FISHERIES BILL 1982

Legislative Council, 6 April 1982, Page 4053

Second reading

**The Hon. C. M. HILL (Minister of Local Government):**

I move:

*That this Bill be now read a second time.*

I seek leave to have the explanation of the Bill inserted in Hansard without my reading it.

Leave granted.

**Explanation of Bill**

This Bill is the product of a thorough review of existing fisheries legislation which was undertaken in consultation with interested parties, including the Australian Fishing Industry Council (AFIC), representing commercial fishermen and processors, the South Australian Recreational Fishing Advisory Council (SARFAC), representing recreational fishermen and the aquarium and fish farming trade. The Bill incorporates the Fisheries Act Amendment Bill introduced into this Council on 3 December 1981. That Bill gives effect to the fisheries part of the offshore constitutional settlement agreement. The Bill also contains the provisions of the Fibre and Sponges Act, 1909-73.

The new Fisheries Bill implements the Government's policies for the development of the fishing industry in South Australia. It recognises that fisheries management is a dynamic system which requires flexibility in management decision making. The Bill provides a sound base for the conservation, enhancement and management of fisheries, and enables the Governor to make regulations to provide for schemes of management for particular fisheries. There are a number of features of the Bill worth highlighting.

First, Part 2 of the Bill relating to Commonwealth/State arrangements enables the following management regimes to apply beyond the limits of internal waters:

1. Management of specified fisheries by joint authorities either under—
   1. Commonwealth law applying from the low watermark where two or more States are involved or
   2. Commonwealth or State law applying from thelow water mark where only one State is involved;
2. Arrangements whereby either the Commonwealth or a State may manage a fishery under either Commonwealth or State law, that law applying from the low water mark; and
3. Continuation of the status quo, that is, State law applying within the three nautical miles and Commonwealth law beyond that distance where no arrangement has been entered into in relation to management of a particular fishery. It is envisaged that this provision would rarely be used especially in the longer term.

This legislation is part of a national agreement. Identical provisions have received Royal assent in Victoria, Western Australia and the Northern Territory. A Bill has passed both Houses in Tasmania. A Bill lapsed in New South Wales when Parliament was prorogued, but will be reintroduced. A Bill has been introduced into the Queensland Parliament.

Fisheries inspectors have been retitled fisheries officers, consistent with the changing functions of this group. Fisheries officers' duties now include various extension and liaison functions, in addition to their important enforcement role. The powers of fisheries officers reflect the importance of their role in ensuring that the Government's policies relating to the management and development of the fishing industry in South Australia are adequately enforced.

The provisions relating to seizure will mean that things seized shall be held by the Crown pending proceedings for an offence against the Act relating to the thing seized. There is provision for the Minister to authorise release of the thing seized upon application. In addition, there is provision for an appeal against the Minister's decision not to release a thing seized. In the context of the Bill, a thing includes a boat, equipment, gear, devices, and fish. Compensation is also payable where a thing has been seized, and the offence not proven. The Bill provides for revised provisions to enable the Minister to carry out any research, exploration, experiments, works or operations of any kind and continues the fund known as the Fisheries Research and Development Fund.

The Bill provides for more realistic penalty provisions in keeping with the limited entry management policies which apply in South Australia's fisheries. Support for substantially increased monetary penalties has come from both AFIC and SARFAC who also strongly support the suspension or cancellation of a licence, registration or permit upon conviction for a serious offence or a second offence, together with seizure and forfeiture of gear used and fish taken. The Government supports the industry's view that it is an essential requirement of fisheries management to have the necessary authority to deal fairly and firmly with those transgressors who, while holding a privileged access right to a common property resource, have abused that privilege. The Bill fulfils the Government's promise of more effective penalties, including the application of penalties to the fishery licence.

Extensive consultation with AFIC and SARFAC regarding the desirability of offences being strengthened and more precisely described in the Act has contributed to the relevant provisions in the Bill. Careful consideration has been given to the impact and effectiveness of each penalty, and an appropriate mixture of penalties is set out in the Bill.

