

FISHERIES AND OYSTER FARMS (AMENDMENT) ACT.

Act No. 20, 1963.

An Act to provide for the constitution of The New South Wales Fish Authority and to define its powers, authorities, duties and functions; to make further provisions for the marketing of fish in New South Wales; for these and other purposes to amend the Fisheries and Oyster Farms Act, 1935, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 10th April, 1963.]

**Elizabeth II,
No. 20, 1963**

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Fisheries and Oyster Farms (Amendment) Act, 1963".

**Short title,
citation and
commence-
ment.**

(2) The Fisheries and Oyster Farms Act, 1935, as amended by subsequent Acts and by regulations made under subsection three of section one hundred and twenty of the said Act, as so amended, and by this Act, may be cited as the Fisheries and Oyster Farms Act, 1935-1963.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette :

Provided that for the purpose only of the appointment of persons to be chairman and members of the Authority to be constituted under Division 6A of Part III of the Fisheries and Oyster Farms Act, 1935-1963, and of matters necessary for or incidental to such appointment (including the payment of salaries, fees and travelling expenses to such chairman and members)

No. 20, 1963 members) and of making any regulations necessary or expedient for the purpose of bringing the amendments effected by this Act into operation at the commencement of this Act the provisions of such amendments shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

Amendment
of Act No.
58, 1935.

2. The Fisheries and Oyster Farms Act, 1935-1960, is amended—

Sec. 3.
(Division
into Parts.)

(a) by inserting in section three next after the matter relating to Division 6 of Part III the following new matter :—

DIVISION 6A.—*The New South Wales Fish Authority*—ss. 41A-41T.

Sec. 4.
(Interpre-
tation.)

(b) (i) by inserting in subsection one of section four next before the definition of “Boat” the following new definition :—

“Authority” means The New South Wales Fish Authority established under section 41A of this Act.

(ii) by omitting from the definition of “District” in the same subsection the words “the Metropolitan Fish Supply District and any other” and by inserting in lieu thereof the word “any”;

(iii) by inserting in the definition of “Fish” in the same subsection after the words “animal life,” the words “and any part of a fish as hereinbefore defined.”;

(iv) by omitting from the definition of “Market” in the same subsection the words “in the Metropolitan Fish Supply District”;

(v) by omitting from the same definition the words “by the Municipal Council of Sydney in pursuance of the provisions of the said section” and by inserting in lieu thereof the words “by the council of a city, municipality or shire in pursuance of the provisions of the Local Government Act, 1919, as amended by subsequent Acts”;

(vi)

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- (vi) by inserting in the same subsection next after the definition of "To sell" the following new definition :—

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"Trading society" means a trading society which under and in accordance with section 10A of the Co-operation, Community Settlement, and Credit Act, 1923, as amended by subsequent Acts, controls or operates any markets for the sale of fish.

- (c) by omitting section forty and by inserting in lieu thereof the following section :—

Subst.
sec. 40.

40. As on and from the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1963, no person other than—

Persons
authorised
to sell fish.

- (a) the Authority shall sell fish in the fish market established at such commencement by the Municipal Council of Sydney under Part XIII of the Sydney Corporation Act, 1932, as amended by subsequent Acts;
- (b) the Authority or a trading society shall sell fish in any market established under this Act or provided and controlled by the council of a city, municipality or shire in pursuance of the provisions of the Local Government Act, 1919, as amended by subsequent Acts.
- (d) by omitting subsection two of section 40A;
- (e) (i) by omitting from subsection one of section 40B the words "for human consumption";
- (ii) by omitting from the same subsection the words "the market in the district" and by inserting in lieu thereof the words "a market";

Sec. 40A.
(Constitution
of
fish supply
districts.)

Sec. 40B.
(All fish to
be sold at
market.)

(iii)

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- (iii) by omitting from the same subsection the words "In this subsection 'fish' does not include oysters." and by inserting in lieu thereof the following words :—

This subsection does not apply to oysters or canned fish or any prescribed class of fish.

