

15 GEO. VI. No. 7, 1951. *Fish Supply Management, Etc., Act.*

- (v.) The constitution or declaration or notification by or under the Principal Act of any rural fire district, fire warden's district, special fire zone, or any other area subsisting at the commencement of this Act and every such rural fire district, fire warden's district, special fire zone, and other area shall be deemed to have been constituted or declared or notified, as the case requires, under and for the purposes of **"The Rural Fires Acts, 1946 to 1951."*

FISHERIES.

An Act to Amend "The Fish Supply Management Acts, 1935 to 1946," in certain particulars.

15 GEO. VI.
NO. 7
THE
FISH SUPPLY
MANAGEMENT
ACTS
AMENDMENT
ACT OF
1951.

[ASSENTED TO 30TH MARCH, 1951.]

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:—

1. (1.) This Act may be cited as "*The Fish Supply Management Acts Amendment Act of 1951*," and shall be read as one with † "*The Fish Supply Management Acts, 1935 to 1946*," herein referred to as the Principal Act. Short title and construction.

(2.) The Principal Act and this Act may be collectively cited as "*The Fish Supply Management Acts, 1935 to 1951*." Collective title.

‡(3.) Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*. Commencement of Act.

2. Section three of the Principal Act is amended— Amendments of s. 3.

(i.) By repealing the definition of the term "Depot" in that section and by inserting the following definition in lieu of that repealed definition, namely:—

" "Depot"—A depot established under this Act in any district for the receiving of fish required by this Act to be brought to that depot; "

* 10 G. 6 No. 47 and amending Act.

† 26 G. 5 No. 33 and amending Acts.

‡ Commenced on 7th May, 1951. (See Proclamation published in *Gazette* of 5th May, 1951, p. 23.)

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(ii.) By repealing the definition of the term "License" in that section and by inserting the following definition in lieu of that repealed definition, namely:—

License.

“ “License”—Any license or permit, and any renewal thereof, issued under this Act and in force at any material time: Any endorsement made under this Act on any license shall be regarded as forming part of that license ;”.

(iii.) By repealing the definition of the term "Local Authorities Acts" in that section and by inserting the following definition in lieu of that repealed definition, namely:—

Local
Authorities
Acts.

“ “Local Authorities Acts”—*“ *The Local Government Acts, 1936 to 1950* ” or any Act amending or in substitution for those Acts: The term also includes †“ *The City of Brisbane Acts, 1924 to 1950,*” or any Act amending or in substitution for those Acts ;”.

(iv.) By repealing the definition of the term "Local Authority" in that section and by inserting the following definition in lieu of that repealed definition, namely:—

Local
Authority.

“ “Local Authority”—A Local Authority constituted under the laws in force for the time being relating to local government: The term also includes a Joint Local Authority and the Brisbane City Council constituted under †“ *The City of Brisbane Acts, 1924 to 1950,*” or any Act amending or in substitution for those Acts ;”.

(v.) By repealing the definition of the term "Market" in that section and by inserting the following definition in lieu of that repealed definition, namely:—

Market.

“ “Market”—Includes the Metropolitan Fish Market and any branch market and any depot established by or under this Act in the Metropolitan Fish Supply District and the fish market and any branch market and any depot established under this Act in any other district, and all lands, improvements,

* 1 G. 6 No. 1 and amending Acts.

† 15 G. 5 No. 32 and amending Acts.

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and works appurtenant to or provided or used for or in connection with the Metropolitan Fish Market or any other fish market or any branch market or any depot referred to in this definition ;”.

(vi.) By inserting the following definition after the definition of the term “ Minister,” namely :—

“ “ Person ” Includes any body corporate ;”.

Person.

3. Subsection six of section twenty of the Principal Act is repealed.

Amendment of s. 20.

4. Section twenty-one of the Principal Act is amended—

Amendments of s. 21.

(i.) By inserting in the first paragraph of subsection one of that section the word “ inspectors,” after the words “ administrative and technical officers,”.

(ii.) By repealing subsection four of that section and by inserting the following subsection in lieu of that repealed subsection, namely :—

“(4.) The services of any officers appointed or employees employed in pursuance of this section may be terminated by the Board.”

