

FISHERIES AND OYSTER FARMS (AMENDMENT) BILL.

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*Schedule of Amendments referred to in Legislative Council's Message of  
25th October, 1945.*

- No. 1.—Page 2, clause 2, line 10. *After* the word “Act” *insert* **“or the original owner or his accredited representative”**
- No. 2.—Page 2, clause 2, line 27. *After* the word “District” *insert* **“no person other than an original owner and”**
- No. 3.—Page 3, clause 2, line 3. *Omit* the word “or”
- No. 4.—Page 3, clause 2, line 3. *After* the word “fish” *insert* the words **“or fish required for canning, smoking or curing;”**
- No. 5.—Page 3, clause 2, line 16. *Omit* “selling and” and *insert* **“and either selling or”**
- No. 6.—Page 3, clause 2, lines 17 to 34 inclusive. *After* the word “fish” on line 17 *omit* all words down to and including the word “thereof” on line 34.
- No. 7.—Page 4, clause 2, lines 31 to 35 inclusive. *Omit* all words on these lines, *insert* the words **“disposed of in any way by an original owner who immediately before the seventeenth day of September, one thousand nine hundred and forty-five, maintained and operated in the Metropolitan Fish Supply District any depot for the purpose of receiving handling storing and either selling or distributing fish;”**
- No. 8.—Page 5, clause 2, line 8. *Omit* the word “or” *where secondly occurring.*
- No. 9.—Page 5, clause 2, line 8. *After* the word “fish” *insert* the words **“or fish required for canning, smoking or curing.”**
- No. 10.—Page 6, clause 2, paragraph (g), lines 19 to 33 inclusive. *Omit* all words on *these lines.*

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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 18 October, 1945.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. K. CHARLTON,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 25th October, 1945.*

## New South Wales.



ANNO NONO

GEORGII VI REGIS.

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Act No. , 1945.

An Act to make further provision for and in relation to the delivery, marketing and distribution of fish; to amend the Fisheries and Oyster Farms Act, 1935-1942, and certain other Acts in certain respects; and for purposes connected therewith.

**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 New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

**1.** (1) This Act may be cited as the "Fisheries and Oyster Farms (Amendment) Act, 1945." Short title and citation.

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(2)

NOTE.—The words to be omitted are *ruled through*; those to be inserted are printed in **black letter**.

*Fisheries and Oyster Farms (Amendment).*

(2) The Fisheries and Oyster Farms Act, 1935, as amended by subsequent Acts and by this Act, may be cited as the Fisheries and Oyster Farms Act, 1935-1945.

2. (1) The Fisheries and Oyster Farms Act, 1935-5 1942, is amended—

Amendment  
of Act No.  
58, 1935.

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

Subst.  
sec. 40.

10 40. (1) (a) No person, other than the corporation sole constituted by section 41A of this Act **or the original owner or his accredited representative** or as from a date to be appointed by the Governor and notified by proclamation published in the Gazette an association specified in such proclamation which has been formed  
15 under the Co-operation Act, 1923-1945, the component societies of which are trading societies formed under Division 3 of Part II of the Co-operation Act, 1923-1945, for the object  
20 of carrying on the industry of fishing, shall sell fish in any fish market established under Part XIII of the Sydney Corporation Act, 1932-1942.

Sale of  
fish in  
fish markets.

25 (b) This subsection shall be deemed to have commenced upon the seventeenth day of September, one thousand nine hundred and forty-five.

30 (2) In respect of any fish supply district other than the Metropolitan Fish Supply District **no person other than an original owner and** as from a date to be appointed by the Governor and notified by proclamation published in the Gazette no person other than a trading society specified in such proclamation which has been  
35 formed under Division 3 of Part II of the Co-operation Act, 1923-1945, for the object of carrying on the industry of fishing shall sell fish in the market established under this Act for such district.

