

Act No. 67

## FISHERIES AND OYSTER FARMS (AMENDMENT) BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Fisheries and Oyster Farms Act 1935 so as—

- (a) to increase, to a small extent, the area of the waters of Brisbane Water and Broken Bay that may be used for net fishing;
- (b) to require persons selling or storing fish to make or obtain and to keep records concerning dealings in the fish; and
- (c) to specify additional circumstances in which an article seized in connection with an alleged offence may be forfeited.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that, with one exception, the proposed Act will commence on the date of assent. The exception is the amendment to the Principal Act imposing the requirement to keep records. That amendment will commence on a day to be appointed by the Governor-in-Council.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

*Fisheries and Oyster Farms (Amendment) 1987*

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Schedule 1 (1) amends section 19 of the Principal Act which currently prevents a person from using a net of any kind in any of the waters of Brisbane Water (or its tributaries) or Broken Bay north of a line drawn from Box or Hawk Head to Green Point. Under the amendment, the closure line will be drawn from Little Box Head to Green Point.

Schedule 1 (2) inserts section 40DA into the Principal Act. The proposed section requires the making of records relating to the sale, purchase and storage of quantities of fish of not less than a quantity to be prescribed by regulation, the retention of the records for a specified period and the production of the records to an inspector on request. The proposed section provides that it is an offence for a person knowingly to make a false or misleading entry in such a record. The proposed section also enables an inspector to enter and search any place (other than a dwelling-house) where fish are kept or treated for the purposes of business.

Schedule 1 (3) amends section 95 of the Principal Act to provide (in addition to the other circumstances specified in the section) that if an article is seized in connection with an alleged offence under the Principal Act—

- (a) the payment of a penalty or the making of an order for payment following the issue of a penalty notice in respect of the offence; or
- (b) the making of an order under section 556A of the Crimes Act 1900 in respect of the offence,

operates as a forfeiture of the article.

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