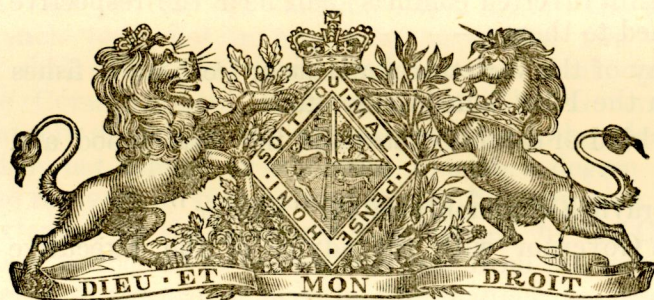


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 26 March, 1881, A.M. }*

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUADRAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

An Act to provide for the development and regulation of the
Fisheries of the Colony.

WHEREAS the existing Statute Law is insufficient to preserve Preamble.
from exhaustion the natural supplies of marine and other
edible Fishes And it is expedient that such law should be repealed
and that more effective measures should be adopted to check the
5 wanton or unnecessary destruction of immature fish and to prevent
the disturbance of the various nurseries and breeding grounds during
certain months of the year as well as that greater facilities should
be given for the establishment of artificial oyster-beds and more effective
means be supplied for the preservation and development of natural
10 oyster-beds And it is also expedient in order to carry out these and
the several purposes herein set forth and to establish a better system
of protecting and regulating the said Fisheries that a central Board of
Control should be created clothed with the powers and duties herein-
after declared Be it therefore enacted by the Queen's Most Excellent
14—A Majesty

Fisheries.

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 :—

Preliminary Provisions—Appointment of Commissioners &c.

- 5 1. This Act may be cited for all purposes as the “ Fisheries Short title and
Act 1881” and its provisions are arranged in the order and comprise arrangement of Act.
the subjects following viz. :—

*Preliminary Provisions—Appointment of Commissioners &c.—
ss. 1-9.*

- 10 PART I.—*Net and Line Fisheries*—ss. 10-26.
PART II.—*Oyster Fisheries*—ss. 27-48.
PART III.—*Private Fisheries*—ss. 49-58.
PART IV.—*Legal Procedure—Miscellaneous*—ss. 59-70.
SCHEDULES.

- 15 2. In this Act unless the context requires a different meaning Interpretation of
the following words within inverted commas shall bear the respective terms.
meanings hereby assigned to them :—

- “ Fish”—All or any of the varieties of marine or fresh water fishes
enumerated in the First Schedule hereto.
- 20 “ Oyster”—Every kind of eatable oyster and the spat brood and
ware thereof.
- “ Lobster”—The crayfish commonly called “ lobster.”
- “ Governor”—The Governor with the advice of the Executive
Council.
- 25 “ Commissioners”—The Commissioners of Fisheries appointed
under this Act.
- “ Shore” means the portion of Crown lands situate between mean
high and mean low-water mark.
- 30 “ Bunt” means the middle portion of a seine or hauling net between
the wings but not being more than one-third of the whole
length of such net.
- “ Wing” means the portion of a seine or hauling net on each side
of the bunt.
- “ Lessee”—Includes every assignee or sub-lessee.
- 35 “ Boat”—Includes any vessel or punt of any description whatsoever.
- “ Tidal Waters”—All waters which ebb and flow over Crown
Lands within the territorial jurisdiction of the Crown in New
South Wales and every lake and lagoon in the said Colony
ordinarily subject to the influence of the tides (although the
communication with the sea may for the time be closed) the
40 soil or bed whereof is the property of the Crown together
with in each case the soil of such Crown Lands.
- “ Natural Oyster-bed”—Any bank bed or place of deposit in any
tidal waters wherein oysters which have not been laid down
45 by artificial means are or shall be found but excluding rocks
stones mangrove or other trees or dead timber or any other
substance above mean low-water-mark whereon oysters are
or may be found attached or growing.
- “ Justice”—Any Justice of the Peace.
- 50 “ Inspector”—Includes Assistant Inspector.

3. The Act twenty-eighth Victoria number ten intituled “ *An Repeal of
Act to protect the Fisheries of New South Wales*” the Act thirty-first 28 Vic. No. 10
Victoria number ten intituled “ *An Act to amend the Fisheries Act of* 31 Vic. No. 10
1865” 31 Vic. No. 20.

Fisheries.

1865" and the Act thirty-first Victoria number twenty intituled "*An Act to regulate Oyster Fisheries and to encourage the formation of Oyster-beds*" and so much of the thirty-eighth section of the "*Lands Acts Amendment Act 1875*" as empowers the Governor in Council to grant leases of Crown lands for the purpose of a fishery are hereby repealed but without prejudice to the past operation of or to any right lawfully created offence committed or penalty incurred under any of the said Acts.

4. The duty of protecting developing and regulating the Public Fisheries of New South Wales shall be vested in five Commissioners to be called the "Commissioners of Fisheries for New South Wales" who by that name shall be a body corporate with perpetual succession and a common seal with power to hold real and personal estate and to sue and be sued and to take and be the subject of all legal proceedings by such name. And the duties powers and authority of the said Commissioners shall extend to the territorial limits of the said Colony. Such body corporate shall be composed of five persons to be appointed by the Governor by commission under the Great Seal each of whom shall hold office for the term of five years from the date of his appointment unless his office become vacant in the meantime by death or resignation but subject nevertheless to removal by the like authority. But any Commissioner may be reappointed after the expiration of his term of office. The Governor shall either by the original Commission or otherwise as to him seems proper appoint one of the Commissioners to be President. And the President or in his absence one of the Commissioners appointed from time to time by the meeting shall preside at all meetings and at any voting shall have an original as well as (in cases of equality of votes) a casting vote. Any three Commissioners shall be a quorum.
5. It shall be lawful for the Governor on the recommendation of the Commissioners to appoint so many Inspectors of Fisheries and other officers as he may think necessary for the purposes of this Act and to assign to every such officer such salary as he may think fit and as Parliament may vote. And every such officer shall act under the direction of and be responsible for the due performance of his duties to the Commissioners.

Constitution of
Fisheries
Commissioners as a
Body Corporate.

Inspectors of
Fisheries.

6. In addition to such inspectors it shall be lawful for the Governor to appoint any officer of Customs or officer in the Department of the Marine Board stationed at any outport or pilot station on the coast of the colony or other person to act as an assistant Inspector of Fisheries at such outport or station and for such extent of waters as may be placed under his supervision. All such assistant inspectors shall carry out the directions of the Commissioners so far as practicable to the best of their ability and shall act in concert with the inspectors and shall be paid such sums in addition to their ordinary salaries (if any) as the Governor may appoint and as Parliament may vote.

Assistant Inspectors
at outports &c.

7. All Police Magistrates and all officers of Police of or above the rank of sergeant shall within their respective districts be and have the powers and authorities of Inspectors of Fisheries *ex officio*.

Certain persons to
be Inspectors *ex
officio*.

8. It shall be lawful for the Governor by proclamation in the *Gazette* to define the various Fisheries of the Colony situated in any tidal waters and to distribute the same into divisions to be designated respectively

Division of Marine
Fisheries.

- (I) The Home Fisheries
(II) The Northern Fisheries
(III) The Southern Fisheries

And each of such divisions shall be placed under the supervision of one or more inspectors or assistant inspectors who shall report in detail at

Fisheries.

at least once in every month or oftener if required to the Commissioners upon the state of the Fisheries included within his division in accordance with regulations to be made by the Governor or in their absence in accordance with the directions of the Commissioners. Provided always
 5 that the Governor may by a like proclamation from time to time rescind any such definition and alter the boundaries of any such Division or subdivide the same.