The Bill provides for the Governor to make regulations prescribing schemes of management for particular fisheries. Amongst other things, a prescribed scheme of management may contain matters relating to licensing, fees, and registration of devices. There will be scope for variation of policy between fisheries. However, there will be uniform requirements on each licence within a fishery. The Bill provides wider powers to make regulations—making it easier to give legal effect to a policy for each fishery (for example, transferability and vessel replacement). It is more flexible to do this than to write specific provisions into the Act. The actual policies will be contained in the schemes of management, which will describe each fishery.

Commercial licences will be issued only under a scheme of management. There will not be a general 'class A' (or 'B') licence, or separate authorities. These will be covered by 'fishery licences' (for example, the marine scale fishery or the prawn fishery) which will define the species, zone, gear, boat size, etc. All licences will show the species to be taken commercially. There will no longer be a licence to employ. If the holder of the 'fishery licence' is not required to be on board the boat, and the registered master of the boat commits an offence, the master will carry a personal penalty, and the fishery licence will be subject to suspension upon conviction for a second offence.

In respect of fishing (that is, as opposed to processing, etc.) the central concept is one of a 'fishing activity' and 'engaging in a fishing activity'. The crux of the licensing system will be the fishery licence with endorsements thereon of the registered boat and the master of the boat. The schemes of management will be contained in the regulations, setting out the matters relating to the granting of licences and registrations in respect of each fishery. Some flexibility is provided in the proposals, enabling a new or developing fishery to have a scheme of management prescribed at an appropriate time, and relevant fishery licences thereby created.

This Bill maintains existing provisions for protection of the aquatic habitat, along with updated provisions for aquarium fish, exotic species, and fish farming operations. With the growth of an aquarium fish industry, aquaculture and the stocking of waters with fish, legislative powers are required to make regulations for these operations. The new provisions will enable the application of national complementary arrangements to control exotic fish and fish diseases, particularly as they relate to fish farming. New provisions give wider powers to control fish farming and related activities, where necessary. Farm dams on private property will not be subject to the provisions in the Bill, except in the case of fish farming, fish disease outbreak, or prohibited species. The Bill empowers the Governor to make regulations declaring fish of a specified class to be exotic fish, and it regulates the introduction into the State, the possession, control, sale, purchase, consigning, delivery and transport of such fish.

Particular attention is paid to the prevention, elimination or control of disease in farm fish and the prevention of the escape of farm fish into other waters, or the release of the water in which the fish are farmed. A person keeping fish or operating a fish farm will be required by regulation to notify the director of the occurrence of disease or symptoms of disease in fish kept or farmed by that person. Measures to be taken for the recovery, eradication or containment of exotic fish or farm fish that have been released or have escaped into any waters will also be prescribed.

The Bill gives effect to most of the recommendations of the review committee on processing and marketing of fish established by the previous Government. It abolishes the category of fish dealer and establishes a broad category of fish processor for registration purposes. There are no provisions for intervening in normal market arrangements. The review committee on processing and marketing of fish completed its final report in August 1980. Whilst further discussion still needs to take place on the matter of processors holding licences in managed fisheries, the committee's recommendations were accepted by the Wholesale Fish Merchants' Association (representing major processors), the South Australian Fish Shop Retailers' Association (representing fish and chip shops, etc.) and AFIC (representing the commercial fishing industry).

The Bill provides for a person acting as a fish processor to be registered and all premises, place or boat he uses to be specified in the certificate of registration. Power is provided for the Governor to make regulations for the regulation of fish processing and matters ancillary or incidental to, or connected with fish processing; these provisions generally accord with the recommendations of the review committee. Under the provisions of this Bill a professional fisherman will not be required to hold a certificate of registration as a fish processor in order to sell unprocessed fish he has taken under his fishery licence.

