**FISHERIES ACT AMENDMENT BILL 1922**

**House of Assembly, 30 November 1922, pages 1916-8**

Second reading

**The MINISTER of INDUSTRY (Hon. W. Hague**)—This Bill is of an administrative - character and is necessary to extend the Fisheries Aet, 1917, in various ways which experience has shown to be necessary. Throughout the principal Act references are made to- “closed waters”. For example, subdivision (a) of section 53 makes it an offence to take fish from closed waters. There is, however, no definition in the Act of ‘‘closed waters.” Clause 3 of the Bill remedies this omission. A definition of “closed waters” is inserted in section 4, the interpretation section of the principal Act. The expression “closed waters” is defined to mean waters reserved for a hatchery or waters declared by proclamation to be waters within which it is unlawful to take fish. Under section 6 of the principal Act the Governor is given power to do various acts by proclamation. He can, under subdivision II. of subsection (1), declare “the limits of any waters within which any specified devices are not to be used or within which it shall not be lawful to take fish. The deficiency in this provision is that the Governor has to declare the “limits of any waters.” It has been found impossible to frame a proclamation under this provision, as the limits of any waters are incapable of definition. The limits of any Waters are its boundaries, but in the case of tidal waters, for example, the boundaries vary every hour. The- same difficulty arises whether the waters to be defined consist of a lake, river, or any other body of water. Subdivision (a) of clause 4 provides a remedy for this difficulty. The- words “the limits of any” are struck out and the provision is made to read that the Governor may declare “areas or waters within- which” certain appliances must not be used, etc. Subdivision IV. of the same subsection in the principal Act gives the Governor power to declare “any specified device or specified device, when used in other than the prescribed .manner, to be illegal”. The defect in this provision is that a proclamation made under it must of necessity apply to the whole State. Occasions arise when the necessity for such a proclamation extends only to a portion of the State, and it is undesirable that the whole of the State should be included. Subdivision (b) of clause 4 gives the Governor the added power to declare a specified device when used in prescribed areas or waters to be an illegal device. I am sure the honorable member for Victoria will appreciate this clause.

Mr. Reidy—Some of it I do, and some of it I do not. I would not trust them too far.

The MINISTER of INDUSTRY—The interest he took in the close season for schnapper last year leads me to think he will appreciate the proposal in this Bill.

Mr. Reidy—Will these powers be confined to the metropolitan area?

The MINISTER of INDUSTRY—No; they will extend to the whole State. This provision is referable to section 53, subdivision (a), paragraph iv., under which it is an offence to take fish with an illegal device. Clause 5 amends section 47 of the principal Act. That section gives certain privileges to amateur fisherman using a rod and line, hand line, or hand crab net. Among other privileges they are granted an exemption from the provisions relating to fish under the prescribed weight. Section 39 provides that no person shall have in his possession or sell fish, under "the prescribed weight”, and section 53, subdivision (a), paragraph v. makes it an offence to take fish under the prescribed weight without forthwith returning them to the water. The Bill proposes to remove this exemption (which applies only in favor of amateurs), and henceforth amateurs will be required to place back in the water any underweight fish they may catch. Several applications have, in the past, been made to the Minister for the exclusive right to take certain kinds of fish from different parts of the coastal waters. One application was recently made for the exclusive right to take blue crabs along certain portions of Spencer’s Gulf. In this particular case the promoters of the scheme desire to erect a factory in which the crabs may be preserved and bottled. On the portion of the coast in question blue crabs thrive in great abundance, and effect considerable destruction among other types of fish. The promoters of a scheme such as this will not erect a factory if they have no guarantee that a rival business will not be established next door to them, which might fish over the same waters. Obviously, to carry on business they must have the exclusive right to take blue crabs within a specified area. The Minister is, at the present time, unable to grant such a right. The principal Act gives him no power in this behalf, and no rights in relation to the sea can be granted to any person or company to the exclusion of all others without express legislative authority. The Minister has powers under Division III. of Part III. of the principal Act to grant ex­clusive licences with regard to oyster beds. There can be no objection to giving him similar powers with regard to other fish. Clause 6 proposes to give the Minister this desired power. The Minister is given power to grant an exclusive licence to any person to take any particular kind of fish from the area specified in the licence. It may be mentioned that “fish” is defined in the principal Act to include crabs. The power is confined to the territorial limits of the State, i.e., within the area comprised between the sea-coast and a line drawn parallel thereto three miles out to sea. The only right conferred will be the exclusive right to take a particular kind of fish. Only to this extent will the rights of other people with regard to the area specified in the licence be interfered with. The Minister will grant the licence subject to such terms, conditions, restrictions, and payments as he thinks fit. Every licence will be granted subject to the right of any person to take fish for purposes other than trade from the area specified in the licence, and no licence will be granted over an area extending more than 10 miles along the coast line.

Mr. Price—Will the Minister tell us who wants this legislation?

The MINISTER of INDUSTRY—We have had a request from a company in regard to it. I do not know that I am bound to the 10 miles provision. It seems a bit far to me, but when a firm is willing to take up an industry like this they would desire exclusive rights in order to make their factory pay. The Government would need to be satisfied that they were a bona-fide company.

Mr. Butterfield—A syndicate might get this right and exploit the people.

The MINISTER of INDUSTRY—I am not bound hard and fast to the 10-mile limit, and I would agree to a smaller area if it was shown that that was sufficient. The Government were approached by a company which wished to establish a crab factory near Port Augusta. We were also approached some time ago for the sole rights in regard to a factory for cockles. We did not take that as seriously as we might have clone, but it is marvellous what industries are established. Subsection (5) makes the licence revocable at the will of the Minister. Clause '7 places an obligation on the licensee to indicate by means of buoys or marks set up on the adjacent shore the limits of the area specified in the licence. This will give notice to the general public of the area within which the licensee has exclusive rights, and will prevent any unwitting infringement of those rights. When we were approached by the company for the rights in respect to crabs we had no power to give them. Sole rights have been given in regard to oysters, and I cannot see why they should not be given in regard to crabs, or other fish.

Mr. Butterfield—Who has sole rights in respect to oysters ?

The MINISTER of INDUSTRY—Quite a number of people in different parts. There is a considerable activity in this regard at Kangaroo Island. I move the second reading.

Mr. PRICE secured the adjournment of the debate until December 5.