9. It shall be lawful for the Governor to make regulations Regulations.
 from time to time for the purpose of giving effect to the provisions of
 10 this Act as to all details whatever and in addition to any purpose hereinafter mentioned for any of the purposes following namely—

- (1.) For regulating the conduct of business by the Commissioners and defining the duties of all officers and other persons clothed with any duty or authority under this Act
- 15 (2.) For prescribing the forms and conditions of all licenses mode of payment of license fees and the due transmission of and accounting for all moneys to the Treasury and Audit departments respectively
- 20 (3.) For prescribing the mode of testing the length of nets and the dimensions of the meshes of nets and (notwithstanding anything contained in the Second Schedule hereto) the weights or sizes of fish prohibited to be caught sold or consigned or exposed for sale and for defining what are marketable and unmarketable prawns
- 25 (4.) For determining all rights of priority in shooting nets or dredging for oysters as between fishermen and dredgermen netting or dredging on the same ground
- (5.) For prescribing the mode and times of inspecting artificial oyster-beds dredging and cleaning natural oyster-beds and marking the boundaries of oyster culture leases.
- 30 (6.) For prescribing the times and conditions when and under which natural oyster-beds may be dredged and for the payment of royalties on oysters dredged from such beds
- 35 (7.) Providing that all oysters of unmarketable size together with all dead shells cultch and substances dredged up to which oysters whether alive or dead are found attached shall be thrown back in the places where the same shall have been dredged
- (8.) Prescribing the size of marketable oysters which may be lawfully dredged taken consigned or exposed for sale
- 40 (9.) For supplying or enabling lessees and owners of private fisheries to supply themselves with oyster spat or brood from Crown Lands for the purpose of stocking oyster layings and upon what conditions and by what persons such spat and brood may be collected on such lands.
- 45 (10.) Prescribing the mode of dealing with and temporarily depositing any oysters seized under the authority of this Act—how oysters so seized shall be restored in case of no adjudication of forfeiture thereof and how and where oysters shall be disposed of in case of such adjudication and under what circumstances and conditions any such oysters may be sold prior to adjudication of forfeiture and how the proceeds of such sale shall be accounted for
- 50 (11.) Prescribing the mode and place of branding oyster bags and of registering such brands
- 55 (12.) Prescribing a scale of rewards (and the terms and conditions of the payment thereof) for the destruction of cormorants or shags. Provided that no such reward shall exceed the sum of one shilling for any one such bird and shall be payable out of the moneys received into the Treasury under the provisions of this Act
- 60

(13.)

Fisheries.

- (13.) For the protection and regulation of Public Oyster Reserves and for granting annual licenses subject to the payment of fees (not to exceed five shillings for each person) to gather oysters and spat for sale or culture from specified portions of such reserves and subject to such conditions as may be prescribed by the Regulations

It shall be lawful for any such regulations to provide for their enforcement by the imposition of a penalty not exceeding in any case the sum of twenty pounds And all such regulations shall on publication in the *Gazette* have the full force of law and a copy thereof shall be laid before the Legislative Council and Legislative Assembly within fourteen days after the making thereof if Parliament be then in session and if not then within fourteen days after the commencement of its then next ensuing session.

15

PART I.

Net and Line Fisheries.

10. It shall be lawful for the Governor on the recommendation of the Commissioners to declare by proclamation in the *Gazette* that any specified tidal waters shall be exempted from net fishing during the months of April May June July August and September in every year The fisheries in all such tidal waters so specified shall be termed "Close Fisheries" and the months during which the same are so exempt from net fishing "Close months" And if any person shall in any close fishery during any close month place shoot cast or haul any fishing-net whatever or stake fix or set any such net for the purpose of catching taking or enclosing any fish enumerated in the First Schedule hereto or in such manner that any such fish might be caught or taken thereby such person shall be liable to a penalty not exceeding fifty pounds and not less than ten pounds And every person aiding or assisting in the shooting or casting of any such net or being in any boat from which any such net shall be shot or cast in contravention of the provisions of this section shall incur a like penalty Provided always that it shall be lawful for the Governor on the like recommendation and in like manner to rescind or vary any such proclamation.

Proclamation of close fisheries.

11. Every net when used for the purpose of catching or enclosing fish in tidal waters shall be deemed to be an unlawful net whenever or wherever so used if the mesh of such net shall measure diagonally when prepared for use wetted and stretched in accordance with the regulations less than two inches and one quarter in the bunt or three inches in the wings or if the same when cast or shot shall enclose a space measuring more than three hundred yards along the corks from one end of such net to the other unless such net be a *bonâ fide* prawn or gar-fish net and used for catching prawns or gar-fish only (as the case may be) And if any person shall catch or attempt to catch any fish by casting hauling or shooting any net having a mesh less than the said respective dimensions and not being a *bonâ fide* prawn or gar-fish net and used as aforesaid such person shall for the first offence be liable to a penalty not exceeding five pounds and not less than two pounds and for a second or subsequent offence to a penalty not exceeding twenty and not less than five pounds The Justices shall in every case where an offender is convicted under this section order all unlawful nets used by or found in the possession of such offender to be forfeited to Her Majesty Any two or more nets placed behind or near to each other

What nets unlawful when used in tidal waters.

Fisheries.

other in such a manner as to diminish the mesh or means of escape for enclosed fish shall be deemed to be an unlawful net under this section. For the purposes of this section no net shall be deemed to be a *bonâ fide* prawn-net which exceeds fifteen fathoms in length or of which the mesh is less than one inch ascertained as aforesaid and no net shall be deemed to be a *bonâ fide* gar-fish net of which the bunt exceeds thirty fathoms in length or has a mesh less than one and a half-inch ascertained in like manner.

12. Every net when used for the purpose of catching or enclosing fish in inland waters that is to say in any river or creek not influenced by the tides or in any fresh-water lake lagoon or pond shall be deemed to be an unlawful net if the mesh of such net shall measure diagonally when prepared for use wetted and stretched in accordance with the Regulations less than three inches in any part thereof or if such net (whatever the size of the mesh) be staked fixed or set completely across any such river or creek. And the penalties and directions contained in the last preceding section shall be applicable to every offence and offender under this section. Provided always that nothing in this section contained shall apply to the owner of the soil or bed of any inland waters using or setting a net within such waters to capture fish for breeding purposes or for stocking a fishery or for his own consumption only.

What nets unlawful when used in inland waters.

13. The setting of any net by the process known as "stalling" whereby a net is staked or set across or within any bay inlet river or creek in tidal waters in such a manner that fish enclosed by such net are or may be left stranded at low tide is hereby declared to be illegal. But nothing in this section contained shall apply to a *bonâ fide* meshing net having a mesh not less than four inches ascertained as aforesaid and not exceeding sixty fathoms in length when set as a meshing net provided that no such meshing net shall be set during any close month in a close fishery. And any person who shall offend against the provisions of this section shall be liable to the like penalties and forfeitures as are declared by the eleventh section hereof.

Stalling prohibited.