40 (3) The Governor may by like notification revoke, amend or vary any proclamation published pursuant to subsections one and two of this section. (b)

*Fisheries and Oyster Farms (Amendment).*

- (b) (i) by inserting at the end of subsection one of section 40B the words "or canned, smoked, ~~or~~ cured fish" **or fish required for canning, smoking or curing;** Sec. 40B.  
(All fish to be sold at market.)
- 5 (ii) by inserting next after subsection three of the same section the following new subsections:—
- (3A) Subsection one of this section shall not apply to and in respect of any sale of fish made by any person who, immediately before the seventeenth day of September, one thousand nine hundred and forty-five, maintained and operated in the Metropolitan Fish Supply District any depot for the purpose of receiving, handling, storing, ~~selling and~~ **and either selling or** distributing fish ~~and who holds a permit in writing granted by the Minister under this subsection, which permit the Minister is hereby authorised to grant. Any such permit shall be subject to such terms and conditions as the Minister thinks fit, including terms and conditions as to quantities and species of fish to be sold or distributed from any such depot and the persons to whom such fish is to be so sold or distributed.~~
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- ~~(3B) The Minister may by notice in writing given to the holder of any consent or permit issued under this section—~~
- 3) (a) ~~cancel or suspend any such consent or permit for any breach of the terms or conditions thereof; or~~
- (b) ~~vary or amend any terms or conditions thereof.~~
- 35 (iii) by omitting from subsection four of the same section the word "fifty" and by inserting in lieu thereof the words "three hundred";

(c)

*Fisheries and Oyster Farms (Amendment).*

(c) by inserting next after section 40B the following new section:—

New sec. 40c.

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40c. (1) All fish taken or landed by an original owner in any district or brought into any district by an original owner or any other person shall immediately upon such taking, landing or bringing into the district be delivered to the market in that district.

Delivery of fish to market.

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(2) Any original owner taking fish in any district or landing or bringing fish into any district and any other person bringing fish into any district who delivers such fish to any place other than the market for that district or to any person other than the person authorised pursuant to section forty of this Act to sell fish in the market in that district and every person other than the person so authorised to sell fish who accepts delivery of fish from any such original owner or person bringing fish into any district shall be guilty of an offence against this Act and liable to a penalty not exceeding three hundred pounds.

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(3) This section shall not apply to and in respect of any fish—

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(a) delivered by a licensed fisherman who is the holder of a consent under subsection three of section 40B of this Act pursuant to a sale in accordance with the terms and conditions of such consent;

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(b) delivered by any person who is the holder of a permit under subsection (2A) of section 40B of this Act pursuant to a sale in accordance with the terms and conditions of such permit; disposed of in any way by an original owner who immediately before the seventeenth day of September, one thousand nine hundred and forty-five, maintained and operated in the Metropolitan Fish Supply District any depot (for)

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*Fisheries and Oyster Farms (Amendment).*

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for the purpose of receiving, handling, storing and either selling or distributing fish;

5 (c) taken by any person for his own consumption or that of the household in which he resides.

(4) In this section "fish" does not include oysters, or canned, smoked, ~~or~~ cured fish, or fish required for canning, smoking or curing.

10 (5) Any person authorised pursuant to this Act to sell fish in a market may take delivery of and sell on behalf of the consignor any fish delivered to such fish market as if such fish had been consigned to him with authority for him to sell it. The power conferred by this  
15 subsection may be exercised notwithstanding that such fish has been consigned otherwise than to the person authorised as aforesaid.

20 This subsection shall in so far as it applies to the Minister be deemed to have commenced upon the seventeenth day of September, one thousand nine hundred and forty-five.

25 (6) This section shall not apply to and in respect of any fish (not being fish taken under the authority of a license issued under section twenty-three, section twenty-four or section twenty-five of this Act) which is delivered by any person otherwise than on sale.