The regulation powers provide for fish processors to furnish returns setting out information relating to the sale, purchase, processing, storage and movement of fish. Regulations dealing with receptacles, labelling and fees are also proposed. In addition to more realistic monetary penalties, new provisions empower the court to suspend or cancel a licence for certain specified serious offences. There is provision for the Minister to suspend or cancel licences in circumstances where an authority was obtained improperly or where a person has been convicted of an offence against any other Act relating to fishing or involving violent or threatening behaviour. The Bill provides for appeals before a local court. Appeals regarding fishery licences will be confined to the provisions of the scheme of management for the particular fishery. Under miscellaneous provisions, the Minister will be empowered to exempt a person, or class of persons, by notice published in the Gazette, from any specified provisions of the Act.

A new provision will require the Director to keep a register of licences and registrations available for public inspection, together with the tabling of an annual report on the operation of the Act. The Bill provides that, where a person is convicted of an offence against the Act involving the taking of fish, the person convicted shall be liable, in addition to any other penalty prescribed by this Act, to a penalty equal to: *(a)* five times the amount determined by the convicting court to be the wholesale value of the fish at the time at which they were taken; or (b) $10 000, whichever is the lesser amount.

New provisions establish vicarious responsibility where the licence holder—either a natural person or body corporate—is not directly involved in fishing operations. Overall the Fisheries Bill provides a sound basis for the conservation and management of fisheries within State territorial limits (abalone, prawn, marine scale, rock lobster) as well as through the joint authority provisions for the offshore fisheries (tuna, shark). The incorporation of provisions enabling the Governor to make regulations to provide for schemes of management for particular fisheries is a positive step forward, and will enable a flexible approach to be taken to the problems of fisheries management in the foreseeable future. I commend the Bill to the Council.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Under the clause different provisions may be brought into operation at different times. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Fibre and Sponges Act, 1909-1973, and the Fisheries Act, 1971-1980.

Clause 5 sets out definitions of terms used in the measure, Attention is drawn to the definition of 'fishing activity' which is defined as the act of taking fish or any act preparatory to, or involved in, taking fish. 'Fishery' is defined under the clause as being a class of fishing activities declared by regulation to constitute a fishery. Under subclause (2), a class of fishing activities may be defined by regulation or other statutory instrument by reference to one or more factors such as the species of the fish, the sex, size or weight of the fish, a number or quantity of fish, a period of time, an area of waters or a place, etc. Under subclause (3), a person is to be regarded as engaging in a fishing activity of a defined class if he does the act that falls within the class as defined, or if he does any of certain preliminary acts, such as using a device for the purpose of the activity, or using a boat for that purpose, or being in charge of, or acting as a member of the crew, of a boat being used for the purpose, or diving for the purpose. Subclause (6) defines the waters to which the measure is to apply, these being: (a) the waters within the limits of the State; (b) except for purposes relating to a fishery to be managed under Commonwealth law, waters that are landward of the Commonwealth proclaimed waters adjacent to the State; (c) for purposes relating to a fishery to be managed under State law, any waters to which the legislative powers of the State extend with respect to that fishery; and *(d)* for purposes relating to recreational fishing not involving foreign boats, waters to which the legislative powers of the State extend with respect to those activities.

Part II of the measure, comprising clauses 6 to 19, provides for Commonwealth-State arrangements with respect to the management of fisheries. Clause 6 sets out definitions of terms used in Part II. Attention is drawn to the definition of 'fishery' which is defined in terms of a class of fishing activities identified in an arrangement made under Part II by the State with the Commonwealth or with the Commonwealth and one or more other States. Attention is also drawn to the definition of 'Joint Authority' which is defined to mean the South Eastern Joint Authority (comprising the Commonwealth, New South Wales, Victorian, South Australian and Tasmanian Ministers responsible for fisheries) established under the Commonwealth Fisheries Act and any other Joint Authority subsequently established under that Act of which the Minister is a member.

