

STATUTORY RULES.

1961. No. 65

REGULATIONS UNDER THE WHALING ACT 1960.*

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Whaling Act* 1960.

Dated this *5th*
day of *May*, 1961.

DALLAS BROOKS

Administrator.

By His Excellency's Command,

(sgd.) C. F. ADERMANN

Minister of State for Primary Industry.

WHALING REGULATIONS.

1. These Regulations may be cited as the Whaling Regulations. Citation.
2. These Regulations shall come into operation on the day on which the *Whaling Act* 1960 comes into operation. Commencement.
3. In these Regulations, unless the contrary intention appears— Definitions.
 - "inspector" means a person who is a whaling inspector for the purposes of section 13 of the Act;
 - "licence" means a licence under section 11 of the Act that is in force;
 - "the Act" means the *Whaling Act* 1960;
 - "week" means a period of seven days commencing on a Sunday.
4. In these Regulations, a reference to a Schedule by number shall be read as a reference to the Schedule so numbered to these Regulations, and a reference to a Form by number shall be read as a reference to the Form so numbered in the First Schedule to these Regulations. Schedules and Forms.
- 5.—(1.) Application shall be deemed not to have been duly made for a licence to use a ship as a whale catcher or as a factory ship unless the application states— Applications for licences.
 - (a) the name of the ship;
 - (b) the place at which the ship is registered;
 - (c) the full names of the owner and the master of the ship, respectively; and
 - (d) whether the ship is under charter and, if the ship is under charter, the full name of the charterer.

(2.) Application shall be deemed not to have been duly made for a licence to use a factory as a land station unless the application states—

- (a) the full names of the manager and the occupier of the factory, respectively;
- (b) the address of the factory; and
- (c) the number of humpback whales that can, in ordinary circumstances, be processed at the factory in a period of twenty-four hours.

(3.) Application shall be deemed not to have been duly made for a licence to use an aircraft as a whale catcher unless the application states—

- (a) the type of the aircraft;
- (b) the aerodrome from which the aircraft will carry out whale catching operations;
- (c) the full name of the owner of the aircraft;
- (d) the nationality mark and registration mark of the aircraft;
- (e) whether the aircraft is registered as an Australian aircraft under the *Air Navigation Act* 1920-1960 and, if the aircraft is so registered, the date on which its registration expires; and
- (f) whether the aircraft is under charter and, if the aircraft is under charter, the full name of the charterer.

6.—(1.) A licence to use a ship or aircraft as a whale catcher shall be in accordance with Form 1. Form of licence.

(2.) A licence to use a ship as a factory ship or a factory as a land station shall be in accordance with Form 2.

7. The fees respectively specified in the second column of the Second Schedule are payable in respect of the several matters specified in the first column of that Schedule. Fees.

8.—(1.) The holder of a licence to use a ship as a whale catcher shall cause the whales taken by the whale catcher on a day to be numbered in regular arithmetical series, beginning with the number one, in the order in which they are taken. Marking of whales.

(2.) The holder of a licence to use a ship as a whale catcher shall, as soon as practicable after a whale is taken by the whale catcher, cause the whale to be marked, in a clear and permanent manner—

- (a) with the number allotted to the whale in pursuance of the last preceding sub-regulation; and
- (b) with the name, in full or in an abbreviated form, of that whale catcher.

9.—(1.) The holder of a licence to use a ship as a whale catcher shall, as soon as practicable after a whale is taken by the whale catcher, cause to be transmitted, by means of radio-telegraphy, to the factory ship or land station by which the whale is to be treated particulars of— Report of whale caught.

- (a) the number allotted to the whale in pursuance of sub-regulation (1.) of the last preceding regulation;

- (b) the place at which the whale was taken; and
- (c) the time of the day at which the whale was taken.

(2.) Where, during a week, whales are taken by a whale catcher, or by any of the whale catchers, in respect of which a person is the holder of the licence or licences, the person shall furnish or cause to be furnished to the Secretary, on or before the Tuesday in the next following week, the names of the species of whales, and the number of whales of each such species, taken during that first-mentioned week by that whale catcher, or by all the whale catchers in respect of which he is the holder of the licences, as the case may be.

