

**FISHERIES.**

No. 102 of 1973.

ANALYSIS.

1. Short title and citation.
2. Regulations.
3. Further powers of officers.
4. Evidence of source of fish, &c.

AN ACT to amend the *Fisheries Act* 1959.

[22 January 1974.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Fisheries Act* 1973.

Short title and
citation.

(2) The *Fisheries Act* 1959, as subsequently amended, is in this Act referred to as the Principal Act.

Regulations.

2 Section nine of the Principal Act is amended—

- (a) by omitting from paragraph (g) of subsection (1) thereof the words “, or engaged or employed in,” and the words “, or being engaged or employed in,”; and
- (b) by inserting, after that paragraph, the following paragraph:—

“(ga) providing, either absolutely or on such conditions as are set out therein, that any person engaged or employed in a licensed fishing-boat actually being used by a licensed fisherman shall, while that person is actually so engaged or employed, be deemed to be a licensed person for the purposes of this Act;”.

Further powers
of officers.**3** Section fifty-six of the Principal Act is amended—

- (a) by omitting the word “and” from the end of paragraph (e) thereof;
- (b) by adding, after paragraph (f) thereof, the following paragraphs:—

“(g) require the master or other person in charge of a boat which the officer has reasonable grounds to believe has been used, is being used, or is intended to be used in contravention of this Act to bring the boat and any equipment aboard the boat to a place in Tasmania specified by the officer and to remain in control of the boat at that place for such time as is reasonably necessary to enable the officer to discharge properly his duties in relation to that boat or any equipment aboard it; and

“(h) bring a boat and equipment which the officer has reasonable grounds to believe has been used, is being used, or is intended to be used in contravention of this Act to a place in Tasmania and may remain in control of that boat pending the taking of proceedings in respect of that contravention.”; and

- (c) by adding the following subsection:—

“(2) For the purposes of subsection (1) of this section—

- (a) in paragraph (g), 'place' means the most convenient port or anchorage that is nearest to where the requirement is made; and
- (b) in paragraph (h), 'place' means the most convenient port, regard being had to the purpose for which the officer has taken control of the boat."

4 Section sixty-eight of the Principal Act is amended by adding, Evidence of source of fish, &c. after subsection (2) thereof, the following subsection:—

"(3) Where it is necessary in any proceedings for an offence under this Act to show that at any time the defendant or any other person—

- (a) was (or was not) the holder of a specified licence under this Act; or
- (b) used a boat in respect of which a specified fishing boat licence was (or was not) in force,

an averment in a complaint alleging or negating that that person was (or was not) the holder of such a licence or that that boat was (or was not) such a boat or alleging or negating any term or condition to which any such licence is or was subject is, *prima facie* evidence thereof."