

## FISHERIES.

2° and 3° GEO. VI., No. XXVII.

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No. 27 of 1938.

**AN ACT to amend the Fisheries Act, 1905-1921.**

[Assented to 31st January, 1939.]

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

1. This Act may be cited as the *Fisheries Act Amendment Act, 1938* (No. 2), and shall be read as one with the Fisheries Act, 1905-1921, as reprinted in the Appendix to the Sessional Volume of Statutes for the year 1928, and hereinafter called the principal Act. Short title.

Amendment  
of s. 6 of  
principal Act.

2. Section six of the principal Act is amended by adding a proviso as follows:—

Provided that when a road board 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 this section and applying to any West Australian waters vested in or under the control of the road board or to specified portions of such waters, regulations made by the Governor, so far as they relate to the purposes of paragraphs (b) and (c) of this section, shall not, so long as the by-laws remain in force, apply to such waters nor to the taking of fish therein.

Amendment  
of s. 8 of  
principal Act.

3. Section eight of the principal Act is amended by adding a proviso as follows:—

Provided that when a road board 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 applying to any West Australian waters vested in or under the control of the road board or specified portions of such waters and relating to any of the purposes for which the Governor may make proclamations under this and the next succeeding section proclamations made under such sections shall not, so long as the by-laws remain in force, apply to such waters nor to the taking of fish therein.

Amendment  
of s. 9 of  
principal Act.

4. Section nine of the principal Act is amended by inserting after the word "may" in line one the words "subject to the proviso contained in the last preceding section."

Amendment  
of s. 26 of  
principal Act.

5. Section twenty-six of the principal Act is amended by adding a paragraph as follows:—

(2) For the purposes of this section "inspector," where the prohibited water is affected by by-laws made by a road board, includes the secretary and any member or officer of the road board, and "prohibited water" includes any waters to which the by-laws apply.

Amendment  
of s. 37a of  
principal Act.

6. Subsection (2) of section thirty-seven A of the principal Act is amended by deleting the words "is in force" in line two and inserting in lieu thereof the words

“or by-laws relating to any of the purposes of such sections made by a road board are in force; and where any boat, net, line or implement or appliance for taking fish is found in waters to which such by-laws apply ‘inspector’ includes the secretary, officers and members of the road board.”

7. The principal Act as amended by this Act may be cited as the Fisheries Act, 1905-1938.

Citation of  
principal Act.  
as amended.

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