



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 35 of 1962

An Act to amend the Fisheries Act, 1917-1956.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Fisheries Act Amend- Short titles.
ment Act, 1962".
 - (2) The Fisheries Act, 1917-1956, as amended by this Act may be cited as the "Fisheries Act, 1917-1962".
 - (3) The Fisheries Act, 1917-1956, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Incorporation.
Act and this Act shall be read as one Act.
 3. Section 4 of the principal Act is amended by inserting Amendment of
principal Act,
s. 4.
therein after the definition of "licence" the following definition :—

"noxious fish" means—

- (a) European carp *Cyprinus carpio Linnaeus* in all its sub-species races varieties or domesticated forms ;
- (b) any species of fish or any races varieties or domesticated forms of any species of fish or any fish hybrid which the Governor may by proclamation declare to be noxious fish,

and includes the eggs of any noxious fish.

Amendment of
principal Act,
s. 6.

4. Subsection (1) of section 6 of the principal Act is amended by inserting at the end thereof the following paragraph :—

VIII. Declare any species of fish or any races varieties or domesticated forms of any species of fish or any fish hybrid to be noxious fish.

Amendment of
principal Act,
s. 13.

5. Section 13 of the principal Act is amended—

(a) by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

(2) Such licences shall be yearly licences, and may be issued at any time : Provided that every licence shall expire on the last day of November next after the same is issued : Provided further that if any licence is issued after the last day of May in any year one-half only of the prescribed fee shall be payable.

(b) by striking out the word “fourteen” in subsection (2a) thereof and inserting in lieu thereof the word “sixty”.

Amendment of
principal Act,
s. 14a.

6. Section 14a of the principal Act is amended—

(a) by striking out the word “December” in subsection (2) thereof and inserting in lieu thereof the word “November” ;

(b) by striking out the word “fourteen” in subsection (3) thereof and inserting in lieu thereof the word “sixty” ;

(c) by striking out the word “December” in the said subsection (3) thereof and inserting in lieu thereof the word “November”.

Amendment of
principal Act,
s. 16.

7. Section 16 of the principal Act is amended—

(a) by inserting in subsection (3) thereof after the word “used” at the end of the said subsection the passage “, or on the last day of November next after the registration of the boat, whichever first happens” ;

(b) by inserting the following subsection therein after subsection (4) thereof—

(5) Where any person to whom a Certificate of Registration is issued ceases to take fish or oysters as aforesaid in such boat, or ceases to use such boat in the taking of fish or oysters as

aforesaid or ceases to manage or take part in the management of such boat, he shall within one month from and after ceasing as aforesaid give notice thereof to the Chief Inspector and failure to do so shall be an offence against this Act.

8. Section 53 of the principal Act is amended—

Amendment of
principal Act,
s. 53.

(a) by inserting therein after paragraph (g) thereof the following paragraph :—

(h) without lawful authority takes or attempts to take fish for sale or being the holder of a licence under section 13 takes or attempts to take fish in contravention of the conditions contained in such licence ;

(b) by inserting after the word “sells” in paragraph (m) thereof the words “or knowingly has in his possession or control” ;

(c) by striking out the proviso to paragraph (q) thereof and inserting in lieu thereof the following proviso :—

Provided that it shall not be an offence against any of the provisions of this paragraph if the act alleged was done with the prior written consent of the Minister.

(d) by inserting therein after paragraph (u) thereof the following paragraph :—

(v) without the written consent of the Minister (which consent the Minister is hereby authorized with or without such conditions as he deems fit to give) keeps, hatches, rears, consigns or conveys, or causes to be kept, hatched, reared, consigned or conveyed, or releases or causes to be released into any waters, or puts into any container intending it to hold live fish or the eggs of fish, any noxious fish.

9. Subsection (2) of section 56 of the principal Act is amended—

Amendment of
principal Act,
s. 56.

(a) by inserting therein before the words “not more than twenty pounds” the words “not less than five pounds and” ;

(b) by inserting therein before the words “not more than fifty pounds” the words “not less than twenty pounds and” ;

(c) by inserting at the end thereof the following proviso :—

Provided that in the case of any offence against paragraph (a), (h), (j), (k), (m), (s) or (t) of section 53 there shall be an additional penalty of not less than ten shillings for every fish of the species known as “crayfish”, or of any other prescribed species, which the offender took, sold, or had in his possession, in the course of committing, or in furtherance of, the offence.

Amendment of
principal Act,
s. 59.

10. Section 59 of the principal Act is amended by inserting therein after paragraph (c6) thereof the following paragraphs :—

- (c7) regulating the rights or priority as between fishermen in the hauling and setting or use of nets or any other device used for taking fish, and for the preservation of good order amongst persons engaged in the taking of fish by any means whatsoever.
- (c8) providing for the control and eradication of noxious fish.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.