- (iv) by omitting subsections two and three of the same section and by inserting in lieu thereof the following subsection :—

(2) Subsection one of this section shall not apply to and in respect of any sale of fish made—

- (a) by a person who holds a license issued to him under section 40C of this Act where the sale is made in accordance with the provisions of the license and any terms and conditions relating to the sale of fish by the holder of the license and specified therein ;
- (b) by a fisherman where the sale is made to a person who holds a license issued to him under section 40C of this Act ;
- (c) by a fisherman who is the holder of a consent in writing granted to him by the Minister under this subsection (which consent the Minister is hereby authorised to grant), where the sale is made in accordance with any terms and conditions specified in the consent ;
- (d) to a person who is the holder of a certificate of registration as a canner of fish granted to him by the Minister under this subsection (which certificate the Minister is hereby authorised to grant), where the fish the subject of the sale are of a species used only or mainly for canning.

Any

Any consent or certificate of registration granted under this subsection shall be subject to such terms and conditions as may be specified therein and shall—

- (i) be in force for such period; and
- (ii) not be granted except upon the payment of such fees in such manner and at such periods,

as may be respectively prescribed.

A consent under paragraph (c) of this subsection shall not be granted except on the recommendation of the Authority and the terms and conditions specified in any such consent shall include a condition that any sale made pursuant to the consent shall be made in such area as may be specified in the consent.

A certificate of registration shall not be granted under paragraph (d) of this subsection except to a person engaged in the business of the canning of fish of a species used only or mainly for canning.

The Minister may for any cause which to him seems sufficient cancel any consent or certificate of registration granted under this subsection.

- (v) by omitting from subsection four of the same section the words "or any term or condition of any consent given under this section";
- (f) by inserting next after section 40B the following new section :—
 - 40c. (1) (a) The Minister may, on the recommendation of the Authority, issue a license under his hand to any person authorising such person to sell by wholesale at the premises specified in the license fish which have been taken by such person in accordance with this Act or which have been purchased from a fisherman.
 - (b)

New sec.
40c.

Licenses to
sell fish
otherwise
than at a
market.

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(b) Any license issued under this section shall be subject to such terms and conditions as may be specified therein and shall—

- (i) be in force for such period;
- (ii) not be issued except upon the payment of such fees in such manner and at such periods, as may be respectively prescribed.

(2) Before issuing any license under this section the Minister shall take into consideration—

- (a) whether the premises in respect of which the application for the license is made are suitable for the receiving, storing, sale and distribution of fish; and
- (b) such other matters as the Minister thinks fit.

(3) The Minister may for any cause which to him seems sufficient cancel any license issued under this section.

(4) (a) Any person who contravenes or fails to comply with any term or condition of any license issued to him under this section shall be liable to a penalty not exceeding fifty pounds.

(b) A person shall not in respect of any matter or thing done or omitted to be done by him be liable to a penalty under this subsection as well as under any other provision of this Act.

Substituted
Division 6A
of Part III.

- (g) by omitting Division 6A of Part III and by inserting in lieu thereof the following Division :—

DIVISION 6A.—The New South Wales Fish Authority.

The New
South Wales
Fish
Authority.

41A. (1) For the purposes of this Act there shall be established a New South Wales Fish Authority.

(2) The Authority shall consist of a chairman and four other members to be appointed by the Governor.

(3)

(3) Of the members so appointed—

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- (a) the chairman shall be appointed on the nomination of the Minister and shall be a person having no pecuniary interest in any branch of the fishing industry;
- (b) one of the remaining members shall be appointed on the nomination of the Minister to be representative of the consumers of fish; and
- (c) the remaining three members shall, subject to subsection five of this section, be appointed on the nomination of the Minister from a panel of persons each of whom has been nominated, in the prescribed manner and within such time as may from time to time be fixed by the Minister and notified in the Gazette, by a trading society or by not less than ten fishermen.

