
Fish and Oyster Acts Amendment Act. 9 GEO. VI. No. 28,

FISHERIES.

- (1) *The Fish and Oyster Acts Amendment Act of 1945* 9 Geo. VI. No. 28
- (2) *The Fish Supply Management Acts Amendment Act of 1946* 10 Geo. VI. No. 25

9 GEO. VI.
NO. 28.
THE FISH
AND OYSTER
ACTS
AMENDMENT
ACT OF 1945.

An Act to Amend “The Fish and Oyster Acts, 1914 to 1935,” in certain particulars.

[ASSENTED TO 6TH DECEMBER, 1945.]

BE it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
construction.

1. (1.) This Act may be cited as “*The Fish and Oyster Acts Amendment Act of 1945*,” and shall be read as one with **“The Fish and Oyster Acts, 1914 to 1935”*” herein referred to as the Principal Act.

Collective
title.

(2.) The Principal Act and this Act may collectively be cited as “*The Fish and Oyster Acts, 1914 to 1945*.”

Amendments of the Principal Act.

Amendment
of s. 8.

2. In section eight the words “any inspector may seize all such prohibited fish” are repealed and the following paragraphs are inserted in lieu thereof, namely:—

“Any such prohibited fish (whether taken in Queensland waters or elsewhere) and any fish complying with the aforesaid prescribed measurement contained in any basket, box, or receptacle to whomsoever belonging containing more of such prohibited fish than one-twentieth of the whole number of fish contained therein, and also such basket, box, or receptacle, may be seized by an inspector, and if so seized shall, upon such seizure, be forfeited to the Crown.

For the purposes of this section, the fact that the fish was received at a Fish Market, or other place of sale, in the name of any person as consignor shall be sufficient evidence that the fish was consigned by that person unless the contrary is proved.”

* 5 G. 5 No. 23 and amending Acts, v. 3, p. 566 *et seq.*

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3. A new section (8A) is inserted after section eight of the Principal Act, as follows :— New s. 8A.

“ [8A.] All fish forfeited to the Crown under the provisions of this Act may be disposed of in accordance with any general or special direction of the Minister. Disposal of forfeited fish.”

Any of the powers and authorities imposed upon the Minister by this section may be delegated by him in writing under his hand to the Chief Inspector of Fisheries and/or to any other officer mentioned in any such delegation.”

4. Subsection three of section nine of the Principal Act is amended by adding to paragraph (c) the following words, namely, “ or is of a less depth than that allowed by this Act.” Amendment of s. 9.

5. Section ten of the Principal Act is amended as follows :— Amendment of s. 10.

(i.) In paragraph (a) of subsection two after the words “ drag on to ” the words “ or allow to lie upon ” are inserted.

(ii.) In paragraph (b) of the said subsection two after the words “ any water ” the words “ except in such places and under such conditions as the Governor in Council may authorise by Order in Council ” are inserted.

(iii.) Subsection three of the said section is repealed and the following subsection three is inserted in lieu thereof, namely :—

“ (3.) Any person who offends or assists any person in offending against this section shall for a first offence be liable to a penalty not exceeding ten pounds and for a second offence shall be liable to a penalty not exceeding twenty pounds, and for a third or any subsequent offence to a penalty not exceeding fifty pounds.”

6. Section twelve of the Principal Act is amended as follows :— Amendment of s. 12.

(a) In subsection one after the words “ fifty pounds ” the words “ or to imprisonment for a term not exceeding six months ” are inserted.

(b) In subsection two after the words “ thirty pounds ” the words “ or to imprisonment for a term not exceeding three months ” are inserted.

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New s. 12A.

7. A new section (12A) is inserted after section twelve of the Principal Act, as follows :—

Fish not
of an
indigenous
species.

“[12A.] No person shall release, liberate, place, or cause to be released, liberated, or placed, any fish or its ova or its fry in any Queensland waters when such fish or its ova or its fry is not an indigenous species, unless a permit in writing to so do has first been obtained from the Minister. Any person who offends against this section shall be liable to a penalty not exceeding fifty pounds.”

New s. 17A.

8. A new section (17A) is inserted after section seventeen of the Principal Act, as follows :—

Meaning of
“net.”

“[17A.] For the purposes of sections nine, sixteen, and seventeen of this Act the term “net” shall also include any cage or similar contrivance of whatsoever material constructed :

Provided that the above provision shall not apply in respect of the use by any person of any such cage or similar contrivance when same is used for the taking of crabs which are not for sale by the person concerned.”

