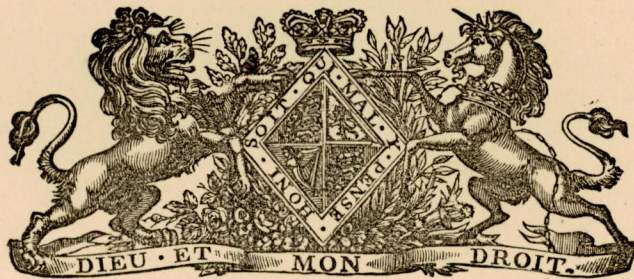


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 9 December, 1867. }*

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. .

An Act to regulate Oyster Fisheries and to encourage the formation of Oyster-beds.

WHEREAS it is expedient to encourage the cultivation and Preamble.
improvement of Oyster Fisheries and to prevent the exhaustion
of the Oyster-beds in the Colony Be it therefore enacted by the
Queen's Most Excellent Majesty by and with the advice and consent
5 of the Legislative Council and Legislative Assembly of New South
Wales in Parliament assembled and by the authority of the same as
follows:—

1. In the construction and for the purposes of this Act Interpretation
the word "Oyster" shall include all bivalve shell-fish commonly clause.
10 known and sold as Oysters together with their spat—the word "Bed"
shall include any bank of mud sand silt or any rock growing or dead
tree or branch timber and any substance or thing whatsoever to which
Oysters or spat shall be found attached.

2. The Governor with the advice of the Executive Council may Oyster-beds may be
15 subject to any regulations to be made as hereinafter provided demise leased.
by auction or otherwise for any term not exceeding ten years any
Crown Land being part of the shore and bed of the sea or of an
estuary or tidal water above or below or partly above and partly
below low-water mark for or in connection with the laying down
20 or forming of any Oyster-bed Provided always that the lessee shall
not possess any exclusive right or title to the occupancy of the shore
except for the purposes aforesaid.

Oyster-beds.

3. Every such lease shall be in writing and shall by reference Form of license.
to a map or otherwise define the position and limits of such proposed
Oyster-bed and shall be made subject to such conditions and limita-
tions as to the Governor and Executive Council shall seem proper.
- 5 4. The lessees shall have by virtue of the lease within the Lessees rights.
limits therein described the exclusive right of depositing propagating
dredging and fishing for and taking Oysters and in the exercise of
that right may within the limits aforesaid proceed as follows namely
make and maintain Oyster-beds and collect Oysters and remove the
10 same from place to place and deposit the same as and where they
think fit and do all other things which they think proper for obtaining
storing and disposing of the produce of their Oyster-beds.
5. It shall not be lawful for any person other than the lessees Penalties for injuring
Oyster-beds.
or their assigns their agents servants and workmen knowingly within
15 the limits of any Oyster-bed to do any of the following things—
To use any implements of fishing except a line or a hook or a
net adapted solely for catching floating fish and so used as
not to disturb or injure in any manner any Oyster-bed or
Oysters
20 To dredge for any ballast or other substance except under a
lawful authority for improving the navigation
To deposit any ballast rubbish or other substance
To place any implement apparatus or thing prejudicial or likely
25 to be prejudicial to any Oyster-bed or Oysters except for a
lawful purpose of navigation or anchorage
To disturb or injure in any manner except as last aforesaid any
Oyster-bed or Oysters
To interfere with or take away any of the Oysters from such
Oyster-bed without the consent of the lessees—
- 30 And if any person does any act in contravention of this section he
shall forfeit and pay any sum not exceeding five pounds for every such
offence and every such person shall also be liable to make full com-
pensation to the lessees for all damage sustained by them by reason of
his unlawful act and the same may be recovered from him by the
35 lessees in any Court of competent jurisdiction whether he has been
prosecuted for or convicted of an offence against this section or not.
6. The Governor with the advice aforesaid may by proclamation Oyster Beds or
Fisheries may be
closed.
in the *Government Gazette* shut up and close for any term not exceed-
ing three years any natural Oyster-bed the position and limits of such
40 Bed being defined in such proclamation by reference to a map or
otherwise and whosoever except as hereinafter provided shall dredge
for take catch or destroy any Oysters from any such Oyster-bed during
the time the same is shut up and closed shall forfeit and pay any sum
not exceeding ten pounds.
- 45 7. Whosoever shall dredge gather or burn for the purpose of Burning Oysters
prohibited.
converting the shells into lime any live Oysters shall forfeit and pay
any sum not exceeding five pounds.
8. The last preceding section shall not apply to any person who Last section not to
apply to unsold
Oysters *bonâ fide*
dredged for food.
shall burn Oysters which have been *bonâ fide* dredged or gathered for
50 food and which cannot be sold or used for such purpose and the
burden of proving that Oysters were so dredged or gathered shall be
upon the person charged with having the same.
9. The Governor with the advice of the Executive Council Regulations may be
made.
may make and proclaim regulations for carrying this Act into full
55 effect And all such regulations shall upon publication in the *Govern-
ment Gazette* be valid in law Provided that a copy thereof shall be
laid before both Houses of Parliament within one month from the
issue thereof if Parliament be then in Session or otherwise within one
month after the commencement of the then next ensuing Session.

