

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to make further provisions relating to fisheries and fishing; for this and other purposes to amend the Fisheries and Oyster Farms Act, 1935; and for purposes connected therewith.

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. This Act may be cited as the "Fisheries and Oyster Farms (Amendment) Act, 1970".

2.

Fisheries and Oyster Farms (Amendment).

2. (1) The Fisheries and Oyster Farms Act, 1935, is amended— Amendment of Act No. 58, 1935.

5 (a) by inserting in subsection one of section four next after the definition of "Trout" the following new definition :— Sec. 4. (Interpretation.)

"Under Secretary" means the Permanent Head of the Department responsible for the administration of this Act.

10 (b) by inserting next after section eight the following new sections :— New secs. 8A and 8B.

15 8A. (1) The Minister may, by writing under his hand, delegate to the Under Secretary or to any officer or employee of the Department responsible for the administration of this Act, and the Under Secretary, with the approval of the Minister, may by writing under his hand delegate to any such officer or employee, the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him under this Act as may be specified in the instrument of delegation. The Minister and Under Secretary may in like manner revoke wholly or in part any delegation made by him. Delegation of powers, etc., by Minister and Under Secretary.

20

25 (2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the Under Secretary, officer or employee to whom the exercise or performance thereof has been delegated.

30

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of

any

Fisheries and Oyster Farms (Amendment).

any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

5 (4) Notwithstanding any delegation made under this section the Minister or Under Secretary, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

10 (5) Any act or thing done or suffered by a delegate when acting in the exercise of a delegation and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or suffered by the Minister or Under Secretary, as the case may be.

15 8B. (1) The Minister shall have power to acquire by gift inter vivos, devise or bequest, any property for the purposes of this Act. Minister to have power to accept gifts, etc.

20 (2) The Minister may agree to the condition of any gift, devise or bequest to him, and the rule of law relating to perpetuities shall not apply to any condition to which the Minister has agreed under this subsection.

25 (3) Any property acquired pursuant to subsection one of this section shall to the extent to which it has not been applied in conformity with the gift, devise or bequest pass to and devolve upon the successors in office of the Minister.

30 (4) Where the Minister has agreed to the condition of any such gift, devise or bequest, that condition shall bind the property in the hands of any successor in office of the Minister in whom the property may, for the time being, be vested.

(c)

Fisheries and Oyster Farms (Amendment).

- (c) by omitting from section eleven the words "of the Department by which this Act is administered" and by inserting in lieu thereof the words "or by the prescribed officer"; Sec. 11. (Production of authority.)
- 5 (d) (i) by omitting from subsection three of section twenty-three the words "In the regulations, provision may be made for reduction of the fee in any case in which the license is to remain in force for a less period than one year."; Sec. 23. (Boats used for capture of fish must be licensed.)
- 10 (ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—
- 15 (4) Every such license shall, unless sooner suspended or cancelled, remain in force for a period of twelve months, or such lesser period as may be specified therein, from the date of issue thereof.
- (e) (i) by omitting from subsection four of section twenty-five the words "In the regulations provision may be made for a reduction of the fee in any case in which the license is to remain in force for a less period than one year."; Sec. 25. (Fishermen to be licensed.)
- 20 (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection :—
- 25 (5) Every such license shall, unless sooner suspended or cancelled, remain in force for a period of twelve months, or such lesser period as may be specified therein, from the date of issue thereof.
- 30 (f) by omitting from section 41s the words "Chief Secretary's Department,"; Sec. 41s. (Authority to furnish report if required.)
- (g)

Fisheries and Oyster Farms (Amendment).

- (g) (i) by inserting in subsection one of section forty-^{Sec. 42.}
two after the word "section," the words "to (Returns.)
keep records as prescribed and";
- 5 (ii) by inserting in the same subsection after the
word "output," the words "gear used in con-
nection with the operations,";
- (iii) by omitting from paragraph (g) of subsection
two of the same section the words "sea or
land." and by inserting in lieu thereof the
10 words "sea, land or air,";
- (iv) by inserting next after the same paragraph the
following new paragraph :—
- 15 (h) any other operations relating to the
fishing and oyster farming industries as
may be prescribed.
- (h) by inserting in subsection one of section sixty after ^{Sec. 60.}
the word "Minister" the words "and it shall be (Leases.)
lawful for the Minister to execute such leases on
behalf of Her Majesty";
- 20 (i) by inserting next after section one hundred and ^{New sec.}
eight the following new section :— ^{108A.}
- 25 108A. Any notice or other document, other than ^{Service of}
a summons, to be given or served on any person ^{notices, etc.}
for the purposes of this Act or the regulations may,
unless otherwise specially provided, be given or
served—
- 30 (a) by delivering it personally to the person to
whom it is addressed ;
- (b) by posting it by certified mail in an envelope
duly stamped and addressed to the person
to whom it is addressed at the place last
known as his place of abode or business ;
or
- (c)

Fisheries and Oyster Farms (Amendment).

(c) by delivering it to the place last known as the place of abode or business of the person to whom it is addressed and by leaving it there with some person for him.

5 (2) The amendments made by subparagraph (ii) of paragraph (d) and subparagraph (ii) of paragraph (e) of subsection one of this section shall not affect the continuity of a license in force immediately before the commencement of this Act and any such license shall have the like force as
10 it would have had had such amendments not been made.

3. The Fisheries and Oyster Farms Act, 1935, is further amended— Further amendment of Act No. 58, 1935.

15 (a) by inserting in section three next after the matter relating to Division 3 of Part IV the following new matter :— Sec. 3. (Division into Parts.)

DIVISION 3A.—*Trout farms*—s. 49A.

(b) by inserting next after Division 3 of Part IV the following new Division :— New Division 3A of Part IV.

DIVISION 3A.—*Trout farms*.

20 49A. (1) The Minister may issue a permit to any person, who in waters under his control propagates, hatches or rears trout, authorising him to sell or offer or expose or consign for sale trout so propagated, hatched or reared. Trout farms.

25 (2) A permit under this section may—

(a) be issued subject to such terms and conditions as the Minister thinks fit including terms and conditions subject to which the holder

Fisheries and Oyster Farms (Amendment).

holder may propagate, hatch or rear trout or sell or offer or expose or consign for sale trout so propagated, hatched or reared;

- 5 (b) specify the waters in respect of which the permit is to apply; and
- (c) be issued upon payment of such fees in such manner and at such times as may be prescribed.

10 Such fees shall be paid to the Inland Fisheries Fund established under section 25c of this Act.

(3) Any person who fails to comply with any such terms and conditions shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars.

15 The Minister may for any reason which appears to him to be sufficient cancel a permit issued under this section.

- 20 (c) by inserting at the end of subsection three of section fifty the following new paragraph :—

This subsection shall not apply to the holder of a permit under section 49A of this Act who takes or attempts to take trout or sells or offers or exposes or consigns for sale trout in accordance with the terms and conditions of the permit.

Sec. 50.
(Close season for trout.)

- 25 (d) by inserting next after section fifty-six the following new section :—

56A. Such of the provisions of this Division as would, but for this section— Exemptions.

- 30 (a) prohibit a holder of a permit under section 49A of this Act taking or attempting to take or selling or exposing or consigning for sale trout

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5 trout propagated, hatched or reared in any
waters specified in such permit or having
in his possession trout roe, shall not apply
to the holder of the permit who so takes
or attempts to take or sells or exposes or
consigns for sale trout in accordance with
the terms and conditions of the permit or
has in his possession trout roe for purposes
connected with the authority conferred on
10 him by such permit, or

(b) prohibit a person from buying trout propa-
gated, hatched or reared as aforesaid shall
not apply to such buyer.

4. (1) The Fisheries and Oyster Farms Act, 1935, is further
15 further amended—
amendment
of Act No.
58, 1935.

(a) by omitting from the matter relating to Division 6A of Part III in section three the words "*The New South Wales Fish Authority*" and by inserting in lieu thereof the words "*Fish Marketing Authority*";
Sec. 3.
(Division
into Parts.)

