



Western Australia.

ANNO QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. IX.

AN ACT to authorise the granting of Licenses for Pearl Shell Fishing within the waters of Sharks Bay.

[Assented to, 18th March, 1892.]

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:—

Preamble.

1. THE Act 50 Vict., No. 14, is hereby repealed.

Repeal.

2. IN the interpretation of this Act the following words, within inverted commas, shall, unless the context otherwise indicates, have the meanings set against them respectively—

Interpretation.

“Governor”—The officer for the time being administering the Government of the Colony of Western Australia, acting with the advice of the Executive Council:

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“Minister”—The responsible Minister of the Crown for the time being appointed by the Governor to administer this Act:

“Inspector”—The Inspector of Pearl Shell Fisheries for Sharks Bay, appointed by the Governor:

“Regulations”—The Regulations made under this Act.

Appointment of officers.

3. IT shall be lawful for the Governor to appoint an Inspector, or Inspectors, and such other officers, as may be necessary, to supervise and protect the Pearl Shell Fishery at Sharks Bay, and to carry out the provisions of this Act, and the regulations framed under this Act.

Power to issue licenses.

4. IT shall be lawful for the Minister or any person duly authorised by the Minister, to grant licenses to any person or persons to gather, collect, and remove pearls and pearl shells in and from the waters of Sharks Bay, as hereinafter mentioned.

“Exclusive” and “General” licenses.

5. SUCH licenses shall be of two kinds—an “Exclusive License,” which shall give the sole right to gather, collect and remove pearls and pearl shells from a specific area defined in the license and from no other locality; and a “General License” which shall give a general but not exclusive right to gather, collect, and remove pearls and pearl shells from such portions of Sharks Bay as shall not be held under “Exclusive License,” or closed for a specific period under this Act, and the right under a “General License” shall immediately cease over any specific area defined in an “Exclusive License” as soon and as often as any such last-mentioned license may be granted: Provided that the area included in any one “Exclusive License” shall not exceed six square miles.

Term and rent of licenses.

6. “EXCLUSIVE” Licenses may be for any period not exceeding fourteen years, and “General” Licenses for any period not exceeding one year, at such annual rent in each case as shall be fixed by the Governor, payable in advance, and subject to this Act and the Regulations and such other conditions as the Minister, with the approval of the Governor, may determine. The forms of licenses given in the Schedules may be used, with such variations as may be necessary. A list of all “Exclusive Licenses” issued shall be published in the *Government Gazette* as soon as practicable after the issue of such licenses.

How Minister may deal with applications.

7. ALL applications for licenses shall be made to the Minister or his duly appointed agent, in such form as he may approve, and in the case of an “Exclusive License” shall be accompanied with an accurate description of the area applied for and an application fee

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of Twenty shillings. The said Minister shall not be bound to receive or entertain any such application, and he may invite tenders for any license or licenses, but shall not be bound to accept the highest or any tender.

8. NO license shall be transferred, sublet, or assigned, except with the written permission of the Minister, and on payment of a fee of Ten shillings on application for such permission.

Licenses not transferable without permission.

9. LICENSEES may determine their licenses by giving to the Minister three months notice of their intention so to do, but no part of the license fee shall in any case be refunded.

Licenses may be surrendered.

10. ON non-payment of rent according to the license, or the breach or non-observance of any term or condition of a license, or of the provisions of this Act or the Regulations, the Governor may declare such license forfeited, and thereupon the same shall be absolutely void, and notice of any such declaration of forfeiture shall be forthwith published in the *Government Gazette*.

License may be forfeited.

11. ALL pearls and pearl shells lying or contained within the limits of any area held under an "Exclusive License" shall, during the continuance of the license, be deemed to be the absolute property of the licensee for all purposes civil or criminal; and all and every person or persons who shall gather, collect, or remove any pearl or pearl shells within or from the limits of such licensed area, without the authority of the licensee or his agent, shall be deemed guilty of larceny and shall, on summary conviction of such offence before two or more Justices of the Peace in Petty Sessions, be liable to be imprisoned for any term not exceeding two years, with or without hard labor.

Pearl shells, &c., the property of the licensee.

Illegal removal—larceny.

12. IT shall be lawful for the Governor by notice, in the *Government Gazette*, to close any portion of the waters of Sharks Bay, and to prohibit the gathering, collection, or removal of any pearls or pearl shells from the portion so closed for a specific period, and any person gathering, collecting, or removing any pearls or pearl shells from such closed portion shall be liable, on summary conviction before any two or more Justices of the Peace in Petty Sessions, to a penalty not exceeding One hundred pounds.

Portions may be closed.