30 (7) In any proceedings for an offence against this section or section 40B of this Act the allegation in the information that—

35 (a) any fish have been delivered to any place other than the market for the district in or into which such fish were taken, landed or brought or to any person other than a person authorised pursuant to section forty of this Act to sell fish in the market in that district;  
or

(b)

*Fisheries and Oyster Farms (Amendment).*

(b) the delivery of any fish was accepted by any person; or

(c) any fish have not first been brought to and sold in the market in the district;

5 shall be prima facie evidence of the facts alleged.

(d) by inserting at the end of paragraph (a) of sub-  
section one of section 41B the words "The  
Minister may delegate the power conferred on  
him by this paragraph to establish, maintain,  
regulate and control markets, and shops, depots  
and other establishments. Any market estab-  
lished in a district pursuant to any such  
delegation shall for the purposes of this Act be  
deemed to be the market established in and for  
that district under this Act;"

Sec. 41B.  
(Power to  
carry on  
business.)

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(e) by omitting section 41c;

Sec. 41c.  
(Sales made  
on behalf of  
the Minister  
of fish for  
human con-  
sumption to  
be by public  
auction.)

(f) by omitting subsection four of section 41E;

Sec. 41E.  
(Cancellation  
of licences—  
compensation.)

~~(g)~~ by inserting in paragraph ~~(gg)~~ of subsection  
two of section one hundred and twenty after the  
words "distribution of fish" the words "and  
without limiting the generality of the foregoing  
power determining priorities as between con-  
sumers or classes of consumers in relation to the  
purchase of fish, fixing and allocating quotas to  
consumers and providing for the supply and  
purchase of fish in accordance with such  
priorities and quotas, and for these purposes  
requiring information and returns as to  
quantities and species of fish disposed of by  
consumers and as to such other matters as may  
be necessary to determine priorities and allocate  
quotas."

Sec. 120.  
(Regula-  
tion.)

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Act No. , 1945.

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*Fisheries and Oyster Farms (Amendment).*

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(2) The amendments made by paragraphs (e) and (f) of subsection one of this section shall be deemed to have commenced upon the seventeenth day of September, one thousand nine hundred and forty-five.

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Sydney: Thomas Henry Tennant, Government Printer—1945.

[7d.]

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[54]

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 18 October, 1945.*

## New South Wales.



ANNO NONO

## GEORGII VI REGIS.

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Act No. , 1945.

An Act to make further provision for and in relation to the delivery, marketing and distribution of fish; to amend the Fisheries and Oyster Farms Act, 1935-1942, and certain other Acts in certain respects; and for purposes connected therewith.

**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 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, 1945." Short title and citation.

*Fisheries and Oyster Farms (Amendment).*

(2) The Fisheries and Oyster Farms Act, 1935, as amended by subsequent Acts and by this Act, may be cited as the Fisheries and Oyster Farms Act, 1935-1945.

2. (1) The Fisheries and Oyster Farms Act, 1935-1942, is amended—

Amendment of Act No. 58, 1936.

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

Subst. sec. 40.

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40. (1) (a) No person, other than the corporation sole constituted by section 41A of this Act or as from a date to be appointed by the Governor and notified by proclamation published in the Gazette an association specified in such proclamation which has been formed under the Co-operation Act, 1923-1945, the component societies of which are trading societies formed under Division 3 of Part II of the Co-operation Act, 1923-1945, for the object of carrying on the industry of fishing, shall sell fish in any fish market established under Part XIII of the Sydney Corporation Act, 1932-1942.

Sale of fish in fish markets.

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(b) This subsection shall be deemed to have commenced upon the seventeenth day of September, one thousand nine hundred and forty-five.

(2) In respect of any fish supply district other than the Metropolitan Fish Supply District as from a date to be appointed by the Governor and notified by proclamation published in the Gazette no person other than a trading society specified in such proclamation which has been formed under Division 3 of Part II of the Co-operation Act, 1923-1945, for the object of carrying on the industry of fishing shall sell fish in the market established under this Act for such district.

(3) The Governor may by like notification revoke, amend or vary any proclamation published pursuant to subsections one and two of this section.

