FISHERIES ACT AMENDMENT BILL 1977

HOUSE of ASSEMBLY, April 26 1977, Page 3736

Second reading.

The Hon. J. D. CORCORAN (Minister of Works): I move: That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It represents the first stage of amendments to the principal Act, the Fisheries Act, 1971-1975, that will arise from a comprehensive departmental examination of fisheries policy in the State. Clauses 1 and 2 are formal. Clause 3 amends section 5 of the principal Act by inserting in the definition of "waters" a reference to bays and gulfs. This is merely a clarificatory amendment. Clause 4 amends section 11 of the principal Act by making it clear that it is an offence for any inspector "appointed or *ex officio"* to have a proprietary or financial interest in any commercial fishing without the consent of the Minister. Clause 5 corrects a lacuna in the principal Act by providing a penalty for a breach of subsection (4) of section 24.

Clause 6 is a most significant amendment and is commended to honourable members' particular attention. This section replaces old section 37 which gives the Minister power to revoke most important licences and authorities under the principal Act by giving him also the somewhat lesser power to suspend those licences and permits, since it is felt that a simple power to revoke is too Draconic. Clause 7 provides for some further controls of the importation and movement of "noxious fish" within the State and enables fish of this kind to be confined to certain areas of the State. Clause 8 enlarges the regulation-making power in two areas by providing for regulations to be made to ensure the hygiene and cleanliness of fish dealers' premises and also to control storage of gear on any boat. Clause 9 amends section 57 of the principal Act and is again commended to members' particular attention. It proposes an evidentiary provision to the effect that fish in the possession of a person will give rise to a presumption that those fish were taken by that person. The need for such a presumption is clear since it is very difficult to adduce direct evidence as to taking in most circumstances. Clause 10 is an amendment consequential upon the amendment proposed by clause 6 and makes it clear that the suspension of a licence is an administrative and not a judicial act.

Mr. MILLHOUSE secured the adjournment of the debate.