(4) If a casual vacancy occurs in the office of the chairman or any other member of the Authority the Governor may on the nomination of the Minister appoint a person to fill the vacant office.

Any nomination under this subsection to fill the vacant office of a person appointed pursuant to paragraph (c) of subsection three of this section shall, subject to subsection five of this section, be made from the panel referred to in the said paragraph (c).

(5) Where at any time the number of persons comprising the panel referred to in paragraph (c) of subsection three of this section is less than the number of persons necessary to fill any vacancy or vacancies in the office of member of the Authority, other than the office of chairman or the member appointed pursuant to paragraph (b) of the said subsection three, the Minister may nominate for appointment to fill the vacancy or vacancies

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vacancies such number of persons who have not been nominated to the panel in accordance with the said paragraph (c) as may be necessary.

(6) The chairman and any other member of the Authority shall hold office for such period not exceeding five years as may be specified in the instrument appointing him as such chairman or member and shall be eligible for reappointment from time to time.

Any such reappointment shall be for such term not exceeding five years as may be specified in the instrument of reappointment.

(7) The Authority shall annually elect one of its members to be deputy chairman of the Authority.

(8) The chairman and each member of the Authority shall be entitled to receive such salary, fees and travelling expenses as may be prescribed.

(9) A member of the Authority shall be deemed to have vacated his office if he—

- (a) resigns his office by writing under his hand addressed to the Governor;
- (b) ceases to reside in the State;
- (c) becomes bankrupt, compounds with his creditors or makes an assignment of his salary or estate for their benefit;
- (d) is a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;
- (e) is removed from office by the Governor;
- (f) absents himself from three consecutive meetings of the Authority of which reasonable notice has been given to him either personally or in the ordinary course of post, except on leave granted by the Minister; or

(g)

(g) being the chairman—

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- (i) engages (whether in New South Wales or elsewhere) in any paid employment outside the duties of his office, except with the approval of the Minister;
- (ii) has any pecuniary interest in any branch of the fishing industry; or
- (iii) absents himself from duty for a period of more than fourteen consecutive days, except on leave granted by the Minister.

(10) The Governor may, for any cause which seems to him sufficient, remove the chairman or any member from his office.

(11) No person—

- (a) of or above the age of sixty-five years shall be eligible for appointment as chairman of the Authority and any person appointed as chairman shall cease to hold office as such upon the day upon which he attains the age of sixty-five years;
- (b) of or above the age of seventy years shall be eligible for appointment as a member of the Authority, not being the chairman, and any such member shall cease to hold office as such upon the day upon which he attains the age of seventy years.

(12) At any meeting of the Authority the chairman or deputy chairman and two other members shall form a quorum and any meeting at which a quorum is present shall have all the powers, authorities, duties and functions conferred or imposed upon the Authority by this Act.

(13) The chairman shall preside at any meeting of the Authority at which he is present. In the absence of the chairman the deputy chairman shall preside.

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(14) At any meeting of the Authority the chairman or the deputy chairman when presiding at any meeting shall have a deliberative vote and in the case of an equality of votes a second or casting vote.

(15) The procedure for the calling of meetings of the Authority and for the conduct of business at such meetings shall, subject to any regulation in relation thereto and to this Act, be as determined by the Authority.

(16) (a) No act or proceeding of the Authority shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the office of any member of the Authority.

(b) All acts and proceedings of the Authority shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified to act, be as valid as if such member had been duly appointed and was qualified to act and had acted as a member of the Authority, and as if the Authority had been properly and fully constituted.

(17) The provisions of the Public Service Act, 1902, or any Act amending that Act, shall not apply to or in respect of the appointment of any member of the Authority and any such member shall not, in his capacity as such, be subject to the provisions of any such Act.