(b)

*Fisheries and Oyster Farms (Amendment).*

(b) (i) by inserting at the end of subsection one of section 40B the words "or canned, smoked or cured fish"; Sec. 40B.  
(All fish to be sold at market.)

5 (ii) by inserting next after subsection three of the same section the following new subsections:—

10 (3A) Subsection one of this section shall not apply to and in respect of any sale of fish made by any person who, immediately before the seventeenth day of September, one thousand nine hundred and forty-five, maintained and operated in the Metropolitan Fish Supply District any depot for the purpose of receiving, handling, storing, 15 selling and distributing fish and who holds a permit in writing granted by the Minister under this subsection, which permit the Minister is hereby authorised to grant. Any such permit shall be subject to such terms and conditions as the Minister thinks fit, including terms and conditions as to 20 quantities and species of fish to be sold or distributed from any such depot and the persons to whom such fish is to be so sold or distributed.

25 (3B) The Minister may by notice in writing given to the holder of any consent or permit issued under this section—

30 (a) cancel or suspend any such consent or permit for any breach of the terms or conditions thereof; or

(b) vary or amend any terms or conditions thereof.

35 (iii) by omitting from subsection four of the same section the word "fifty" and by inserting in lieu thereof the words "three hundred";

(c)

*Fisheries and Oyster Farms (Amendment).*

(c) by inserting next after section 40B the following new section:—

New  
sec. 40c.

5 40c. (1) All fish taken or landed by an original owner in any district or brought into any district by an original owner or any other person shall immediately upon such taking, landing or bringing into the district be delivered to the market in that district.

Delivery  
of fish to  
market.

10 (2) Any original owner taking fish in any district or landing or bringing fish into any district and any other person bringing fish into any district who delivers such fish to any place other than the market for that district or to  
15 any person other than the person authorised pursuant to section forty of this Act to sell fish in the market in that district and every person other than the person so authorised to sell fish  
20 who accepts delivery of fish from any such original owner or person bringing fish into any district shall be guilty of an offence against this Act and liable to a penalty not exceeding three hundred pounds.

(3) This section shall not apply to and in respect of any fish—

25 (a) delivered by a licensed fisherman who is the holder of a consent under subsection three of section 40B of this Act pursuant to a sale in accordance with the terms and conditions of such  
30 consent;

(b) delivered by any person who is the holder of a permit under subsection (3A) of section 40B of this Act pursuant to a sale in accordance with the terms  
35 and conditions of such permit;

(c) taken by any person for his own consumption or that of the household in which he resides.

(4)

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*Fisheries and Oyster Farms (Amendment).*

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(4) In this section "fish" does not include oysters, or canned, smoked or cured fish.

5 (5) Any person authorised pursuant to this Act to sell fish in a market may take delivery of and sell on behalf of the consignor any fish delivered to such fish market as if such fish had been consigned to him with authority for him to sell it. The power conferred by this subsection may be exercised notwithstanding that such fish has been consigned otherwise than to the person authorised as aforesaid.

10 This subsection shall in so far as it applies to the Minister be deemed to have commenced upon the seventeenth day of September, one thousand nine hundred and forty-five.

15 (6) This section shall not apply to and in respect of any fish (not being fish taken under the authority of a license issued under section twenty-three, section twenty-four or section twenty-five of this Act) which is delivered by any person otherwise than on sale.

20 (7) In any proceedings for an offence against this section or section 40B of this Act the allegation in the information that—

25 (a) any fish have been delivered to any place other than the market for the district in or into which such fish were taken, landed or brought or to any person other than a person authorised pursuant to section forty of this Act to sell fish in the market in that district; or

30 (b) the delivery of any fish was accepted by any person; or

35 (c) any fish have not first been brought to and sold in the market in the district; shall be prima facie evidence of the facts alleged.