Clause 7 provides that the Minister may exercise a power conferred on the Minister by Part IVA of the Commonwealth Act. Clause 8 requires judicial notice to be taken of the signatures of members of a Joint Authority or their deputies and of their offices as such. Clause 9 provides that a Joint Authority has such functions in relation to a fishery in respect of which an arrangement is in force under Division III as are conferred on it by law (that is, either Commonwealth law or, as the case may be, South Australian law) in accordance with which pursuant to the arrangement, the fishery is to be managed. Clause 10 provides for the delegation by a Joint Authority or any of its powers.

Clause 11 provides for the procedure of a Joint Authority. Clause 12 requires the Minister to table in Parliament a copy of the annual report of a joint Authority. Clause 13 provides that the State may enter into an arrangement for the management of a fishery. The clause also provides for the termination of an arrangement and the preliminary action required to bring into effect or terminate an arrangement. Clause 14 provides for the application of South Australian law in relation to fisheries which are under an arrangement to be regulated by South Australian law.

Clause 15 sets out the functions of a Joint Authority (that is, one that is to manage a fishery in accordance with South Australian law) of managing the fishery, consulting with other authorities and exercising its statutory powers. Clause 16 provides for the application of the principal Act in relation to a fishery that is to be managed by a Joint Authority in accordance with the measure. Clause 17 applies references made to a licence or other authority in an offence under the principal Act to any such licence or other authority issued or renewed by a relevant Joint Authority. Clause 18 is an evidentiary provision facilitating proof of the waters to which an arrangement applies.

Clause 19 provides for the making of regulations in relation to a fishery to be managed by a Joint Authority in accordance with the law of the State. Part III of the measure, comprising clauses 20 to 32, provides for administrative matters. Clause 20 provides that the Minister and the Director of Fisheries are, in the administration of the measure, to have the objectives of ensuring through proper conservation and management measures that the living resources of the waters to which the measure applies are not to be endangered or over-exploited and of achieving the optimum utilisation of those resources. Clause 21 provides for the incorporation of the Minister of Fisheries.

Clause 22 continues the office of Director of Fisheries. Clause 23 provides for delegation by the Minister or the Director of powers conferred upon the Minister or Director, respectively. Clause 24 requires the Director to prepare an annual report for the Minister on the administration of the measure and provides for the report to be tabled in Parliament. Clause 25 provides for the appointment by the Governor of fisheries officers. Under the clause, the Director of Fisheries and police officers are to be fisheries officers ex officio.

Clause 26 provides for identity cards to be issued to fisheries officers (not being police officers). Under the clause, a fisheries officer is required, if requested to do so, to produce his identity card before exercising any of his statutory powers. Clause 27 provides that it shall be an offence if a fisheries officer has, without the consent of the Minister, any financial interest in any business regulated under the measure. Clause 28 sets out appropriate powers for fisheries officers to enter, search, seize, ask questions, give directions, etc. Under subclause (2), the power to enter premises may only be exercised upon the authority of a warrant issued by a justice unless it is being exercised in relation to registered premises of a registered fish processor or in circumstances that the fisheries officer believes warrant urgent action. Subclause (6) empowers a fisheries officer to arrest a person without warrant in appropriately limited circumstances. Subclauses (9) and (10) provide in consid­erable detail for the seizure and for forfeiture of anything used in the commission of an offence against the measure.

Clause 29 provides that it is to be an offence if a person falsely represents that he is a fisheries officer. Clause 30 protects fisheries officers from personal liability for acts done in good faith in the exercise or purported exercise of a power or duty under the measure. The liability in such cases is to lie against the Crown. Clause 31 authorises the Minister to carry on research and development for the benefit of the industries to which the measure applies. Clause 32 continues the Fisheries Research and Development Fund in existence. The clause sets out the moneys to be paid into the fund, principally the charges and fees to be paid under the measure, and authorises the moneys to be applied for research and development. Subclause (4) provides for investment of the fund.