Power to terminate appointments of officers, &c.

5. Section twenty-two of the Principal Act is amended—

Amendments of s. 22.

(i.) By repealing in that section the words “ for that purpose ”.

(ii.) By repealing in that section the word “ depôts”.

(iii.) By adding to that section the words “ for those purposes and to conduct the sales of all fish sold at any and every such market.”

(iv.) By adding to that section, as so amended, the following paragraph, namely :—

“ Without limiting the generality of the foregoing provisions of this section the Board may from time to time enter into contracts, subject to such terms and conditions as it may agree to, with any person or group or groups of persons, for the purchase by the Board of fish or any species of fish, including, but without limit to the generality of this power, the entering into contracts for the purchase of all fish of any variety delivered to the Board at any market or markets by the other contracting party.”

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Amendments
of s. 23.

6. Section twenty-three of the Principal Act is amended—

(i.) By repealing in the first paragraph of subparagraph (i.) of subsection one of that section the words “any district, or part of a district, a branch market or branch markets, and/or a depot or depots” and by inserting, in lieu of those repealed words, the words “the Metropolitan Fish Supply District, such branch markets and depots, and in each and every other district a fish market and such branch markets and depots, as it considers necessary.”

(ii.) By inserting in the second paragraph of subparagraph (i.) of subsection one of that section the word “fish” before the words “market, branch market, or depot” where such words twice appear therein.

(iii.) By repealing in subparagraph (ii.) of subsection one of that section the words “the Metropolitan Fish District” and by inserting, in lieu of those repealed words, the words “any district.”

(iv.) By adding to subsection three of that section the words “and to conduct the sales of all oysters sold at any and every market.”

Amendment
of s. 25.

7. In section twenty-five of the Principal Act the words “Commissioner for Public Health under and pursuant to “*The Health Acts, 1900 to 1934,*” are repealed and the words “Director-General of Health and Medical Services for the State of Queensland under and pursuant to **“The Health Acts, 1937 to 1949,”*” are inserted in lieu of those repealed words.

Repeal of
and new
s. 26.

8. Section twenty-six of the Principal Act is repealed and the following section is inserted in lieu of that repealed section, namely :—

Prohibition
of sale of
fish not
certified as
fit for
human
consumption
after
inspection at
a market.

“[26.] On and after the date of the establishment of a market in any district, no person shall in that district sell any fish which have not first been certified as fit for human consumption after inspection at a market in such district by either an inspector or other officer under this Act appointed by the Board or an inspector appointed under and for the purposes of **“The Health Acts, 1937 to 1949”* (or any Act amending or in substitution for those Acts).”

* 1 G. 6 No. 31 and amending Acts.

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9. Section twenty-seven of the Principal Act is amended— Amendments of s. 27.

(i.) By repealing subsections one and two of that section and by inserting the following subsections in lieu of those repealed subsections, namely:—

“(1.) No person shall in any district sell or for valuable consideration either assign or part with the possession of any fish unless such fish have first been brought to a market in that district and there sold at a sale conducted by the Board : Prohibition of sale of fish which have not first been brought to and sold in a market.

Provided that the Board, with the approval of the Minister, may from time to time exempt from the provisions of this subsection, for such period, in such form, and subject to such terms and conditions as the Minister approves, any district or any part or parts of any district comprising all or any seaside areas or any Local Authority areas or parts of Local Authority Areas in that district.

Notice of each and every such exemption shall be published in the *Gazette* and thereupon shall be judicially noticed.

(2.) As far as possible any species of fish for sale brought to a market and certified as fit for human consumption shall be sold in the order of priority in which it has been brought to that market. Sales of fish at a market.

At each and every market the Board shall have power to conduct all sales of fish therein by public auction or otherwise than by public auction and subject to such terms and conditions as it may, in its absolute discretion, deem fit to impose, and may in its absolute discretion determine the manner of such sales and the order of priority in which fish has been brought to that market.”

(ii.) By repealing in subsection three of that section the words and brackets “paragraph (a) of the first” and by inserting, in lieu of those repealed words, the word “the”.