20 (b) by omitting from the definition of "Authority" in subsection one of section four the words "The New South Wales Fish Authority established under" and by inserting in lieu thereof the words "the Fish Marketing Authority referred to in";
Sec. 4.
(Interpreta-
tion.)

25 (c) by omitting from the heading to Division 6A of Part III the words "*The New South Wales Fish Authority*" and by inserting in lieu thereof the words "*Fish Marketing Authority*";
Division 6A
of Part III.
Heading.

(d)

Fisheries and Oyster Farms (Amendment).

(d) (i) by inserting next after subsection one of section 41A the following new subsections :— (Fish Marketing Authority.)

5 (1A) As from the commencement of section four of the Fisheries and Oyster Farms (Amendment) Act, 1970—

10 (a) the name of the Authority established under subsection one of this section and the body corporate constituted in respect thereof shall be the Fish Marketing Authority;

15 (b) a reference in this or any other Act or any by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, to The New South Wales Fish Authority shall be read and construed as a reference to the Fish Marketing Authority.

20 (1B) Nothing contained in subsection (1A) of this section shall prejudice or affect in any way the continuity of the body corporate constituted under subsection one of section 41B of this Act but the same shall continue notwithstanding the provisions of the said subsection.

30 (1C) The alteration of name effected by subsection (1A) of this section shall not affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of the said body corporate, or render defective any legal or other proceedings instituted by or against the said body corporate.

35 Any legal or other proceedings may be continued or commenced against the said body corporate by the name of the Fish

Marketing

Fisheries and Oyster Farms (Amendment).

Marketing Authority that might have been continued or commenced by or against the said body corporate by the name of The New South Wales Fish Authority.

5 (1D) For the purposes of any Act the Authority shall be deemed to be a statutory body representing the Crown.

10 (ii) by omitting from subsection eight of the same section the words "and travelling expenses as may be prescribed" and by inserting in lieu thereof the words "travelling and other expenses and allowances as may be determined from time to time by the Governor";

(e) by omitting subsection two of section 41B; Sec. 41B.
(Authority to be a body corporate.)

15 (f) by omitting from subparagraph (vii) of paragraph (b) of subsection one of section 41D the words "out of the New South Wales Fish Authority Reserve Fund, established under section 41J of this Act,"; Sec. 41D.
(Powers of the Authority.)

20 (g) (i) by omitting subsection two of section 41E and by inserting in lieu thereof the following subsection :— Sec. 41E.
(Method of selling fish.)

25 (2) (a) Fish shall not be sold in a market otherwise than by public auction by a person appointed for the purpose by the Authority.

(b) Paragraph (a) of this subsection shall not apply to fish which the Minister has exempted from the operation of this subsection.

(c)

Fisheries and Oyster Farms (Amendment).

(c) Without limiting the generality of paragraph (b) of this subsection exemption may be granted in respect of fish—

- 5 (i) forwarded to the Authority for sale on a consignment basis;
- (ii) sold by private treaty where such fish have previously been submitted for sale by public auction; or
- 10 (iii) sold to specified persons or bodies or classes of persons or bodies at agreed prices.

15 (d) Any such exemption may be subject to such terms and conditions as may be specified therein and may apply to fish generally, or to fish of any specified species, or to fish other than those specified, or to certain times, circumstances, cases or classes of cases specified therein.

20 (ii) by omitting from subsection three of the same section the word "consent" and by inserting in lieu thereof the word "exemption";

25 (h) by omitting from subsection one of section 41F the words "The New South Wales Fish Authority Fund" and by inserting in lieu thereof the words "the 'Fish Marketing Authority Fund'";

Sec. 41F.
(Fish Marketing Authority Fund.)

(i) by omitting from section 41G the words "The New South Wales Fish Authority Account" and by inserting in lieu thereof the words "the 'Fish Marketing Authority Account'";

Sec. 41G.
(Separate bank account for fund.)

(j)

Fisheries and Oyster Farms (Amendment).

(j) by omitting section 41H and by inserting in lieu thereof the following section :— Subst. sec. 41H.

41H. The fund shall consist of— Moneys in fund.

5 (a) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1970, were held in The New South Wales Fish Authority Fund established under subsection one of section 41F of this Act, as enacted immediately before such commencement;

10 (b) all sums of money received by the Authority under this Division;

15 (c) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1970, were held in The New South Wales Fish Authority Reserve Fund established under the provisions of section 41J of this Act as enacted immediately before such commencement; and

20 (d) 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 whether before or after such commencement pursuant to subparagraph (vii) of paragraph (b) of subsection one of section 41D of this Act.

30 (k) by inserting in paragraph (c) of section 41I after the word "travelling" the words "and other"; Sec. 41I.
(Expenditure from fund.)

(l) by omitting section 41J; Sec. 41J.
(The New South Wales Fish Authority Reserve Fund.)

(m)

No. , 1970.

A BILL

To make further provisions relating to fisheries and fishing; for this and other purposes to amend the Fisheries and Oyster Farms Act, 1935; and for purposes connected therewith.

[MR WILLIS—27 October, 1970.]

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 :—

5 **1.** This Act may be cited as the "Fisheries and Oyster Farms (Amendment) Act, 1970". Short title.

2.

Fisheries and Oyster Farms (Amendment).

2. (1) The Fisheries and Oyster Farms Act, 1935, is amended— Amendment of Act No. 58, 1935.

5 (a) by inserting in subsection one of section four next after the definition of "Trout" the following new definition :— Sec. 4. (Interpretation.)

"Under Secretary" means the Permanent Head of the Department responsible for the administration of this Act.

10 (b) by inserting next after section eight the following new sections :— New secs. 8A and 8B.

15 8A. (1) The Minister may, by writing under his hand, delegate to the Under Secretary or to any officer or employee of the Department responsible for the administration of this Act, and the Under Secretary, with the approval of the Minister, may by writing under his hand delegate to any such officer or employee, the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him under this Act as may be specified in the instrument of delegation. The Minister and Under Secretary may in like manner revoke wholly or in part any delegation made by him. Delegation of powers, etc., by Minister and Under Secretary.

25 (2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the Under Secretary, officer or employee to whom the exercise or performance thereof has been delegated.

30 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of

any

Fisheries and Oyster Farms (Amendment).

any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

5 (4) Notwithstanding any delegation made under this section the Minister or Under Secretary, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

10 (5) Any act or thing done or suffered by a delegate when acting in the exercise of a delegation and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or suffered by the Minister or Under Secretary, as the case may be.

15 8B. (1) The Minister shall have power to acquire by gift inter vivos, devise or bequest, any property for the purposes of this Act. Minister to have power to accept gifts, etc.

20 (2) The Minister may agree to the condition of any gift, devise or bequest to him, and the rule of law relating to perpetuities shall not apply to any condition to which the Minister has agreed under this subsection.

25 (3) Any property acquired pursuant to subsection one of this section shall to the extent to which it has not been applied in conformity with the gift, devise or bequest pass to and devolve upon the successors in office of the Minister.

30 (4) Where the Minister has agreed to the condition of any such gift, devise or bequest, that condition shall bind the property in the hands of any successor in office of the Minister in whom the property may, for the time being, be vested.

(c)

Fisheries and Oyster Farms (Amendment).