14. If any person shall sell or consign or expose for sale or have in his possession or on his premises any fish of any of the species mentioned in the Second Schedule hereto of a less weight than that set opposite the name of such fish in such Schedule or prescribed by any Regulation he shall be liable to a penalty not exceeding two pounds for the first offence and for the second or any subsequent offence to a penalty not exceeding five pounds and not less than two pounds. And all such under-weight fish together with all other fish found in the same basket or other receptacle or exposed on the same table or stand or found in the same boat cart or vessel with such under-weight fish shall be forfeited and be disposed of in accordance with the regulations. And any Inspector or officer of police or person authorized in writing by him may seize any fish which under this section are liable to forfeiture and take the same before any Justice who upon view thereof shall declare whether or not such fish are under weight and if he declare them to be so shall order them to be forfeited and to be disposed of in accordance with the regulations. The provisions of this section shall not apply to any Curator of a Museum or zoological collector holding a permit from the Commissioners or to any owner of a private fishery or persons being in possession of fish for purposes of pisciculture or to any person who may have in his possession fish not intended for sale (the proof whereof in every case shall be upon the defendant or person charged) or to any aboriginal taking or being in possession of fish for his own consumption.

Prohibition against taking or selling &c. fish under size.

15. All prawn fishers and other persons catching prawns shall if they require to riddle them so as to separate the marketable from the unmarketable so riddle or separate them only in the waters where the

As to riddling prawns.

Fisheries.

the same have been caught and in such a manner as to permit the small prawns to escape. And if any prawn fisher or person shall fail to comply with such direction or shall riddle or separate any prawns after boiling or cooking the same or when such prawns are dead he shall be
5 liable to the like penalties as are provided by the last preceding section.

16. It shall not be lawful for any person to catch or attempt to catch prawns by means of a net or by any other mode of capture during the months of June July August and September in any year in any tidal waters of or tributary to the River Hunter or in any other
10 tidal waters to which the Governor shall by Proclamation in the *Gazette* declare the provisions of this section to extend. And if any person shall catch or attempt to catch any prawns in contravention of this section in any such tidal waters he shall be liable to the like penalties as are provided by section ten hereof.

Close season for prawns in certain rivers &c.

15 17. It shall be lawful for the Governor from time to time to declare by Proclamation to be published in the *Gazette* and in some newspaper circulating in the nearest Police District that the whole or any defined portion of any river inlet estuary lake lagoon or arm of the sea shall be closed against the use of fishing-
20 nets for such term not in any case to exceed two years as the Governor shall think fit. Such Proclamation shall only be issued when the Commissioners shall report to the Governor that the natural supply of fish in the waters proposed to be closed has been exhausted by net-fishing or otherwise to such a degree as to require
25 rest for the recovery of such natural supply but any such Proclamation may be extended by the Governor if so advised by the Commissioners for a further period not to exceed one year from the expiration of the original term of closure or may in like manner be rescinded at any time whatever.

Governor may close fishing-grounds against net-fishing.

30 18. If any person after the expiration of thirty days from the date of any such Proclamation or extended Proclamation and during the currency thereof shall cast haul stake fix or place any net of any kind whatever for the purpose of taking or capturing fish within the limits of the waters or area defined in such Proclamation such
35 person shall be liable for the first offence to a penalty not exceeding ten pounds and for the second or any subsequent offence to a penalty not exceeding twenty pounds and not less than five pounds. And every person convicted under this section shall if holding a license under this part be deemed by conviction to have forfeited his license
40 And all fish taken in violation of the provisions of this section together with all fishing-nets used for the purpose of taking the same shall be forfeited to Her Majesty and shall be disposed of as provided by the Regulations. Any inspector constable or officer of Police may with or without warrant apprehend and take before one or more Justices any
45 person found offending against the provisions of this section and any person found in company with any such offender to be dealt with as hereinafter provided and may in like manner seize every such net.

Penalty on net-fishing in closed waters.

19. Every boat used or intended to be used for catching for sale any of the varieties of fish whether marine or fresh water enumerated
50 in the First Schedule hereto by net or line shall be licensed. The fee for every such boat license shall be one pound which shall be paid annually to the Colonial Treasurer or some officer authorized by him to receive license fees under this Act and payment of such fee shall cover the interval from the date of payment to the thirty-first
55 day of December of the same year or if made on the last-mentioned day and month shall give the license a duration extending to the corresponding day and month of the year next following. Provided that after the thirtieth day of June in any year one moiety only of such fee shall be payable. Every boat licensed under this section shall

Licensing of fishing boats.

Fisheries.

shall have painted in legible letters in such conspicuous place as may be prescribed by the Regulations the name of her owner and the words "Licensed fishing-boat."

20. Every person employed in catching for sale fish lobsters or
5 prawns in or upon any tidal waters shall pay an annual license fee
of ten shillings to the Colonial Treasurer or some officer authorized
by him to receive license fees under this Act. Such fee shall be payable
on the dates and according to the provisions expressed in the last
preceding section. Licenses to be taken
out by fishermen.

10 21. If any person shall take or attempt to take any fish within
such waters as aforesaid whether by line or by net without holding a
valid fisherman's license as required by the next preceding section
hereof or shall take or attempt to take any such marine or fresh water
fish whether by line or net in a boat not licensed under section nineteen
15 hereof he shall be liable for every such offence to a penalty not
exceeding forty shillings. But nothing in this section contained shall
extend to persons on excursion or pleasure parties fishing for pur-
poses other than sale. Provided always that it shall lie upon the
defendant to prove that he is within the saving in this section con-
20 tained in any case where not being the holder of a license under the
next preceding section he shall be found fishing in a boat licensed
under this Act. Penalty on unlicensed
persons fishing for
sale.

22. An annual license fee of ten pounds shall be paid by
the owners of every steam launch harbour and river steamer or
25 steam tug before any such vessel shall be entitled to take excursionists
or others on fishing trips for the purpose of catching fish whether by
line or by net under a penalty on the owner or master of such vessel
not exceeding fifty pounds and not less than ten pounds. All such
licenses shall be taken out and be payable in the same manner at the
30 same times and with the same currency as licenses under section
nineteen thereof. Fishing steam
launches &c. to be
licensed.

23. It shall not be lawful by the explosion of dynamite or any
explosive substance or by means of any poisonous or noxious thing to
destroy or take fish in any tidal or other waters in New South Wales
35 And if any person shall explode any dynamite or any such substance
under such waters or place any poisonous or noxious thing in such
waters such person shall for every such offence be liable to a penalty
not exceeding forty pounds and not less than ten pounds. But
nothing herein contained shall apply to any person duly authorized
40 (the proof whereof shall be on him) to explode torpedoes or dynamite in
any such waters. Torpedoes &c. not to
be used.

24. If any person without lawful authority the proof of which
shall lie on him shall drive or place any stake log stone or other thing
whatever likely to damage a fishing-net if dragged over or against it
45 in any tidal water whatever within the reach of a seine of lawful
length and if any damage shall be sustained by any lawful fishing
net through coming into contact with such stake log stone or thing
such person shall be liable to a penalty not exceeding ten pounds and
in addition to pay such compensation to the owner of such net as may
50 be awarded by the adjudicating Justices. Penalty for damag-
ing nets by placing
obstacles on
hauling grounds.

25. Every person who shall be found using a fishing-net of any
kind whatsoever in any waters in New South Wales shall on demand
give his true name and residence to any inspector Justice officer of
police or constable and to any owner or occupier of land bordering
55 such waters or over which they ebb and flow. And if any such person
shall refuse or neglect to comply with such demand or shall give a
false or fictitious name or residence he shall be liable to a penalty not
exceeding five pounds. Netters to give name
and residence when
demanded.

Fisheries.

26. Any inspector officer of police or constable and any person authorized in writing by any Justice of the Peace may at any time enter any premises or dwelling or go on board any boat and search for and seize and take away any net which has been used in contravention of the provisions of this Act or which is or is suspected to be of less dimensions in the mesh or longer than permitted by this Act or the Regulations. And every net so seized shall be taken before a Justice who on inspection thereof shall if satisfied that the same has been so used as aforesaid or is an unlawful net shall order the same to be forfeited to Her Majesty.