(18) (a) A person who, at the date of his appointment as chairman of the Authority, is an officer of the Public Service, shall, if he ceases to be chairman of the Authority from any cause whatsoever other than in pursuance of subsection nine (paragraph (a) excepted), or paragraph (a) of subsection eleven, of this section, be entitled to be appointed upon the recommendation of the Public Service Board to some office in the Public Service
not

not lower in classification and salary than that which he held immediately before his appointment as chairman of the Authority. **No. 20, 1963**

(b) Nothing in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, or any Act amending such Acts, to any person appointed as chairman of the Authority who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof.

(c) Any officer of the Public Service or person who is an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, appointed as chairman of the Authority shall continue to contribute to any fund or account and be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, or any Act amending such Acts, and for such purpose his service as chairman of the Authority shall be deemed to be service for the purpose of such Acts.

(d) In respect of any officer of the Public Service or person who is an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, appointed as chairman of the Authority, the Authority shall pay to the State Superannuation Board such contributions and payments as would have been payable by the employer of such officer or employee if such officer or employee had remained an officer of the Public Service, or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, and had been paid salary or wages at the rate paid to him by the Authority.

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Authority
to be a
body
corporate.

41B. (1) The Authority shall be a body corporate with perpetual succession and a common seal and may in its corporate name sue and be sued and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

(2) The corporate name of the Authority shall be "The New South Wales Fish Authority".

(3) The common seal of the Authority shall not be affixed to any instrument or writing except in the presence of the chairman or, during his absence from duty, of the deputy chairman and the chairman or deputy chairman, as the case may be, shall attest by his signature the fact and date of the seal being so affixed.

Transfer of
rights,
liabilities
and
property to
Authority.

41C. (1) In this section—

"Former Division 6A" means Division 6A of Part III of this Act as enacted immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1963.

"Minister" means the corporation sole constituted under the former Division 6A.

(2) On and from the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1963, the following provisions shall have effect:—

(a) All property (in this section referred to as "transferred property") whether real or personal, which immediately before that commencement was held by the Minister for the purposes of the former Division 6A shall vest in and belong to the Authority for the purposes of this Division of this Part of this Act.

(b)

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- (b) All moneys, liquidated and unliquidated claims, which immediately before that commencement were payable to or recoverable by the Minister in relation to any matters under the former Division 6A shall be moneys, liquidated and unliquidated claims payable to or recoverable by the Authority. No. 20, 1963
- (c) All legal or other proceedings that might but for the amendments made by paragraph (g) of section two of the Fisheries and Oyster Farms (Amendment) Act, 1963, have been continued or commenced against the Minister in relation to any matters under the former Division 6A may be continued or commenced by or against the Authority.
- (d) All contracts, agreements and undertakings entered into for the purposes of the former Division 6A and in force immediately before that commencement shall respectively be deemed to be contracts, agreements and undertakings entered into with the Authority.
- (e) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the Minister solely in relation to any matter under the former Division 6A or the transferred property or any part thereof shall be debts due and moneys payable by and claims recoverable against the Authority.
- (f) (i) Every person who immediately before that commencement was employed in or in connection with the business carried on by the Minister under the powers and authorities conferred on him by the former Division 6A shall upon that commencement become an employee of the Authority.
- (ii)

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(ii) The period of service with the Minister of any person, not being an officer or employee of the Public Service, so transferred to the service of the Authority shall be deemed to be service with the Authority for the purposes of the terms and conditions, relating to annual leave, sick leave or long service or extended leave, of any staff agreement or of any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(iii) Any person—

(a) being an officer or employee of the Public Service, so transferred to the service of the Authority shall retain any rights which, on the date upon which he is so transferred, have accrued or are accruing to him as an officer or employee of the Public Service or as an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, and shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he had continued to be an officer or employee of the Public Service, or an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof, as the case may be, and for the purposes of this paragraph his service with the Authority shall be deemed to be service for the purposes of the said Act, and of the Public Service Act, 1902, as amended by subsequent Acts;

