



WESTERN AUSTRALIA.

ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. X.

AN ACT to raise a local revenue in the Northern District of Western Australia to be expended in the better protection of persons employed in various industries on the Coast of that District and for other purposes.

[Assented to, 24th July, 1873.]

WHEREAS it is expedient to raise a revenue throughout the Northern District of Western Australia to be expended in the better protection of persons employed in various industries on the coast of that district and for defraying certain expenses connected with the better government and improvement of and the general development of industries in the said district; 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 THIS Act may be cited for all purposes as "The Northern District Special Revenue Act, 1873." Short Title.

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Interpretation Clause
“ship.”

2 FOR the purposes of this Act and whenever hereafter used in this Act the word “ship” shall include any and every sort of vessel or craft of any sort or size and whether propelled by oars only or not and whether decked or not and whether having a fixed mast or not other than boats as defined by this Act.

“boat”

The word “boat” shall for the purposes of this Act and as hereafter used in this Act include only such small craft not exceeding two tons burthen as belong to and are ordinarily attached to or carried on board a vessel licensed as a ship under this Act.

“used or employed in the pearl shell fishery.”

A ship shall for the purposes of this Act be deemed to be “used or employed in the pearl shell fishery” if she

- (1.) be used as a place of refuge for divers engaged in the pearl shell fishery; or
- (2.) be used as a place for storing pearl shells within one week after they are collected; or
- (3.) be used as a place of refuge for persons engaged in superintending the operations of persons diving for pearl shells; or
- (4.) if her boats are used as places from which persons dive for pearl shells or be used in the immediate collection of pearl shells found or recovered by divers or otherwise.

A boat shall for the purposes of this Act be deemed to be “used or employed in the pearl shell fishery” if it belong to or is ordinarily attached to or carried on board any vessel licensed as a ship under this Act during such time as such ship is used or employed in the pearl shell fishery.

“Licensing Board.”

The words “Licensing Board” shall signify the Licensing Board as constituted and appointed for the purpose of licensing boats and boatmen by section three of an Act passed in the nineteenth year of Her present Majesty No. 15 intituled “An Ordinance to consolidate and amend the laws respecting the licensing of boats and boatmen.”

No ship or boat to be used or employed in the pearl shell fishery without a license.

3 FROM and after the passing of this Act it shall not be lawful to use or employ any ship in the pearl shell fishery unless the same be duly licensed as hereinafter provided. The

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owner master or other person in charge of any ship offending against the above provisions shall be guilty of an offence; such offence shall be cognizable before any two Justices of the Peace who on proof thereof shall convict the master owner or other person in charge of such ship in a penalty equal to ten times the amount payable under this Act for a license to use or employ such ship in the pearl shell fishery and shall keep and detain such ship together with everything on board the same for the space of three months unless such penalty be sooner paid and at the end of such period of three months shall declare such ship together with everything on board the same forfeited for the use of Her Majesty but for the purposes of this Act; and such ship together with everything on board the same shall after such declaration be forfeited accordingly and shall be sold and the proceeds dealt with as hereinafter provided. Provided always that notwithstanding anything in this section contained the payment of any such penalty or so much thereof as may not be realized by the sale of any ship or things on board the same as aforesaid declared to have been forfeited as aforesaid may be enforced by any means provided by law for the general enforcement of penalties.

4 ANY Licensing Board shall grant a license to use or employ any ship in the pearl shell fishery to any person applying for the same on his producing a certified copy of her register and paying the sum hereinafter mentioned.

Licensing Board to grant licenses for ships.

5 THERE shall be payable to such Licensing Board for and in respect of the said license the sum of Twenty shillings for every ton or part of a ton of the registered tonnage of the ship for which the license is desired as it appears from the certified copy of the register; Provided always that the sum payable for such license shall in no case be less than Five Pounds nor more than Thirty pounds.

Sum payable for a license.

6 ALL licenses granted as aforesaid shall run and hold good from the first day of July in any one year to the thirtieth day of June in the succeeding year both inclusive.

Licenses to hold good for one year.

7 A LICENSE under this Act to use or employ any ship in the pearl shell fishery shall be in the form given in the Schedule to this Act or to the like effect.

Form of license.

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License given on production of forged copy of register void.

8 ANY license given on the production of a forged or altered copy of the register shall be utterly null and void to all intents and purposes.

Export duty of £2 per ton on pearl shells except small shells from Sharks Bay.

9 FROM and after the first day of September next after the passing of this Act an export duty or charge of Forty shillings shall be due and payable upon and in respect of every ton of pearl shells exported from any place within to any place beyond the limits of this Colony. Provided always that no such duty or charge shall be payable in respect of the small pearl shells from Sharks Bay. Any person exporting or attempting to export pearl shells from any place within to any place beyond the limits of this Colony without having paid the said duty or charge shall be liable to a penalty to be recovered in a summary manner before two Justices of the Peace not exceeding One hundred pounds in addition to the forfeiture of the pearl shells.

Penalty.

Mode of seizure and recovery of forfeitures.

10 THAT pearl shells forfeited under the provisions of this Act shall and may be seized secured retained claimed adjudicated upon determined and disposed of under such of the provisions of "The Customs Ordinance, 1860" as are applicable to the seizure and recovery of forfeitures under that last-named Ordinance.

Licensed ship to bear certain characteristic figures.

11 ANY Licensing Board shall on granting any license to any person to use or employ any ship in the pearl shell fishery forthwith determine on some figures not exceeding three which are during the currency of such license to be deemed the characteristic figures of such ship. And the master owner or other person in charge of such ship shall before using or employing her in the pearl shell fishery cause such figures to be painted on the bow of such ship above the water line and not less than one foot high and shall so long as the said ship continues to be used or employed in the said fishery maintain such figures in a clear and legible manner. Any master owner or other person in charge of any ship violating this provision shall be guilty of an offence which shall be cognizable before two Justices of the Peace who on proof thereof shall inflict a fine or penalty not exceeding Five pounds.

All monies raised under this Act applicable only to special purposes connected with the Northern District.

12 ALL monies paid in respect of licenses royalties and otherwise under this Act together with the proceeds of all penalties that may be inflicted under this Act shall be paid into the Colonial Treasury; And such monies shall be applicable solely to special purposes connected with the said Northern District in such manner and in such proportions respectively as may from time to time be

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determined. And the Colonial Treasurer shall carry over all such monies to a separate account which shall be kept in the books of the Treasury of all monies so carried over in respect of such licenses penalties royalties and otherwise and of all monies paid thereout for such special purposes as aforesaid.

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

FRED. A. WELD, Governor.

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SCHEDULE.

Form of License.

THESE are to certify that, whereas _____ has applied for a license to use or employ the (*describe the ship and give her name—as schooner “Marian”*) in the Pearl Shell Fishery from the 1st day of July, 187 _____, to the 30th day of June, 187 _____, and has produced before me a certificate of her registered tonnage, showing her tonnage to be _____ tons, and has paid to me the sum of £ _____ being at the rate of Twenty shillings per ton or part of a ton of the registered tonnage of the said _____, the said _____ is hereby licensed to be used and employed in the Pearl Shell Fishery from the said 1st day of July, 187 _____, to the said 30th day of June, 187 _____, both inclusive.

(Signed) A. B.,

C. D.,

Being the Licensing Board for (*Fremantle*).