

TASMANIA.



1941.

ANNO QUINTO

GEORGII VI. REGIS.

No. 22.

ANALYSIS.

<p>1. Short title. 2. Commencement. 3. Amendment of 26 Geo. V. No. 37. Section 3. Sections 4 to 7. New section 4. Existing Sea Fisheries Board abolished and powers, &c., vested in Minister. New section 5. Sea Fisheries Advisory Board. New section 6.</p>	<p>Functions of Advisory Board. New section 7. Minister to administer Part II. Section 8. Section 10. Funds available to Minister under this Act. Section 11. 4. Continuation of existing regulations. 5. Consequential amendments. 6. Special grant to Development Account.</p>
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AN ACT to amend the *Fisheries Act* 1935.

[17 June, 1941.]

A.D.
1941.

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 This Act may be cited as the *Fisheries Act* 1941.

Short title.

6d.]

Fisheries.

A.D. 1941. **2** This Act shall come into operation on a date to be fixed by proclamation.

Commencement.

Amendment of 26 Geo. V. No. 37.

Section 3.

3 The Principal Act is hereby amended—

I. As to subsection (1) of section three—

- (a) By expunging the definition of “Board”;
- (b) By deleting the word “Board” in the definitions of “controlling body” and “waters” respectively and substituting therefor in each case the word “Minister”;

Sections 4 to 7.

II. By expunging the heading “*Division I.—The Sea Fisheries Board*” at the beginning of Part II, and the heading “*Division II.—Powers and Functions of the Board*” before section seven, and repealing sections four to seven, and substituting therefor the following headings and new sections four to seven:—

“*Division I.—Sea Fisheries Advisory Board.*”

New section 4.

Existing Sea Fisheries Board abolished and powers, &c., vested in Minister.

“**4**—(1) The Sea Fisheries Board as constituted at the commencement of this section shall be abolished on and from such commencement, and the powers and functions of that Board shall be transferred to and vested in the Minister as hereinafter provided.

“(2) All property of whatever kind vested in, held by, or in the possession of the Sea Fisheries Board shall, on the commencement of this section, and without any conveyance, transfer, assignment, or assurance of any kind, be transferred to and vested in the Minister, and shall be held by him for the purposes of this Part.

“(3) All contracts, agreements, and securities entered into, executed, or held by the Sea Fisheries Board, which are then still in force, shall take effect and may be proceeded on and enforced in favour of, by, and against the Minister.

New section 5.

Sea Fisheries Advisory Board.

“**5**—(1) For the purposes of this Part there shall be a Board, to be called the Sea Fisheries Advisory Board (in this Part referred to as the ‘Advisory Board’), constituted as provided by this section.

“(2) The Advisory Board shall consist of six members appointed by the Governor, of whom—

- I. One member shall be the Secretary for Agriculture or some other officer of the Department of Agriculture;
- II. One member shall be an officer of the Police Department;



Fisheries.

III. One member shall be appointed to represent associations or societies interested in or concerned with the science of zoology: A.D. 1941.

IV. One member shall be appointed to represent persons engaged in preserving, canning, or processing fish:

V. Two members shall be appointed to represent fishermen, of whom one shall represent fishermen residing on the north coast, and one fishermen residing on the south and east coast, of this State respectively.

“(3) The Governor shall appoint one member to be Chairman of the Advisory Board.

“(4) Each member of the Advisory Board shall hold office for two years from the date of his appointment, unless he dies, resigns, or is removed from office by the Governor, in any of which events a successor shall be appointed by the Governor, who shall hold office for the unexpired period of his predecessor's term of office.

“(5) The Chairman of the Advisory Board shall have a deliberative vote only, and where there is an equal division of votes on any question it shall pass in the negative.

“(6) Three members of the Advisory Board shall form a quorum, and the Board may act notwithstanding a vacancy in its membership.

“(7) Subject to this section, the Advisory Board may regulate its own procedure.

“(8) Division I. of Part IV. shall not apply to the Advisory Board or (except sections forty-three, forty-four, and forty-five) to the Minister in the administration of this Part.

