

FISHERIES.

No. 50 of 1965.

AN ACT to amend the Fisheries Act, 1905-1964.

[Assented to 9th November, 1965.]

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

Short title
and citation.

1. (1) This Act may be cited as the *Fisheries Act Amendment Act, 1965*.

Reprinted as
approved for
Reprint,
16th March,
1962 and
amended by
Acts Nos.
63 of 1962
and 63 of
1964.

(2) In this Act the Fisheries Act, 1905-1964, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Fisheries Act, 1905-1965.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

3. Section three of the principal Act is amended— S. 3
amended.

- (a) by adding after the interpretation, "Close waters" the following interpretation—

"Crayfish pot" means any net, pot, trap or other appliance of whatever nature, intended or used for the taking of crayfish; ;

- (b) by adding after the interpretation, "Crayfish tail", the following interpretation—

"Director" means the Director of Fisheries appointed under this Act; ;

- (c) by substituting for the words, "Chief Inspector" in line one of the interpretation, "Inspector", the word, "Director"; and

- (d) by adding after the interpretation, "Regulations", the following interpretations—

"the Crayfish Committee" means the Crayfish Industry Advisory Committee constituted under section five A of this Act;

"the General Committee" means the General Fisheries Advisory Committee constituted under section five A of this Act; .

4. Section five of the principal Act is amended— S. 5
amended.

- (a) by substituting for the words, "Chief Inspector" in line two of subsection (1), the word, "Director";

- (b) by substituting for the passage commencing with the word, "The", being the first word in line six of subsection (1) down to

and including the passage, "Act." in line eight of that subsection, a subsection as follows—

- (1a) The officer who at the time of the commencement of the Fisheries Act Amendment Act, 1965, is in office as Director of Fisheries shall be deemed to have been appointed to that office under this section. ;
- (c) by adding immediately before the word, "The", being the first word in line nine of subsection (1), the subsection designation, "(1b)";
- (d) by substituting for the words, "Chief Inspector of Fisheries" in line ten, and again in lines twelve and thirteen, of subsection (1), the word, "Director" in each case;
- (e) by substituting for the passage, "State. Such", in line fourteen of subsection (1), the passage, "State, but such"; and
- (f) by substituting for the words, "Chief Inspector of Fisheries" in lines fifteen and sixteen of subsection (1), the word, "Director".

S. 5A
repealed and
section
substituted.

Constitution
of Com-
mittees.

5. Section five A of the principal Act is repealed and the following section substituted—

5A. On the coming into operation of the Fisheries Act Amendment Act, 1965, there are, for the purposes of this Act, hereby respectively constituted—

- (a) a Committee, to be known as the Crayfish Industry Advisory Committee; and
- (b) a Committee, to be known as the General Fisheries Advisory Committee,

and thereupon the Committee known as the "Fishermen's Advisory Committee" constituted under the provisions of this section as those provisions existed immediately prior to the coming into operation of that Act, is dissolved and abolished. .

6. Section five B of the principal Act is repealed and the following section substituted—

S. 5B
repealed and
section
substituted.

5B. (1) The Crayfish Committee shall consist of either six members or seven members appointed by the Minister, and of those members—

Crayfish
Industry
Advisory
Committee.

- (a) one shall be a person nominated by the Minister and be the Chairman of the Committee;
- (b) two shall be persons nominated by the body known as the Rock Lobster-Crayfish Development Association of Australia, Incorporated;
- (c) two shall be fishermen, who for commercial purposes are actually engaged in the taking of crayfish; and
- (d) one shall be an officer of the Government Department known as the Department of Fisheries and Fauna,

and where the Committee consists of seven members, one shall be a person appointed to represent persons who are not commercially engaged in fishing or the fishing industry.

(2) The Crayfish Committee shall—

- (a) inquire into and report to the Minister upon any matter referred to it by the Minister or by the Director in relation to the crayfish fisheries in Western Australian waters or any waters adjacent thereto; and

- (b) advise the Minister on questions relating to the management, control, protection, regulation and development of those crayfish fisheries, and may make such recommendations as it thinks fit in relation thereto. .