Part IV of the measure, comprising clauses 33 to 58, provides for the regulation of fishing and the other activities regulated under the measure. Division I of this Part, comprising clauses 33 to 46, provides for fisheries and fishing. Clause 33 sets out definitions of terms used in this Division. Clause 34 provides that it shall be an offence attracting a penalty of up to $5 000 if a person engages, for the purposes of trade or business, in a fishing activity of a class that constitutes a fishery unless he holds a licence in respect of that fishery, or is acting on behalf of a person who holds such a licence. Subclause (2) provides for the registration of each boat used in a fishery and the master of each such boat. The clause provides for the use of replacement boats and relief masters with the consent of the Director and subject to such conditions as he may impose.

Clause 35 makes provision for applications for licences and registration. Clause 36 provides for the grant of a fishery licence to be determined by the Director subject to and in accordance with the provisions of the scheme of management prescribed for the particular fishery by regulations under clause 46. The clause requires the Director, before registering a boat, to be satisfied that the applicant is the holder of a fishery licence and as to such other matters as may be prescribed by the scheme of management for the fishery. The clause provides that application for registration of a master of a boat must be made by the holder of a fishery licence who has a registered boat and that the proposed master must be a fit and proper person to be master of the boat. Under subclause (2), the holder of a fishery licence is to be the only person who may be registered as the master of a boat used pursuant to that licence if the scheme of management for the particular fishery so provides. Registration of a boat or master of a boat is to be effected by endorsement of the related fishery licence.

Clause 37 empowers the Director to impose conditions of fishery licences. Contravention of a condition is to be an offence attracting a penalty of up to $1 000 for a first offence, $2 500 for a second offence and $5 000 for a subsequent offence. Clause 38 provides that a fishery licence is not to be transferable unless the scheme of management for the particular fishery so provides, in which case, it is only to be transferable if the Director is satisfied as to the matters prescribed by the scheme of management and consents to the transfer. Clause 39 provides that the registration of a boat or master of a boat endorsed on a fishery licence terminates or is suspended if the licence terminates or is suspended. Clause 40 requires the holder of a fishery licence to carry it with him at all times when he is engaging in any fishing activity pursuant to the licence. The fishery licence must also be carried on a registered boat by the person in charge when the boat is being used for any purpose.

Clause 41 provides that it shall be an offence if a person engages in a fishing activity of a class prescribed by regulation. The penalty fixed for this offence is a maximum of   
$1 000 in the case of a first offence, $2 500 in the case of a second offence and $5 000 in the case of a subsequent offence. It should be noted that under clause 69 a court convicting a person of the offence, where fish were taken in contravention of the measure, is required to impose a further penalty equal to five times the wholesale value of the fish or $10 000, whichever is the lesser amount. The offence created by this clause is designed to cater for most of the controls on fishing, such as taking undersized fish, bag limits, closed seasons, closed waters, etc., which are separately provided for under the present Fisheries Act. This definition of a fishing activity by reference to any combination of factors achieves the necessary flexibility that is not present with the present approach.

Clause 42 provides that it shall be an offence to take fish of a class declared by regulation to be protected. The penalty for a first offence is fixed at a maximum of $2 000 and, for a subsequent offence, at a maximum of $5 000, Clause 43 provides that the Governor may by proclamation declare that it shall be unlawful to engage in a fishing activity of a class specified in the proclamation during a period specified in the proclamation. Contravention of a proclamation under the clause is to be an offence attracting the same penalties as are provided in relation to clause 41.

Clause 44, at subclause (1), provides that it shall be an offence if a person sells or purchases fish taken in waters to which this Act applies unless the fish were taken in pursuant to a fishery licence. Subclause (2) provides that it shall be an offence to sell or purchase, or have in one's possession, any fish taken in contravention of the measure of any fish of a class prescribed by regulation. The penalty for an offence against subclause (1) is to be a maximum of $5 000. The penalties for offences against subclause (2) are to be the same as those fixed in relation to clauses 41 and 43.

Clause 45 provides that it shall be an offence if a person, without reasonable excuse, obstructs or interferes with a lawful fishing activity or interferes with fish taken in the course of a lawful fishing activity. Under the clause, a person engaged in a lawful fishing activity may request a person interfering with or obstructing the activity to cease the interference or obstructive conduct and that person is to be guilty of an offence unless he complies with the request. Provision is made for a court convicting a person of an offence against the clause to order the convicted person to pay compensation for any loss resulting from the commission of the offence.