- (c) by omitting from section eleven the words "of the Department by which this Act is administered" and by inserting in lieu thereof the words "or by the prescribed officer"; Sec. 11. (Production of authority.)
- 5 (d) (i) by omitting from subsection three of section twenty-three the words "In the regulations, provision may be made for reduction of the fee in any case in which the license is to remain in force for a less period than one year."; Sec. 23. (Boats used for capture of fish must be licensed.)
- 10 (ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—
- 15 (4) Every such license shall, unless sooner suspended or cancelled, remain in force for a period of twelve months, or such lesser period as may be specified therein, from the date of issue thereof.
- 20 (e) (i) by omitting from subsection four of section twenty-five the words "In the regulations provision may be made for a reduction of the fee in any case in which the license is to remain in force for a less period than one year."; Sec. 25. (Fishermen to be licensed.)
- 25 (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection :—
- 30 (5) Every such license shall, unless sooner suspended or cancelled, remain in force for a period of twelve months, or such lesser period as may be specified therein, from the date of issue thereof.
- (f) by omitting from section 41s the words "Chief Secretary's Department,"; Sec. 41s. (Authority to furnish report if required.)
- (g)

Fisheries and Oyster Farms (Amendment).

- (g) (i) by inserting in subsection one of section forty-^{Sec. 42.}
two after the word "section," the words "to (Returns.)
keep records as prescribed and";
- 5 (ii) by inserting in the same subsection after the
word "output," the words "gear used in con-
nection with the operations,";
- (iii) by omitting from paragraph (g) of subsection
two of the same section the words "sea or
10 land." and by inserting in lieu thereof the
words "sea, land or air,";
- (iv) by inserting next after the same paragraph the
following new paragraph :—
- 15 (h) any other operations relating to the
fishing and oyster farming industries as
may be prescribed.
- (h) by inserting in subsection one of section sixty after^{Sec. 60.}
the word "Minister" the words "and it shall be (Leases.)
lawful for the Minister to execute such leases on
behalf of Her Majesty";
- 20 (i) by inserting next after section one hundred and^{New sec.}
eight the following new section :—^{108A.}
- 25 108A. Any notice or other document, other than^{Service of}
a summons, to be given or served on any person^{notices, etc.}
for the purposes of this Act or the regulations may,
unless otherwise specially provided, be given or
served—
- (a) by delivering it personally to the person to
whom it is addressed ;
- 30 (b) by posting it by certified mail in an envelope
duly stamped and addressed to the person
to whom it is addressed at the place last
known as his place of abode or business ;
or
- (c)

Fisheries and Oyster Farms (Amendment).

(c) by delivering it to the place last known as the place of abode or business of the person to whom it is addressed and by leaving it there with some person for him.

5 (2) The amendments made by subparagraph (ii) of paragraph (d) and subparagraph (ii) of paragraph (e) of subsection one of this section shall not affect the continuity of a license in force immediately before the commencement of this Act and any such license shall have the like force as
10 it would have had had such amendments not been made.

3. The Fisheries and Oyster Farms Act, 1935, is further amended— Further amendment of Act No. 58, 1935.

15 (a) by inserting in section three next after the matter relating to Division 3 of Part IV the following new matter :— Sec. 3. (Division into Parts.)

DIVISION 3A.—*Trout farms*—s. 49A.

(b) by inserting next after Division 3 of Part IV the following new Division :— New Division 3A of Part IV. New sec. 49A.

DIVISION 3A.—*Trout farms*.

20 49A. (1) The Minister may issue a permit to any person, who in waters under his control propagates, hatches or rears trout, authorising him to sell or offer or expose or consign for sale trout so propagated, hatched or reared. Trout farms.

25 (2) A permit under this section may—

(a) be issued subject to such terms and conditions as the Minister thinks fit including terms and conditions subject to which the holder

Fisheries and Oyster Farms (Amendment).

holder may propagate, hatch or rear trout or sell or offer or expose or consign for sale trout so propagated, hatched or reared;

- 5 (b) specify the waters in respect of which the permit is to apply; and
- (c) be issued upon payment of such fees in such manner and at such times as may be prescribed.

10 Such fees shall be paid to the Inland Fisheries Fund established under section 25c of this Act.

(3) Any person who fails to comply with any such terms and conditions shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars.

15 The Minister may for any reason which appears to him to be sufficient cancel a permit issued under this section.

- (c) by inserting at the end of subsection three of section fifty the following new paragraph :—

Sec. 50.
(Close season for trout.)

20 This subsection shall not apply to the holder of a permit under section 49A of this Act who takes or attempts to take trout or sells or offers or exposes or consigns for sale trout in accordance with the terms and conditions of the permit.

- 25 (d) by inserting next after section fifty-six the following new section :—

New sec. 56A.

56A. Such of the provisions of this Division as would, but for this section—

- 30 (a) prohibit a holder of a permit under section 49A of this Act taking or attempting to take or selling or exposing or consigning for sale

trout

Fisheries and Oyster Farms (Amendment).

5 trout propagated, hatched or reared in any
waters specified in such permit or having
in his possession trout roe, shall not apply
to the holder of the permit who so takes
or attempts to take or sells or exposes or
consigns for sale trout in accordance with
the terms and conditions of the permit or
has in his possession trout roe for purposes
connected with the authority conferred on
10 him by such permit, or

(b) prohibit a person from buying trout propa-
gated, hatched or reared as aforesaid shall
not apply to such buyer.

4. (1) The Fisheries and Oyster Farms Act, 1935, is Further
15 further amended— amendment
of Act No.
58, 1935.

- (a) by omitting from the matter relating to Division Sec. 3.
6A of Part III in section three the words "*The New* (Division
South Wales Fish Authority" and by inserting in into Parts.)
lieu thereof the words "*Fish Marketing Authority*";
- 20 (b) by omitting from the definition of "Authority" in Sec. 4.
subsection one of section four the words "*The New* (Interpreta-
South Wales Fish Authority established under" and tion.)
by inserting in lieu thereof the words "*the Fish*
Marketing Authority referred to in";
- 25 (c) by omitting from the heading to Division 6A of Division 6A
Part III the words "*The New South Wales Fish* of Part III.
Authority" and by inserting in lieu thereof the Heading.
words "*Fish Marketing Authority*";

(d)

Fisheries and Oyster Farms (Amendment).

(d) (i) by inserting next after subsection one of section 41A the following new subsections :— (Fish Marketing Authority.)

5 (1A) As from the commencement of section four of the Fisheries and Oyster Farms (Amendment) Act, 1970—

10 (a) the name of the Authority established under subsection one of this section and the body corporate constituted in respect thereof shall be the Fish Marketing Authority;

15 (b) a reference in this or any other Act or any by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, to The New South Wales Fish Authority shall be read and construed as a reference to the Fish Marketing Authority.

20 (1B) Nothing contained in subsection (1A) of this section shall prejudice or affect in any way the continuity of the body corporate constituted under subsection one of section 41B of this Act but the same shall continue notwithstanding the provisions of the said subsection.

30 (1C) The alteration of name effected by subsection (1A) of this section shall not affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of the said body corporate, or render defective any legal or other proceedings instituted by or against the said body corporate.

35 Any legal or other proceedings may be continued or commenced against the said body corporate by the name of the Fish

Marketing

Fisheries and Oyster Farms (Amendment).

Marketing Authority that might have been continued or commenced by or against the said body corporate by the name of The New South Wales Fish Authority.

- 5 (1D) For the purposes of any Act the Authority shall be deemed to be a statutory body representing the Crown.
- 10 (ii) by omitting from subsection eight of the same section the words "and travelling expenses as may be prescribed" and by inserting in lieu thereof the words "travelling and other expenses and allowances as may be determined from time to time by the Governor";
- (e) by omitting subsection two of section 41B; Sec. 41B.
(Authority to be a body corporate.)
- 15 (f) by omitting from subparagraph (vii) of paragraph (b) of subsection one of section 41D the words "out of the New South Wales Fish Authority Reserve Fund, established under section 41J of this Act,"; Sec. 41D.
(Powers of the Authority.)
- 20 (g) (i) by omitting subsection two of section 41E and by inserting in lieu thereof the following subsection :— Sec. 41E.
(Method of selling fish.)
- 25 (2) (a) Fish shall not be sold in a market otherwise than by public auction by a person appointed for the purpose by the Authority.
- (b) Paragraph (a) of this subsection shall not apply to fish which the Minister has exempted from the operation of this subsection.
- (c)

Fisheries and Oyster Farms (Amendment).