S. 5C
repealed and
section
substituted.

General
Fisheries
Advisory
Committee.

7. Section five C of the principal Act is repealed and the following section substituted—

5C. (1) The General Committee shall consist of either five members or six members appointed by the Minister, and of those members—

- (a) one shall be a person nominated by the Minister and be the Chairman of the Committee;
- (b) one shall be a fisherman, who for commercial purposes is actually engaged in fishing in estuaries and on beaches;
- (c) one shall be a fisherman who for commercial purposes is actually engaged in deep-sea fishing, other than the fishing of crayfish;
- (d) one shall be a person who is an amateur fisherman; and
- (e) one shall be an officer of the Government Department known as the Department of Fisheries and Fauna,

and where the Committee consists of six members, one shall be a person appointed to represent persons who are not commercially engaged in fishing or the fishing industry.

(2) The General Committee shall—

- (a) inquire into and report to the Minister upon any matter referred to it by the Minister or by the Director in relation to the fisheries, other than crayfish fisheries, in Western Australian waters or any waters adjacent thereto; and

- (b) advise the Minister on questions relating to the management, control, protection, regulation and development of those fisheries, and may make such recommendations as it thinks fit in relation thereto. .

8. Section five D of the principal Act is repealed and the following section substituted—

S. 5D
repealed and
section
substituted.

5D. (1) Each member of a Committee constituted under section five A of this Act shall be appointed for a term of five years and is eligible for re-appointment on the expiration of his term of office.

Provisions
relating to
Committees.

(2) On the occurrence of any vacancy in an office of member of a Committee, a person eligible to be appointed to that office under the provisions of this Act shall, in accordance with those provisions, be appointed by the Minister to fill the vacancy, and a person so appointed holds office, subject to those provisions, for the remainder of the term of office of the person in whose place he is appointed.

(3) Each Committee shall meet at such times and places as it may decide, or as determined by the Chairman, and may regulate its own procedure, and the performance or exercise of the functions, powers or duties of a Committee is not affected by reason only of there being a vacancy in the office of a member.

(4) Where a member of a Committee is unable to attend meetings of the Committee, whether on account of illness or otherwise, the Minister may appoint a person to be an acting member during the inability of that member, and the person so appointed shall have all the powers and functions of a member, but the appointment of a person as an acting member may be terminated at any time by the Minister.

(5) At a meeting of a Committee—

- (a) the Chairman shall preside;
- (b) if the Chairman is absent, the members present shall appoint one of their number to preside;
- (c) four members form a quorum in respect of the Crayfish Committee and three members form a quorum in respect of the General Committee;
- (d) a question arising at the meeting shall be determined by a majority of the votes of the members present; and if the numbers are equally divided on any question, such question shall be deemed to be resolved in the negative. .

S. 5E
repealed and
section
substituted.

9. Section five E of the principal Act is repealed and the following section substituted—

Remunera-
tion and
protection
of members.

5E. (1) The members of each Committee constituted under section five A of this Act, other than those who are officers in the Public Service of the State, may be paid and may receive such fees and allowances in respect of their services as such members, as the Minister determines from time to time.

(2) A member of a Committee may resign his office of member by writing under his hand addressed to the Minister.

(3) A person who is or has been a member or acting member of either Committee is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, by this Act on the Committee of which he is or has been a member or acting member. .

10. Section five F of the principal Act is repealed and the following section substituted—

S. 5F
repealed and
section
substituted.

5F. A Committee constituted under section five A of this Act is not, except in relation to any matter in which it is specially authorised by the Minister to act on behalf of the Crown, the agent or servant or the representative of the Crown. .

Committee
not an agent
of the Crown.

11. The principal Act is amended by adding after section five F, the following section—

S. 5G
added.

5G. For the purposes of enabling the Crayfish Committee and the General Committee each to carry out their respective functions, powers and duties under this Act, the Minister may, with the concurrence of the Public Service Commissioner, appoint from time to time an officer or officers of the Public Service of the State to be the secretary of both of those Committees or the respective secretaries of each of those Committees. .

Appointment
of Secretary
to Com-
mittees.