10.—(1.) Where, during a sperm whaling season, sperm whales are taken by a whale catcher, or by any of the whale catchers, in respect of which a person is the holder of the licence or licences, the person shall furnish to the Secretary, within the period specified in sub-regulation (3.) of this regulation, a return, in accordance with Form 3, containing particulars of the sperm whales taken during that sperm whaling season by that whale catcher, or by all the whale catchers in respect of which he is the holder of the licences, as the case may be. Annual return of whales taken.

(2.) Where, during a baleen whaling season, baleen whales are taken by a whale catcher, or by any of the whale catchers, in respect of which a person is the holder of the licence or licences, the person shall furnish to the Secretary, within the period specified in the next succeeding sub-regulation, a return, in accordance with Form 3, containing particulars of the baleen whales taken during that baleen whaling season by that whale catcher, or by all the whale catchers in respect of which he is the holder of the licences, as the case may be.

(3.) A return required to be furnished by a person in relation to a sperm whaling season or a baleen whaling season under the last preceding sub-regulation shall be furnished within 28 days—

- (a) after the end of that season; or
- (b) after the whale catcher, or all the whale catchers, in respect of which the person is the holder of the licence or of the licences ceased to be used for the purpose of hunting, taking, killing, towing, holding on to or scouting for sperm whales or baleen whales, as the case may be, during that season,

whichever is the earlier.

(4.) In this regulation—

- “baleen whaling season” means the period of a year during which the taking or killing of baleen whales is not prohibited by notice under section 10 of the Act;
- “baleen whale” means a blue whale, fin whale, humpback whale, minke whale or sei whale;
- “sperm whaling season” means the period of twelve months commencing on a first day of January;
- “year” means the period of twelve months commencing on a first day of January.

11.—(1.) Where whales are treated at a land station during a week, the person who is the holder of the licence in respect of the land station shall, on or before the Tuesday in the next following week, furnish, or cause to be furnished, to the Secretary a return, in accordance with Form 4, containing particulars of all whales treated at the land station during that first-mentioned week, Weekly return of whales treated.

(2.) Before forwarding a return to the Secretary in pursuance of the last preceding sub-regulation, a holder of a licence shall submit the return to an inspector who is maintained at the land station.

(3.) Where a return is submitted to an inspector in pursuance of the last preceding sub-regulation, the inspector shall check the particulars contained in the return and, if he is satisfied that those particulars are correct, shall sign his name on the return or, if he is not so satisfied, shall write on the return the matters in respect of which he is not so satisfied and sign his name immediately under the matters so written.

(4.) A return referred to in sub-regulation (1.) of this regulation shall be signed by the holder of the licence or by the manager of the land station.

12.—(1.) For the purposes of the Act and of these Regulations— Method of measuring whales.

(a) the length of a whale shall be taken to be equal to the length of a straight line commencing at the point of the upper jaw of the whale and ending at the notch between the tail flukes of the whale; and

(b) the length of that line shall be ascertained by measuring, by means of a steel tape-measure that has a spiked handle attached at the zero end, any imaginary line parallel to it that commences at a point on a straight line from the point of the upper jaw of the whale and ends at the intersection of that imaginary line with a straight line from the notch between the tail flukes of the whale (being a line parallel to that straight line from the point of the upper jaw).

(2.) A whale shall be measured when it is at rest on the deck of a ship or on a platform.

13.—(1.) Where a licence or duplicate licence (in this regulation referred to as “the original instrument”) has been lost or destroyed, the holder of the original instrument may make application in writing to the Secretary for the issue of a duplicate licence or another duplicate licence, as the case may be, Lost or destroyed licences.

(2.) Where application is made to the Secretary under the last preceding sub-regulation, the Secretary may, if he is satisfied that—

(a) the original instrument has been lost or destroyed; and

(b) no improper use has been made or is being made of the original instrument,

upon payment by the applicant of the prescribed fee issue to the applicant a duplicate licence.

(3.) A duplicate licence issued under this regulation has the same force and effect as the licence in respect of which it is issued.

(4.) A person shall not, in or in relation to an application under this regulation, make a statement or furnish information that is false or misleading in a material particular.