(b)

- (b) being an officer of the Public Service, so transferred to the service of the Authority shall, if he ceases to be an employee of the Authority from any cause whatsoever other than dismissal for misconduct or by reason of his attaining the age of sixty-five years, be entitled to be appointed on the recommendation of the Public Service Board to some office in the Public Service not lower in classification and salary than that which he held immediately before his transfer to the service of the Authority. **No. 20, 1963**
- (iv) Where any condition of employment of any person so transferred to the service of the Authority is, immediately before he is so transferred, regulated by an award or industrial agreement or agreement made under or in pursuance of the Public Service Act, 1902, as amended by subsequent Acts, such condition shall continue to be so regulated until an award regulating such condition and binding on the Authority is made by a competent tribunal, or such condition is regulated by an industrial agreement to which the Authority is a party.
- (v) In respect of any person referred to in paragraph (a) of subparagraph (iii) of this paragraph, the Authority shall pay to the State Superannuation Board such contributions and payments as would have been payable by the Minister if such person had remained an employee of the Minister and had been paid salary or wages at the rate paid to him by the Authority.
- (vi)

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- (vi) Any person so transferred to the service of the Authority shall not be entitled to claim benefits under this Act as well as under any other Act in respect of the same period of service.

**Powers of
the
Authority.****41D. (1) Subject to this Act—**

- (a) it shall be the duty of the Authority to take over and be responsible for the conduct and management of any market maintained by the Minister under the former Division 6A immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1963;
- (b) the Authority is hereby empowered and authorised—
- (i) to establish and maintain such markets for the sale of fish in accordance with the provisions of section 41E of this Act on behalf of fishermen or other persons as it may from time to time decide;
 - (ii) to arrange for the sale in accordance with the provisions of section 41E of this Act in any market maintained by the Authority of fish on behalf of fishermen or other persons;
 - (iii) to do all such things as are necessary for the reasonable care and storage and the sale of any such fish;
 - (iv) to purchase and manufacture ice for sale;
 - (v) to purchase and manufacture fish boxes for sale or rental;
 - (vi) to demand, collect, and receive in respect of and for the use of any property of the Authority or any service performed under this Act by the Authority in connection with the sale

sale of any fish, ice, fish boxes or other products such rents, commissions, tolls, dues, rates, fees and charges as may be prescribed or where no such rent, commission, toll, due, rate, fee or charge has been prescribed such reasonable rent, commission, toll, due, rate, fee or charge as may be agreed upon;

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- (vii) to make advances out of the New South Wales Fish Authority Reserve Fund, established under section 41J of this Act, to any fisherman, or trading society, or other person engaged in the fishing industry, where in the opinion of the Authority such advances will be of benefit to the fishing industry or any part thereof;
- (viii) to devise and submit to the Minister schemes in connection with the marketing and distribution of fish and the development and improvement of fish marketing and distribution and in connection with any such scheme to make recommendations to the Minister for the constitution, variation or abolition of any district.

(2) Notwithstanding any of the provisions of this Act the Council of the City of Sydney may carry on in respect of any fish market already established by it at the date of commencement of the Fisheries and Oyster Farms (Amendment) Act, 1963, any of the activities carried on by it at such market immediately before that commencement.

(3) The provisions of Part XX of the Local Government Act, 1919, as amended by subsequent Acts, shall not extend to any market, depot, shop or other establishment operated or established by the Authority in pursuance of the provisions of this Act or to any fish therein.

(4)

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(4) Proceedings may be taken by the Authority in any court of competent jurisdiction to recover as a debt the amount of any rents, commissions, tolls, dues, rates, fees, charges and expenses due and payable to the Authority.

(5) In paragraph (a) of subsection one of this section, the expressions "Former Division 6A" and "Minister" have the meanings respectively ascribed thereto in subsection one of section 41C of this Act.

