

4 GEO. V. NO. 12, 1913. *Pearl-shell, &c., Amendment Act.*

## FISHERIES.

## An Act to Amend "The Pearl-shell and Beche-de-Mer Fishery Acts, 1881 to 1898."

4 Geo. V.  
No. 12.  
THE  
PEARL-SHELL  
AND BECHE-  
DE-MER  
FISHERY ACTS  
AMENDMENT  
ACT OF 1913.

[ASSENTED TO 29TH OCTOBER, 1913.]

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

1. This Act shall be read as one with "*The Pearl-shell and Béche-de-Mer Fishery Acts, 1881 to 1898*,"\* and may be cited as "*The Pearl-shell and Béche-de-Mer Fishery Acts Amendment Act of 1913*." Short title and construction of Act.

2. In section fourteen of "*The Pearl-shell and Béche-de-Mer Fishery Act Amendment Act of 1891*,"† the words "twenty-five pounds" are repealed, and the words "five pounds" are inserted in lieu thereof. Amendment of 55 Vic. No. 29, s. 14.

3. In section sixteen of "*The Pearl-shell and Béche-de-Mer Fishery Act Amendment Act of 1891*,"‡ after the words "under and subject" the words "to the provisions next hereinafter contained and" are inserted. Amendment of 55 Vic. No. 29, s. 16.

4. After section sixteen of the last-mentioned Act, the following section is inserted:—

[16A.] (1.) Such lease, whether granted before or after the first day of January, one thousand nine hundred and fourteen, shall, subject to the said Regulations— Effect of lease.

- (i.) Confer on the lessee the right to take, collect, and gather within the demised area (to the exclusion of all other persons) pearls, pearl-shell, bêche-de-mer, sponges, and any other marine animal life or product of the sea;
- (ii.) Confer authority on the lessee to exclude persons from the demised area, and such authority shall be absolute unless by the terms of the lease it is made subject to any modification;

\* 45 Vic. No. 2 and amending Acts, *supra*, pages 768 *et seq.*

† 55 Vic. No. 29, *supra*, page 784.

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(iii.) Enure for the benefit of and be binding on the lessee, his executors, administrators, and permitted assigns.

Application  
and  
objection.

(2.) Every application for such lease made after the first day of January, one thousand nine hundred and fourteen, shall be made to the Treasurer in the prescribed form, and notice thereof shall be published in the prescribed manner.

Any person who, within the prescribed time, gives notice of objection to the Treasurer shall be heard in opposition to any such application.

Inspection.

(3.) Any inspector and any person authorised in writing or by telegraph by the Treasurer may at any time enter upon and inspect any demised area; and any person who obstructs him in so doing shall be liable to a penalty not exceeding fifty pounds.

Forfeiture.

(4.) Upon the non-payment of any rent reserved by such lease or upon the breach or non-observance by the lessee of any of the covenants, conditions, or provisions of such lease, or of the provisions of this Act or the Regulations, the Governor in Council may cancel the lease, and upon publication of notice of such cancellation in the *Gazette* such lease shall be absolutely void; production of the *Gazette* containing such notice shall be conclusive evidence in all courts of sufficient cause for the cancellation of such lease and that the same has been lawfully cancelled.

Lessee may  
employ  
registered  
ships.

(5.) The lessee may (subject as hereinafter provided) use and employ any ship in pearling within the demised area without obtaining a ship license:

Provided that no person shall so use or employ any ship, or permit or cause any ship to be so used or employed, unless such ship has been previously registered in the prescribed manner after payment of a fee of five shillings, and is numbered and marked in all respects in accordance with the Regulations; and any person who contravenes this provision shall be liable to a penalty not exceeding five pounds.

Prohibition  
of pearling,  
&c.