12. Section six of the principal Act is amended by substituting for paragraph (e) of subsection (1), the following paragraph—

S. 6
amended.

(e) providing for the sale or other disposal, including the cutting loose or destruction, of any underweight crayfish tails or undersize fish seized or forfeited under this Act, and of nets or other implements for taking fish found in any waters without an owner, or crayfish pots or floats attached thereto found in any waters unattended and not marked as prescribed, or not provided with a device or gap as required by this Act;

S. 8
amended.

13. Section eight of the principal Act is amended—

- (a) by substituting for the words, "Chief Inspector of Fisheries" in line one of subsection (3), the word, "Director"; and
- (b) by deleting the proviso to subsection (3).

S. 9
repealed and
re-enacted.

14. Section nine of the principal Act is repealed and re-enacted with amendments as follows—

Gazettal
of close
fisheries.

9. (1) The Minister may, by notice published in the *Government Gazette*, prohibit all persons from—

- (a) taking any specified species of fish by any specified means of capture;
- (b) taking any fish whatsoever by any specified means of capture;
- (c) taking any specified species of fish by any means of capture whatsoever;
- (d) taking any fish whatsoever by any means of capture whatsoever,

in Western Australian waters or in any specified portion of those waters, during any specified term or until a further notice is so published.

(2) Notwithstanding the provisions of subsection (1) of this section, where the council of a municipality acting under any authority in that behalf contained in the Local Government Act, 1960, has made and gazetted by-laws applying to any Western Australian waters vested in or under the control of that municipality or specified portions of those waters, which by-laws relate to any of the purposes for which the Minister may publish notices under the provisions of subsection (1) of this section or of section ten of this Act, notices published under those provisions shall not, so long as the by-laws remain in force, apply to those waters or to the taking of fish therein.

(3) The Minister may, by notice published in the *Government Gazette*, cancel or vary any proclamation made by the Governor under the provisions of this section or of section ten of this Act, as those provisions existed immediately before the coming into operation of the Fisheries Act Amendment Act, 1965, and in force at the coming into operation of that Act. .

15. Section ten of the principal Act is amended— S. 10 amended.

(a) by substituting for the passage, "Governor may, subject to the proviso contained in the last preceding section, by proclamation" in lines one, two and three, the passage, "Minister may, subject to subsection (2) of section nine of this Act, by notice published in the *Government Gazette*,"; and

(b) by adding after the word, "term", being the last word in the section, the words, "or until a further notice is so published".

16. Section eleven of the principal Act is repealed and re-enacted with amendments as follows— S. 11 repealed and re-enacted.

11. Every notice published in the *Government Gazette* under section nine or section ten of this Act— Notices in Gazette may be cancelled or varied.

(a) when so published takes effect according to its tenor on the day specified in the notice as that on which it takes effect, but if a day is not so specified, takes effect on the day of the publication;

(b) may be cancelled or varied at any time by the Minister by a subsequent notice so published;

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

S. 12
repealed and
re-enacted.

17. Section twelve of the principal Act is repealed and re-enacted with amendments as follows—

Express
prohibition
of breaches
of pro-
clamations
or notices.

12. (1) Every person who—

- (a) contravenes by act or omission any proclamation made by the Governor under the provisions of section nine or section ten of this Act, as those provisions existed immediately prior to the coming into operation of the Fisheries Act Amendment Act, 1965;
 - (b) contravenes by act or omission any requirements of a notice of the Minister published in the *Government Gazette* under section nine or section ten of this Act;
 - (c) attempts to contravene any such proclamation or any requirement of any such notice;
 - (d) is in possession of fish taken in contravention of any such proclamation or any requirement of any such notice, or of any means of capture whatsoever intended to be used in contravention of any such proclamation or any requirement of any such proclamation or any requirement of any such notice;
- or

- (e) sells or attempts to sell any fish taken in contravention of any such proclamation or any requirement of any such notice,

commits an offence.

(2) A person who is convicted of an offence against the provisions of subsection (1) of this section is liable to the following penalties:—

- (a) If the fish to which the offence relates are crayfish—

- (i) for the first offence, a fine of not less than one hundred pounds nor more than two hundred pounds; and
- (ii) for any subsequent offence, a fine of not less than two hundred pounds nor more than five hundred pounds, and the court before whom the person is convicted shall in any case cancel the fisherman's license held by that person and also, if the boat used by that person in the commission of the offence has been used previously in relation to an offence under this section of which that person or another person was convicted, cancel the license issued in respect of that boat.