(d)

*Fisheries and Oyster Farms (Amendment).*

- 5 (d) by inserting at the end of paragraph (a) of sub-  
 section one of section 41B the words "The  
 Minister may delegate the power conferred on  
 him by this paragraph to establish, maintain,  
 regulate and control markets, and shops, depots  
 and other establishments. Any market estab-  
 10 lished in a district pursuant to any such  
 delegation shall for the purposes of this Act be  
 deemed to be the market established in and for  
 that district under this Act;"
- (e) by omitting section 41c;
- (f) by omitting subsection four of section 41E;
- 15 (g) by inserting in paragraph (gg) of subsection two  
 of section one hundred and twenty after the  
 words "distribution of fish" the words "and  
 without limiting the generality of the foregoing  
 power determining priorities as between con-  
 20 sumers or classes of consumers in relation to the  
 purchase of fish, fixing and allocating quotas to  
 consumers and providing for the supply and  
 purchase of fish in accordance with such  
 25 priorities and quotas, and for these purposes  
 requiring information and returns as to  
 quantities and species of fish disposed of by  
 consumers and as to such other matters as may  
 be necessary to determine priorities and allocate  
 quotas."
- (2) The amendments made by paragraphs (e) and  
 (f) of subsection one of this section shall be deemed to  
 30 have commenced upon the seventeenth day of September,  
 one thousand nine hundred and forty-five.

Sec. 41B.  
 (Power to  
 carry on  
 business.)

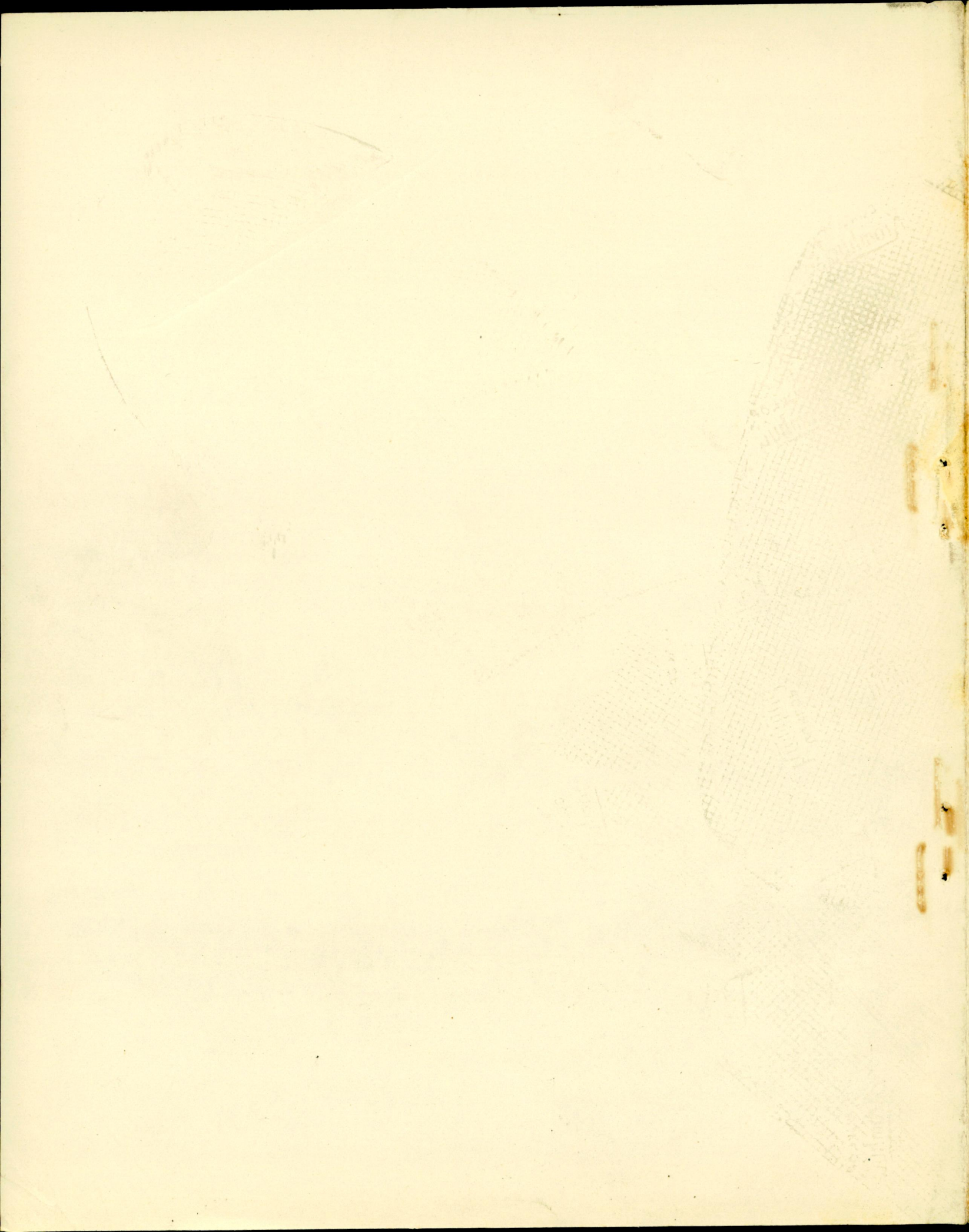
Sec. 41c.  
 (Sales made  
 on behalf of  
 the Minister  
 of fish for  
 human con-  
 sumption to  
 be by public  
 auction.)