13. SHARKS Bay, for the purposes of this Act, shall include all the waters being within the following limits: Bounded by a South-West line from Charles Point, on the mainland, to Cape Ronsard, at the North end of Bernier Island; then by the Western shores of Bernier and Dorré Islands to Cape St. Cricq; then by a straight line to Cape Inscription, at the North end of Dirk Hartog

Definition of Sharks Bay.

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Island, and by its Western shore to Surf Point; thence by a straight line to Steep Point on the mainland, and from thence by the coastline to the starting place at Charles Point; and on the inner part by the outlines of the islands in the Bay.

Penalty for pearling
without a license.

14. FROM and after the first day of March, 1892, it shall not be lawful for any person, except he be the holder of an "Exclusive or General License" under this Act or be the agent or servant of or otherwise authorised by a person holding a license under this Act and be pearling within the area held under any such license, to gather, collect, or remove pearls or pearl shells in and from the waters of Sharks Bay, and every person offending against this provision shall be liable, on summary conviction before any two or more Justices of the Peace in Petty Sessions, to a penalty not exceeding One hundred pounds, and upon such conviction the convicting Justices may cause to be seized and detained for a period of three months from such seizure; unless such penalty be sooner paid, any and every ship or boat (together with everything on board the same) used or employed by any such convicted person in the illegal gathering, collection, or removal of any such pearls or pearl shells, and at the expiration of such period of three months shall, unless the penalty be then paid, declare such ship or boat, together with everything on board the same, to be forfeited to Her Majesty, and such ship or boat, together with everything on board the same, shall thereupon be forfeited accordingly, and shall be sold and the proceeds dealt with as the proceeds of a penalty: Provided always, that notwithstanding anything in this section contained the payment of any such penalty, or so much thereof as shall not be realised by such sale as aforesaid, may be enforced by any means provided by law for the general enforcement of penalties.

Vessel may be
seized and sold.

By-laws and regu-
lations.

15. IT shall be lawful for the Governor, from time to time, to make such regulations not being contrary to the provisions of this Act as are necessary, for giving effect thereto, and to alter, amend, or repeal such regulations. Such regulations may provide for the prevention of the collection and removal of immature shell and the destruction thereof; for ensuring and preserving order among persons engaged in the Fishery; and for the general supervision and regulation of the Fishery, and for any other matter connected therewith. Such by-laws and regulations when published in the *Government Gazette*, but not sooner or otherwise, shall have the force of law, and shall state some maximum penalty for any neglect or breach thereof respectively: Provided that no such penalty shall exceed the sum of Fifty pounds.

Penalties.

16. ALL penalties for breach of any such by-law or regulation may be recovered by summary proceedings before any one or more

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Justices of the Peace in Petty Sessions, according to the provisions of the general law regulating summary procedure before Justices.

17. THE production of a copy of the *Government Gazette* containing any by-laws or regulations purporting to be made by virtue of this Act shall be received in all Courts of Justice and elsewhere as evidence of the due making and publication of the same. Evidence of by-laws or regulations.

18. SECTIONS lettered A, F, G, and H in the Schedule of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act. Incorporation.

19. THIS Act may be cited for all purposes as "The Sharks Bay Pearl Shell Fishery Act, 1892." Short Title.

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

ALEX. C. ONSLOW, Administrator.

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SCHEDULE.

Form of Exclusive License.

KNOW all men by these presents that A.B., of *(if*
more than one person, alter form accordingly), his executors, administrators,
and permitted assigns, is and are hereby licensed, by himself and themselves,
and his and their agents and servants, to gather and collect Pearls and Pearl
Shells by dredging or otherwise, and to remove the same within and from the
waters of Sharks Bay within the area described hereunder, for the term of
years from the date hereof, he and they paying to the Colonial
Treasurer, or his appointee, the yearly sum of £ in advance, in each year.

[Here insert any special conditions.]

On non-payment of rent or the breach or non-observance of any term or
condition of this License, the Governor may declare the same forfeited.

This License is issued under "The Sharks Bay Pearl Shell Fishery Act,
1892," and subject to that Act and the regulations made thereunder.

Dated the day of 189 .

[Description of Area licensed.]

Signed

Minister.

Form of General License.

KNOW all men by these presents that A.B., of *(if*
more than one person, alter form accordingly), his executors, administrators, and
permitted assigns, is and are hereby licensed, by himself and themselves, and his
and their agents and servants, to gather and collect Pearls and Pearl Shells by
dredging or otherwise, and to remove the same within and from those portions
of the waters of Sharks Bay not closed for a specific period or not held under
Exclusive License, for the term of (months or) one year from the date
hereof, he and they paying to the Colonial Treasurer, or his appointee, the
(or monthly) sum of £ in advance.

This license is issued under "The Sharks Bay Pearl Shell Fishery Act,
1892," and subject to that Act and the regulations made thereunder.

Dated the day of 189 .

Signed

Inspector of Sharks Bay Pearl Shell Fishery.

(By authority of the Minister).