Oyster-beds.

10. All offences under this Act may be heard and determined and all penalties attaching thereto may be recovered in a summary way by and before any Justice of the Peace who may order and direct all dredges and other implements found in the possession of any person convicted of any offence under this Act to be forfeited and destroyed and may order all Oysters so found to be deposited in some tidal water appointed for that purpose by the Governor with the advice of the Executive Council.
11. If any penalty imposed by any Justice of the Peace under this Act shall not be paid either immediately or within such time as such Justice may appoint for such payment not exceeding fourteen days after conviction then the person so convicted shall be imprisoned for any period not exceeding three months unless such penalty be sooner paid.
12. This Act shall come into operation upon the first day of February one thousand eight hundred and sixty-eight and may be cited as the "Oyster-beds Act of 1868."

Offences hereunder
to be heard before
a Justice.

If penalty not paid
imprisonment not
exceeding three
months.

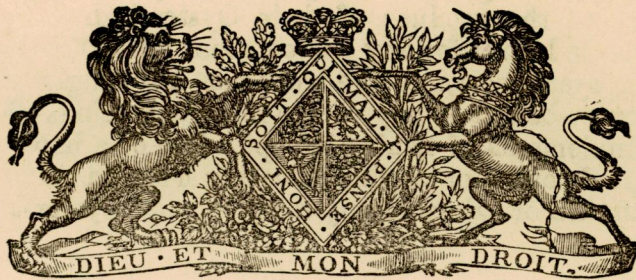
Commencement and
short title.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 9 December, 1867. }*

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. .

(As amended in Committee of the Whole Council.)

An Act to regulate Oyster Fisheries and to encourage the formation of Oyster-beds.

WHEREAS it is expedient to encourage the cultivation and Preamble.
improvement of Oyster Fisheries and to prevent the exhaustion
of the Oyster-beds in the Colony Be it therefore enacted by the
Queen's Most Excellent Majesty by and with the advice and consent
5 of the Legislative Council and Legislative Assembly of New South
Wales in Parliament assembled and by the authority of the same as
follows:—

1. In the construction and for the purposes of this Act Interpretation
the word "Oyster" shall include all bivalve shell-fish commonly clause.
10 known and sold as Oysters together with their spat—the word "Bed"
shall include any bank of mud sand silt or any rock growing or dead
tree or branch timber and any substance or thing whatsoever to which
Oysters or spat shall be found attached.

2. The Governor with the advice of the Executive Council may Oyster-beds may be
15 subject to any regulations to be made as hereinafter provided demise leased.
by auction or otherwise for any term not exceeding ten years any
Crown Land being part of the shore and bed of the sea or of an
estuary or tidal water above or below or partly above and partly
below low-water mark for or in connection with the laying down
20 or forming of any Oyster-bed Provided always that the lessee shall
not possess any exclusive right or title to the occupancy of the shore
except for the purposes aforesaid.