Search for and seizure of unlawful nets.

PART II.

Oyster Fisheries.

27. Charts or plans of all rivers inlets estuaries creeks and other oyster-bearing waters in New South Wales according to such scale and in such manner as the Governor may direct shall be prepared as soon as may be conveniently practicable after the passing of this Act. And the position and boundaries of all natural oyster-beds and of all areas leased or lawfully occupied under this Act shall from time to time be charted thereon.

Plans of oyster-bearing waters to be prepared &c.

28. All leases granted or purporting to be granted under the "Oyster-beds Act of 1868" hereby repealed shall upon the passing of this Act determine and be absolutely void to all intents and purposes whenever such leases comprise natural oyster-beds or portions thereof.

Cancellation of certain leases under the "Oyster-beds Act of 1868."

29. Crown Lands lying below the mean line of high-water mark in any bay river estuary inlet lake or creek or in any tidal waters may be leased by the Governor for the purpose of enabling the lessees to form or plant oyster-beds or layings. All such leases shall be subject to the conditions and provisions following:—

Leases of Crown Lands for oyster-beds or layings.

(1.) No natural oyster-bed or portion of any such bed shall be included in any such lease.

(2.) The term for which any such lease may be granted shall not exceed thirty or be less than fourteen years.

(3.) The annual rent to be reserved on any such lease shall be five shillings per acre for the first four years and twenty shillings per acre for the remainder of the term.

(4.) No lease shall include an area exceeding twenty-five acres.

(5.) Every such lease shall contain and be issued subject to such conditions and provisions as may be prescribed by the Regulations or approved by the Governor.

(6.) Every such lease may be renewed on its expiration for a further term not exceeding thirty years at such rent and subject to such conditions and provisions as may be prescribed by the Regulations or approved by the Governor but only in case the Governor shall be satisfied at the end of the original term that the area leased is fairly stocked with oysters and has been during the term of the lease properly worked in accordance with the conditions of the lease.

(7.) Occupation under any such lease shall not give any right or title to the lessee to form or plant oyster-beds or layings on the shore nor to occupy or use any portion thereof not included in his lease except for such purposes and during such times as may be prescribed by the Regulations. And no portion of the shore fronting land alienated in fee by the Crown shall be included in any lease granted under this section.

Fisheries.

- (8.) Every such lease shall be in writing or partly printed and partly written and shall by reference to a plan or tracing endorsed thereon or annexed thereto define as nearly as practicable the position and boundaries of the land intended to be leased.
- (9.) Every such lease shall vest in the lessee his executors administrators and assigns the exclusive right during the currency of the lease of laying and planting oysters and of dredging and taking oysters in and from the oyster-bed or laying authorized to be formed by the terms of such lease but subject always to the right of any inspector or authorized officer to enter upon any land included in such lease and to test the condition of the layings by dredging or otherwise or for any other authorized purpose.
- (10.) No lease granted under this section shall be deemed to be wholly invalid on the ground that the land demised includes some portion of a natural oyster bed but the lease in that case shall be held to be good for the residue of the land demised excluding the said portion.
- (11.) The Governor may if so recommended by the Commissioners accept a surrender of any lease granted under this section in any case where after a lapse of six years from the date of such lease it shall appear to the satisfaction of the Commissioners that oyster culture cannot be carried on upon the portion demised with any reasonable hope of success or where from any other reason the Commissioners shall report in favour of such surrender.
30. Before any such lease shall be granted the Commissioners shall cause a notice of the application therefor to be inserted in the *Gazette* and in some newspaper circulating in the Police District within which the land applied for is situated And any person may by memorial addressed to the Commissioners within thirty days after the date of the last of such notices pray that the lease applied for be not granted on the ground that it includes a natural oyster-bed or portion thereof Any memorial so presented shall be duly inquired into and if the Commissioners think fit an Inspector shall be sent to visit and report specially as to the site of the proposed lease and the truth of the allegations contained in such memorial And no lease shall be granted of any land if the Commissioners shall be of opinion that it is the site of or forms part of a natural oyster-bed or is within the limits of any oyster-bed or laying the property of any private person.
31. It shall not be lawful for any person other than the lessee his agents servants and workmen within the limits of any oyster-bed or laying knowingly to do any of the following acts viz. :—
- (1.) To take or interfere in any way with any oysters on such bed or laying without the consent of the lessee or lawful owner or occupier thereof
- (2.) To deposit any stone ballast rubbish or substance on such bed or laying
- (3.) To dredge or drag with any implement upon or over such bed or laying unless by direction of the Commissioner or the proper officer of the Department of Harbours and Rivers or the Marine Board and on payment of compensation for damage done (if any)
- (4.) To use any implement of fishing except a line and hook on such bed or laying
- (5.) To place any implement or thing prejudicial or likely to be prejudicial to such bed or laying or to any oysters thereon except for a lawful purpose of navigation or anchorage
- (6.)

Notice before
granting lease.

Penalty for injury to
oyster-beds or
layings.

Fisheries.

(6.) To disturb or injure in any manner except as last aforesaid any such bed or laying or any oysters thereon

And if any person does any act in contravention of this section he shall be liable for the first offence to a penalty not exceeding five pounds and for the second offence to a penalty not exceeding ten nor less than five pounds and for a third or subsequent offence to a penalty of twenty pounds. And every such person shall also be liable to make due compensation to the lessee for all damage sustained by such lessee by reason of such person's unlawful act and in default of payment the same may be recovered by the lessee in any Court not incompetent by statute in respect to the amount or nature of the claim for compensation whether such first-mentioned person has been convicted of an offence under this section or not. Any of the acts mentioned in subsections (2) (4) (5) and (6) of this section committed on or in respect of oysters being on a natural oyster-bed by any person not lawfully authorized in that behalf shall be an offence under this section and be punishable by the like penalty as herein provided in respect of oyster-beds and layings under lease or lawful occupation.

32. If it shall appear to the satisfaction of the Commissioners that any lessee has not within the period of two years from the date of his lease taken measures proper in the opinion of the Commissioners to form the oyster-bed or laying mentioned in such lease then it shall be lawful for them to recommend the revocation of the lease by the Governor. And the Governor shall have power to revoke the same accordingly by notification in the *Gazette*. And upon the publication of such notification all the rights and privileges granted by such lease and the term thereby demised shall absolutely cease and determine. Provided always that before making such recommendation the Commissioners shall cause a notice in writing stating their intention to make such recommendation to be served on the lessee or person for the time being entitled to the lease or in case such person cannot be found they shall cause such notice to be inserted as an advertisement at least three times in a newspaper circulating in the Police District nearest to the area leased and also to be published once in the *Gazette*. And no such recommendation shall be made until after the expiration of one calendar month from the service of such notice or from the date of the last advertisement (whichever shall happen last). Leases of the land comprised within any such revoked leases may be disposed of by public auction or otherwise if the Governor shall think fit and all such new leases shall be subject to the provisions of section twenty-nine of this Act.

Commissioners may recommend revocation of lease in certain cases.

33. It shall be lawful for the Governor to lease to the owner lessee or occupant of any land abutting on or bounded by any tidal waters any Crown Land not exempt from lease under the next following section nor included in any Public Oyster Reserve made under this Act nor being part of a natural oyster-bed lying between mean high-water-mark and a line approximately parallel thereto defining a depth of water not exceeding three feet at low water of spring tides. Such lease shall be for oyster cultivation and be subject to the following conditions—

Lease of shore of tidal waters.

