**FISHERIES ACT AMENDMENT BILL 1969**

**Legislative Council, 30 October 1969, page 2606**

**Second reading**

**The Hon. C. R. STORY (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Fisheries Act, 1917-1962, as amended by the Fisheries Act Amendment Act, 1967. Read a first time.

The Hon. C. R. STORY: I move:

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

In 1967 the Fisheries Act Amendment Act, 1967, was introduced to amend the principal Act to deal with what might be called a crisis in the crayfishing industry. At that time it was stated by the then Government that it was hoped a completely new Fisheries Act would be enacted, and this remains the intention of the present Government. In fact, the task was entrusted to Sir Edgar Bean, a former Parliamentary Draftsman, and a great deal of work has already been done in the matter. For various reasons it is, at this time, not possible to bring down a Bill for this new Act.

However, the 1967 amending Act which contained powers to regulate the crayfish industry was expressed to expire on May 31, 1969, that is, at the end of the 1968-69 crayfish season. It was, as I have mentioned, thought that by that time the new Act would be in operation. It is not entirely clear just what is the precise legal effect of the expiry provision but it is clear that in the interests of the crayfishing industry these restrictions must remain until the new Act comes into force.

Accordingly, to resolve any doubts on the matter, this Bill repeals the 1967 amending Act and goes a little further in that it proposes to remove the amendments inserted by that Act from the Statute Book. It then re-enacts the amendments in precisely the same terms as they appeared in the 1967 amended Act, and then validates and effectuates actions, etc., taken pursuant to those amendments as if they had been enacted before and came into force on the day on which the 1967 amending Act came into force, that is, November 1, 1967.

However, the Government is aware that some persons, at least, may have arranged their affairs on the basis that the regulatory aspects of the amendments had no effect after the date of expiry expressed in the 1967 amending Act, that is, May 31, 1969. Lest this Bill be construed as imposing what might be called a retrospective liability on such persons, proposed new section 3a (4) of the principal Act provides that no liability will be incurred in respect of acts or omissions constituting offences created by the amendments when those acts occurred between May 31, 1969, and the day of commencement of the Act proposed by this Bill.

To consider the Bill in some detail: Clause 1 is formal. Clause 2 repeals the 1967 amending Act but validates and effectuates actions taken under the principal Act. Clauses 3, 4 and 5 enact in precisely the same terms the provisions that were previously enacted by the 1967 amending Act.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.