Clause 46 provides for the making of regulations for the conservation, enhancement and management of the living resources of the waters to which the measure applies, for the regulation of fishing and the protection of certain fish. The clause provides, in particular, for the declaration that a class of fishing activities is to constitute a fishery and for a scheme of management to be prescribed for the fishery. The scheme of management may limit applications for fishery licences to applications lodged during a specified period or a specified period after the Director has made a call for applications. The scheme may fix the maximum number of licences that may be in force in respect of the fishery, prescribe the qualifications that applicants must possess in order to be eligible to be granted licences, and prescribe a procedure of competitive tendering or ballots under which applicants for licences who are eligible to be granted licences may be selected for the available number of licences. The scheme may prevent or restrict the granting of licences to bodies corporate or partnerships and may provide that only the holders of licences in respect of the fishery may be registered as masters of their boats. The scheme may authorise and regulate licence transfers, fix fees for licences and provide for any other matters with respect to fishery licences. The regulations may, in addition to prescribing schemes of management for licences, provide for the marking of registered boats, regulate the carrying or possession of fishing devices, require the registration of fishing devices and their marking, and regulate how fish are dealt with by the persons engaged in the fishing activities in the course of which they are taken.

Division II of Part IV, comprising clauses 47 and 48, provides for the protection of the aquatic habitat. Clause 47 empowers the Governor to declare that any specified waters, or land and waters, are to be an aquatic reserve. Waters that are controlled aquatic reserve under the present Fisheries Act are to continue as aquatic reserve under this measure. Clause 48 provides that it shall be an offence if a person, unless authorised to do so under the regulations, or by a permit, enters or remains in an aquatic reserve. Subclause (2) provides that it shall be an offence if a person, unless authorised to do so by the regulations or a permit, engages in any operation involving or resulting in disturbance of the bed of any waters, removal of or interference with aquatic or benthic flora or fauna of any waters, or discharge, release or deposit of any matter (whether solid, liquid or gaseous) in any waters. Under subclause (3), the Director is authorised to issue permits which may be made subject to conditions.

Division III, comprising clauses 49, 50 and 51, provides for exotic fish, fish farming and disease in fish. Clause 49, at subclause (1), provides that it shall be an offence if any person brings into the State or sells, purchases or delivers any exotic fish. 'Exotic fish' are defined by clause 5 as being fish of a class declared by regulation to be exotic fish. Subclause (2) provides that it shall be an offence if a person, on or after the expiration of six months from the commencement of the clause, has in his possession or control any exotic fish unless he has possessed the exotic fish since the commencement of the clause and obtained a permit from the Director to continue to possess them. These requirements are not to apply to exotic fish excepted by regulation.

Clause 50 provides that it shall be an offence if any person releases, permits to escape or deposits in any waters any exotic fish, any farm fish or any fish that have been kept apart from their natural habitat. Under the clause, the Director may issue a permit authorising a person to release fish of a class prescribed by regulation into waters specified in the permit subject to conditions specified in the permit. Clause 51 empowers the Governor to make regulations for the control of exotic fish, the regulation of fish farming and the control of disease in fish.

Division IV of Part IV, comprising clauses 52 and 53, provides for the grant of leases or licences to farm or take fish. Clause 52 defines 'fish' for the purposes of Division IV to include the fibre of sea grass and sponges. Clause 53 authorises the Minister to grant a lease or licence for a term not exceeding ten years in respect of an area consisting of land or waters, or land and waters, conferring rights to occupy and use the area for fish farming or to take fish from the area.

Division V of Part IV, comprising clauses 54 and 55, deals with fish processing. Clause 54 requires any person who acts as a fish processor to be registered and for the premises, places, boats and vehicles used by him in that operation to be specified in his certificate of registration. Clause 55 authorises the Governor to make regulations with respect to fish processing and matters ancillary or incidental to, or connected with, fish processing. Division VI of Part IV, comprising sections 56 and 57 makes provision for the suspension or cancellation of authorities, that is, any licence, registration, lease or permit under the measure.