- (1.) The rent shall be at the annual rate of one pound for every hundred or part of a hundred yards in length comprised in the lease and shall be paid to the Colonial Treasurer or officer authorized by him.
- (2.) Such leases shall bear date on the first of January in each year and expire on the thirty-first of December in the same year but the Governor may renew any such lease annually on payment of the rent herein prescribed in advance.

(3.)

Fisheries.

(3.) The lease shall be forfeited if the rent payable in advance for every renewal shall be unpaid for three months after the first of January in any year and may be sold at auction.

5 (4.) To such conditions and provisions of the twenty-ninth section of this Act as the Commissioners may apply thereto by regulation.

34. It shall be lawful for the Governor by notification in the *Gazette* to declare that any portion of the shore abutting on any tidal waters or that any portion of the bed of any estuary bay lake inlet river or creek influenced by the tides with or without any portion of the shore abutting thereon and being the property of the Crown shall be exempt from the power of leasing conferred by this Act and if he think fit either by the same or by any subsequent notification to declare that any such portion shall be a public oyster reserve. Any such reserve may on the recommendation of the Commissioners be revoked by the Governor by a like notification.

Portions of shore &c. may be exempt from leasing or be declared public oyster reserve.

35. The lessee of any portion of the shore of any tidal waters under the thirty-third section shall have the exclusive right during the currency of his lease of taking otherwise than for the purpose of burning for lime all oysters found within the portion so leased and of making any layings or otherwise cultivating and protecting any such oysters within such limits. And any person taking dredging for or disturbing any oysters or attempting to do so upon or from any such leased portion shall be liable to the like penalties and forfeitures as are provided by section thirty-one hereof in all cases where the limits of such leased area shall be marked out in accordance with the regulations but not otherwise.

Rights &c. conferred by such leases.

36. The position of all natural oyster-beds and areas under lease or license shall be marked either by substantial piles or stakes fixed in the ground or by buoys securely moored and such piles stakes or buoys shall for natural oyster-beds be painted red and the words "Oyster-bed No.——" shall be painted in white letters at least three inches in length on such piles stakes or buoys and in the case of leased and other areas shall be painted white and the words "Oyster lease or license No. ——" shall be painted in black letters of the like length on such piles stakes or buoys. In rivers creeks and inlets and wherever else practicable such marks shall be placed so that an imaginary line connecting the marks across the river creek or inlet shall be at right angles to the direction of the tide. The position and number of every such bed and area under lease shall correspond as nearly as practicable with the position and registered number of the same as charted on the plans hereinbefore referred to and the marking thereof shall in all respects not herein provided for be subject to the Regulations.

Marking of natural beds and areas under lease or license.

37. Oysters may be dredged or taken from natural oyster-beds and from layings abandoned or withdrawn from lease by holders of dredging licenses only. Such licenses shall not be transferable and may be issued—

Dredging licenses.

50 (1.) Either for a term of one year (but renewable from year to year) bearing date as from the first day of January and expiring on the thirty-first day of December in each year or

(2.) For a term of three calendar months from date of issue

The fee for an annual license shall be ten pounds and for a quarterly license three pounds to be paid in each case by the applicant to the Colonial Treasurer or officer by him authorized to collect license fees under this Act.

38. Dredging licenses issued under the last preceding section shall be in the form prescribed by the regulations and shall authorize the holder and his servants being the crew of any one oyster dredger

Form and effect of such licenses.

to

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to dredge for and take oysters in such waters and on such beds or places not under lease and at such times as an Inspector may appoint and subject to all regulations made under this Act.

39. Every holder of a dredging license shall for every bag containing or reputed to contain not more than three bushels of oysters dredged by him pay to Her Majesty a royalty not less than one shilling and sixpence and not more than four shillings. And such royalty shall be in accordance with the scale and shall be collected and paid to the persons and in the manner prescribed by the regulations.

Royalty on dredged oysters.

40. If any person other than an inspector or person lawfully authorized in that behalf not being the holder of a valid and unexpired dredging license under this Act shall dredge for or otherwise take from any natural bed or laying as aforesaid any oysters or shall be found dredging for oysters within the limits of such bed or laying such person shall be liable to a penalty not exceeding twenty pounds and not less than five pounds and all oysters found in his possession shall be deemed to be oysters unlawfully taken by such person and shall on his conviction be forfeited to the use of Her Majesty.

Penalty on unlawful dredging for oysters.

41. Any person found dredging for or otherwise attempting to take oysters within the limits of any natural bed or laying as aforesaid who on demand by an inspector assistant inspector officer of police or constable refuses or fails to produce his dredging license for inspection shall be deemed to be unlawfully fishing for oysters and for that offence shall be liable to a penalty not exceeding ten pounds and not less than two pounds.

Inspection of licenses.

42. The inspector of each district shall keep a register in which shall be entered the name and registered number of every holder of a dredging license who shall dredge for oysters within such district. And every such holder shall register his name and number with such inspector and the same shall be painted in white letters not less than three inches long on a black ground on the quarter of every boat or vessel herein termed oyster-dredger employed by such holder in dredging for oysters. And the words "Oyster Dredger" shall be painted in black letters not less than twelve inches long on the main or principal sail of every such boat or vessel. Every person who shall at any time dredge for or take or attempt to take oysters on any such bed or laying as aforesaid in any boat or vessel not marked in accordance with the requirements of this section shall for every such offence be liable to a penalty not exceeding ten pounds.

Oyster-dredgers to be marked.

43. Every person dealing in or selling oysters whether wholesale or by retail shall take out an annual license for which a fee of five pounds shall be paid. Such license shall entitle the holder to sell and dispose of oysters in any part of New South Wales during the year commencing on the first day of January and ending on the thirty-first day of December and shall be renewed annually by a like payment within fourteen days after the first-mentioned day. Provided that on applications for licenses made after the thirtieth day of June in any year one moiety only of such license fee shall be payable. Such licenses may be granted by the Commissioners or by any Police Magistrate and the fee shall be paid to the Colonial Treasurer or some officer authorized by him. And every person who shall deal in or sell oysters without holding a license under this section shall be liable to a penalty not exceeding twenty pounds and not less than five pounds.

Licensing of oyster dealers.

44. All oysters within the limits of any land comprised in any lease granted under this Act or being within the limits of a private fishery under this Act shall be the absolute property of the lessee or owner of such private fishery respectively and shall for all purposes whatsoever be deemed to be in the actual possession of such lessee or owner.

Property in oysters &c.

Fisheries.

owner And all oysters removed without lawful authority by any person from any land so leased or from any such fishery or laying shall be deemed to be the property of such lessee or owner and he shall be deemed to have the right to the possession thereof for all purposes whatsoever Oysters on a natural oyster-bed or public oyster reserve shall be deemed to be and continue (until lawfully removed therefrom) the property of Her Majesty.

45. Every person who shall gather or burn live oysters for the purpose of converting the shells into lime whether he be the holder of a lease or license under this Act or not shall for every such offence be liable to a penalty not exceeding fifty pounds. Penalty on burning live oysters for lime.

46. No person shall dredge for or take oysters at any time between sunset and sunrise except an owner upon his private oyster fishery under a penalty for every offence not exceeding twenty pounds And if such person be a lessee or licensee under this Act his lease or license may on the recommendation of the convicting Justices or the Commissioners be cancelled by the Governor. Oysters not to be dredged between sunset and sunrise.

