subsection (2), the words, “a city or a town”;
- (b) by substituting for the words, “road board” in line four of subsection (2), the word, “shire”; and
- (c) by substituting for the words, “chairman and the secretary” in the last line of subsection (2), the words, “president and the shire clerk”.

S. 41
amended.

8. Section forty-one of the principal Act is amended by inserting after the word, “net” in line six, the passage, “, crayfish pot, appliance, or other article”.

S. 48
amended.

9. Section forty-eight of the principal Act is amended by inserting after the word, “nets” in line one of subsection (1), the passage, “, crayfish pots”.

S. 49
amended.

10. Section forty-nine of the principal Act is amended—

- (a) by inserting after the word, “net” where it occurs in each of lines one and seven of subsection (1), the passage, “, crayfish pot” in each case;
- (b) by inserting after the word, “ten” in line two of subsection (2), the passage, “of this Act,”;
- (c) by substituting for the words, “a road board” in line four of subsection (2), the passage, “the council of a shire,”;
- (d) by inserting after the word, “net” in line five of subsection (2), the passage, “, crayfish pot”;

- (e) by substituting for the passage, "secretary, officers and members of the road board" in the last line of subsection (2), the passage, "shire clerk, officers, and members of the council of that shire"; and
- (f) by inserting after the word, "net" in line two of subsection (3), the passage, ", crayfish pot".

11. The principal Act is amended by adding after section forty-nine a section as follows—

S. 49A
added.

49A. (1) When an inspector finds any plant or appliance being used for cooking or processing undersized crayfish or crayfish tails of a weight less than the weight prescribed, or which he has reason to believe has been or is intended to be so used, the inspector may seize that plant or appliance and cause it to be taken before a justice who, upon being satisfied that there are reasonable grounds for believing that the plant or appliance so seized was being, or had been or was intended to be, so used, order the same to be forfeited to Her Majesty and the same shall be forfeited accordingly.

Inspector
may seize
plant used
for pro-
cessing
under-sized
crayfish.

(2) Any person claiming to be the owner of any plant or appliance seized pursuant to subsection (1) of this section may appear before the justice before whom the plant or appliance has been taken and make such representations as he may think fit.

12. Section fifty of the principal Act is amended—

S. 50
amended.

- (a) by inserting after the word, "nets" in line four, the passage, ", crayfish pots"; and
- (b) by inserting after the word, "articles" in line five, the passage, "for taking fish, and all plant and appliances for cooking or processing undersized crayfish or crayfish tails of a weight less than the weight prescribed".