



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XLVII.

AN ACT to amend the Fishery Act, 1889.

[Assented to, 16th December, 1899.]

BE it enacted by the Queen'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, 1899, and shall come into operation on the first day of January, One thousand nine hundred.

Short title, incorporation, and commencement.

2. IN this Act, unless the context otherwise requires,—

“Boat” means any punt or boat or other vessel, whether propelled by oars, sails, steam, or any other means.

“Boat license” means a license issued under this Act to use a boat for fishing.

“Close waters” means such Western Australian waters as by proclamation made under this Act are for the time being closed to fishing.

“Engine” means any hedge, weir, net, device, or contrivance of any kind for the purposes of catching fish or taking the spawn of fish.

Interpretation.

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“ Fish ” includes crustacea.

“ Fisherman’s license ” means a license granted under this Act.

“ Inspector ” means an Inspector or Sub-inspector of Fisheries, and any officer of police or constable, and any person appointed under the hand of the Minister or of a Justice of the Peace.

“ Minister ” means the Minister administering this Act.

“ Prescribed ” means prescribed by this Act or the principal Act, and the regulations thereunder or under the principal Act.

“ Proclamation ” means a proclamation published in the *Government Gazette*.

“ Regulations ” means the regulations made under this Act.

“ Western Australian waters,” not exempted by proclamation from the operation of this Act, and includes every brook, creek, river, or stream of water, lake, or lagoon, whether salt or fresh, and every estuary and arm of the sea, and the sea to three miles from high-water mark.

Fishing-boats to be licensed.

3. NO boat shall be used for catching fish in Western Australian waters for sale, unless the owner of the boat is the holder of an annual boat license granted under this Act for that purpose.

On payment of a fee of One pound, or, after the thirtieth day of June in any year, of Ten shillings, the Minister may cause a boat license to be issued, authorising the use of the boat for fishing in Western Australian waters, specifying in such license the boat, and the name and address of the owner thereof; and every such license shall expire on the thirty-first day of December next after the issuing thereof.

All boat licenses shall be numbered consecutively as issued, and every licensed boat shall have the number of the license painted on the bow above the waterline, in figures not less than six inches in length, being white on a dark ground, or black on a light ground, and on the mainsail (if any), above all reef points, in figures not less than eighteen inches in length, and the owner shall keep such figures legibly painted during the currency of the license.

Every person using a boat in contravention of this section, and every owner allowing the same to be so used, shall be guilty of an offence against this Act.

Fishermen fishing for sale to be licensed.

4. NO person shall engage in catching fish for sale unless he is the holder of a fisherman’s license granted under this Act for that purpose, and no person shall fish with a seine net unless he is the holder of a fisherman’s license.

On payment of a fee of Ten shillings, the Minister may cause a fisherman’s license to be issued to an adult person to be named therein

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therein, authorising the licensee to catch fish in Western Australian waters for sale, and, on payment of a fee of Five shillings, shall cause a like license to be issued to any person under the age of twenty-one years. Every license shall expire on the thirty-first day of December next after the issuing thereof.

After the thirtieth day of June in any year, only one-half of the fees above mentioned shall be paid for the licenses by this section required respectively.

Every person who catches fish in Western Australian waters, for sale, or with a seine net, without being licensed as herein provided, or who employs for that purpose another person who is not so licensed, shall be guilty of an offence against this Act.

5. EVERY person who, in any Western Australian waters, stakes, fixes, or otherwise sets any net the mesh of which is of less than the prescribed dimension, or places, stakes, fixes, or otherwise sets any net across the mouth or from bank to bank of any channel, creek, tidal river or stream, shall be guilty of an offence against this Act.

Forbidding the setting of certain nets or of any nets in certain places.

6. AN Inspector appointed under this Act, or any police officer or constable, may at any time go on board any boat or into any house, tent, or other premises to inspect fish, and to search for, seize, and take away any net suspected to have been used in violation of this Act or the regulations.

Inspector appointed under this Act may search for nets.

7. THE Governor may, at any time, by proclamation, do as follows:—

Governor may by proclamation :

Exempt any portion of the Colony specified in such proclamation from the operation of this Act, and may, in like manner, revoke such proclamation ;

Exempt portions of Colony from Act.

Declare any Western Australian waters to be close waters for all or any kind of fishing, and for any times specified in such proclamation ;

Close waters.

Notwithstanding anything in the Game Act, 1892, declare a scale of rewards, and the conditions for the payment thereof, for the destruction of cormorants, pelicans, and such other birds as by such proclamation may be declared hostile to fish life ; and

Offer rewards for destruction of certain birds.

Make regulations prescribing the length, width, and meshes of nets, whether generally or for certain places or times, for the carrying of lights by licensed boats engaged in fishing, and otherwise for the effectual execution of this Act, and prescribe pecuniary penalties not exceeding

Make regulations

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Twenty pounds for the breach of any such regulations, and also forfeiture of nets and any other implements used in breach of such regulations.

Licenses to catch fish for domestic purposes in close waters.

8. NOTWITHSTANDING that any waters have been declared by the Governor to be close waters, the Minister may cause licenses to be granted to any person to catch fish in such waters for domestic purposes only, and not for sale; and every such licensee who, while such waters are close, catches fish therein for other than domestic purposes, or sells fish caught therein, shall be guilty of an offence against this Act

Burden of showing that fish were not caught for sale to be on the accused.

9. IN any prosecution for an offence against this Act in which it is material to show that the accused person was engaged in catching fish for sale, proof that such person in fact caught fish shall be *prima facie* evidence that such person caught the fish for sale, and the burden of showing that the fish were not caught for sale shall rest on the accused person.

License may be suspended or cancelled in certain cases.

10. WHERE a person holding a license under this Act has twice within a period of six months been convicted of an offence against this Act, he shall be liable, in addition to any other punishment, to the suspension or cancellation of his license at the discretion of the Minister.

Act not to apply to aborigines.

11. THIS Act shall not apply to fish obtained for food by the aboriginal inhabitants of the Colony in their accustomed manner, otherwise than by means of any weir or hedge.

General penalty for offences against this Act.

12. ALL persons charged with offences against this Act may be prosecuted before a Court of Summary Jurisdiction; and, where no punishment is specified for any offence, the person convicted thereof shall be liable to a fine of not more than Twenty pounds.

Incorporation of ss. of Schedule 2 of 62 Vict., 30.

13. THE sections lettered B, E, F, G, and H of the Second Schedule to the Interpretation Act, 1898, shall be incorporated with this Act.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.