- (b) If the fish to which the offence relates are other than crayfish—

- (i) for the first offence, a fine of not less than ten pounds nor more than fifty pounds; and
- (ii) for any subsequent offence, a fine of not less than twenty-five pounds nor more than one hundred pounds. .

S. 12B
amended.

18. Section twelve B of the principal Act is amended by substituting for the words, "Chief Inspector of Fisheries" in lines two and three, and again in lines seven and eight of paragraph (a), and again in line three of paragraph (c), the word, "Director" in each case.

S. 12C
amended.

19. Section twelve C of the principal Act is amended by substituting for the words, "Chief Inspector of Fisheries" in line one of subsection (1), and again in line three of subsection (2), and again in line three and in lines four and five of subsection (4), the word, "Director" in each case.

S. 12D
amended.

20. Section twelve D of the principal Act is amended—

(a) by substituting for the word, "Chief Inspector of Fisheries" in line five of paragraph (a), and again in lines three and four of paragraph (c), the word, "Director" in each case; and

(b) by deleting the passage, " , which minimum penalty of ten pounds is irreducible in mitigation notwithstanding the provisions of any Act" in the last four lines of the section.

S. 17
amended

21. Section seventeen of the principal Act is amended—

(a) by substituting for the word, "cancel" in line two of subsection (3a), the passage, "suspend for any period he may think fit, or cancel," ;

(b) by inserting after the word, "removal" in line two of subsection (4), the passage, " , suspension";

- (c) by inserting after the word, "remain" in line seven of subsection (4), the words "suspended or"; and
- (d) by repealing subsection (5) and re-enacting it with amendments as follows—

(5) Any person who—

- (a) commits a breach of or fails to observe a condition of his license;
- (b) uses his boat, or permits or suffers his boat to be used, contrary to any condition to which his license is subject; or
- (c) being a person whose professional fisherman's license has been suspended or cancelled by the Minister, enters on any licensed fishing boat during the period of suspension or, while his license is cancelled,

commits an offence.

Penalty: For the first offence, a fine of not less than one hundred pounds nor more than two hundred pounds; for any subsequent offence, a fine of not less than two hundred pounds nor more than five hundred pounds; and where the offence is a continuing offence, an additional amount of not more than ten pounds for each day during which the offence continues. .

22. Section eighteen of the principal Act is amended by substituting for the words, "shall be guilty of an offence" in the last line of subsection (4), the words, "commits an offence and is liable on conviction to a penalty of not less than twenty pounds nor more than fifty pounds".

S. 18
amended.

S. 19
amended.

23. Section nineteen of the principal Act is amended—

- (a) by adding immediately after the section number, “19”, the subsection designation, “(1)”;
- (b) by substituting for the passage, “Governor may, from time to time, by proclamation” in lines one and two, the passage, “Minister may, at any time and from time to time, by notice published”; and
- (c) by adding the following subsections—

(2) The Minister may, by notice published in the *Government Gazette*, cancel or vary any proclamation made by the Governor under the provisions of this section as those provisions existed immediately before the coming into operation of the Fisheries Act Amendment Act, 1965, and in force at the coming into operation of that Act.

(3) Every notice pursuant to the provisions of this section when published in the *Government Gazette* takes effect according to its tenor on the day specified in the notice as that on which it takes effect or on the day of publication if a day is not so specified, and any such notice may be cancelled or varied at any time by the Minister by a subsequent notice so published. .

S. 20
amended.

24. Section twenty of the principal Act is amended by substituting for the words, “the last preceding section” in line one, the words, “section nineteen of this Act”.

S. 21
amended.

25. Section twenty-one of the principal Act is amended by substituting for the passage commencing with the word, “such” in line four of subsection

(1) down to the end of the subsection, the following passage—

or as the case may be, by notice, under section nineteen of this Act, that person shall be deemed to be using an unlawful net.