Method of
selling
fish.

41E. (1) A person shall not sell fish in a market otherwise than in accordance with the provisions of this section.

(2) Fish shall not be sold in a market except by public auction by a person appointed for the purpose by the Authority, or by such other method as the Authority, with the consent in writing of the Minister, may in any case or class of cases from time to time determine.

Any consent given by the Minister under this section may be subject to such terms and conditions as may be specified therein.

(3) Any person who contravenes any of the provisions of this section or any term or condition of any consent given under this section shall be liable to a penalty not exceeding fifty pounds.

The New
South Wales
Fish
Authority
Fund.

41F. (1) There shall be a fund (in this Division referred to as the "fund") called "The New South Wales Fish Authority Fund".

(2) The fund shall be the property of the Authority and shall be applied in accordance with the provisions of this Division.

Separate
bank
account
for fund.

41G. All moneys belonging to the fund shall, pending the investment or application thereof, be paid into a bank in New South Wales, approved by the Minister, to the credit of a separate account to be called

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called "The New South Wales Fish Authority No. 20, 1963 Account" and such account shall be operated upon in such manner as the Authority may from time to time determine.

41H. The fund shall consist of—

Moneys
in fund.

- (a) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1963, were held in the Fish Marketing Fund established under subsection one of section 41D of this Act, as enacted immediately before such commencement; and
- (b) subject to the provisions of paragraph (c) of section 41L of this Act, all sums of money received by the Authority under this Division.

41I. There shall from time to time be paid out of the fund—

Expenditure
from fund.

- (a) any costs, charges and expenses incurred by the Minister in respect of the transfer to the Authority of the conduct and management of any market referred to in paragraph (a) of subsection one of section 41D of this Act;
- (b) the expenses and other charges incurred by the Authority or for which the Authority may become liable in the exercise of its powers, authorities, duties and functions under this Division of this Part of this Act;
- (c) the salaries, wages, fees, travelling expenses and allowances of the chairman and members of the Authority and of employees employed by the Authority;
- (d) the expenses of the establishment, construction, extension, alteration and repair of any additional market, buildings, cold stores, shops and wharves.

41J.

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The New
South Wales
Fish
Authority
Reserve
Fund.

41J. (1) There shall be a fund (in this Division referred to as the "reserve fund") called "The New South Wales Fish Authority Reserve Fund".

(2) The reserve fund shall be the property of the Authority and shall be applied in accordance with the provisions of this Division.

Separate
bank
account for
reserve fund.

41K. All moneys belonging to the reserve fund shall, pending investment or application thereof, be paid into a bank in New South Wales, approved by the Minister, to the credit of a separate account to be called "The New South Wales Fish Authority Reserve Account" and such account shall, subject to this Act, be operated upon in such manner as the Authority may from time to time determine.

Moneys in
reserve fund,

41L. The reserve fund shall consist of—

- (a) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1963, were held in the reserve fund referred to in subsection two of section 41D of this Act, as enacted immediately before such commencement;
- (b) any profits made after providing for interest, payments to sinking fund, ordinary depreciation and other like matters or things; and
- (c) all repayments of principal, and interest thereon, received in respect of advances made by the Minister, pursuant to the former Division 6A, as defined in subsection one of section 41C of this Act or by the Authority pursuant to subparagraph (vii) of paragraph (b) of subsection one of section 41D of this Act.

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41M. There may, with the approval of the Minister, be paid from time to time out of the reserve fund—

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Expenditure
from
reserve fund.

- (a) any loss sustained in any year by the Authority in the exercise of its powers, authorities, duties and functions under this Division;
- (b) any expenditure incurred in or towards any of the purposes of any business carried on by the Authority under the authority of this Division of this Part of this Act or in or towards such projects, investigations and undertakings necessary for the furtherance of the fishing or oyster farming industries; and
- (c) any advances made pursuant to subparagraph (vii) of paragraph (b) of subsection one of section 41D of this Act.