47. All oysters shipped on board any vessel shall be placed in bags branded in accordance with the regulations And the master of every vessel on board which oysters are shipped shall enter the same in the manifest stating the quantity and the name of the consignor and consignee And any oysters carried in any vessel in contravention of this section may be seized by an Inspector officer of Customs or of police and forfeited to Her Majesty And every such master who shall fail to comply with any of the requirements of this section shall be liable to a penalty of not less than two pounds and not more than ten pounds. Provisions for sea-carriage of oysters.

48. It shall be lawful for the Governor whenever the Commissioners report that the whole or any portion of a natural oyster-bed or that any group of oyster-beds has by over-dredging or from any other cause been reduced to such a state that the further dredging of oysters from such bed or beds ought to be suspended to prohibit by proclamation in the *Gazette* for any term not exceeding three years the dredging or taking of oysters from such bed or beds or portion thereof as may be described in such proclamation by any persons whosoever other than an inspector or person authorized by him or by the Commissioners And if any person shall without lawful authority the proof of which shall lie on him at any time during the period mentioned in such proclamation take or dredge oysters from any natural oyster-bed or portion thereof described in such proclamation such person shall be liable to a penalty not exceeding twenty pounds nor less than five pounds And all oysters and the bags containing them together with all dredging appliances found in the possession of any person so offending may be seized and upon conviction of the offender shall be forfeited to Her Majesty All proclamations closing any estuary river inlet or lake specified in the Third Schedule hereto and made and published under the Act thirty-first Victoria number twenty-eight (hereby repealed) shall be deemed to be proclamations under this Act but expiring on the respective dates specified in the second column of the said Schedule unless the same shall be sooner rescinded by a like proclamation published as aforesaid by the Governor on the recommendation of the Commissioners. When natural oyster-beds may be closed.

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PART III.

Private Fisheries.

49. Any person entitled to an estate of freehold in possession in any land and any lessee of land with the consent of the reversioner (which consent such reversioner is hereby authorized to give) may apply in writing to the Governor for a license to establish a private fishery in or over any part of such land. Private fisheries may be established.

50. The applicant for any such license shall state in his application the nature of his estate or interest in such land and shall describe the area in and over which he proposes to establish his fishery the purpose or purposes for which such license is desired the mode (if any) in which he proposes to admit in and over such area the sea or any tidal-waters the distance between mean high-water-mark and the point at which the admission of such waters has been or is to be effected the position of such area with reference to any harbour river creek bay inlet lake arm of the sea or part of the coast in or near the shore or bank of which such area is situated And such application shall be accompanied by an explanatory plan or tracing and by any other particulars which the Governor may require. Particulars to be stated by applicants for private fisheries.

51. Such application together with all plans and documents accompanying it shall be referred to the Commissioners and to any officers whom the Governor may think fit to consult to report whether any rights of the Crown or the public are likely to be prejudiced or injuriously affected by any work in connexion with the proposed fishery. Report on application.

52. Upon the receipt of such report it shall be lawful for the Governor to refuse such license absolutely or to grant it in terms of such application or with such modifications thereof and subject to such conditions as he may think fit all of which shall until revoked be binding on the grantee and his successors in title in respect of the area over which such license extends. Power to grant or refuse license.

53. Any license so granted may be revoked by the Governor at any time if he shall be of opinion that the conditions therein expressed or any other terms of the grant have not been faithfully complied with. Revocation of license.

54. The grant and the revocation of any such license shall severally take effect upon notification in the *Gazette* Provided that there shall upon every such grant be paid to the Colonial Treasurer or authorized officer the sum of ten pounds. Grant &c. when to take effect.

55. The grant of a license for a private fishery shall have the effect :— Legal effect of license.

- (1.) Of vesting in the grantee and his successors in title to the area described in the license and as appurtenant to such area the exclusive right during the continuance thereof of stocking such area with fish of any kind whatsoever (including oysters lobsters crabs prawns shrimps whelks cockles muscles and any other varieties of crustaceans or molluscs) and of taking therefrom any such fish and their shells.
- (2.) Of vesting the property (at Law or in Equity) in any such fish while the same are within the limits of such area in such grantee and his successors in title any rule of law to the contrary notwithstanding.
- (3.) Of vesting in such grantee and successors the right to the influx and efflux of the tide into and over the aforesaid area by such means of admission as the license provides and in case the license provides no such means or the same are doubtful then by cutting a trench or passage through or laying

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laying one or more pipes under the shore Also a right to construct a sluice so as to permit the tide to ebb and flow into and from such area.

5 (4.) Of vesting in such grantee and successors a right to enter upon the shore where the works for the admission of tidal waters are situated and to repair such works stopping the traffic thereover (if necessary) for any period not exceeding seven days in any one year in order to repair or renew the same.

10 (5.) Of abrogating any rule of law so far as it might be held to confer any right-of-way or of navigation on and over such area or any right of fishing for or taking fish by nets lines or other appliances whatsoever in or upon such area.

In the case of a grant to a lessee the reversioner and in the case of a grant to a tenant for life or *pur autre vie* the remainder man shall with reference to the lessee tenant for life or *pur autre vie* respectively be included under the expression "Successor in title."

56. No trench or passage through the shore for the purpose of permitting the tide to ebb and flow to and from such area shall at any point exceed a width of twelve feet and every such trench or passage shall at the cost of the licensee or his successors in title be bridged by such a substantial bridge or means of crossing as the license shall prescribe or (if none shall be so prescribed) as the Commissioners shall determine And every such bridge or crossing shall be maintained in good order and repair by such licensee or successors and shall in every case be furnished with substantial hand-rails on either side and be not less than twelve feet wide between the rails.

Provision for bridge across trenches &c.

57. In places where at low tides large flats are left uncovered by water or where any land subject to overflow by the tide belongs to the applicant or where the land of the applicant abuts on or is in the vicinity of some tidal creek from which it is proposed to admit the water the terms and conditions of the license (except the sum to be paid for such license) may be modified by the Governor so as to suit the special circumstances of the locality.

Terms and conditions of license when to be modified.

58. The limits of a private fishery shall in every case be marked by substantial stakes placed at a distance not exceeding fifty yards from one another or (where such staking is not reasonably practicable) in such manner as the regulations shall prescribe But in any proceedings taken by the owner of such fishery for larceny of oysters or any offence or matter under this Act it shall not be necessary for him to prove that the requirements of this section have been duly complied with.

Marking limits of private fishery.

PART IV.

Legal Procedure—Miscellaneous.

45

59. All offences penalties and forfeitures under this Act or any regulation made thereunder may be heard determined and recovered and all proceedings therefor may be taken in a summary way before any two or more Justices in pursuance of the provisions of the Acts regulating summary convictions before Justices and every defendant shall be a competent witness in his own case Provided that if any person shall be adjudged to pay any sum by way of penalty or otherwise the adjudicating Justices shall order such sum to be paid (together with costs to be fixed by the said Justices) either forthwith or

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or within such period as the said Justices shall appoint and if such sum and costs (if any) shall not be paid at the time so appointed the same shall be levied by distress and sale of the offender's goods and chattels and for want of sufficient distress or in the discretion of such
 5 Justices without any such distress such offender may be imprisoned with or without hard labour for any term not exceeding three calendar months unless such sum be sooner paid.

60. The amount of every penalty fine or forfeiture recovered under this Act shall be paid one moiety to the informer or prosecutor
 10 and the other moiety to the Consolidated Revenue Fund. Appropriation of penalties &c.