Penalty: For the first offence, a fine of not less than ten pounds nor more than fifty pounds; for any subsequent offence, a fine of not less than twenty pounds nor more than one hundred pounds. .

26. The principal Act is amended by adding after section twenty-three, the following section—

23A. (1) The Minister may, by notice published in the *Government Gazette*, declare that every crayfish pot shall have inserted therein in such position as is specified in the notice, a device of such type, construction and material, and of such dimensions, as are specified in the notice, or alternatively shall have therein in such position (if any) as is specified in the notice, a gap of such dimensions as are specified in the notice.

S. 23A
added.

Minister may
Gazette
requirements
as to
crayfish pots.

(2) A person who on or after the first day of January, nineteen hundred and sixty-six, has in his possession or on or in his premises or boat, or uses or causes or permits to be used, a crayfish pot that does not comply with the requirements of any notice published under subsection (1) of this section, commits an offence.

Penalty: In respect of each crayfish pot the subject of the offence of which the offender is convicted—

- (a) for the first offence, a fine of not less than five pounds nor more than ten pounds; and
- (b) for any subsequent offence, a fine of not less than ten pounds nor more than twenty pounds.

(3) Any inspector may seize any crayfish pot that does not comply with the requirements of a notice published under subsection (1) of this section, and the court by which a person is convicted of an offence under this section shall, in addition to any penalty inflicted by it for that offence, order that any crayfish pot so seized be destroyed. .

S. 24
amended.

27. Section twenty-four of the principal Act is amended—

- (a) by deleting the passage commencing with the word, “Penalty” in line sixteen of subsection (1) down to the end of that subsection;
- (b) by adding after subsection (1), the following subsection—

(1a) A person who is convicted of an offence against subsection (1) of this section is liable to the following penalties—

- (a) subject to paragraphs (b) and (c) of this subsection, for the first offence a fine of not less than ten pounds nor more than twenty pounds, and for any subsequent offence, a fine of not less than twenty pounds nor more than fifty pounds;
- (b) if any of the fish the subject of the offence are crayfish and those crayfish do not exceed in number one-twentieth of the total number of crayfish that at the time of the offence the person convicted had in his possession or control or on his premises or in any boat, vehicle

or aircraft, or sold or caused to be sold, offered or exposed for sale, gave or consigned, or brought into Western Australian waters—

- (i) for the first offence, a fine of not less than twenty pounds nor more than fifty pounds;
 - (ii) for a second offence, a fine of not less than one hundred pounds nor more than two hundred pounds;
 - (iii) for a third, or any subsequent offence, a fine of not less than two hundred pounds nor more than five hundred pounds. ;
- (c) if any of the fish the subject of the offence are crayfish and those crayfish exceed in number one - twentieth of the total number of crayfish as referred to in paragraph (b) of this subsection—
- (i) for the first offence, a fine of not less than fifty pounds nor more than one hundred pounds;
 - (ii) for a second offence, a fine of not less than one hundred pounds nor more than two hundred pounds; and
 - (iii) for a third, or any subsequent offence, a fine of not less than two hundred pounds nor more than five hundred pounds. ;

- (c) by substituting for the subsection designation, "(1a)" in line one of subsection (1a), the subsection designation, "(1b)";
- (d) by repealing subsection (1b);
- (e) by substituting for the passage, "A fine of not less than twenty-five pounds nor more than one hundred pounds." in the penultimate and last lines of subsection (3), the following passage—

For the first offence, a fine of not less than one hundred pounds nor more than two hundred pounds; and for any subsequent offence, a fine of not less than two hundred pounds nor more than five hundred pounds. ;

- (f) by repealing subsection (3b) and re-enacting it with amendments as follows—

(3b) The court by which a person is convicted of an offence under either of subsections (1) and (3) of this section shall, in addition to any penalty inflicted for that offence, impose on that person a further penalty of not less than one pound nor more than five pounds in respect of every undersize crayfish seized pursuant to this section, and of not less than one shilling nor more than five shillings in respect of every fish so seized other than crayfish; and where the fish so seized are crayfish, the court shall also—

- (a) if the offence is a second offence, suspend from such date and for such period as the court thinks fit, not being any period between the fifteenth day of August and the next following fifteenth day of November in any year, all licenses held by that person under this Act; and

- (b) if the offence is a third, or any subsequent offence, cancel all such licenses. ;

- (g) by adding after subsection (3b), the following subsection—

(3c) Where under the provisions of subsection (3b) of this section the court suspends or cancels any license, the order for suspension, or as the case may be, cancellation, shall apply also to any boat that was used for or in connection with the offence for which the offender was convicted, whether the license issued in respect of that boat is held by the offender or by some other person. ; and

- (h) by repealing subsection (7).