41N. The Authority may appoint such employees as it considers necessary for the purposes of this Division of this Part of this Act.

Employees
of
Authority.

41O. (1) The Authority shall as soon as practicable after the thirtieth day of September in each year and not later than the first day of January next ensuing cause to be prepared an annual statement of accounts and a balance-sheet, each of which shall be in a form to be approved by the Auditor-General, and shall also cause to be prepared an annual report of its administration and operations under this Act.

Annual
statements.

(2) The Authority shall furnish to the Minister a copy of such statement, balance-sheet and report.

(3) A copy of such statement, balance-sheet and report shall be laid before both Houses of Parliament, together with a copy of the Auditor-General's report made under subsection three of section 41P of this Act.

41P.

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Accounts
and audit.

41P. (1) The Authority shall cause proper books of account to be provided and shall cause to be entered therein true and regular accounts of all sums of money received and paid for or on account of its operations under this Act or pursuant thereto and of the several purposes for which such sums of money have been received and paid.

(2) The accounts of the Authority shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts.

(3) The Auditor-General shall, as soon as practicable after the thirtieth day of September in each year, make and sign and forward to the Minister a report of the audit of the accounts of the Authority.

(4) Towards defraying the cost and expenses of such audit, the Authority shall pay to the Treasurer for credit of the Consolidated Revenue Fund such sums, at such periods, as the Treasurer may determine and notify to the Authority.

Borrowing
powers.

41Q. The Authority may, for any purpose for which it is authorised by this Division to expend moneys, borrow moneys by way of overdraft of current account in any bank or banks, or otherwise, upon the credit of the Authority's funds and assets to such extent as may from time to time be approved by the Governor.

Investment
of funds.

41R. Any moneys in the fund or the reserve fund that are not immediately required for the purposes of the Authority may be invested in government securities of the Commonwealth of Australia or of the State of New South Wales or in any securities guaranteed by the Government of the State of New South Wales.

41S.

41s. The Authority shall, if required to do so by No. 20, 1963 a notice in writing under the hand of the Minister or the Under Secretary, Chief Secretary's Department, and served on the Authority, furnish to the Minister or such Under Secretary, as the case may be, a report in relation to such aspects of the accounts or operations of the Authority or such matter or thing concerning the administration of the Authority as may be specified in the notice.

Authority
to furnish
report if
required.

41t. (1) Any officer of the Public Service authorised by the Minister, either generally or specially in that behalf, may at all reasonable times enter any premises held, occupied or used by or on behalf of the Authority and may therein inspect and examine any books, accounts, documents and records of the Authority and make copies of or extracts from such books, accounts, documents and records.

Power to
inspect
books, etc.,
of
Authority.

(2) If any person wilfully delays or obstructs any member of the Public Service, authorised as aforesaid, in the exercise of such member's powers under this section or being a member or employee of the Authority does not, upon demand made to him by any such member, produce any such books, accounts, documents or records he shall be guilty of an offence against this Act.

- (h) (i) by inserting in paragraph (d) of subsection two of section one hundred and twenty after the word "registration," the words "certificate of registration,";
- (ii) by inserting at the end of paragraph (tt) of the same subsection the words "and the granting of a rebate of portion of such rents, commissions, tolls, dues, rates, fees and charges to specified persons or classes of persons in specified circumstances";

(iii)

Sec. 120.
(Regula-
tions.)

