

FISHERIES ACT 1996

PART II - APPOINTMENT AND POWERS OF FISHERY OFFICERS

Power of arrest

203. Power of arrest—

(1) For the purpose of the enforcement of this Act, a fishery officer may, if he or she believes on reasonable grounds that any person is offending against this Act, order that person to forthwith desist from offending.

(2) For the purpose of the enforcement of this Act, a fishery officer may, at any reasonable time, if he or she believes on reasonable grounds that any person is offending or has committed an offence against this Act, request that person to supply to that fishery officer the name by which that person is commonly known and the person's family name or surname, date of birth, actual place of residence, and occupation.

(3) If the fishery officer believes on reasonable grounds that any of the details supplied under subsection (2) of this section are false or misleading, the fishery officer may request that person to supply to that fishery officer such verification of those details as it is reasonable in the circumstances to require the person to provide.

(4) If any person continues to offend after being required under subsection (1) of this section to desist, or refuses to comply with a request under subsection (2) or subsection (3) of this section, the fishery officer may arrest that person without warrant.

(5) If a fishery officer arrests a person under subsection (4) of this section,—

(a) The fishery officer shall cause the person to be delivered into the custody of a member of the Police as soon as practicable; and

(b) If the person so delivered into custody is released by a member of the Police without bail pursuant to section 19A of the Summary Proceedings Act 1957, the duties under subsections (3) to (5) of that section relating to the laying and filing of an information shall be carried out by a fishery officer and not a member of the Police.