28. Section twenty-four A of the principal Act is ^{S. 24A} amended—

- (a) by deleting the passage commencing with the word, "Penalty" in line eleven of subsection (1) down to the end of the subsection;

- (b) by adding after subsection (1), the following subsection—

(1a) A person who is convicted of an offence against subsection (1) of this section is liable to the following penalties—

- (a) if the crayfish tails the subject of the offence do not exceed in number one-twentieth of the total number of crayfish tails that at the time of the offence the person convicted had in his possession or control or on his

premises or in any boat, vehicle or aircraft, or sold or caused to be sold, offered or exposed for sale, gave or consigned—

- (i) for the first offence, a fine of not less than twenty pounds nor more than fifty pounds;
 - (ii) for a second offence, a fine of not less than one hundred pounds nor more than two hundred pounds;
and
 - (iii) for a third, or any subsequent offence, a fine of not less than two hundred pounds nor more than five hundred pounds; and
- (b) if the crayfish tails the subject of the offence exceed in number one-twentieth of the total number of crayfish tails as referred to in paragraph (a) of this subsection—
- (i) for the first offence, a fine of not less than fifty pounds nor more than one hundred pounds;
 - (ii) for a second offence, a fine of not less than one hundred pounds nor more than two hundred pounds;
and
 - (iii) for a third, or any subsequent offence, a fine of not less than two hundred pounds nor more than five hundred pounds. ;

(c) by substituting for the word, "shilling nor more than five shillings" in line five of subsection (3), the words, "pound nor more than five pounds"; and

(d) by repealing subsection (4).

29. Section twenty-four B of the principal Act is amended— S. 24B
amended.

(a) by substituting for the passage commencing with the word, "ten" in line four of subsection (3) down to the end of the subsection, the words, "fifty pounds nor more than one hundred pounds"; and

(b) by substituting for the words, "Chief Inspector of Fisheries" wherever occurring in subsection (4a), the word, "Director" in each case.

30. The principal Act is amended by adding after section twenty-four B, the following section— S. 24C
added.

24C. A person who, as principal or agent, has in his possession or on his premises or in any cold store, or gives, consigns, sells, attempts to sell, or offers or exposes for sale, any flesh or other portion of a crayfish, except where that flesh or other portion is a crayfish tail of not less than the prescribed weight, commits an offence. Possession
of crayfish
flesh.

Penalty: A fine of not less than one hundred pounds nor more than two hundred pounds. .

31. The principal Act is amended by adding immediately before section twenty-five, the following section— S. 24D
added.

24D. Notwithstanding the provisions of sections twenty-four, twenty-four A and twenty-four C of this Act, if a person who is convicted of an offence in respect of crayfish or Penalty
where
offender
operates
processing
works.

crayfish tails under any provision of those sections owns, operates or conducts any premises or boat in or on which crayfish are cut up, broken up, packed, frozen or otherwise processed in any manner whatsoever, that person, if the crayfish or crayfish tails relating to that offence are found or seized on or in those premises or that boat, is liable to the following pecuniary penalties in lieu of the pecuniary penalties provided by subsections (1a) and (3) of section twenty-four, subsection (1a) of section twenty-four A, and section twenty-four C, of this Act—

- (a) for the first offence, a fine of not less than one thousand pounds nor more than two thousand pounds; and
- (b) for any subsequent offence, a fine of not less than two thousand pounds nor more than five thousand pounds. .

S. 28
repealed and
re-enacted.

32. Section twenty-eight of the principal Act is repealed and re-enacted with amendments as follows—

Name and
place of
abode to be
stated when
demanded.