14.—(1.) Where a licence or duplicate licence (in this regulation referred to as the “original instrument”) has been defaced, the holder of the original instrument may, upon returning the original instrument to the Secretary and upon payment of the prescribed fee, be issued with a duplicate licence or another duplicate licence, as the case may be. Defaced licence.

(2.) A duplicate licence issued under this regulation has the same force and effect as the licence in respect of which it is issued.

15. The holder of a licence shall not fail to comply with a provision of these Regulations that is applicable to him. Penalties.

Penalty: One hundred pounds.

THE SCHEDULES.

FIRST SCHEDULE.

Licence No. Form 1. Regulation 6 (1.).

COMMONWEALTH OF AUSTRALIA.

Whaling Act 1960.

LICENCE TO USE SHIP OR AIRCRAFT AS WHALE CATCHER.

Subject to the conditions specified hereunder, of

the *owner of the *ship†
the *charterer of the *aircraft‡
registered at

to use that *ship as a whale catcher in the following area of waters:—
*aircraft

This licence is granted subject to the following conditions:—

1. §

Unless sooner cancelled in accordance with section 11 of the Whaling Act 1960, this licence remains in force until the day of , 19 .

Dated this day of , 19 .

is licensed
*Strike out whichever is inapplicable.

†Here insert the name of the ship.

‡Here insert the nationality mark and registration mark of the aircraft.

• Here insert the conditions subject to which the licence is granted.

Secretary.

Whaling Regulations.

Licence No.

Form 2.

Regulation 6 (2.).

COMMONWEALTH OF AUSTRALIA.

Whaling Act 1960.

LICENCE TO USE A SHIP AS A FACTORY SHIP OR A FACTORY AS A LAND STATION.

Subject to the conditions specified hereunder, the _____ of the _____
 *ship registered at _____ is licensed to use _____ *Strike out
 *factory situated at _____ whichever is
 that *ship as a *land station for the treating of whales taken or killed in the
 *factory as a *factory ship following area of waters:—

This licence is granted subject to the following conditions:—

1. †

†Here insert the conditions subject to which the licence is granted.

Unless sooner cancelled in accordance with section 11 of the *Whaling Act 1960*, this licence remains in force until the _____ day of _____, 19 _____.

Dated this _____ day of _____, 19 _____.

Secretary.

Form 3.

Regulation 10.

COMMONWEALTH OF AUSTRALIA.

Whaling Act 1960.

ANNUAL RETURN OF WHALES TAKEN FOR TREATMENT.

Name and tonnage of whale catchers used.	Factory ship or land station at which whales treated.	Period during which whaling operations were conducted.	Particulars of whales taken—				Number of whales taken with foetus.	Amounts of oil, and quantities of meal, solubles and other products, derived from whales taken—				
			Area in which taken.	Species and number of each species.	Species, and number of males and females, respectively, of each species.	Species, and number of each species lost.		Grades of oil, and quantities of each grade.	Meal.	Solubles.	Other Products.	
											Pro-ducts.	Quan-tity.
							Tons.	Tons.	Tons.		Tons.	

I declare that the particulars set out above are true and correct.

To the Secretary, Department of Primary Industry.

Licensee.

Whaling Regulations.

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Form 4.

Regulation 11.

COMMONWEALTH OF AUSTRALIA.

Whaling Act 1960.

RETURN OF WHALES TREATED DURING WEEK ENDING

, 19 .

Name of Licensee

Name of factory ship
land station

Whale serial number.	Date and time—		Whale—		Embryo—		Name of whale catcher.	Name of gunner.	Species.	Stomach contents.	Location of catch.	
	Whale killed.	Treatment commenced.	Sex.	Length in feet.	Sex.	Length—						
						Feet.						Inches.

I declare that the particulars set out above are true and correct.

19 . Licensee or Manager.

Inspector.

SECOND SCHEDULE.

Regulation 7.

FEEES.

First column. Matter.	Second column. Fee.
Grant of licence to use a ship or aircraft as a whale catcher	£ s. d. 50 0 0
Grant of licence to use a ship as a factory ship or a factory as a land station	200 0 0
Transfer of licence	1 0 0
Issue of duplicate of lost, destroyed or defaced licence	1 0 0

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.