

PEARLING.

13° Geo. VI., No. CXXII.

No. 36 of 1949.

AN ACT to amend the Pearling Act, 1912-1935.

[Assented to 26th October, 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Pearling Act Amendment Act, 1949*, and shall be read as one with the Pearling Act, 1912-1935 (Act No. 45 of 1912 as reprinted in the Appendix to the Sessional Volume of Statutes for the year one thousand nine hundred and twenty-four with amendments to and including No. 28 of 1924, incorporated and further amended by Nos. 7 of 1928, 13 of 1929, 14 of 1931, 17 of 1932 and 20 of 1935), hereinafter referred to as the principal Act.

Citation of principal Act as amended by this Act.

2. The principal Act as amended by this Act may be cited as the Pearling Act, 1912-1949.

3. The principal Act is amended by adding after section thirty-three, the following section:— S. 33A added.

33A. (1) Notwithstanding the provisions of the last preceding section, it shall be lawful for an owner of any ship, by himself, his agent or his servant, to contract or arrange with the first diver of the ship, whether or not he is a qualified person, for the carrying on of pearling operations on and from the ship upon terms which include provisions to the effect that, in respect of such operations during any agreed period not exceeding one year—

- (a) the remuneration of the first diver shall consist wholly of a percentage (not exceeding sixty per centum) of the net proceeds of the pearlshell recovered as a result of such operations; and
- (b) the first diver shall pay the whole or part of the wages and the cost of victualling of the crew of the ship, and shall indemnify the owner against all liability in respect thereof.

(2) The making of any contract or arrangement as mentioned in subsection (1) of this section shall not of itself render either of the parties thereto or the ship liable to any of the consequences or penalties referred to in the last preceding section, and shall not be deemed to vest in or confer upon the first diver any interest in the ship.

(3) In this section, subject to the context—

“first diver” means the person directing the pearling operations;

“net proceeds” means the price paid or payable for the pearlshell to the ship owner less insurance, freight and selling commission paid or payable in respect of the sale of the pearlshell.

4. Section one hundred and thirteen of the principal Act is repealed. Repeal of
s. 113.