61. Any person aggrieved by any conviction order or adjudication of Justices under this Act may appeal therefrom to the next Court of Quarter Sessions holden in the district in which the subject matter of the appeal arose unless such Session shall be held within
 15 fourteen days from the date of such conviction order or adjudication and in that case to the Court of Quarter Sessions then next following And such Court shall have power to hear and determine the matter in a summary way in accordance with the Acts in force regulating appeals from summary convictions And the decision of
 20 such Court shall be final and conclusive Provided always that the appellant shall have given written notice seven days at least before the hearing of the appeal of his intention to appeal and stating the grounds thereof to the or one of the adjudicating Justices and to the prosecutor and provided that such appellant shall also pay into the hands of such
 25 Justice the full amount of any penalty or sum awarded against him together with costs within twenty-four hours next after such conviction order or adjudication and also enter into a bond with two sureties approved by such Justice conditioned to prosecute such appeal with effect and to abide the event thereof and to pay the full amount of all
 30 costs which may be awarded against him. Appeal.

62. Any person who shall assault resist or obstruct or encourage any other person to assault resist or obstruct any inspector assistant
 inspector constable officer or other person whomsoever in the execution of his duty under this Act shall incur a penalty not exceeding fifty
 35 pounds nor less than ten pounds or be liable to imprisonment not exceeding *six* calendar months And the adjudicating Justices may in addition to any such penalty order a sufficient sum to be paid by the offender to cover any damage or injury sustained by the person so assaulted resisted or obstructed which sum shall be recoverable in the same manner as a
 40 penalty under this Act. Assaulting &c. inspectors and others in execution of their duty.

63. Any inspector assistant inspector of fisheries or any officer of police or constable may with or without warrant seize any net dredge or other implement of fishing which any person found offending
 against any of the provisions of this Act may then be using and may
 45 also with or without warrant apprehend any person found offending against any of the provisions of this Act who on demand made shall refuse or fail to give his true name and address But the gaoler or person in charge of any gaol watch-house lock-up or police station may liberate any person so lodged in his custody on such person's
 50 depositing the sum of ten pounds or on his own recognizance in that sum conditioned to ensure his appearance before some Justice If such person shall fail to appear at the time and place stated in such recognizance the same shall be estreated in due course of law. Offenders may be apprehended and bailed.

64. Any Justice of the Peace upon an information on oath
 55 that there is probable cause to suspect any breach of the provisions of this Act or of any regulation thereunder to have been committed may by warrant under his hand and seal authorize and empower any Inspector of Customs or Police or any officer to enter any dwelling-house or premises or vessel or boat whatsoever for the purpose of
 searching

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searching for and seizing any unlawful net dredge implement or engine or any fish or oysters taken in contravention of this Act or any proclamation or regulation thereunder.

5 65. All police constables and others if called upon to aid and Police to aid and assist inspectors. assist any inspector or other officer in the execution of any power or authority vested in him by this Act are hereby authorized and required to aid and assist such inspector or officer in the lawful exercise of any such power or authority.

10 66. Whenever a person shall be charged with larceny of oysters Larceny from contiguous oyster-beds. from any oyster-bed or laying which may be contiguous to another or others it shall be sufficient in alleging and proving the place from which such oysters were stolen to allege and prove that such oysters were stolen from one or other of such contiguous beds or layings and that the same belonged to and were in the lawful possession of one or

15 67. The production of any of the undermentioned documents What instruments &c. to be evidence. writings or publications shall be conclusive evidence in all Courts as to the several matters contained therein and in the case of a lease or license that the same was duly issued viz.—

- 20 (1.) A lease signed by the Governor or a copy thereof bearing the common seal of the Commissioners.
 (2.) Any license or a copy thereof bearing the like seal.
 (3.) A copy of the *Gazette* containing any regulation or proclamation purporting to be made under this Act.

25 68. All fish or oysters of which the taking possession exposure Search for and seizure of fish or oysters. for sale consignment or purchase for sale is prohibited by this Act may be searched for seized condemned destroyed and disposed of by any inspector or assistant inspector or by any person holding the written authority of any Justice or any search warrant under the hand and

30 seal of any Justice or authorized by any regulation under this Act.

69. The provisions contained in sections one two four five six Operation of Act. eight nine twenty-seven and twenty-eight shall come into force immediately on the passing of this Act and all the remaining sections shall come into force on the sixtieth day after such passing.

35 70. The Commissioners shall on or before the thirty-first day of December in every year report to the Minister charged with the Report by Commissioners. administration of this Act as to the state of the fisheries in the several divisions thereof and such report shall be laid before both Houses of Parliament The Commissioners shall also furnish to the said Minister

40 such reports accounts plans vouchers and documents relating to any act or matter done by them or within their control or cognizance as he may by writing under his hand addressed to the said Commissioners require The Commissioners shall in all matters be subject to the like control by the Governor as any Department of the Public Service.

Fisheries.

SCHEDULES.

FIRST SCHEDULE.

Marine Fishes.

5	Bream—	Perch.
		Flounder.
		Sole.
		Mullet—
		Sea.
10	Flathead.	Flat-tail
	Whiting.	Sand.
	Tarwhine.	Travally.
	Blackfish.	
	Garfish.	
	Long Tom.	
	Pike.	
<i>Fresh-water Fishes.</i>		
20	Murray Cod.	Silver Perch or Bream.
	Golden Perch or Yellow Belly.	Ordinary Fresh water Perch.

SECOND SCHEDULE.

Lawful Weights for Fish.

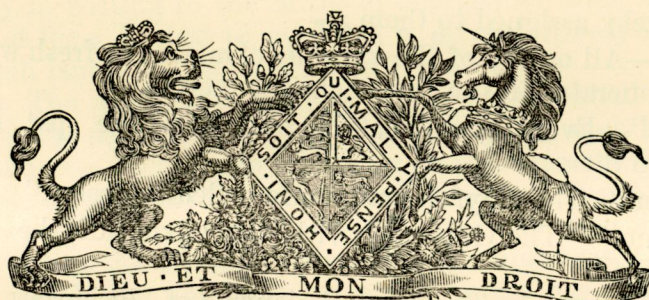
Description of Fish.					Weight in ounces avoirdupois.
20	<i>Marine</i> ... {	Schnapper or Red Bream	...	...	16 ounces.
		Bream (Black)	...	...	8 "
		" (Silver)	...	...	4 "
		Blackfish	...	...	8 "
		Rock-cod (Black or Red)	...	...	8 "
25		Gurnet	...	...	4 "
		Flathead	...	...	8 "
		Mullet—	...	...	...
		Sea	...	...	12 "
		Flat-tail	...	...	4 "
30		Sand	...	...	4 "
		Whiting	...	...	4 "
		Flounder	...	...	4 "
		Sole	...	...	4 "
		Pike	...	...	8 "
35	<i>Fresh-water</i> {	Travally	8 "
		Garfish	3 "
		Lobster (or Crayfish)	16 "
	<i>Fresh-water</i> {	Cod (or Murray Cod)	16 "
		Perch	4 "

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THIRD SCHEDULE.