(c) Without limiting the generality of paragraph (b) of this subsection exemption may be granted in respect of fish—

- 5 (i) forwarded to the Authority for sale on a consignment basis;
- (ii) sold by private treaty where such fish have previously been submitted for sale by public auction; or
- 10 (iii) sold to specified persons or bodies or classes of persons or bodies at agreed prices.

15 (d) Any such exemption may be subject to such terms and conditions as may be specified therein and may apply to fish generally, or to fish of any specified species, or to fish other than those specified, or to certain times, circumstances, cases or classes of cases specified therein.

20 (ii) by omitting from subsection three of the same section the word "consent" and by inserting in lieu thereof the word "exemption";

25 (h) by omitting from subsection one of section 41F the words "The New South Wales Fish Authority Fund" and by inserting in lieu thereof the words "the 'Fish Marketing Authority Fund'";

Sec. 41F.
(Fish Marketing Authority Fund.)

(i) by omitting from section 41G the words "The New South Wales Fish Authority Account" and by inserting in lieu thereof the words "the 'Fish Marketing Authority Account'";

Sec. 41G.
(Separate bank account for fund.)

(m)

(j)

Fisheries and Oyster Farms (Amendment).

(j) by omitting section 41H and by inserting in lieu thereof the following section :— Subst. sec. 41H.

41H. The fund shall consist of— Moneys in fund.

5 (a) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1970, were held in The New South Wales Fish Authority Fund established under subsection one of section 41F of this Act, as enacted immediately before such commencement;

10 (b) all sums of money received by the Authority under this Division;

15 (c) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1970, were held in The New South Wales Fish Authority Reserve Fund established under the provisions of section 41J of this Act as enacted immediately before such commencement; and

20 (d) 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 whether before or after such commencement pursuant to subparagraph (vii) of paragraph (b) of subsection one of section 41D of this Act.

25 (k) by inserting in paragraph (c) of section 41I after the word "travelling" the words "and other"; Sec. 41I.
(Expenditure from fund.)

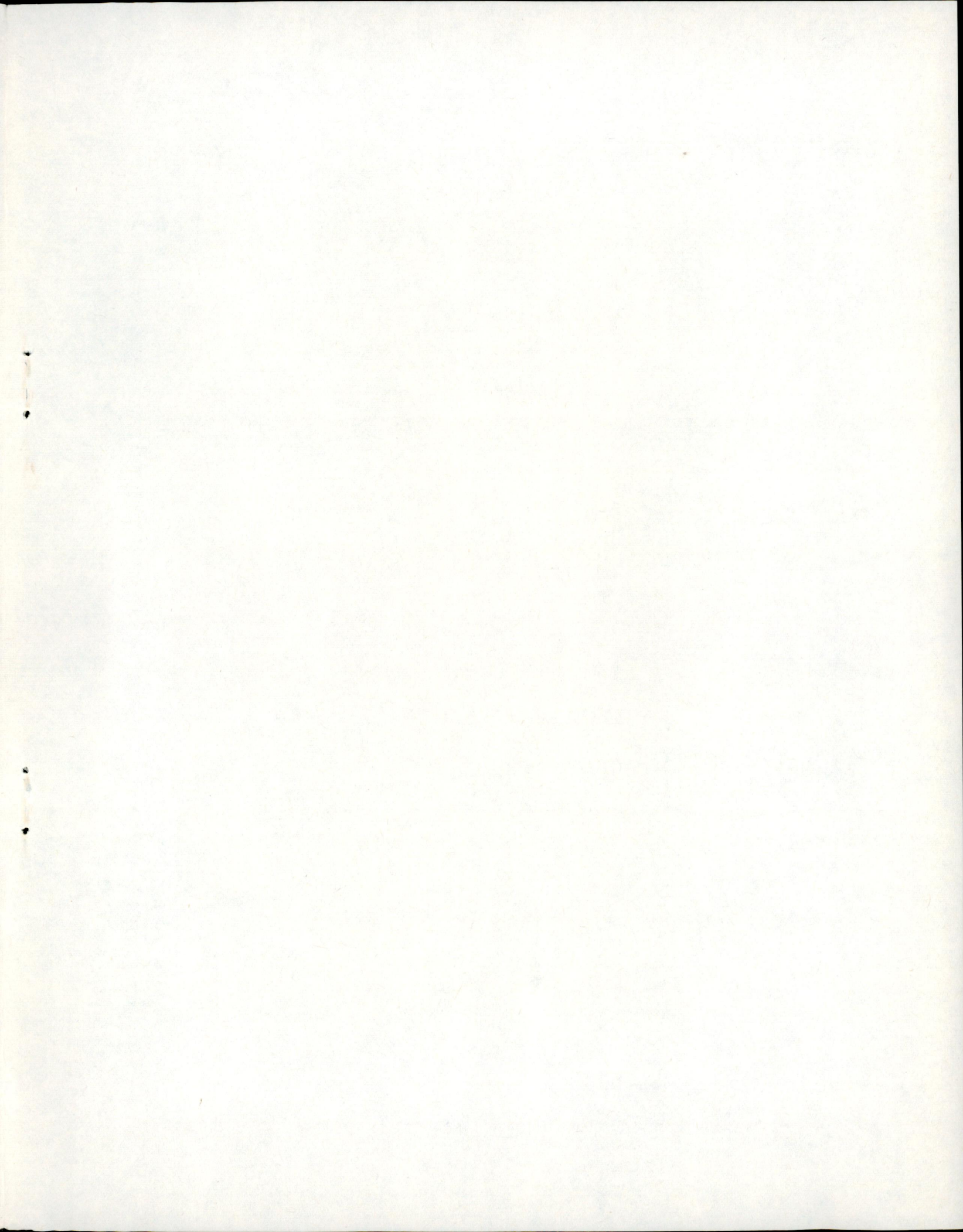
(l) by omitting section 41J; Sec. 41J.
(The New South Wales Fish Authority Reserve Fund.)

(m)

Fisheries and Oyster Farms (Amendment)

- (m) by omitting section 41K;
 (K) Oyster farms
 (L) Oyster farms
 (M) Oyster farms
- (n) by omitting section 41L;
 (L) Oyster farms
 (M) Oyster farms
- (o) by omitting section 41M;
 (M) Oyster farms
 (N) Oyster farms
- (p) by omitting from section 41N the words "or the
 (N) Oyster farms
 (O) Oyster farms

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.



FISHERIES AND OYSTER FARMS (AMENDMENT) BILL, 1970

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that boat and fishermen's licenses may be granted for one year from date of issue instead of from 1st January in each year;
- (b) to provide that the Minister and the Under Secretary may in writing under their hands delegate any powers, authorities, duties and functions exercisable by them under the Fisheries and Oyster Farms Act, 1935;
- (c) to empower the Minister to accept gifts for fisheries purposes;
- (d) to authorise the Minister in lieu of the Governor to execute oyster lease documents;
- (e) to require additional information in the returns to be furnished by professional fishermen and oyster farmers;
- (f) to empower the Minister to issue permits for the conduct of trout farms and for the sale of trout therefrom;
- (g) to alter the name of "The New South Wales Fish Authority" to the "Fish Marketing Authority";
- (h) to provide that the Authority shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown;
- (i) to authorise the Minister to consent to the Authority selling fish by private treaty; and
- (j) to make other provisions of a minor or consequential character.

- (1) to make other provisions of a plan or agreement...
- (2) to provide for the payment of benefits...
- (3) to provide for the payment of benefits...
- (4) to provide for the payment of benefits...

INTERNATIONAL UNION OF BROTHERHOODS OF AMERICANS, 1930

No. , 1970.

A BILL

To make further provisions relating to fisheries and fishing; for this and other purposes to amend the Fisheries and Oyster Farms Act, 1935; and for purposes connected therewith.

[MR WILLIS—27 October, 1970.]