Oyster-beds.

3. Every such lease shall be in writing and shall by reference Form of license.
to a map or otherwise define the position and limits of such proposed
Oyster-bed and shall be made subject to such conditions and limita-
tions as to the Governor and Executive Council shall seem proper.
- 5 4. The lessees shall have by virtue of the lease within the Lessees rights.
limits therein described the exclusive right of depositing propagating
dredging and fishing for and taking Oysters and in the exercise of
that right may within the limits aforesaid proceed as follows namely
10 make and maintain Oyster-beds and collect Oysters and remove the
same from place to place and deposit the same as and where they
think fit and do all other things which they think proper for obtaining
storing and disposing of the produce of their Oyster-beds.
- 15 5. It shall not be lawful for any person other than the lessees Penalties for injuring
Oyster-beds.
or their assigns their agents servants and workmen knowingly within
the limits of any Oyster-bed to do any of the following things—
To use any implements of fishing except a line or a hook or a
net adapted solely for catching floating fish and so used as
not to disturb or injure in any manner any Oyster-bed or
Oysters
20 To dredge for any ballast or other substance except under a
lawful authority for improving the navigation
To deposit any ballast rubbish or other substance
To place any implement apparatus or thing prejudicial or likely
25 to be prejudicial to any Oyster-bed or Oysters except for a
lawful purpose of navigation or anchorage
To disturb or injure in any manner except as last aforesaid any
Oyster-bed or Oysters
To interfere with or take away any of the Oysters from such
Oyster-bed without the consent of the lessees—
- 30 And if any person does any act in contravention of this section he
shall forfeit and pay any sum not exceeding five pounds for every such
offence and every such person shall also be liable to make full com-
pensation to the lessees for all damage sustained by them by reason of
his unlawful act and the same may be recovered from him by the
35 lessees in any Court of competent jurisdiction whether he has been
prosecuted for or convicted of an offence against this section or not.
- 40 6. The Governor with the advice aforesaid may by proclamation Oyster Beds or
Fisheries may be
closed.
in the *Government Gazette* shut up and close for any term not exceed-
ing three years any natural Oyster-bed the position and limits of such
Bed being defined in such proclamation by reference to a map or
otherwise and whosoever except as hereinafter provided shall dredge
for take catch or destroy any Oysters from any such Oyster-bed during
the time the same is shut up and closed shall forfeit and pay any sum
not exceeding ten pounds.
- 45 7. Whosoever shall dredge gather or burn for the purpose of Burning Oysters
prohibited.
converting the shells into lime any live Oysters shall forfeit and pay
any sum not exceeding ~~five~~ ten pounds.
- 50 8. The last preceding section shall not apply to any person who
shall burn Oysters which have been *bonâ fide* dredged or gathered for
food and which cannot be sold or used for such purpose and the
burden of proving that Oysters were so dredged or gathered shall be
upon the person charged with having the same. Last section not to
apply to unsold
Oysters bonâ fide
dredged for food.
- 55 9. The Governor with the advice of the Executive Council Regulations may be
made.
may make and proclaim regulations for carrying this Act into full
effect And all such regulations shall upon publication in the *Govern-
ment Gazette* be valid in law Provided that a copy thereof shall be
laid before both Houses of Parliament within one month from the
issue thereof if Parliament be then in Session or otherwise within one
month after the commencement of the then next ensuing Session.

Oyster-beds.

10. All offences under this Act may be heard and determined and all penalties attaching thereto may be recovered in a summary way by and before any Justice of the Peace who may order and direct all dredges and other implements found in the possession of any person convicted of any offence under this Act to be forfeited and destroyed and may order all Oysters so found to be deposited in some tidal water appointed for that purpose by the Governor with the advice of the Executive Council.

Offences hereunder to be heard before a Justice.

11. If any penalty imposed by any Justice of the Peace under this Act shall not be paid either immediately or within such time as such Justice may appoint for such payment not exceeding fourteen days after conviction then the person so convicted shall be imprisoned for any period not exceeding three months unless such penalty be sooner paid.

