

PEARLING ACT—AMENDMENT.

10° GEO. V., No. VIII.

No. 20 of 1919.

AN ACT to amend the Pearling Act, 1912.

[Assented to 11th November, 1919.]

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 *Pearling Act Amendment Act*, 1919, and shall be read as one with the Pearling Act, 1912 (hereinafter called the "principal Act"), and shall come into operation on a day to be fixed by proclamation.

Short title and commencement.

2. The following definitions are inserted in their appropriate places in section five:—

Amendment of Section 5.

"Tropical waters adjacent to Western Australia" means the waters within the limits following:—On the North 13° 30', and on the South 27° of South Latitude, and on the West 112° 52', and on the East 129° of East Longitude.

"Document" includes book, paper, and writing.

3. The following section is hereby inserted after section twelve of the principal Act:—

Insertion of new section after Section 12.

12a. When application is made to a licensing officer for the grant, transfer, or removal of a license, such officer may put to the applicant and to any other person such questions relevant to the application as he may think fit, and may require the applicant or any other person to produce and exhibit for inspection any document in his possession, custody, or power relating to or containing any entry relating to the subject matter of the application, and to allow the same to be examined.

Licensing officers may make inquiries.

Amendment of
Sections 13 and
16.

4. Section thirteen of the principal Act is hereby amended by the insertion therein of the words "or removal" after the word "transfer," and section fifteen of the principal Act is hereby amended by the insertion of the word "removal" after the word "renewal," wherever such word occurs therein, and by the insertion of the word "remove" after the word "renew," in the third subsection.

Amendment of
Section 18.

5. Section eighteen of the principal Act is hereby amended by the insertion of the word "removed" after the word "transferred."

Insertion of new
section after
Section 27.

Provision for
removal of
license from one
ship to another.

6. The following section is hereby inserted after section twenty-seven of the principal Act:—

27a. (1.) If any ship in respect of which a ship license is in force has been lost or so damaged that, in the opinion of an inspector, it is not practicable to make use of the license in connection therewith, such inspector may, on application made by or on behalf of the licensee, order that the license shall be removed to another ship of the applicant's, and such license shall thereupon and thereafter operate, and may be used in connection with such other ship accordingly.

(2.) Every such order shall be made by memorandum indorsed on the license according to the prescribed form, and the prescribed fee (not exceeding five shillings) shall be paid therefor.

Amendment of
Section 42.

7. Section forty-two of the principal Act is hereby amended by the addition of the following subsection:—

(3.) All pearls and pearl-shells which are the subject matter of any offence against this section shall be forfeited to His Majesty.

Amendment of
Section 60.

8. Section sixty of the principal Act is hereby amended by the insertion after the word "sell" of the words "or deliver for sale," and by the insertion after the word "buy" of the words "or receive for sale."

Insertion of new
section after
Section 61.

9. The following section is hereby inserted in the principal Act after section sixty-one:—

No pearl to be
sent out of
portion of State
to which this
part applies ex-
cept after
notice to In-
pector.

61a. (1.) No person shall send or take any pearl out of the portion of the State North of the twenty-seventh parallel of South latitude, unless he shall have given to

an inspector forty-eight hours' previous written notice of his intention so to do.

Penalty: Fifty pounds.

(2.) Every person who has given such notice as is mentioned in this section shall, on demand made before the pearl is despatched or taken, permit an inspector to view and inspect such pearl.

Penalty: Twenty pounds.

(3.) This section shall not apply to any pearl which was found or has at any time been conveyed South of the said parallel or outside the limits both of the State and of the tropical waters adjacent to Western Australia.

10. A subsection is added to section sixty-four of the principal Act, as follows:—

Amendment of section 64.

(5.) No licensed pearl dealer shall have or use as a registered place of business any place which is used for the transaction of any other business: provided that this prohibition shall not apply to any corporation carrying on the business of banking.

Penalty: Ten pounds.

11. The following section is hereby inserted at the end of Part II. of the principal Act:—

Insertion of new section at end of Part II.

73a. No person shall act or be employed or engaged as the agent or deputy of a pearl dealer unless he is himself the holder of a pearl dealer's license.

Agent of pearl dealer to be licensed.

Penalty: Fifty pounds.

12. Sections eighty-four and eighty-eight of the principal Act are hereby amended by the deletion of the words "magistrate or inspector," in each section, and the substitution of the word "superintendent."

Amendment of Sections 84 and 88.

13. The following section is hereby inserted at the end of Part III. of the principal Act:—

Insertion of new section at the end of Part III.

93a. The fees payable in respect of the various matters mentioned in the Seventh Schedule to this Act shall be as therein respectively set out.

Fees chargeable under this Part. Seventh Schedule.

14. Section ninety-four of the principal Act is hereby amended by the insertion of the words "(whether of the person or of premises or effects)" after the word "searches,"

Amendment of Section 94.

in paragraph (j) of subsection one, and by the addition of the words “and use force whether by breaking open doors or otherwise,” at the end of paragraph (k) of the said subsection.

Insertion of new sections at the beginning of Part V.

Beach-combers' licenses.

15. The following sections are inserted at the beginning of Part V. (Miscellaneous) of the principal Act:—

101a. (1.) An inspector may, subject to this Act and the payment of the prescribed fee, grant a beach-comber's license in the prescribed form, which shall give a general but not an exclusive right to collect and remove pearl-shell from such portion or portions of the sea-shore of Western Australia North of the Tropic of Capricorn as shall not for the time being be included in a pearl-shell area or be subject to an exclusive license.