10. Section 27A of the Principal Act is amended— Amendments of s. 27A.

(i.) By repealing subsections one, two, and three of that section and by inserting the following subsections in lieu of those repealed subsections, namely:—

“(1.) On and after the commencement of **The Fish Supply Management Acts Amendment Act of 1951*” Distributors' licenses.

* This Act.

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the Board from time to time may, in its discretion, issue and renew distributor's licenses under this Act of the following kinds, that is to say :—

- (i.) A wholesale distributor's license ;
- (ii.) A retail distributor's (shop) license ;
- (iii.) A retail distributor's (hawker's) license.

Any one person may hold distributors' licenses of different kinds and two or more distributors' licenses of the same kind.

Wholesale
distributor's
license.

(2.) (a) A wholesale distributor's license shall authorise the holder of that license to purchase, for the purpose of sale to retailers, fish at any market in the district or in the part of a district specified therein, or at a particular market so specified, in accordance with the terms and conditions, if any, set out in that license, and to sell fish by wholesale in the district or in the part of a district specified in that license for the sale of fish by him in that manner.

(b) No person shall at any time after the commencement of **The Fish Supply Management Acts Amendment Act of 1951,*" sell in any part of any district fish by wholesale unless he is then the holder of a wholesale distributor's license under this Act authorising him to sell fish by wholesale in that district or part of the district.

Retail
distributor's
(shop)
license.

(3.) A retail distributor's (shop) license shall authorise the holder of that license to purchase, for the purpose of sale directly to consumers, fish at any market in the district or in the part of a district specified therein, or at a particular market so specified, in accordance with the terms and conditions, if any, set out in that license, and to sell that fish by retail from a shop at the address specified in that license for the sale of that fish by him in that manner.

Retail
distributor's
(hawker's)
license.

(4.) A retail distributor's (hawker's) license shall authorise the holder of that license to purchase, for the purpose of hawking, fish at any market in the district or in the part of a district specified therein, or at a particular market so specified, in accordance with the

* This Act.

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terms and conditions, if any, set out in that license, and to hawk that fish in the district or in the part of a district specified in that license for the sale of that fish by him in that manner.

(5.) Subject to this Act, each and every distributor's license and every renewal thereof shall take effect from the date of the issue or, as the case may be, renewal of that license and shall, unless that license is sooner cancelled or surrendered, expire—

Term of distributors' licenses.

(i.) In the case of such a license issued at any time during the first period of twelve months next succeeding the date of the commencement of **"The Fish Supply Management Acts Amendment Act of 1951,"* on the last day of that period; and

(ii.) In the case of such a license issued or renewed at any time during the second or any subsequent period of twelve months thereafter, on the last day of that period of twelve months.

For the purposes of this subsection, where any distributor's license is renewed prior to the date of expiry of that license or next previous renewal thereof, as the case may be, the day immediately following the day on which that distributor's license or the next previous renewal thereof, as the case may be, expires shall be deemed to be the date of the renewal of the license.

(6.) The Board may from time to time, in its discretion, by endorsement on any distributor's license—

Power of the Board to transfer distributors' licenses, &c.

(i.) Upon application by the holder of that license—

(a) Transfer that license to any other person;

(b) Authorise any other person to act as substitute for such holder for such period as it thinks fit; or

(c) (Where that license authorises the purchase of fish at any market in a part of a district or at a particular market) authorise such holder to purchase fish at any market in

* This Act.

another part of the district or at another market in addition to or in lieu of that authority; or delete or alter all or any terms and conditions for the purchasing of fish set out in that license; or authorise such holder, (in the case of a retail distributor's (shop) license), to sell fish subject to that license from a shop at another address in lieu of the shop at the address specified therein, and (in the case of any other distributor's license which authorises the sale of fish in a part of a district,) to sell fish in another part of the district in addition to or in lieu of that authority;

(ii.) Upon the death or bankruptcy of the holder of that license transfer that license to any person shown to be entitled thereto; and

(iii.) Do any other prescribed thing.

Fees for
distributors'
licenses.