Sec. 41E.  
 (Cancellation  
 of licences—  
 compensation.)

Sec. 120.  
 (Regula-  
 tions.)







No. , 1945.

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## A BILL

To make further provision for and in relation to the delivery, marketing and distribution of fish; to amend the Fisheries and Oyster Farms Act, 1935-1942, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. BADDELEY;—4 October, 1945.]

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**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 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, 1945." Short title and citation.

*Fisheries and Oyster Farms (Amendment).*

(2) The Fisheries and Oyster Farms Act, 1935, as amended by subsequent Acts and by this Act, may be cited as the Fisheries and Oyster Farms Act, 1935-1945.

5 2. (1) The Fisheries and Oyster Farms Act, 1935-1942, is amended—

Amendment of Act No. 58, 1935.

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

Subst. sec. 40.

10 40. (1) (a) No person, other than the corporation sole constituted by section 41A of this Act or as from a date to be appointed by the Governor and notified by proclamation published in the Gazette an association specified in such proclamation which has been formed under the Co-operation Act, 1923-1945, the component societies of which are trading societies formed under Division 3 of Part II of the Co-operation Act, 1923-1945, for the object of carrying on the industry of fishing, shall sell fish in any fish market established under Part XIII of the Sydney Corporation Act, 1932-1942.

Sale of fish in fish markets.

(b) This subsection shall be deemed to have commenced upon the seventeenth day of September, one thousand nine hundred and forty-five.

25 (2) In respect of any fish supply district other than the Metropolitan Fish Supply District as from a date to be appointed by the Governor and notified by proclamation published in the Gazette no person other than a trading society specified in such proclamation which has been formed under Division 3 of Part II of the Co-operation Act, 1923-1945, for the object of carrying on the industry of fishing shall sell fish in the market established under this Act for such district.

30 (3) The Governor may by like notification revoke, amend or vary any proclamation published pursuant to subsections one and two of this section.

(b)

*Fisheries and Oyster Farms (Amendment).*

(b) (i) by inserting at the end of subsection one of section 40B the words "or canned, smoked or cured fish";

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

5 (ii) by inserting next after subsection three of the same section the following new subsections:—

10 (3A) Subsection one of this section shall not apply to and in respect of any sale of fish made by any person who, immediately before the seventeenth day of September, one thousand nine hundred and forty-five, maintained and operated in the Metropolitan Fish Supply District any depot for the purpose of receiving, handling, storing, 15 selling and distributing fish and who holds a permit in writing granted by the Minister under this subsection, which permit the Minister is hereby authorised to grant. Any such permit shall be subject to such terms and conditions as the Minister thinks fit, including terms and conditions as to 20 quantities and species of fish to be sold or distributed from any such depot and the persons to whom such fish is to be so sold or distributed.