28. (1) Every person who is found by an inspector to be committing, or whom an inspector has reasonable grounds to suspect has committed, an offence against this Act, shall on the demand of that inspector state his true name and place of abode, and any person who refuses or neglects to comply with such demand, or who states a false or fictitious name or place of abode, commits an offence.

Penalty: A fine of not less than twenty-five pounds nor more than one hundred pounds.

(2) For the purposes of this section, the term “inspector”, where the offence is committed or is on reasonable grounds suspected to have been committed in waters to which by-laws made by the council of a municipality acting under any

authority in that behalf contained in the Local Government Act, 1960, apply, includes the clerk and any member or officer, of that council. .

33. Part IIIA of the principal Act is repealed. Part IIIA repealed.

34. Section thirty-six of the principal Act is amended by repealing subsection (3). S. 36 amended.

35. Section thirty-six A of the principal Act is repealed. S. 36A repealed.

36. Section forty-four of the principal Act is amended by substituting for the words, "shall be liable to a penalty of not less than ten pounds and not exceeding fifty" in lines six and seven, the words, "commits an offence and is liable on conviction to a penalty of not less than fifty pounds nor more than two hundred". S. 44 amended.

37. Section forty-six of the principal Act is amended by substituting for the passage commencing with the passage, " , shall" in line five of subsection (1) down to the end of the subsection, the following passage— S. 46 amended.

before the coming into operation of the Fisheries Act Amendment Act, 1965, or by any notice published in the *Government Gazette* under either of those sections after the coming into operation of that Act, commits an offence.

Penalty: A fine of not less than twenty pounds nor more than one hundred pounds. .

38. Section forty-seven of the principal Act is amended— S. 47 amended.

(a) by adding immediately after the section number, "47.", the subsection designation, "(1)"; and

(b) by adding the following subsection—

(2) Wherever it is provided by this Act that a person who commits an offence is liable to a penalty not less than an amount specified, that amount so specified is a minimum penalty irreducible in mitigation notwithstanding the provisions of any Act. .

S. 49
amended.

39. Section forty-nine of the principal Act is amended—

(a) by adding after subsection (1), the following subsections—

(1a) Notwithstanding the provisions of subsection (1) of this section, any inspector may cut the floats from or destroy any crayfish pot found in closed waters or any crayfish pot not marked as prescribed or not provided with a device or gap as required by this Act that is found in any waters.

(1b) Any inspector may destroy any crate or box that is used for holding crayfish if undersize crayfish are found therein to a number in excess of one-twentieth of the total number of crayfish in that crate or box. ; and

(b) by repealing subsection (2) and re-enacting it with amendments as follows—

(2) The expression “closed waters” means any waters as to which any proclamation under sections nine or ten of this Act made before the coming into operation of the Fisheries Act Amendment Act, 1965, or any notice published in the *Government Gazette* under either of those sections after the coming into operation of that Act, or by-laws relating to any of the purposes of those sections made by the council of

a municipality is or are in force; and where any boat, net, crayfish pot, line, implement, appliance or other article for taking fish is found in waters to which those by-laws apply, the term "inspector" includes the clerk, officers and members of that council. .

40. Section fifty of the principal Act is amended by substituting for the words, "Chief Inspector of Fisheries" in line one, the word, "Director".

S. 50
amended.

41. Section fifty-two of the principal Act is amended by substituting for the words, "Chief Inspector of Fisheries" in line three, and again in lines five and six, the word, "Director" in each case.

S. 52
amended.

42. The principal Act is amended by adding after section fifty-five, the following section—

S. 55A
added.

55A. Where on at least three occasions a boat licensed under this Act has been used for or in connection with the commission of offences against this Act in respect of which offences convictions were obtained, the license issued in respect of that boat and in force at the time of the third of those convictions is by virtue of this section and without any further authority cancelled, whether that license is held by any of the offenders or by some other person. .

Cancellation
in certain
cases of
license of
boat.

43. Section fifty-seven of the principal Act is amended by substituting for the words, "Chief Inspector of Fisheries" in line one, the word, "Director".

S. 57
amended.