Amendment
of s. 18.

9. The following new subsection six is added to section eighteen of the Principal Act, namely :—

[Subs. 6.]

“[6.] Notwithstanding anything contained in the preceding subsections of this section the Minister may grant a license to any person to collect shell-grit or coral from any Queensland waters.

The annual fee for any such license shall be five pounds for every twenty chains, or part of twenty chains, of sea frontage included in the licensed area and all such licenses shall expire on the thirty-first day of December next after they are granted.

The regulations made on the fourteenth day of August, one thousand nine hundred and thirty, the tenth day of December, one thousand nine hundred and thirty-one, and the nineteenth day of May, one thousand nine hundred and thirty-two, with respect to the issue of licenses by the Governor in Council for the collection of coral and shell-grit shall also apply with respect to the licenses to be issued under this section so far as they are applicable.”

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10. The following new section (44B) is inserted after section 44A of the Principal Act :—

Inspector may requisition boats, &c.
 “[44B.] Any inspector may, at any time, require any person in charge of any boat to permit such inspector to use such boat, and any engine or oars or paddles and rowlocks therein, for the purpose of carrying out his powers and/or duties under, or enforcing the provisions of this Act.

Any person refusing to permit an inspector to use such boat, or failing to facilitate the use of such boat by an inspector, shall be guilty of an offence under this Act and shall be liable to a penalty not exceeding ten pounds.

The Chief Inspector of Fisheries shall pay to the person deprived of the use of any boat by reason of the use thereof by an inspector such sum as he considers reasonable, provided that the amount so paid shall not exceed ten shillings per hour during the time the boat is used, together with an amount equal to the cost of repairing the damage (if any) caused to the boat during the time it is used.”

11. Subsection (1) of section forty-nine of the Principal Act is repealed and the following new subsection (1) is inserted in lieu thereof, namely :—

Amendment
of s. 49.
[Returns.]

“(1.) An inspector may, by notice in writing served on any person, require such person to furnish to him or to some other person or officer specified by him a true weekly statement (or if so required in such notice a true monthly statement) in writing of all fish or oysters taken or consigned or received, whether as principal or agent or salesman, by such person, showing the quantity of each species of fish or oysters and the waters in which they were taken respectively. In the case of any person, being a licensed fisherman, such person shall likewise furnish a statement containing such additional information as to the men, boats and equipment employed in the taking of such fish, as an inspector by any such notice shall so require of him.”

12. The following new section (49A) is inserted after section forty-nine of the Principal Act, as follows :—

New s. 49A.

“[49A.] The Minister may, by order in writing, require any person who constructs or erects or causes to be constructed or erected over or upon any tidal or inland river or creek, or over any flowing water, any Fish-ways to be provided in construction of weirs, &c.

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dam, weir, or reservoir, to carry out within the time specified in the order, such works as may be specified in the order to enable the upward passage of fish through or over the dam, weir, or reservoir.

Any person who fails to comply with an order under this section shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds.

Where a person fails to comply with an order under this section the Minister may cause the work specified to be carried out and may recover the cost thereof from the person to whom the order was addressed at the suit of the Crown in any court of competent jurisdiction."

10 GEO. VI.
No. 25.
THE FISH
SUPPLY
MANAGEMENT
ACTS
AMENDMENT
ACT OF 1946.

An Act to Amend "The Fish Supply Management Acts, 1935 to 1941," in certain particulars.

[ASSENTED TO 30TH APRIL, 1946.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

Short title
and
construction.

1. (1.) This Act may be cited as "*The Fish Supply Management Acts Amendment Act of 1946*," and shall be read as one with *"*The Fish Supply Management Acts, 1935 to 1941*," herein referred to as the Principal Act.

Collective
title.

(2.) The Principal Act and this Act may collectively be cited as "*The Fish Supply Management Acts, 1935 to 1946*."

Amendments of the Principal Act.

Amendment
of s. 3.
[Definitions.]

2. In section three of the Principal Act, after the definition of "Corporation," the following new definition is inserted, namely :—

Depot.

" " Depot "—A depot established in any district under this Act for the first receipt of all fish delivered by fishermen ; ".

* 26 G. 5 No. 33 and amending Acts, v. 3, p. 589 *et seq.*