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 :—

5 1. This Act may be cited as the "Fisheries and Oyster Farms (Amendment) Act, 1970". Short title.

2.

Fisheries and Oyster Farms (Amendment).

2. (1) The Fisheries and Oyster Farms Act, 1935, is amended— Amendment of Act No. 58, 1935.

5 (a) by inserting in subsection one of section four next after the definition of "Trout" the following new definition :— Sec. 4. (Interpretation.)

"Under Secretary" means the Permanent Head of the Department responsible for the administration of this Act.

10 (b) by inserting next after section eight the following new sections :— New secs. 8A and 8B.

15 8A. (1) The Minister may, by writing under his hand, delegate to the Under Secretary or to any officer or employee of the Department responsible for the administration of this Act, and the Under Secretary, with the approval of the Minister, may by writing under his hand delegate to any such officer or employee, the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him under this Act as may be specified in the instrument of delegation. The Minister and Under Secretary may in like manner revoke wholly or in part any delegation made by him. Delegation of powers, etc., by Minister and Under Secretary.

25 (2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the Under Secretary, officer or employee to whom the exercise or performance thereof has been delegated.

30 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any

Fisheries and Oyster Farms (Amendment).

any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

5 (4) Notwithstanding any delegation made under this section the Minister or Under Secretary, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

10 (5) Any act or thing done or suffered by a delegate when acting in the exercise of a delegation and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or suffered by the Minister or Under Secretary, as the case may be.

15 8B. (1) The Minister shall have power to acquire by gift inter vivos, devise or bequest, any property for the purposes of this Act. Minister to have power to accept gifts, etc.

20 (2) The Minister may agree to the condition of any gift, devise or bequest to him, and the rule of law relating to perpetuities shall not apply to any condition to which the Minister has agreed under this subsection.

25 (3) Any property acquired pursuant to subsection one of this section shall to the extent to which it has not been applied in conformity with the gift, devise or bequest pass to and devolve upon the successors in office of the Minister.

30 (4) Where the Minister has agreed to the condition of any such gift, devise or bequest, that condition shall bind the property in the hands of any successor in office of the Minister in whom the property may, for the time being, be vested.

(c)

Fisheries and Oyster Farms (Amendment).

- (c) by omitting from section eleven the words "of the Department by which this Act is administered" and by inserting in lieu thereof the words "or by the prescribed officer"; Sec. 11. (Production of authority.)
- 5 (d) (i) by omitting from subsection three of section twenty-three the words "In the regulations, provision may be made for reduction of the fee in any case in which the license is to remain in force for a less period than one year."; Sec. 23. (Boats used for capture of fish must be licensed.)
- 10 (ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—
- 15 (4) Every such license shall, unless sooner suspended or cancelled, remain in force for a period of twelve months, or such lesser period as may be specified therein, from the date of issue thereof.
- (e) (i) by omitting from subsection four of section twenty-five the words "In the regulations provision may be made for a reduction of the fee in any case in which the license is to remain in force for a less period than one year."; Sec. 25. (Fishermen to be licensed.)
- 20 (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection :—
- 25 (5) Every such license shall, unless sooner suspended or cancelled, remain in force for a period of twelve months, or such lesser period as may be specified therein, from the date of issue thereof.
- 30 (f) by omitting from section 41s the words " Chief Secretary's Department,"; Sec. 41s. (Authority to furnish report if required.)
- (g)

Fisheries and Oyster Farms (Amendment).

- (g) (i) by inserting in subsection one of section forty-^{Sec. 42.}
two after the word "section," the words "to (Returns.)
keep records as prescribed and";
- 5 (ii) by inserting in the same subsection after the
word "output," the words "gear used in con-
nection with the operations,";
- 10 (iii) by omitting from paragraph (g) of subsection
two of the same section the words "sea or
land." and by inserting in lieu thereof the
words "sea, land or air;"
- (iv) by inserting next after the same paragraph the
following new paragraph :—
- 15 (h) any other operations relating to the
fishing and oyster farming industries as
may be prescribed.
- (h) by inserting in subsection one of section sixty after ^{Sec. 60.}
the word "Minister" the words "and it shall be (Leases.)
lawful for the Minister to execute such leases on
behalf of Her Majesty";
- 20 (i) by inserting next after section one hundred and ^{New sec.}
eight the following new section :— ^{108A.}
- 25 108A. Any notice or other document, other than ^{Service of}
a summons, to be given or served on any person ^{notices, etc.}
for the purposes of this Act or the regulations may,
unless otherwise specially provided, be given or
served—
- 30 (a) by delivering it personally to the person to
whom it is addressed;
- (b) by posting it by certified mail in an envelope
duly stamped and addressed to the person
to whom it is addressed at the place last
known as his place of abode or business;
or
- (c)

Fisheries and Oyster Farms (Amendment).

(c) by delivering it to the place last known as the place of abode or business of the person to whom it is addressed and by leaving it there with some person for him.

5 (2) The amendments made by subparagraph (ii) of paragraph (d) and subparagraph (ii) of paragraph (e) of subsection one of this section shall not affect the continuity of a license in force immediately before the commencement of this Act and any such license shall have the like force as
10 it would have had had such amendments not been made.

3. The Fisheries and Oyster Farms Act, 1935, is further amended— Further amendment of Act No. 58, 1935.

15 (a) by inserting in section three next after the matter relating to Division 3 of Part IV the following new matter :— Sec. 3. (Division into Parts.)

DIVISION 3A.—*Trout farms*—s. 49A.

(b) by inserting next after Division 3 of Part IV the following new Division :— New Division 3A of Part IV. New sec. 49A.

DIVISION 3A.—*Trout farms*.

20 49A. (1) The Minister may issue a permit to any person, who in waters under his control propagates, hatches or rears trout, authorising him to sell or offer or expose or consign for sale trout so propagated, hatched or reared. Trout farms.

25 (2) A permit under this section may—
(a) be issued subject to such terms and conditions as the Minister thinks fit including terms and conditions subject to which the holder

Fisheries and Oyster Farms (Amendment).

holder may propagate, hatch or rear trout or sell or offer or expose or consign for sale trout so propagated, hatched or reared;

- 5 (b) specify the waters in respect of which the permit is to apply; and
- (c) be issued upon payment of such fees in such manner and at such times as may be prescribed.

10 Such fees shall be paid to the Inland Fisheries Fund established under section 25C of this Act.

(3) Any person who fails to comply with any such terms and conditions shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars.

15 The Minister may for any reason which appears to him to be sufficient cancel a permit issued under this section.

- (c) by inserting at the end of subsection three of section fifty the following new paragraph :—

20 This subsection shall not apply to the holder of a permit under section 49A of this Act who takes or attempts to take trout or sells or offers or exposes or consigns for sale trout in accordance with the terms and conditions of the permit.

Sec. 50.
(Close season for trout.)

- 25 (d) by inserting next after section fifty-six the following new section :—

56A. Such of the provisions of this Division as would, but for this section—

- 30 (a) prohibit a holder of a permit under section 49A of this Act taking or attempting to take or selling or exposing or consigning for sale trout

Fisheries and Oyster Farms (Amendment).

5 trout propagated, hatched or reared in any
waters specified in such permit or having
in his possession trout roe, shall not apply
to the holder of the permit who so takes
or attempts to take or sells or exposes or
consigns for sale trout in accordance with
the terms and conditions of the permit or
has in his possession trout roe for purposes
connected with the authority conferred on
10 him by such permit, or

(b) prohibit a person from buying trout propa-
gated, hatched or reared as aforesaid shall
not apply to such buyer.

4. (1) The Fisheries and Oyster Farms Act, 1935, is Further
15 further amended— amendment
of Act No.
58, 1935.

