

PEARL FISHERIES (NO. 2).

No. 38 of 1953.

An Act to amend the *Pearl Fisheries Act 1952*,
as amended by the *Pearl Fisheries Act 1953*.

[Assented to 17th September, 1953.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Pearl Fisheries Act (No. 2) 1953*.

(2.) The *Pearl Fisheries Act 1952**, as amended by the *Pearl Fisheries Act 1953†*, is in this Act referred to as the Principal Act.

(3.) Section one of the *Pearl Fisheries Act 1953* is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Pearl Fisheries Act 1952–1953*.

Commencement.

2. This Act shall come into operation on a date to be fixed by Proclamation.

Interpretation.

3. Section five of the Principal Act is amended—

(a) by omitting from sub-section (1.) the definition of “Australian waters” and inserting in its stead the following definition:—

“ ‘Australian waters’ means—

(a) Australian waters beyond territorial limits;

(b) the waters adjacent to a Territory within territorial limits; and

(c) the waters adjacent to a Territory not being part of the Commonwealth, and beyond territorial limits,

being waters that are above the continental shelf;”
and

(b) by adding at the end thereof the following sub-sections:—

“(3.) Subject to the next two succeeding sub-sections, a reference in this Act to the continental shelf is a reference to the sea-bed and subsoil of the submarine areas contiguous to the coasts of Australia and of the submarine areas contiguous to the coasts of the Territories, to a depth of not more than one hundred fathoms.

* Act No. 8, 1952.

† Act No. 4, 1953.

“(4.) Where a part of the continental shelf contiguous to the coasts of Australia or a Territory is also contiguous to the coasts of an adjacent country or extends to the coasts of another country, the Governor-General may, by Proclamation, fix such limits as are, in his opinion, in accordance with the principles of International Law, as the limits to which that part of the continental shelf shall, for the purposes of this Act, be deemed to extend between Australia or that Territory, as the case requires, and that country.

“(5.) If the Governor-General is of opinion that it is reasonable that the sea-bed and subsoil of a submarine area, being an area that—

(a) is not more than one hundred fathoms below the surface of the sea ; and

(b) is adjacent to any part of the coasts of Australia or of a Territory but is separated from the part of the continental shelf that is contiguous to that part of those coasts by an area that is more than one hundred fathoms below the surface of the sea,

should be deemed to be part of the continental shelf, the Governor-General may, by Proclamation, declare that that sea-bed and subsoil is part of the continental shelf for the purposes of this Act, and that sea-bed and subsoil shall thereupon be deemed to be part of the continental shelf for the purposes of this Act.”.

4. Section six of the Principal Act is repealed and the following section inserted in its stead :—

“6. This Act extends to all the Territories and to all Australian waters and applies to all persons, including foreigners, and to all ships and boats, including foreign ships and boats.”.

Application of Act.

5. After section seventeen of the Principal Act the following sections are inserted :—

“17A. In a prosecution for an offence against this Act or the regulations, a certificate by the Minister or a person authorized in writing by the Minister to issue certificates under this section that waters specified in the certificate are Australian waters is evidence that those waters are Australian waters.

Certificate by Minister to be evidence that waters are Australian waters.

“17B. The area of proclaimed waters in relation to which a delegation under section seven of this Act, a notice under section nine of this Act or a licence under section ten of this Act applies shall be deemed to be sufficiently described in the delegation, notice or licence if it is described as being all the proclaimed waters within an area of waters described in the delegation, notice or licence, notwithstanding that the last-mentioned area includes waters that are not proclaimed waters.”.

Description of area of proclaimed waters by reference to larger area.

Regulations.

6. Section eighteen of the Principal Act is amended by inserting after paragraph (a) the following paragraph :—

“(aa) for prescribing short methods of reference to areas of proclaimed waters, or areas of waters that include waters that are proclaimed waters, specified in the regulations, and the purposes for which those methods of reference may be used ;”.