If penalty not paid imprisonment not exceeding three months.

12. This Act shall come into operation upon the first day of February one thousand eight hundred and sixty-eight and may be cited as the "Oyster-beds Act of 1868."

Commencement and short title.

OYSTER FISHERIES PROTECTION BILL.

*SCHEDULE of the Amendments made by the Legislative Council in the Bill, intituled,
“ An Act to regulate Oyster Fisheries and to encourage the formation of Oyster-
beds,” returned to the Legislative Assembly, with Message of 20th December, 1867.*

R. O'CONNOR,
Clerk of the Parliaments.

Page 2, clause 7, line 47. *Omit “ five ” insert “ ten ”*
„ clause 8. *Omit clause 8.*



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 9 December, 1867. }*

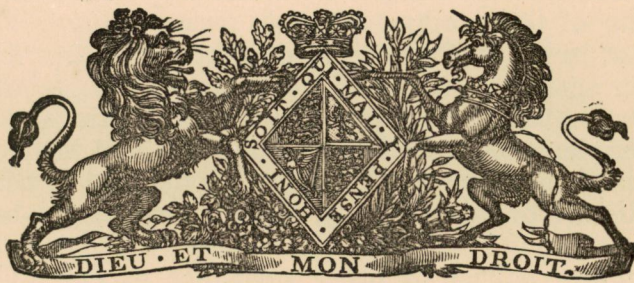
*CHA. TOMPSON,
Clerk of Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 20th December, 1867. }*

*R. O'CONNOR,
Clerk of the Parliaments.*

New South Wales.



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. .

An Act to regulate Oyster Fisheries and to encourage the formation of Oyster-beds.

WHEREAS it is expedient to encourage the cultivation and improvement of Oyster Fisheries and to prevent the exhaustion of the Oyster-beds in the Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. In the construction and for the purposes of this Act the word "Oyster" shall include all bivalve shell-fish commonly known and sold as Oysters together with their spat—the word "Bed" shall include any bank of mud sand silt or any rock growing or dead tree or branch timber and any substance or thing whatsoever to which Oysters or spat shall be found attached.

2. The Governor with the advice of the Executive Council may subject to any regulations to be made as hereinafter provided demise by auction or otherwise for any term not exceeding ten years any Crown Land being part of the shore and bed of the sea or of an estuary or tidal water above or below or partly above and partly below low-water mark for or in connection with the laying down or forming of any Oyster-bed Provided always that the lessee shall not possess any exclusive right or title to the occupancy of the shore except for the purposes aforesaid.

Preamble.
Interpretation clause.

Oyster-beds may be leased.

Oyster-beds.