(2.) The fee for a beach-comber's license shall be the same as that for a general license.

(3.) No person shall gather, collect, or remove pearl-shell from any part of the sea-shore of Western Australia North of the Tropic of Capricorn, except under the authority of a beach-comber's or some other license granted under this Act.

Penalty: Twenty pounds or a daily penalty of Two pounds.

(4.) For the purposes of this section, “sea-shore” includes all that portion of the shore of the mainland or any island or reef which is uncovered at the lowest tide.

(5.) The provisions of section sixteen shall apply to a beach-comber's license, as if such license were mentioned therein.

Pearl-cleaners' Licenses.

101b. (1.) Any resident magistrate of any magisterial district lying wholly or partially to the North of the twenty-seventh parallel of South latitude may, subject to this Act, on application grant to any person who, in the opinion of such magistrate, is a person of good character and reputation, a pearl-cleaner's license.

(2.) The fee for a pearl-cleaner's license shall be Two pounds.

(3.) Such license shall authorise the licensee to act as a pearl-cleaner.

(4.) No person shall, North of the twenty-seventh parallel of South latitude, act as a pearl-cleaner, except under the authority of a pearl-cleaner's license.

Penalty: Fifty pounds.

(5.) "Pearl-cleaner" means a person who cleans, cuts, or alters pearls or improves the shape or appearance of pearls, or receives pearls or has pearls in his possession for the purpose of performing any of the operations aforesaid thereon.

(6.) Every licensed pearl-cleaner shall keep a book in the prescribed form, and immediately after the receipt of any pearl shall make an entry in such book of the name and address of the person from whom he received it, and the pearl-cleaner shall also enter in the book a record of the nature of any work done on any pearl, and the name and address of the person to whom he has delivered any pearl, together with any other prescribed particulars.

Penalty: Twenty pounds.

(7.) Every person delivering or receiving any pearl to or from any pearl-cleaner shall sign in the pearl-cleaner's book a note of such delivery or receipt setting out the date thereof.

Penalty: Twenty pounds.

(8.) The provisions of sections sixteen, sixty-three, and sixty-eight shall apply *mutatis mutandis* to and in respect of pearl-cleaners and pearl-cleaners' licenses, as if such cleaners and licenses were mentioned therein.

101c. (1.) Any inspector may, on application and on payment of the prescribed fee not exceeding three pounds, grant a shell-buyer's license. Shell buyers' licenses.

(2.) Such license shall authorise the holder to purchase pearl-shell from any holder of a ship, exclusive, general, shell-buyer's or beach-comber's license, but not from any other person.

(3.) No person shall at any place North of the twenty-seventh parallel of South latitude purchase any pearl-shell except under the authority of a shell-buyer's license.

Penalty: Fifty pounds.

(4.) Every holder of a shell-buyer's license shall, on demand by a magistrate or an inspector, give an account of all pearl-shell purchased by him during any period mentioned in the demand.

Penalty: Twenty pounds.

(5.) The receipt or acquisition of any pearl-shell by way of pledge or exchange shall be deemed a purchase for the purposes of this section.

(6.) The provisions of section sixteen of this Act apply to a shell-buyer's license as if such license were mentioned therein.

Additional powers of inquiry by inspectors.

101d. Any inspector may put to any licensed pearl-dealer or cleaner such questions relating to his business and transactions under or in connection with his license as he may think fit, and may require such dealer or cleaner or any agent, clerk, or servant of his to produce and exhibit for inspection all documents in his possession, custody, or power relating to or containing any entry relating to such business or transactions, and to allow the same to be examined.

Amendment of Section 102.

16. Section one hundred and two of the principal Act is amended by the insertion in paragraph (d) of the words "and completely" after "truthfully."

Amendment of Section 103.

17. Section one hundred and three of the principal Act is hereby amended by the insertion of the words "and things" after the word "ship," in the third subsection.

Amendment of Section 104.

18. Section one hundred and four of the principal Act is hereby amended by the insertion of the following paragraph after paragraph (h) :—

(hh) The limitation of the amount of money which may be lawfully carried or kept on any pearling ship.

Amendment of Section 106.

19. A new section is hereby added to the principal Act, as follows :—

Limitation of prosecutions.

107. A prosecution for a simple offence against this Act may be commenced at any time within twelve months after the offence was committed.

Amendment of Third Schedule.

20. The Third Schedule to the principal Act is hereby amended by increasing the fee for a pearl dealer's license from ten pounds to fifty pounds.

Amendment of Sixth Schedule.

21. The Sixth Schedule of the principal Act is hereby amended by the addition to section two thereof of a paragraph, as follows :—

(c) A dinghy which shall have been certified, within the last preceding six months, to be suitable, by writing under the hand of an inspector.

22. The following schedule is hereby added to the principal Act:—

Addition of
Schedule.

Seventh Schedule.

	s.	d.
For a form of pearling agreement in duplicate ..	5	0
For every pearl-fisher engaged before a superintendent (payable by employer)	2	0
For every pearl-fisher discharged before a superintendent (payable by pearl-fisher) ..	2	0
For every desertion certified by superintendent	2	0

23. All copies of the principal Act hereafter printed by the Government Printer shall be printed as altered by the existing amendments thereof, including this Act, under the supervision of the Clerk of Parliaments, and all necessary references to the amending Acts shall be made in the margin. In any such reprint the short title shall be altered to the Pearling Act, 1912-19, by which title the principal Act and the said amendments may be cited together.

Citation and
reprint of
principal Act
and amend-
ments.