



Western Australia.

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. XIV.

AN ACT to authorise the granting of Exclusive Licenses, within defined areas in the waters of Sharks Bay, for Pearl Shell Fishing.

[Assented to, 28th July, 1886.]

BE it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. IT shall be lawful for the Commissioner of Crown Lands, with the approval of the Governor, 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, within a defined area to be specified in every such license.

Licenses may be granted to pearl within defined areas.

2. EVERY such license shall be in the form in the Schedule hereto annexed, or to the like effect, and under the hand of the Commissioner of Crown Lands and countersigned by the Governor; and every such license shall entitle the licensee, his agents and servants, to the sole right to gather, collect, and remove pearls and pearl shells within and from the area defined in the license.

Form of license.

Effect of license.

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- 3.** LICENSES may be for any period not exceeding three years, and at such annual fee, payable in advance, and subject to such conditions (to be expressed in the license) as the Commissioner of Crown Lands, with the approval aforesaid, may determine.
- Licenses not to exceed three years, and may be subject to conditions.
- 4.** ALL applications for licenses shall be made to the Commissioner of Crown Lands, in such form as he may approve, and shall be accompanied with an accurate description of the area applied for and an application fee of Twenty shillings. The said Commissioner 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.
- How Commissioner of Crown Lands may deal with applications.
- 5.** NO license shall be transferred, sublet, or assigned, except with the written permission of the Commissioner of Crown Lands, countersigned by the Governor, and on payment of a fee of Ten shillings on application for such permission.
- License may be transferred with permission.
- 6.** LICENSEES may determine their licenses by giving to the Commissioner of Crown Lands 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.
- 7.** ON non-payment of rent on the day named in the license, or the breach or non-observance of any term or condition of a license, 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.
- 8.** ALL pearls and pearl shells lying or contained within the limits of any licensed area 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 a 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.
- 9.** 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 Island, and by its Western shore to Surf Point; thence by a straight line to Steep
- Definition of Sharks Bay.

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Point on the mainland, and from thence by the coast-line to the starting place at Charles Point; and on the inner part by the outlines of the islands in the Bay.

10. FROM and after the first day of October, 1886, it shall not be lawful for any person, except he be licensed 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.

Penalty for pearling without a license.

Vessel may be seized and sold.

11. IT shall be lawful for the Commissioner of Crown Lands to make, alter, amend, or repeal such by-laws and regulations as to him may seem meet:

By-laws and regulations.

1. For the prevention of the collection and removal of immature shell and the destruction thereof.
2. For ensuring and preserving order among persons engaged in the Fishery, and
3. For the general supervision and regulation of the Fishery.

Such by-laws and regulations shall, when confirmed by the Governor in Council and published in the *Government Gazette*, but not sooner or otherwise, 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 Five pounds.

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

Penalties.

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

Evidence of by-laws
or regulations.

13. 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, confirmation, and publication of the same.

Incorporation.

14. 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.

Short title.

15. THIS Act may be cited for all purposes as "The Sharks Bay Pearl Shell Fishery Act, 1886."

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

F. NAPIER BROOME, Governor.

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SCHEDULE.

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 them-
selves, 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 Commissioner of Crown Lands, or his appointee,
the yearly sum of £ in advance, on every day of without
deduction.

[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.

Issued under "The Sharks Bay Pearl Shell Fishery Act, 1886."

Dated the day of 188 .

[Description of Area licensed.]

Signed

Commissioner of Crown Lands.

Countersigned

Governor.