(7.) Unless otherwise prescribed, the following fees shall be payable in respect of distributors' licenses—

(i.) For the issue or renewal of a wholesale distributor's license, £10;

(ii.) For the issue or renewal of a retail distributor's (shop) license or a retail distributor's (hawker's) license—

where the holder thereof is authorised to purchase fish—

of a quantity of 1,000 lb. or more per week, £5;

of a quantity of 250 lb. or more but less than 1,000 lb. per week, £3;

of a quantity less than 250 lb. per week, ten shillings:

Provided that if on the issue of any distributor's license the term of that license will only extend for a period of six months or less then only half the fee shall be payable in respect of the issue of that license.

Unless otherwise prescribed, there shall be payable in respect of each and every endorsement on any distributor's license, made under subsection six of this section, the fee of ten shillings."

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(ii.) By renumbering subsection four of that section subsection eight of the said section and by repealing in that subsection, as so renumbered, the words “, with the approval of the Governor in Council,”.

(iii.) By renumbering subsections five and six of that section subsections nine and ten respectively of the said section.

(iv.) By adding to that section the following subsections, namely:—

“(11.) No person shall at any time after the commencement of **The Fish Supply Management Acts Amendment Act of 1951*” —

(a) Purchase fish in any market unless he is the holder of a distributor’s license issued under this section authorising him to purchase that fish in that market ; or

(b) Sell in any district fish (purchased by him at a market in pursuance of a distributor’s license held by him) contrary to the authority for the sale of that fish contained in such distributor’s license.

(12.) In this section the term “shop” means any premises where any retail trade or business (including the retailing of any fish solely or in conjunction with the retailing of any other article) is carried on either permanently or temporarily ; the term “by wholesale” means by selling to a retailer or retailers as distinct from selling directly to a consumer or consumers ; and the term “by retail” means by selling directly to a consumer or consumers.

(13.) On the coming into operation of **The Fish Supply Management Acts Amendment Act of 1951*” each and every license issued under this section 27A prior to and subsisting at that time shall without further authority be and be deemed to be cancelled and shall no longer have force and effect and no person shall have any right or remedy whatsoever in consequence of the cancellation of any such license.”

11. In section 27B of the Principal Act the words “in any district (whether in that district or in any other district)” are inserted after the words “all fish intended for sale”.

* This Act.

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Repeal of
and new
s. 29.

12. Section twenty-nine of the Principal Act is repealed and the following section is inserted in lieu of that repealed section, namely :—

Offences.

“ [29.] No person shall—

- (i.) Assault, obstruct, threaten, or intimidate any officer appointed by the Board in the exercise of his powers or in the discharge of his duties under this Act, or attempt so to do ; or
- (ii.) Refuse to allow any fish to be seized, removed, or detained by any officer appointed by the Board who is acting in pursuance of the provisions of this Act ; or
- (iii.) Take, retake, remove, or otherwise deal with, or attempt to take, retake, remove, or otherwise deal with, any fish seized, removed, or detained under this Act ; or
- (iv.) Give, procure, offer, or promise any bribe, recompense, inducement, or reward to, or with the intent to, influence any officer appointed by or employee employed by the Board in the exercise of his powers or in the discharge of his duties under this Act ; or
- (v.) Fail, when thereunto lawfully required under this Act by an officer appointed by the Board, to give any information of which he is possessed or give false information in relation to any such requirement ; or
- (vi.) Fail to comply with any lawful order, notice, prohibition, or requirement of the Board made or given under this Act ; or
- (vii.) Contravene or fail to comply with any license or any term or condition of any license.”

Amendment
of s. 36.

13. The following subsection is added to section thirty-six of the Principal Act, namely :—

“ (4.) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence.”

Amendments
of s. 37 (1).

14. Subsection one of section thirty-seven of the Principal Act is amended—

(i.) By repealing in subparagraphs (1), (2), and (5) of that subsection the words “ the said Works ” and by inserting, in lieu of those repealed words, the words “ all or any markets ” where such words appear therein.

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(ii.) By repealing in subparagraph (2) of that subsection the words “or buying, selling,”.

(iii.) By repealing in subparagraph (6) of that subsection the words “Regulating the works and markets, and ” and by inserting, in lieu of those repealed words, the words “Regulating and controlling all or any markets, including ”; and by repealing in that subparagraph the words “of the Works and markets ” and by inserting, in lieu of those repealed words, the words “in respect of any and every market ”.