25 (3B) The Minister may by notice in writing given to the holder of any consent or permit issued under this section—

30 (a) cancel or suspend any such consent or permit for any breach of the terms or conditions thereof; or

(b) vary or amend any terms or conditions thereof.

35 (iii) by omitting from subsection four of the same section the word "fifty" and by inserting in lieu thereof the words "three hundred";

(c)

*Fisheries and Oyster Farms (Amendment).*

(e) by inserting next after section 40B the following new section:—

New  
sec. 40C.

5 40c. (1) All fish taken or landed by an original owner in any district or brought into any district by an original owner or any other person shall immediately upon such taking, landing or bringing into the district be delivered to the market in that district.

Delivery  
of fish to  
market.

10 (2) Any original owner taking fish in any district or landing or bringing fish into any district and any other person bringing fish into any district who delivers such fish to any place other than the market for that district or to  
15 any person other than the person authorised pursuant to section forty of this Act to sell fish in the market in that district and every person other than the person so authorised to sell fish  
20 who accepts delivery of fish from any such original owner or person bringing fish into any district shall be guilty of an offence against this Act and liable to a penalty not exceeding three hundred pounds.

(3) This section shall not apply to and in respect of any fish—

25 (a) delivered by a licensed fisherman who is the holder of a consent under subsection three of section 40B of this Act pursuant to a sale in accordance with the terms and conditions of such  
30 consent;

(b) delivered by any person who is the holder of a permit under subsection (3A) of section 40B of this Act pursuant to a sale in accordance with the terms  
35 and conditions of such permit;

(c) taken by any person for his own consumption or that of the household in which he resides.

(4)

*Fisheries and Oyster Farms (Amendment).*

(4) In this section "fish" does not include oysters, or canned, smoked or cured fish.

(5) Any person authorised pursuant to this Act to sell fish in a market may take delivery of and sell on behalf of the consignor any fish delivered to such fish market as if such fish had been consigned to him with authority for him to sell it. The power conferred by this subsection may be exercised notwithstanding that such fish has been consigned otherwise than to the person authorised as aforesaid.

This subsection shall in so far as it applies to the Minister be deemed to have commenced upon the seventeenth day of September, one thousand nine hundred and forty-five.

- (d) by inserting at the end of paragraph (a) of subsection one of section 41B the words "The Minister may delegate the power conferred on him by this paragraph to establish, maintain, regulate and control markets, and shops, depots and other establishments. Any market established in a district pursuant to any such delegation shall for the purposes of this Act be deemed to be the market established in and for that district under this Act;"
- (e) by omitting section 41c;
- (f) by omitting subsection four of section 41E;
- (g) by inserting in paragraph (gg) of subsection two of section one hundred and twenty after the words "distribution of fish" the words "and without limiting the generality of the foregoing power determining priorities as between consumers or classes of consumers in relation to the purchase of fish, fixing and allocating quotas to consumers and providing for the supply and purchase

Sec. 41B.  
(Power to carry on business.)

Sec. 41c.  
(Sales made on behalf of the Minister of fish for human consumption to be by public auction.)

Sec. 41E.  
(Cancellation of licences—compensation.)

Sec. 120.  
(Regulations.)

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*Fisheries and Oyster Farms (Amendment).*

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5 purchase of fish in accordance with such priorities and quotas, and for these purposes requiring information and returns as to quantities and species of fish disposed of by consumers and as to such other matters as may be necessary to determine priorities and allocate quotas.”

(2) The amendments made by paragraphs (e) and (f) of subsection one of this section shall be deemed to  
10 have commenced upon the seventeenth day of September, one thousand nine hundred and forty-five.