3. Every such lease shall be in writing and shall by reference to a map or otherwise define the position and limits of such proposed Oyster-bed and shall be made subject to such conditions and limitations as to the Governor and Executive Council shall seem proper. Form of license.
- 5 4. The lessees shall have by virtue of the lease within the limits therein described the exclusive right of depositing propagating dredging and fishing for and taking Oysters and in the exercise of that right may within the limits aforesaid proceed as follows namely make and maintain Oyster-beds and collect Oysters and remove the same from place to place and deposit the same as and where they think fit and do all other things which they think proper for obtaining storing and disposing of the produce of their Oyster-beds. Lessees rights.
- 10 5. It shall not be lawful for any person other than the lessees or their assigns their agents servants and workmen knowingly within the limits of any Oyster-bed to do any of the following things— Penalties for injuring Oyster-beds.
- 15 To use any implements of fishing except a line or a hook or a net adapted solely for catching floating fish and so used as not to disturb or injure in any manner any Oyster-bed or Oysters
- 20 To dredge for any ballast or other substance except under a lawful authority for improving the navigation
- To deposit any ballast rubbish or other substance
- 25 To place any implement apparatus or thing prejudicial or likely to be prejudicial to any Oyster-bed or Oysters except for a lawful purpose of navigation or anchorage
- To disturb or injure in any manner except as last aforesaid any Oyster-bed or Oysters
- To interfere with or take away any of the Oysters from such Oyster-bed without the consent of the lessees—
- 30 And if any person does any act in contravention of this section he shall forfeit and pay any sum not exceeding five pounds for every such offence and every such person shall also be liable to make full compensation to the lessees for all damage sustained by them by reason of his unlawful act and the same may be recovered from him by the lessees in any Court of competent jurisdiction whether he has been prosecuted for or convicted of an offence against this section or not.
- 35 6. The Governor with the advice aforesaid may by proclamation in the *Government Gazette* shut up and close for any term not exceeding three years any natural Oyster-bed the position and limits of such Bed being defined in such proclamation by reference to a map or otherwise and whosoever except as hereinafter provided shall dredge for take catch or destroy any Oysters from any such Oyster-bed during the time the same is shut up and closed shall forfeit and pay any sum not exceeding ten pounds. Oyster Beds or Fisheries may be closed.
- 40 7. Whosoever shall dredge gather or burn for the purpose of converting the shells into lime any live Oysters shall forfeit and pay any sum not exceeding five ten pounds. Burning Oysters prohibited.
- 45 8. The last preceding section shall not apply to any person who shall burn Oysters which have been *bonâ fide* dredged or gathered for food and which cannot be sold or used for such purpose and the burden of proving that Oysters were so dredged or gathered shall be upon the person charged with having the same. Last section not to apply to unsold Oysters bonâ fide dredged for food.
- 50 9. The Governor with the advice of the Executive Council may make and proclaim regulations for carrying this Act into full effect And all such regulations shall upon publication in the *Government Gazette* be valid in law Provided that a copy thereof shall be laid before both Houses of Parliament within one month from the issue thereof if Parliament be then in Session or otherwise within one month after the commencement of the then next ensuing Session. Regulations may be made.

Oyster-beds.

10. All offences under this Act may be heard and determined and all penalties attaching thereto may be recovered in a summary way by and before any Justice of the Peace who may order and direct all dredges and other implements found in the possession of any person
 5 convicted of any offence under this Act to be forfeited and destroyed and may order all Oysters so found to be deposited in some tidal water appointed for that purpose by the Governor with the advice of the Executive Council.

Offences hereunder to be heard before a Justice.

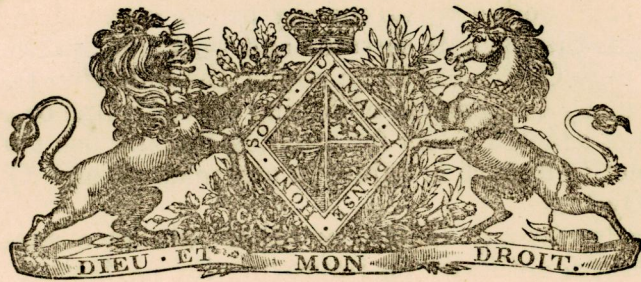
11. If any penalty imposed by any Justice of the Peace under
 10 this Act shall not be paid either immediately or within such time as such Justice may appoint for such payment not exceeding fourteen days after conviction then the person so convicted shall be imprisoned for any period not exceeding three months unless such penalty be
 sooner paid.

If penalty not paid imprisonment not exceeding three months.

12. This Act shall come into operation upon the first day of
 15 February one thousand eight hundred and sixty-eight and may be cited as the "Oyster-beds Act of 1868."

Commencement and short title.

New South Wales.



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. XX.

An Act to regulate Oyster Fisheries and to encourage the formation of Oyster-beds. [Assented to, 1st February, 1868.]

WHEREAS it is expedient to encourage the cultivation and improvement of Oyster Fisheries and to prevent the exhaustion of the Oyster-beds in the Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. In the construction and for the purposes of this Act the word "Oyster" shall include all bivalve shell-fish commonly known and sold as Oysters together with their spat—the word "Bed" shall include any bank of mud sand silt or any rock growing or dead tree or branch timber and any substance or thing whatsoever to which Oysters or spat shall be found attached.