(a) by omitting from the matter relating to Division Sec. 3.
6A of Part III in section three the words "*The New* (Division
South Wales Fish Authority" and by inserting in into Parts.)
lieu thereof the words "*Fish Marketing Authority*";

20 (b) by omitting from the definition of "Authority" in Sec. 4.
subsection one of section four the words "The New (Interpreta-
South Wales Fish Authority established under" tion.)
and
by inserting in lieu thereof the words "the Fish
Marketing Authority referred to in";

25 (c) by omitting from the heading to Division 6A of Division 6A
Part III the words "*The New South Wales Fish* of Part III.
Authority" and by inserting in lieu thereof the Heading.
words "*Fish Marketing Authority*";

(d)

Fisheries and Oyster Farms (Amendment).

(d) (i) by inserting next after subsection one of section 41A the following new subsections :— (Fish Marketing Authority.)

5 (1A) As from the commencement of section four of the Fisheries and Oyster Farms (Amendment) Act, 1970—

(a) the name of the Authority established under subsection one of this section and the body corporate constituted in respect thereof shall be the Fish Marketing Authority;

10 (b) a reference in this or any other Act or any by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, to The New South Wales Fish Authority shall be read and construed as a reference to the Fish Marketing Authority.

15 (1B) Nothing contained in subsection (1A) of this section shall prejudice or affect in any way the continuity of the body corporate constituted under subsection one of section 41B of this Act but the same shall continue notwithstanding the provisions of the said subsection.

20 (1C) The alteration of name effected by subsection (1A) of this section shall not affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of the said body corporate, or render defective any legal or other proceedings instituted by or against the said body corporate.

30 Any legal or other proceedings may be continued or commenced against the said body corporate by the name of the Fish

Marketing

Fisheries and Oyster Farms (Amendment).

Marketing Authority that might have been continued or commenced by or against the said body corporate by the name of The New South Wales Fish Authority.

5 (1D) For the purposes of any Act the Authority shall be deemed to be a statutory body representing the Crown.

10 (ii) by omitting from subsection eight of the same section the words "and travelling expenses as may be prescribed" and by inserting in lieu thereof the words "travelling and other expenses and allowances as may be determined from time to time by the Governor";

(e) by omitting subsection two of section 41B;

Sec. 41B.
(Authority to be a body corporate.)

15 (f) by omitting from subparagraph (vii) of paragraph (b) of subsection one of section 41D the words "out of the New South Wales Fish Authority Reserve Fund, established under section 41J of this Act.";

Sec. 41D.
(Powers of the Authority.)

20 (g) (i) by omitting subsection two of section 41E and by inserting in lieu thereof the following subsection :—

Sec. 41E.
(Method of selling fish.)

25 (2) (a) Fish shall not be sold in a market otherwise than by public auction by a person appointed for the purpose by the Authority.

(b) Paragraph (a) of this subsection shall not apply to fish which the Minister has exempted from the operation of this subsection.

(c)

Fisheries and Oyster Farms (Amendment).

(c) Without limiting the generality of paragraph (b) of this subsection exemption may be granted in respect of fish—

- 5 (i) forwarded to the Authority for sale on a consignment basis;
- (ii) sold by private treaty where such fish have previously been submitted for sale by public auction; or
- 10 (iii) sold to specified persons or bodies or classes of persons or bodies at agreed prices.

15 (d) Any such exemption may be subject to such terms and conditions as may be specified therein and may apply to fish generally, or to fish of any specified species, or to fish other than those specified, or to certain times, circumstances, cases or classes of cases specified therein.

20 (ii) by omitting from subsection three of the same section the word "consent" and by inserting in lieu thereof the word "exemption";

25 (h) by omitting from subsection one of section 41F the words "The New South Wales Fish Authority Fund" and by inserting in lieu thereof the words "the 'Fish Marketing Authority Fund'"; Sec. 41F. (Fish Marketing Authority Fund.)

(i) by omitting from section 41G the words "The New South Wales Fish Authority Account" and by inserting in lieu thereof the words "the 'Fish Marketing Authority Account'"; Sec. 41G. (Separate bank account for fund.)

(j)

Fisheries and Oyster Farms (Amendment).

- (j) by omitting section 41H and by inserting in lieu thereof the following section :—

Subst.
sec. 41H.

41H. The fund shall consist of—

Moneys in
fund.

- 5 (a) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1970, were held in The New South Wales Fish Authority Fund established under subsection one of section 41F of this Act, as enacted immediately before such commencement;
- 10 (b) all sums of money received by the Authority under this Division;
- 15 (c) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1970, were held in The New South Wales Fish Authority Reserve Fund established under the provisions of section 41J of this Act as enacted immediately before such commencement;
- 20 and
- 25 (d) 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 whether before or after such commencement pursuant to subparagraph (vii) of paragraph (b) of subsection one of section 41D of this Act.

- 30 (k) by inserting in paragraph (c) of section 41I after the word "travelling" the words "and other";

Sec. 41I.
(Expendi-
ture from
fund.)

- (l) by omitting section 41J;

Sec. 41J.
(The New
South Wales
Fish Autho-
rity Reserve
Fund.)

(m)

Fisheries and Oyster Farms (Amendment).

- (m) by omitting section 41K; Sec. 41K.
(Separate
bank account
for reserve
fund.)
- (n) by omitting section 41L; Sec. 41L.
(Moneys in
reserve
fund.)
- (o) by omitting section 41M; Sec. 41M.
(Expendi-
ture from
reserve
fund.)
- 5 (p) by omitting from section 41R the words "or the
reserve fund". Sec. 41R.
(Investment
of funds.)

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of the Finance Act, 1970.

Sec. 41A
(2) where
bank account
for the
fund.

(m) by omitting section 41A;

Sec. 41B
(2) where
fund.

(n) by omitting section 41B;

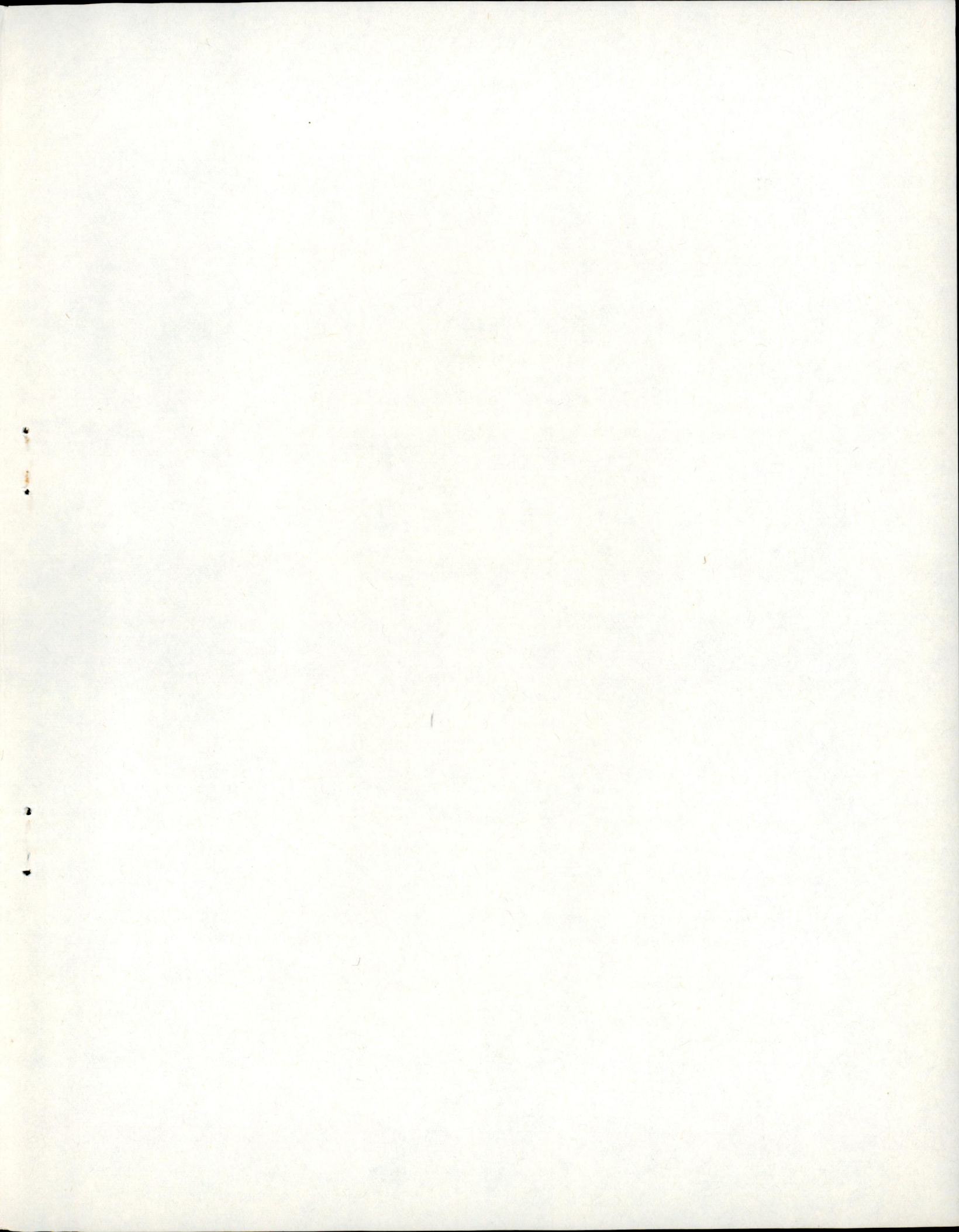
Sec. 41C
(2) where
fund.