No. 20, 1963

(iii) by inserting next after paragraph (eee) of the same subsection the following new paragraphs and subsection :—

(fff) regulating the duties of the chairman and members and employees of the Authority;

(ggg) prescribing the procedure for the calling of meetings of the Authority and the conduct of the business at such meetings;

(hhh) prescribing salaries, fees and travelling expenses payable to the chairman and members of the Authority;

(iii) prescribing charges for the sale by the Authority of ice;

(jjj) prescribing charges for the sale or rental by the Authority of fish boxes and for the payment of deposits on any fish boxes so rented and providing for any charges for the rental by the Authority of fish boxes to be prescribed according to the period of rental or the purposes for which the boxes are rented;

(kkk) regulating the use of fish boxes rented to any persons by the Authority;

(lll) prescribing grades of prawns and prohibiting the sale by wholesale of prawns otherwise than in a fish box, or other package or container, containing prawns that conform with one of the prescribed grades; providing for the marking in the prescribed manner on the fish box, or other package or container, in which prawns are sold by wholesale, of the grade of those prawns; providing for the method of determining whether the prawns contained in any fish box, or other package or container, conform with one of the prescribed grades and providing

providing for the seizure and disposal of any prawns sold in contravention of any regulation made under this paragraph; **No. 20, 1963**

- (mmm) controlling and regulating the holding of fish in cold stores; providing for the marking of the fish boxes, or other packages or containers, in which fish are stored in cold stores so as to show the name of the owner of the fish and such other particulars as may be prescribed, and the keeping of records of the receipt into and disposal from cold stores of fish and of the persons to whom such fish have been disposed of; providing for the inspection by inspectors of cold stores and any fish therein and for the examination by inspectors of any records kept under any regulation made under this paragraph, and requiring the owner or person in charge of a cold store to produce any such records to an inspector if required to do so by such inspector;
- (nnn) regulating vehicles used for the carrying of fish for sale; providing for the carrying on any such vehicle of lists containing the prescribed particulars relating to fish carried on such vehicle;
- (ooo) prescribing accounting procedures to be used, and banking arrangements to be made, by the Authority in respect of any market conducted by it;
- (ppp) prescribing all matters which are necessary or convenient for the purpose of carrying out all or any of the provisions of any scheme submitted to the Minister pursuant to subparagraph (viii) of paragraph (b) of subsection one of section

section 41D of this Act; making provisions for or in relation to any matter or thing mentioned in any such scheme.

(2A) In particular and without prejudice to the generality of paragraph (ppp) of subsection two of this section regulations made under that paragraph may for the purpose of carrying out any scheme referred to in that paragraph—

(a) empower the Authority—

- (i) to undertake and carry on in any district the business of the getting, preparation, processing, purchase, sale, supply and distribution of fish and all products and by-products of fish and of the storage of fish and other food-stuffs, products and by-products and for or incidental to that business to establish, maintain, regulate and control markets and such shops, depots and other establishments as it may deem necessary and to use any markets maintained under the foregoing provisions of this subparagraph;
- (ii) to arrange for the purchase and disposal of inedible fish, offal and other matter, including the application of any manufacturing process thereto to convert it into a merchantable article;
- (iii) to give directions in writing to any trading society or fisherman or any person who holds a consent or license granted or issued under section 40B or 40C of this Act, as the case may be, prohibiting the trading society, fisherman or person to whom the directions

directions are given from selling any fish belonging to or in the possession of the trading society, fisherman or person, as the case may be, otherwise than at the market specified in the directions, or unless it has first been sent to and kept in a cold store for such period as may be specified in the directions, or unless it has first been processed in such manner as may be specified in the directions;

- (iv) to engage in such research, publicity and educational activities as may be deemed necessary by the Authority for the purposes of the scheme;
- (b) suspend the operation of section 40B or 41E of this Act, or both of those sections, in such locality and for such period as may be specified in the regulations;
- (c) impose a penalty not exceeding fifty pounds for a breach of any direction referred to in subparagraph (iii) of paragraph (a) of this subsection.
- (i) by inserting next after paragraph (e) of subsection two of section one hundred and twenty-one the following new paragraph :—
 - (f) to all persons, or to any specified persons or class of persons, or to persons or classes of persons other than those specified.

Sec. 121.
(Penalties and application of regulations.)

LIMITATION