“6 The Advisory Board shall—

I. Inquire into and report to the Minister upon any matters referred to it by him in relation to the fisheries of the State (other than salmon and freshwater fisheries):

II. Advise the Minister on questions relating to the management, control, protection, regulation, and development of such fisheries, and may make such recommendations to the Minister as it thinks fit in relation thereto.

New section 6.
Functions of
Advisory
Board.

Division II.—Powers of Minister.

“7—(1) The Minister shall have the general administration of this Part, and, subject to this Act, shall have the management, control, protection, and regulation of the fisheries of the State (other than salmon and freshwater fisheries).

Minister to
administer
Part II.

Fisheries.

A.D. 1941.

“(2) The Minister shall be the controlling body for the purposes of Part IV. in relation to the administration of this Part, and references in Part IV. to the controlling body shall, in relation to this Part, be read as references to the Minister.

“(3) The Minister may appoint such inspectors, bailiffs, and other officers as may be necessary for the purposes of this Act in relation to the matters under the control of the Minister, and may pay to the persons so appointed such remuneration as may be determined by him out of the funds available as provided by section ten and any other moneys provided for that purpose.

“(4) All inspectors, bailiffs, and other officers appointed by the Sea Fisheries Board before the commencement of this section shall be deemed to have been appointed by the Minister under this section.”:

Section 8.

III. As to section eight—

- (a) By deleting the words “The Board, with the approval of” at the beginning of subsection (1):
- (b) By substituting “Minister” for “Board” wherever occurring in that subsection:
- (c) By expunging paragraph XXIII of that subsection: and
- (d) By expunging subsection (2).

Section 10.

IV. By repealing section ten and substituting therefor the following new section ten:—

“10—(1) All—

- I. Moneys arising from the sale of boats and other articles forfeited and sold by the Minister, or received by the Minister in respect of any such boats or articles, after deducting therefrom the amount of any expenses incurred in connection with the seizure, sale, disposal, or keeping possession of such boats or articles: and
- II. Fees and other revenue and moneys received by the Minister under this Act, and all moneys provided by Parliament for that purpose—

shall be paid and credited to an account to be opened and kept in the Treasury and called the Sea Fisheries Development Account.

“(2) The amount standing to the credit of the Account may be expended by the Minister in meeting the costs of the administration of this Part and in the investigation, development, and expansion of the fishery resources of the State.

Funds available to Minister under this Act.

Fisheries.

“ (3) Sections sixty-two and sixty-three (except subsection (2) thereof) shall not apply to the Minister in the administration of this Part.”: A.D. 1941.

V. By repealing section eleven.

Section II.

4 The Regulations made by the Sea Fisheries Board on the twenty-fourth day of May, one thousand nine hundred and thirty-eight, as subsequently amended, shall, subject to this Act, remain in force until rescinded by regulations made by the Governor under section eight of the Principal Act as amended by this Act, and shall be deemed to have been made, and may be amended or rescinded, under that section as so amended. Continuation of existing regulations.

5 The Principal Act is further amended as set out in the schedule. Consequential amendments.

6 In the financial year ending on the thirtieth day of June, one thousand nine hundred and forty-one, there shall be paid to the Sea Fisheries Development Fund out of the Consolidated Revenue (which to the necessary extent is hereby appropriated accordingly) the sum of three thousand pounds. Special grant to Development Account.

THE SCHEDULE.

CONSEQUENTIAL AMENDMENTS.

Section Amended.	How Amended.
	By deleting—
9	“ Board ” and substituting “ Minister ”
12	“ on the recommendation of the Board ”
13	“ on the recommendation of the Board ”
14	“ Board ” and substituting “ Minister ” (in subsections (3) and (4)); “ Chairman or Secretary of the Board ” and substituting “ Minister ”
15	“ Board ” and substituting “ Minister ” (wherever occurring)
18	“ Board ” and substituting “ Minister ”
19	“ Board ” and substituting “ Minister ” (wherever occurring)
22	“ On the recommendation of the Board ”
24	“ Board ” and substituting “ Minister ”