(o) by omitting section 41C;

Sec. 41D
(2) where
of funds.

(p) by omitting from section 41D the words "or the
of funds."

(2) This section shall come into force upon a day to be
appointed by the Government and notified by proclamation
published in the Gazette.



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 18 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 69, 1970.

An Act to make further provisions relating to fisheries and fishing; for this and other purposes to amend the Fisheries and Oyster Farms Act, 1935; and for purposes connected therewith. [Assented to, 27th November, 1970.]

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. This Act may be cited as the "Fisheries and Oyster Farms (Amendment) Act, 1970".

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Fisheries and Oyster Farms (Amendment).

Amendment
of Act No.
58, 1935.

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

Sec. 4.
(Interpreta-
tion.)

(a) by inserting in subsection one of section four next after the definition of "Trout" the following new definition :—

"Under Secretary" means the Permanent Head of the Department responsible for the administration of this Act.

New secs.
8A and 8B.

(b) by inserting next after section eight the following new sections :—

Delegation
of powers,
etc., by
Minister and
Under
Secretary.

8A. (1) The Minister may, by writing under his hand, delegate to the Under Secretary or to any officer or employee of the Department responsible for the administration of this Act, and the Under Secretary, with the approval of the Minister, may by writing under his hand delegate to any such officer or employee, the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him under this Act as may be specified in the instrument of delegation. The Minister and Under Secretary may in like manner revoke wholly or in part any delegation made by him.

(2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the Under Secretary, officer or employee to whom the exercise or performance thereof has been delegated.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of

any

Fisheries and Oyster Farms (Amendment).

any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section the Minister or Under Secretary, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate when acting in the exercise of a delegation and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or suffered by the Minister or Under Secretary, as the case may be.

8B. (1) The Minister shall have power to acquire by gift inter vivos, devise or bequest, any property for the purposes of this Act. Minister to have power to accept gifts, etc.

(2) The Minister may agree to the condition of any gift, devise or bequest to him, and the rule of law relating to perpetuities shall not apply to any condition to which the Minister has agreed under this subsection.

(3) Any property acquired pursuant to subsection one of this section shall to the extent to which it has not been applied in conformity with the gift, devise or bequest pass to and devolve upon the successors in office of the Minister.

(4) Where the Minister has agreed to the condition of any such gift, devise or bequest, that condition shall bind the property in the hands of any successor in office of the Minister in whom the property may, for the time being, be vested.

(c)

Fisheries and Oyster Farms (Amendment).

- Sec. 11.
(Production of authority.)
- (c) by omitting from section eleven the words "of the Department by which this Act is administered" and by inserting in lieu thereof the words "or by the prescribed officer";
- Sec. 23.
(Boats used for capture of fish must be licensed.)
- (d) (i) by omitting from subsection three of section twenty-three the words "In the regulations, provision may be made for reduction of the fee in any case in which the license is to remain in force for a less period than one year.";
- (ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—
- (4) Every such license shall, unless sooner suspended or cancelled, remain in force for a period of twelve months, or such lesser period as may be specified therein, from the date of issue thereof.
- Sec. 25.
(Fishermen to be licensed.)
- (e) (i) by omitting from subsection four of section twenty-five the words "In the regulations provision may be made for a reduction of the fee in any case in which the license is to remain in force for a less period than one year.";
- (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection :—
- (5) Every such license shall, unless sooner suspended or cancelled, remain in force for a period of twelve months, or such lesser period as may be specified therein, from the date of issue thereof.
- Sec. 41s.
(Authority to furnish report if required.)
- (f) by omitting from section 41s the words " , Chief Secretary's Department,";
- (g)

Fisheries and Oyster Farms (Amendment).

- (g) (i) by inserting in subsection one of section forty- Sec. 42.
two after the word "section," the words "to (Returns.)
keep records as prescribed and";
- (ii) by inserting in the same subsection after the
word "output," the words "gear used in con-
nection with the operations,";
- (iii) by omitting from paragraph (g) of subsection
two of the same section the words "sea or
land." and by inserting in lieu thereof the
words "sea, land or air,";
- (iv) by inserting next after the same paragraph the
following new paragraph :—
- (h) any other operations relating to the
fishing and oyster farming industries as
may be prescribed.

(h) by inserting in subsection one of section sixty after Sec. 60.
the word "Minister" the words "and it shall be (Leases.)
lawful for the Minister to execute such leases on
behalf of Her Majesty";

(i) by inserting next after section one hundred and New sec.
eight the following new section :— 108A.

108A. Any notice or other document, other than Service of
a summons, to be given or served on any person notices, etc.
for the purposes of this Act or the regulations may,
unless otherwise specially provided, be given or
served—

(a) by delivering it personally to the person to
whom it is addressed;

(b) by posting it by certified mail in an envelope
duly stamped and addressed to the person
to whom it is addressed at the place last
known as his place of abode or business;
or

(c)

Fisheries and Oyster Farms (Amendment).

- (c) by delivering it to the place last known as the place of abode or business of the person to whom it is addressed and by leaving it there with some person for him.

(2) The amendments made by subparagraph (ii) of paragraph (d) and subparagraph (ii) of paragraph (e) of subsection one of this section shall not affect the continuity of a license in force immediately before the commencement of this Act and any such license shall have the like force as it would have had had such amendments not been made.

Further amendment of Act No. 58, 1935.

3. The Fisheries and Oyster Farms Act, 1935, is further amended—

Sec. 3.
(Division into Parts.)

- (a) by inserting in section three next after the matter relating to Division 3 of Part IV the following new matter :—

DIVISION 3A.—*Trout farms*—s. 49A.

New Division 3A of Part IV.
New sec. 49A.

- (b) by inserting next after Division 3 of Part IV the following new Division :—

DIVISION 3A.—*Trout farms*.

Trout farms.

49A. (1) The Minister may issue a permit to any person, who in waters under his control propagates, hatches or rears trout, authorising him to sell or offer or expose or consign for sale trout so propagated, hatched or reared.

(2) A permit under this section may—

- (a) be issued subject to such terms and conditions as the Minister thinks fit including terms and conditions subject to which the holder

Fisheries and Oyster Farms (Amendment).

holder may propagate, hatch or rear trout or sell or offer or expose or consign for sale trout so propagated, hatched or reared;

- (b) specify the waters in respect of which the permit is to apply; and
- (c) be issued upon payment of such fees in such manner and at such times as may be prescribed.