(iv.) By repealing in subparagraph (8) of that subsection the words “the market and also within the district ” and by inserting, in lieu of those repealed words, the words “any and every market and also within any and every district. ”

(v.) By repealing in subparagraph (9) of that subsection the words “the market ” and by inserting, in lieu of those repealed words, the words “any and every market ” wherever such words appear therein ; and by repealing in that subparagraph the words “therefrom within the district ” and by inserting, in lieu of those repealed words, the words “from any market within any district ”.

(vi.) By repealing subparagraphs (10) and (11) of that subsection and by inserting the following subparagraphs in lieu of those repealed subparagraphs, namely :—

“(10) Providing for, regulating, and controlling ^{Licenses.} applications for licenses, for the renewal of licenses, for the transfer of licenses and for any other endorsement on licenses: the issuing of licenses and the renewal of licenses and the making of endorsements on licenses ; the surrendering of licenses which have not been cancelled ; the transferring of any license on the death or bankruptcy of the holder thereof ; duplicates for lost or destroyed licenses and applications therefor ; production of licenses by holders thereof for inspection ; fees for the issuing and renewal of licenses, duplicates of licenses, and endorsements on licenses ; and the mode of proof of the issuing of licenses.

(11) Regulating the mode of proof of the sale of fish by wholesale or by retail and for facilitating such proof.”.

(vii.) By repealing in subparagraph (12) of that subsection the words “the market” and by inserting, in lieu of those repealed words, the words “all or any markets”.

(viii.) By repealing in subparagraph (14) of that subsection the words “by the Minister” and by inserting, in lieu of those repealed words, the words “in any and every market”.

(ix.) By repealing subparagraph (15) of that subsection and by inserting the following subparagraph in lieu of that repealed subparagraph, namely:—

“(15.) Providing for, regulating, and controlling sales of fish in any and every market including, in the case of sales of fish by auction, the prescribing, regulating, and controlling of commissions in respect thereof.”

(x.) By repealing subparagraph (16) of that subsection.

(xi.) By repealing in subparagraph (19) the word “Generally” and by inserting, in lieu of that repealed word, the words “Prescribing all matters and things which by this Act are required or permitted to be prescribed and generally”.

(xii.) By adding the following paragraph to that subsection, namely:—

“The power to make any regulation under this Act shall include power to make that regulation so that it shall be limited in its application to or to any part of any district or to any market, or otherwise as is prescribed.

The power to make regulations under this Act with respect to any matter shall include power to make regulations prohibiting that matter either generally or to meet particular cases.”

Savings.

15. (1.) Each and every market within the meaning of the Principal Act as amended by this Act established by The Fish Board prior to and continuing on the commencement of this Act shall be and be deemed to

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have been duly established on the date the fact of the establishment thereof was notified in the *Gazette* and shall, subject to **The Fish Supply Management Acts, 1935 to 1951,*" continue as a market established under those Acts.

(2.) Nothing in this Act shall prejudice or affect any contract for the purchase of fish entered into by The Fish Board prior to the commencement of this Act and it is hereby declared that The Fish Board was always empowered and authorised to enter into every such contract.

(3.) Nothing in this Act shall prejudice or affect the appointment of any officer by the Board prior to and subsisting at the commencement of this Act and every such appointment shall continue subject to **The Fish Supply Management Acts, 1935 to 1951*".

16. After the passing of this Act and before the commencement hereof the Governor in Council on the recommendation of The Fish Board may make all such regulations (to take effect from the date of publication of those regulations in the *Gazette*) and The Fish Board may receive applications and fees for distributors' licenses and may do all such things and exercise all such powers as may be made, received, done, or exercised after the commencement of this Act under **The Fish Supply Management Acts, 1935 to 1951,*" for the purpose of enabling distributors' licenses to be issued immediately upon this Act coming into operation, and for that purpose this Act shall be deemed to commence upon the passing hereof.

Exercise of powers between passing and commencement of this Act.

* 26 G. 5 No. 33 and amending Acts.

GAS COMPANY (BRISBANE).

See PART II.

GOVERNMENT LOANS.

See LOANS.

GOVERNOR'S SALARY.

See CONSTITUTION.