2. The Governor with the advice of the Executive Council may subject to any regulations to be made as hereinafter provided demise by auction or otherwise for any term not exceeding ten years any Crown Land being part of the shore and bed of the sea or of an estuary or tidal water above or below or partly above and partly below low-water mark for or in connection with the laying down or forming of any Oyster-bed Provided always that the lessee shall not possess any exclusive right or title to the occupancy of the shore except for the purposes aforesaid.

3.

Oyster-beds.

Form of license.

3. Every such lease shall be in writing and shall by reference to a map or otherwise define the position and limits of such proposed Oyster-bed and shall be made subject to such conditions and limitations as to the Governor and Executive Council shall seem proper.

Lessees rights.

4. The lessees shall have by virtue of the lease within the limits therein described the exclusive right of depositing propagating dredging and fishing for and taking Oysters and in the exercise of that right may within the limits aforesaid proceed as follows namely make and maintain Oyster-beds and collect Oysters and remove the same from place to place and deposit the same as and where they think fit and do all other things which they think proper for obtaining storing and disposing of the produce of their Oyster-beds.

Penalties for injuring Oyster-beds.

5. It shall not be lawful for any person other than the lessees or their assigns their agents servants and workmen knowingly within the limits of any Oyster-bed to do any of the following things—

To use any implements of fishing except a line or a hook or a net adapted solely for catching floating fish and so used as not to disturb or injure in any manner any Oyster-bed or Oysters

To dredge for any ballast or other substance except under a lawful authority for improving the navigation

To deposit any ballast rubbish or other substance

To place any implement apparatus or thing prejudicial or likely to be prejudicial to any Oyster-bed or Oysters except for a lawful purpose of navigation or anchorage

To disturb or injure in any manner except as last aforesaid any Oyster-bed or Oysters

To interfere with or take away any of the Oysters from such Oyster-bed without the consent of the lessees—

And if any person does any act in contravention of this section he shall forfeit and pay any sum not exceeding five pounds for every such offence and every such person shall also be liable to make full compensation to the lessees for all damage sustained by them by reason of his unlawful act and the same may be recovered from him by the lessees in any Court of competent jurisdiction whether he has been prosecuted for or convicted of an offence against this section or not.

Oyster Beds or Fisheries may be closed.

6. The Governor with the advice aforesaid may by proclamation in the *Government Gazette* shut up and close for any term not exceeding three years any natural Oyster-bed the position and limits of such Bed being defined in such proclamation by reference to a map or otherwise and whosoever except as hereinafter provided shall dredge for take catch or destroy any Oysters from any such Oyster-bed during the time the same is shut up and closed shall forfeit and pay any sum not exceeding ten pounds.

Burning Oysters prohibited.

7. Whosoever shall dredge gather or burn for the purpose of converting the shells into lime any live Oysters shall forfeit and pay any sum not exceeding ten pounds.

Regulations may be made.

8. The Governor with the advice of the Executive Council may make and proclaim regulations for carrying this Act into full effect And all such regulations shall upon publication in the *Government Gazette* be valid in law Provided that a copy thereof shall be laid before both Houses of Parliament within one month from the issue thereof if Parliament be then in Session or otherwise within one month after the commencement of the then next ensuing Session.

Offences hereunder to be heard before a Justice.

9. All offences under this Act may be heard and determined and all penalties attaching thereto may be recovered in a summary way by and before any Justice of the Peace who may order and direct all dredges and other implements found in the possession of any person convicted of any offence under this Act to be forfeited and destroyed and

Oyster-beds.

and may order all Oysters so found to be deposited in some tidal water appointed for that purpose by the Governor with the advice of the Executive Council.

10. If any penalty imposed by any Justice of the Peace under this Act shall not be paid either immediately or within such time as such Justice may appoint for such payment not exceeding fourteen days after conviction then the person so convicted shall be imprisoned for any period not exceeding three months unless such penalty be sooner paid. If penalty not paid imprisonment not exceeding three months.

11. This Act shall come into operation upon the first day of February one thousand eight hundred and sixty-eight and may be cited as the "Oyster-beds Act of 1868." Commencement and short title.

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1868.

[Price, 3d.]