Such fees shall be paid to the Inland Fisheries Fund established under section 25c of this Act.

(3) Any person who fails to comply with any such terms and conditions shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars.

The Minister may for any reason which appears to him to be sufficient cancel a permit issued under this section.

- (c) by inserting at the end of subsection three of section fifty the following new paragraph :—

Sec. 50.
(Close season for trout.)

This subsection shall not apply to the holder of a permit under section 49A of this Act who takes or attempts to take trout or sells or offers or exposes or consigns for sale trout in accordance with the terms and conditions of the permit.

- (d) by inserting next after section fifty-six the following new section :—

New sec. 56A.

56A. Such of the provisions of this Division as would, but for this section—

Exemptions.

- (a) prohibit a holder of a permit under section 49A of this Act taking or attempting to take or selling or exposing or consigning for sale trout

(b)

trout

Fisheries and Oyster Farms (Amendment).

trout propagated, hatched or reared in any waters specified in such permit or having in his possession trout roe, shall not apply to the holder of the permit who so takes or attempts to take or sells or exposes or consigns for sale trout in accordance with the terms and conditions of the permit or has in his possession trout roe for purposes connected with the authority conferred on him by such permit, or

- (b) prohibit a person from buying trout propagated, hatched or reared as aforesaid shall not apply to such buyer.

Further amendment of Act No. 58, 1935.

4. (1) The Fisheries and Oyster Farms Act, 1935, is further amended—

Sec. 3.
(Division into Parts.)

- (a) by omitting from the matter relating to Division 6A of Part III in section three the words "*The New South Wales Fish Authority*" and by inserting in lieu thereof the words "*Fish Marketing Authority*";

Sec. 4.
(Interpretation.)

- (b) by omitting from the definition of "Authority" in subsection one of section four the words "The New South Wales Fish Authority established under" and by inserting in lieu thereof the words "the Fish Marketing Authority referred to in";

Division 6A of Part III.
Heading.

- (c) by omitting from the heading to Division 6A of Part III the words "*The New South Wales Fish Authority*" and by inserting in lieu thereof the words "*Fish Marketing Authority*";

(d)

Fisheries and Oyster Farms (Amendment).

(d) (i) by inserting next after subsection one of section 41A the following new subsections :— (Fish Marketing Authority.)

(1A) As from the commencement of section four of the Fisheries and Oyster Farms (Amendment) Act, 1970—

(a) the name of the Authority established under subsection one of this section and the body corporate constituted in respect thereof shall be the Fish Marketing Authority;

(b) a reference in this or any other Act or any by-law, regulation, ordinance or any other instrument or document whatsoever, of the same or a different kind or nature, to The New South Wales Fish Authority shall be read and construed as a reference to the Fish Marketing Authority.

(1B) Nothing contained in subsection (1A) of this section shall prejudice or affect in any way the continuity of the body corporate constituted under subsection one of section 41B of this Act but the same shall continue notwithstanding the provisions of the said subsection.

(1C) The alteration of name effected by subsection (1A) of this section shall not affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of the said body corporate, or render defective any legal or other proceedings instituted by or against the said body corporate.

Any legal or other proceedings may be continued or commenced against the said body corporate by the name of the Fish

Marketing

(e)

Fisheries and Oyster Farms (Amendment).

Marketing Authority that might have been continued or commenced by or against the said body corporate by the name of The New South Wales Fish Authority.

(1D) For the purposes of any Act the Authority shall be deemed to be a statutory body representing the Crown.

- (ii) by omitting from subsection eight of the same section the words "and travelling expenses as may be prescribed" and by inserting in lieu thereof the words "travelling and other expenses and allowances as may be determined from time to time by the Governor";

Sec. 41B.
(Authority to be a body corporate.)

- (e) by omitting subsection two of section 41B;

Sec. 41D.
(Powers of the Authority.)

- (f) by omitting from subparagraph (vii) of paragraph (b) of subsection one of section 41D the words "out of the New South Wales Fish Authority Reserve Fund, established under section 41J of this Act,";

Sec. 41E.
(Method of selling fish.)

- (g) (i) by omitting subsection two of section 41E and by inserting in lieu thereof the following subsection :—

(2) (a) Fish shall not be sold in a market otherwise than by public auction by a person appointed for the purpose by the Authority.

(b) Paragraph (a) of this subsection shall not apply to fish which the Minister has exempted from the operation of this subsection.

(c)

Fisheries and Oyster Farms (Amendment).

(c) Without limiting the generality of paragraph (b) of this subsection exemption may be granted in respect of fish—

- (i) forwarded to the Authority for sale on a consignment basis;
- (ii) sold by private treaty where such fish have previously been submitted for sale by public auction; or
- (iii) sold to specified persons or bodies or classes of persons or bodies at agreed prices.

(d) Any such exemption may be subject to such terms and conditions as may be specified therein and may apply to fish generally, or to fish of any specified species, or to fish other than those specified, or to certain times, circumstances, cases or classes of cases specified therein.

(ii) by omitting from subsection three of the same section the word "consent" and by inserting in lieu thereof the word "exemption";

(h) by omitting from subsection one of section 41F the words "The New South Wales Fish Authority Fund" and by inserting in lieu thereof the words "the 'Fish Marketing Authority Fund'";

Sec. 41F.
(Fish Marketing Authority Fund.)

(i) by omitting from section 41G the words "The New South Wales Fish Authority Account" and by inserting in lieu thereof the words "the 'Fish Marketing Authority Account'";

Sec. 41G.
(Separate bank account for fund.)

(j)

Fisheries and Oyster Farms (Amendment).

Subst.
sec. 41H.

- (j) by omitting section 41H and by inserting in lieu thereof the following section :—

Moneys in
fund.

41H. The fund shall consist of—

- (a) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1970, were held in The New South Wales Fish Authority Fund established under subsection one of section 41F of this Act, as enacted immediately before such commencement;
- (b) all sums of money received by the Authority under this Division;
- (c) all moneys which immediately before the commencement of the Fisheries and Oyster Farms (Amendment) Act, 1970, were held in The New South Wales Fish Authority Reserve Fund established under the provisions of section 41J of this Act as enacted immediately before such commencement; and
- (d) 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 whether before or after such commencement pursuant to subparagraph (vii) of paragraph (b) of subsection one of section 41D of this Act.

Sec. 41I.
(Expendi-
ture from
fund.)

- (k) by inserting in paragraph (c) of section 41I after the word "travelling" the words "and other";

Sec. 41J.
(The New
South Wales
Fish Autho-
rity Reserve
Fund.)

- (l) by omitting section 41J;

(m)

Fisheries and Oyster Farms (Amendment).

- | | |
|---|--|
| (m) by omitting section 41K; | Sec. 41K.
(Separate bank account for reserve fund.) |
| (n) by omitting section 41L; | Sec. 41L.
(Moneys in reserve fund.) |
| (o) by omitting section 41M; | Sec. 41M.
(Expenditure from reserve fund.) |
| (p) by omitting from section 41R the words "or the reserve fund". | Sec. 41R.
(Investment of funds.) |

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 27th November, 1970.*

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(a) by section 1141

(b) by section 1142

(c) by section 1143

(d) by section 1144

(e) by section 1145

(f) by section 1146

(g) by section 1147

(h) by section 1148

(i) by section 1149

(j) by section 1150

(k) by section 1151

(l) by section 1152

(m) by section 1153

(n) by section 1154

(o) by section 1155

(p) by section 1156

(q) by section 1157

(r) by section 1158

(s) by section 1159

(t) by section 1160

(u) by section 1161

(v) by section 1162

(w) by section 1163

(x) by section 1164

(y) by section 1165

(z) by section 1166

(2) The Secretary shall, upon a day to be appointed by the Governor and notified by proclamation published in the Gazette,

the day of the month of the year 1910, to be known as the day of the

A. R. CUTLER
Governor

Government House
February 20th December 1910

