

WESTERN AUSTRALIA.



ANNO QUARTO

GEORGI QUINTI REGIS,  
IX.

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No. 9 of 1913.

AN ACT to amend the Fisheries Act, 1905.

[Assented to 8th November, 1913.]

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 shall come into operation on a day to be fixed by proclamation, and may be cited as the *Fisheries Act Amendment Act, 1913*, and this Act, the *Fisheries Act Amendment Act, 1911*, and the principal Act may be cited together as the *Fisheries Act, 1905-13*. Short title and commencement.

2. In this Act the words "principal Act" mean the *Fisheries Act, 1905*. Meaning of "principal Act."

3. In the heading of Part III. of the principal Act the words "net and line" are deleted. Amendment of heading of Part III.

4. Sections eight, nine, and ten of the principal Act are hereby repealed, and the following sections shall stand in lieu thereof:— Substitution of new sections for Sections 8, 9 and 10.

8. The Governor may by proclamation prohibit all persons from— Proclamation of close fisheries.

(a.) Taking fish of any specified species, by any specified means of capture;

(b.) Taking any fish whatsoever, by any specified means of capture;

(c.)

(c.) Taking any fish whatsoever, by any means of capture whatsoever;

in any specified portion of Western Australian waters during any specified time in any specified year or during a specified portion of every year.

Proclamation closing waters against use of fishing nets, etc.

9. The Governor may by proclamation prohibit all persons from taking any fish whatsoever, in every or any specified portion of Western Australian waters, by means of fishing nets and fishing lines, or either of such means of capture, or by any other specified means of capture, for any specified term

Proclamations may be varied or revoked or be subject to exceptions.

10. Every proclamation issued under section eight or nine may—

- (a) be revoked or varied at any time; and
- (b) be subject to any specified exception as regards species of fish, or means, place, time, or purpose of capture or otherwise; and
- (c) restrict the means of capture mentioned in any such exception to implements and appliances supplied by or under the authority of the Minister.

Express prohibition of breach of proclamation.

10A. No person shall—

- (a.) Contravene by act or omission any proclamation issued under section eight or nine; or,
- (b.) Attempt to contravene any such proclamation; or
- (c.) Be in possession of fish taken in contravention of any such proclamation, or of any line, net, or other means of capture whatsoever intended to be used in contravention of any such proclamation; or
- (d.) Sell or attempt to sell any fish taken in contravention of any such proclamation or which could in accordance with any such proclamation be taken for domestic or personal use only and not for sale.

Amendment of Section 22.

5. Section twenty-two of the principal Act is hereby amended by the substitution of the word "length" for the words "weight or size" in subsection one, and by the substitution in subsection three of the words "weight less than twelve ounces or than such greater or lesser weight as may be from time to time prescribed by proclamation" in lieu of the words "size less than that prescribed in the second schedule."

Amendment of Section 23.

6. Section twenty-three of the principal Act is hereby amended by the substitution of the word "length" for the word "weight," wherever the latter word occurs therein.

Amendment of Section 37.

7. Section thirty-seven of the principal Act is hereby amended by the insertion, immediately after the word "used," of the words "or intended to be used."

8. The following section is hereby inserted in the principal Act after the thirty-seventh section, that is to say—

Insertion of new section.

37A. (1.) When any boat, net, line, or implement or appliance for taking fish shall be found by any inspector in any closed waters without any person in actual possession thereof, then such inspector or another inspector shall give the prescribed notice of the finding thereof and shall thereafter cause the thing so found to be taken before a Justice, and, in default of any person establishing a claim to the thing to the satisfaction of the Justice, the Justice shall, if satisfied that there are reasonable grounds for believing that the thing in question has been or was intended to be used in contravention of this Act, condemn the same as forfeited to His Majesty, and the same shall be forfeited accordingly.

Forfeiture of boats, nets, etc., found in closed waters without owner.

(2.) "Closed waters" means any waters as to which any proclamation under section eight or nine is in force.

9. Section forty-two of the principal Act is hereby amended by the deletion of the words "twice, within a period of six months," in lines one and two.

Amendment of Section 42.

10. The second schedule of the principal Act is hereby repealed, and the following schedule shall stand in lieu thereof as the second schedule of the Act, that is to say—

Substitution of new second schedule.

### SECOND SCHEDULE.

Common Names of Fish.	Lengths.	
<i>Marine or Fluvio-Marine :</i>		
Black Bream ... ..	8	
Silver Bream or Tarwhine ... ..	8	
Schnapper ... ..	11	
Queen Fish ... ..	12	
Australian Salmon (or so-called Salmon Trout)	10	
Silver Fish or Silver Belly ... ..	4	
River Kingfish or Jewfish ... ..	13	
Sea Pike ... ..	13	
Red Mullet ... ..	6	
Whiting {	Silver or Sand Whiting ... ..	9
	King George or Spotted Whiting	10
	School Whiting ... ..	8
	Trumpeter Whiting ... ..	7
Butter Fish ... ..	7	
N.W. Schnapper or Pig-faced Bream ... ..	11	
Blue Groper ... ..	12	
Red or Brown Groper ... ..	10	
Kingfish (sea) ... ..	15	
Skipjack or Trevally ... ..	8	
Tailer ... ..	8	
Flounder ... ..	8	
Red Rock Cod ... ..	9	

## SECOND SCHEDULE—continued.

Common Names of Fish.	Lengths.
<i>Marine or Fluvio-Marine—continued:</i>	
	Inches.
Red Gurnard ... ..	9
Jewfish (sea) or Westralian Perch ... ..	13
Flathead { Dusky Flathead ... ..	12
{ Sand Flathead ... ..	11
{ Marbled Flathead ... ..	11
Shark-beaked Gurnard ... ..	9
King Schnapper or Nannygai ... ..	9
Mullet { River or Sea Mullet ... ..	9½
{ Pilchard or Yellow-eye Mullet ... ..	9
{ Sand Mullet ... ..	9
Garfish { Sea Garfish ... ..	9
{ River Garfish ... ..	7
Garpike or Longtom ... ..	13
Sergeant Baker ... ..	12
Herring (sea) or Roughy ... ..	6
Yellowtail or Perch ... ..	7
Perth Herring or Gizzard Shad ... ..	5
Sole ... ..	8
Pilchard (sea) ... ..	3
Sweep ... ..	8
Prawns ... ..	2
<i>Fresh Water Varieties.</i>	
Murray Cod ... ..	15
Murray Perch ... ..	9
English Perch ... ..	9
Crucian Carp ... ..	7

NOTE AS TO MEASUREMENT.—All fish excepting Garfish are measured overall, that is, from point of the snout to the end of the tail. Garfish are measured from the tip of the upper jaw to the end of the upper half of the tail. Prawns are measured along the body from the eyes to the tip of the tail.

Reprinting of principal Act and amendments.

11. All copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by this Act and the Fisheries Act Amendment Act, 1911, under the supervision of the Clerk of Parliaments, and all necessary references to the amending Acts made in the margin, and in any such reprint the short title shall be altered to the *Fisheries Act, 1905-13*.