

WESTERN AUSTRALIA

FISHERIES AMENDMENT ACT

No. 43 of 1990

AN ACT to amend the *Fisheries Act 1905*.

[Assented to 22 November 1990.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Fisheries Amendment Act 1990*.

Commencement

2. This Act shall come into operation on the day on which the *Pearling Act 1990* comes into operation.

Principal Act

3. In this Act the *Fisheries Act 1905** is referred to as the principal Act.

*[*Reprinted as at 15 July 1986 and amended by Acts Nos. 77 and 104 of 1986, 57 and 104 of 1987 and 25 of 1989.]*

Section 3 amended

4. Section 3 of the principal Act is amended in subsection (1)—

(a) by inserting in the appropriate alphabetical positions the following definitions—

“ “mollusc” does not include pearl oyster;

“pearl oyster” means pearl oyster as defined in the *Pearling Act 1990*; ”; and

(b) in the definition of—

(i) “Aquatic organism” by inserting after “aquatic animals” the following—

“ , other than pearl oysters, ”; and

(ii) “Fish” by inserting after “life” the following—

“ , other than pearl oysters ”.

Section 8A amended

5. Section 8A of the principal Act is amended by inserting in the appropriate alphabetical position the following definition—

“ “fish” includes pearl oysters; ”.

Section 8F amended

6. Section 8F of the principal Act is amended in subsection (1) by deleting “its functions under this Act” and substituting the following—

“ any function conferred on it by a written law ”.

Section 29A amended

7. Section 29A of the principal Act is amended by inserting before subsection (2) the following subsection—

“ (1) In this section “fish” includes pearl oysters. ”.

Section 30 amended

8. Section 30 of the principal Act is amended in subsection (1)—

(a) in paragraph (b) by inserting after “animal” the following—

“ , including pearl oysters, ”;

(b) in paragraph (c) by inserting after “organisms” the following—

“ , including pearl oysters ”; and

(c) in paragraph (d) by inserting after “fisheries” the following—

“ , including pearl oyster fisheries, ”.

Section 35L amended

9. Section 35L of the principal Act is amended—

(a) in subsection (1) by deleting “For the purposes of this Part there” and substituting the following—

“ There ”;

(b) in subsection (2)—

(i) by deleting “and” after paragraph (c);

(ii) by deleting the full stop after paragraph (d) and substituting the following—

“ ; and ”; and

(iii) by inserting after paragraph (d) the following paragraph—

“ (e) all moneys payable to the Fund under sections 27 (7) (b), 31 (2), 54 (2) and 55 (2) and (3) of the *Pearling Act 1990*. ”;

and

(c) by repealing subsection (3) and substituting the following subsections—

“ (3) The moneys in the Fund shall be applied only—

(a) for the purposes of sections 37 (3), 41 and 55 (4) and (5) of the *Pearling Act 1990*; and

(b) for any of the following purposes, at the discretion of the Minister—

(i) scientific, technological or economic research in relation to fisheries;

(ii) investigation, exploration and development of fisheries, including the conservation and management of limited entry fisheries with provision for the payment of compensation for the withdrawal or diminution of the fishing rights of any person and for the purchase of boats or fishing gear of any description in connection with any such limited entry fishery;

- (iii) providing extension services related to fisheries; and
- (iv) assisting the fishing industry or any body, whether incorporate or not, whose objects include assistance to, or promotion of, the fishing industry.

(3a) In subsection (3), “fisheries” and “fishing industry” include, respectively, pearl oyster fisheries and the pearl oyster fishing industry. ”.