(6.) No person other than the lessee shall be entitled to take, gather, collect, or remove pearls, pearl-shell, bêche-de-mer, sponges, or any other marine animal life or product of the sea in or from any demised area, or to use or employ or permit or cause to be used or employed a ship or boat (whether licensed or unlicensed) for that purpose.

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Any person who, without the permission of the lessee, takes, gathers, collects, or removes any pearls, pearl-shell, bêche-de-mer, sponges, or any other marine life or product of the sea in or from the demised area, or uses or employs or permits or causes to be used or employed any ship or boat therein, shall be liable to a penalty not exceeding fifty pounds.

(7.) All pearls, pearl-shell, bêche-de-mer, sponges, and other marine animal life and products of the sea within any demised area shall be deemed capable of being stolen, and in any prosecution the property may be laid in the lessee. Theft of pearls, &c.

The lessee shall be the owner of any such thing so stolen.

(8.) Subject to this Act and the Regulations and to any modification of absolute authority contained in the lease, no person shall, unless compelled by stress of weather or other unavoidable cause, the proof of which shall lie upon him, or except by the permission of the lessee— Trespass.

(a) Enter or remain within the demised area; or

(b) Cause, permit, or suffer any ship or boat to enter or remain therein;

and any person who contravenes this provision shall be liable to a penalty not exceeding fifty pounds.

5. In section three of "*The Pearl-shell and Bêche-de-Mer Fishery Acts Amendment Act of 1893*,"\* the words "one shilling" are repealed, and the word "ninepence" is inserted in lieu thereof. Amendment of 57 Vic. No. 7, s. 3.

The following provision is added to the first paragraph of the said section:—

Moreover, the employer of every such seaman or other person so employed shall, at the time when such wages are paid, pay to the officer in whose presence the same are paid in respect of each such seaman and other person a sum at the rate of ninepence for each month of the period for which payment of such wages is made.

6. In section three of "*The Pearl-shell and Bêche-de-mer Fishery Act Amendment Act of 1896*,"† the words "of the kind scientifically known as *Meleagrina margaritifera* and" are repealed. Amendment of 60 Vic. No. 32, s. 3.

\* 57 Vic. No. 7, *supra*, page 788.

† 60 Vic. No. 32, *supra*, page 788.

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Certain persons prohibited from holding licenses or leases.

7. (1.) After the passing of this Act, it shall be unlawful for any person who has not first obtained in the prescribed manner a certificate of having passed the dictation test to hold any license in respect of any ship or boat employed in the fishery, or any lease under "*The Pearl-shell and Béche-de-Mer Fishery Acts, 1881 to 1913.*"\*

Regulations.

(2.) The Governor in Council may from time to time make regulations for the examination and granting to persons certificates of having passed the dictation test, for the exemption from the operation of this section of any person or classes of persons whom for any reason it is not considered necessary to examine, for the relief from the operation of this section, wholly or in part, of persons who are holders of licenses or leases at the passing of this Act, and for facilitating and authenticating the observance of the provisions of "*The Pearl-shell and Béche-de-Mer Fishery Acts, 1881 to 1913.*"\*

All such regulations shall, upon publication in the *Gazette*, have the same effect as if they were enacted in this Act, and shall not be questioned in any proceedings whatsoever.

All such regulations shall be laid before both Houses of Parliament within forty days after such publication if Parliament is then sitting, or, if not, then within forty days after the commencement of the next session thereof.

Interpretation.

(3.) In this section, the expression "certificate of having passed the dictation test" means a certificate under the hand of a State officer, authorised for that purpose by the Treasurer, that, when the said officer has dictated to the person concerned not less than fifty words in such language as the Treasurer may direct, such person has correctly written them out in that language in the presence of the said officer.

### FRIENDLY SOCIETIES.

*See SOCIETIES.*

### GOVERNMENT LOAN.

*See LOANS.*

### GREAT WESTERN RAILWAY.

*See RAILWAYS AND TRAMWAYS.*

### GROWERS, SUGAR.

*See SUGAR.*