Clause 56, at subclause (1), empowers a court convicting the holder of an authority of an offence against the measure, in addition to imposing any other penalty, to order the suspension or cancellation of the authority. Subclause (2) provides that, where the holder of a fishery licence is convicted of one of a number of offences specified in subclause (9), the Director is to cause the conviction to be recorded on the licence. Subclause (3) provides that, where a court convicts the holder of a fishery licence of one of those offences and that person has previously been convicted of such an offence, or there is recorded on the licence a conviction for such an offence, committed during the preceding period of three years, the court must suspend the licence for a minimum period of three months during which fishing pursuant to the licence would otherwise have been lawful. Where the holder has been convicted of two such previous offences, or two such previous offences are recorded on the licence, the convicting court must cancel the licence. A previous conviction recorded on a fishery licence is to be taken into account in relation to an offence committed by the holder of the licence whether or not the previous offence was committed by that person or a previous holder of the licence. This is necessary in order to ensure that there will be little incentive to transfer licences in order to avoid suspension or cancellation. Subclauses (4) and (5) provide that these provisions do not apply in relation to an offence that the convicting court has certified to be trifling.

Clause 57 empowers the Minister to suspend or cancel an authority if he is satisfied that it was obtained improperly or that the holder of the authority has been convicted of an offence against any other Act, whether an Act of this State, another State, a Territory or the Commonwealth, being an offence related to fishing or involving violent or threatening behaviour and of such a nature that the Minister is of the opinion that the authority should be suspended or cancelled. Division VII of Part IV, comprising clause 58, provides for review of decisions of the Minister or Director.

Clause 58 provides for review by a District Court of a decision of the Director refusing an application for an authority, or the transfer of an authority, or imposing or varying a condition of an authority, or a decision of the Minister refusing an application for the release of anything that has been seized and is being held pending the determination of proceedings for an offence, or by a decision of the Minister under clause 57 suspending or cancelling an authority. Part V, comprising clauses 59 to 72, contains miscellaneous provisions.

Clause 59 empowers the Minister to grant exemptions from compliance with provisions of the measure. An exemption may be made subject to conditions determined by the Minister. Clause 60 empowers the Director to require the holder of an authority to return the authority if it is suspended or cancelled, or for the purpose of varying or revoking a condition of the authority, or imposing a further condition, or, in the case of a fishery licence, for the purpose of recording a conviction on the licence. Clause 61 provides for the surrender of an authority. Clause 62 provides for the issue of duplicate copies of authorities. Clause 63 prohibits misuse of authorities. Clause 64 makes provision with respect to the holding of authorities by partnerships.

Clause 65 requires the Director to keep a register of authorities and to make it available for public inspection. Clause 66 provides that where a person is convicted of an offence involving the taking of fish, the court shall, in addition to imposing any other penalty prescribed by this Act, impose a penalty equal to five times the amount determined by the convicting court to be the wholesale value of the fish at the time they were taken, or $ 10 000, whichever is the lesser amount. Clause 67 contains evidentiary provisions. Clause 68 provides that it shall be an offence if a person furnishes information for the purposes of the measure that is false or misleading in a material particular.

Clause 69 provides that, where a body corporate is guilty of an offence, every member of the governing body of the body corporate is guilty of a similar offence unless he proves that he could not by reasonable diligence have prevented the commission of the offence. Subclause (2) makes a principal liable for an offence if his agent commits an offence while acting as his agent. Subclause (3) makes the holder of a fishery licence guilty of an offence if his registered boat is used in the commission of the offence. Clause 70 provides that proceedings for an offence against the measure are to be disposed of summarily and may be commenced within twelve months of the day on which the offence is alleged to have been committed. Clause 71 provides for the service of documents. Clause 72 provides for the making of regulations.

**The Hon. C. J. SUMNER** secured the adjournment of the debate.