Name of River or Place.							Date of expiry of Proclamation closing Oyster-beds.
							29 July 1881.
5	Bellinger River...	...	...	...	...	...	26 August 1881.
	Bermagui River	...	...	...	...	...	16 August 1881.
	Brow Lake	...	...	...	...	...	7 April 1881.
	Candlegut Creek	...	...	...	...	...	7 April 1881.
	Congo Creek	...	...	...	...	...	31 May 1881.
	Cutagee Creek	...	...	...	...	...	28 April 1881.
10	Dunn's Creek (Hunter River)	...	...	...	...	...	25 November 1881.
	Hunter River	...	...	...	...	...	26 August 1881.
	Jervis Bay	...	...	...	...	...	31 May 1881.
	Lake Macquarie	...	...	...	...	...	19 January 1882.
	Manning River	...	...	...	...	...	26 August 1881.
15	Nambucra River	...	...	...	...	...	12 January 1882.
	Narrawillie Creek	...	...	...	...	...	20 May 1881.
	Narrabeen Lagoon	...	...	...	...	...	26 August 1881.
	Panbula River	...	...	...	...	...	4 February 1882.
	Port Macquarie	...	...	...	...	...	26 August 1881.
20	Richmond River	...	...	...	...	...	28 September 1881.
	Salt Water Creek (near Manning River)	...	...	...	...	...	28 April 1881.
	Smith's Creek (Hunter River)	...	...	...	...	...	26 August 1881.
	Tilba Tilba Lake	...	...	...	...	...	26 August 1881.
	Tomago River	...	...	...	...	...	26 August 1881.
25	Towamba Lake	...	...	...	...	...	26 August 1881.
	Tweed River	...	...	...	...	...	26 August 1881.
	Twofold Bay	...	...	...	...	...	26 August 1881.
	Wogonga River	...	...	...	...	...	26 August 1881.
30	Port Jackson including Middle Harbour and Lane Cove and Parramatta Rivers and their inlets	...	...	...	...	...	29 July 1881.

New South Wales.



ANNO QUADRAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. XXVI.

An Act to provide for the development and regulation of the Fisheries of the Colony. [Assented to, 6th April, 1881.]

WHEREAS the existing Statute Law is insufficient to preserve Preamble.
from exhaustion the natural supplies of marine and other
edible Fishes And it is expedient that such law should be repealed
and that more effective measures should be adopted to check the
wanton or unnecessary destruction of immature fish and to prevent
the disturbance of the various nurseries and breeding grounds during
certain months of the year as well as that greater facilities should
be given for the establishment of artificial oyster-beds and more effective
means be supplied for the preservation and development of natural
oyster-beds And it is also expedient in order to carry out these and
the several purposes herein set forth and to establish a better system
of protecting and regulating the said Fisheries that a central Board of
Control should be created clothed with the powers and duties herein-
after declared Be it therefore enacted by the Queen's Most Excellent
Majesty

Fisheries.

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:—

Preliminary Provisions—Appointment of Commissioners &c.

Short title and
arrangement of Act.

1. This Act may be cited for all purposes as the “Fisheries Act 1881” and its provisions are arranged in the order and comprise the subjects following viz.:—

Preliminary Provisions—Appointment of Commissioners &c.—ss. 1-9.

PART I.—*Net and Line Fisheries—ss. 10-25.*

PART II.—*Oyster Fisheries—ss. 26-47.*

PART III.—*Private Fisheries—ss. 48-57.*

PART IV.—*Legal Procedure—Miscellaneous—ss. 58-69.*

SCHEDULES.

Interpretation of
terms.

2. In this Act unless the context requires a different meaning the following words within inverted commas shall bear the respective meanings hereby assigned to them:—

“Fish”—All or any of the varieties of marine or fresh water fishes enumerated in the First Schedule hereto.

“Oyster”—Every kind of eatable oyster and the spat brood and ware thereof.

“Lobster”—The crayfish commonly called “lobster.”

“Governor”—The Governor with the advice of the Executive Council.

“Commissioners”—The Commissioners of Fisheries appointed under this Act.

“Shore” means the portion of Crown lands situate between mean high and mean low-water mark.

“Bunt” means the middle portion of a seine or hauling net between the wings but not being more than one-third of the whole length of such net.

“Wing” means the portion of a seine or hauling net on each side of the bunt.

“Lessee”—Includes every assignee or sub-lessee.

“Boat”—Includes any vessel or punt of any description whatsoever.

“Tidal Waters”—All waters which ebb and flow over Crown Lands within the territorial jurisdiction of the Crown in New South Wales and every lake and lagoon in the said Colony ordinarily subject to the influence of the tides (although the communication with the sea may for the time be closed) the soil or bed whereof is the property of the Crown together with in each case the soil of such Crown Lands.

“Natural Oyster-bed”—Any bank bed or place of deposit in any tidal waters wherein oysters which have not been laid down by artificial means are or shall be found but excluding rocks stones mangrove or other trees or dead timber or any other substance above mean low-water-mark whereon oysters are or may be found attached or growing.

“Justice”—Any Justice of the Peace.

“Inspector”—Includes Assistant Inspector.

Repeal of
28 Vic. No. 10
31 Vic. No. 10
31 Vic. No. 20.

3. The Act twenty-eighth Victoria number ten intituled “*An Act to protect the Fisheries of New South Wales*” the Act thirty-first Victoria number ten intituled “*An Act to amend the Fisheries Act of 1865*”

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1865" and the Act thirty-first Victoria number twenty intituled "*An Act to regulate Oyster Fisheries and to encourage the formation of Oyster-beds*" and so much of the thirty-eighth section of the "*Lands Acts Amendment Act 1875*" as empowers the Governor in Council to grant leases of Crown lands for the purpose of a fishery are hereby repealed but without prejudice to the past operation of or to any right lawfully created offence committed or penalty incurred under any of the said Acts.

4. The duty of protecting developing and regulating the Public Fisheries of New South Wales shall be vested in five Commissioners to be called the "Commissioners of Fisheries for New South Wales" who by that name shall be a body corporate with perpetual succession and a common seal with power to hold real and personal estate and to sue and be sued and to take and be the subject of all legal proceedings by such name And the duties powers and authority of the said Commissioners shall extend to the territorial limits of the said Colony Such body corporate shall be composed of five persons to be appointed by the Governor by commission under the Great Seal each of whom shall hold office for the term of five years from the date of his appointment unless his office become vacant in the meantime by death or resignation but subject nevertheless to removal by the like authority But any Commissioner may be reappointed after the expiration of his term of office The Governor shall either by the original Commission or otherwise as to him seems proper appoint one of the Commissioners to be President And the President or in his absence one of the Commissioners appointed from time to time by the meeting shall preside at all meetings and at any voting shall have an original as well as (in cases of equality of votes) a casting vote Any three Commissioners shall be a quorum.

Constitution of
Fisheries
Commissioners as a
Body Corporate.

5. It shall be lawful for the Governor on the recommendation of the Commissioners to appoint so many Inspectors of Fisheries and other officers as he may think necessary for the purposes of this Act and to assign to every such officer such salary as he may think fit and as Parliament may vote And every such officer shall act under the direction of and be responsible for the due performance of his duties to the Commissioners.

Inspectors of
Fisheries.

6. In addition to such inspectors it shall be lawful for the Governor to appoint any officer of Customs or officer in the Department of the Marine Board stationed at any outport or pilot station on the coast of the colony or other person to act as an assistant Inspector of Fisheries at such outport or station and for such extent of waters as may be placed under his supervision All such assistant inspectors shall carry out the directions of the Commissioners so far as practicable to the best of their ability and shall act in concert with the inspectors and shall be paid such sums in addition to their ordinary salaries (if any) as the Governor may appoint and as Parliament may vote.

Assistant Inspectors
at outports &c.

7. All Police Magistrates and all officers of Police of or above the rank of sergeant shall within their respective districts be and have the powers and authorities of Inspectors of Fisheries *ex officio*.

Certain persons to
be Inspectors *ex
officio*.

8. It shall be lawful for the Governor by proclamation in the *Gazette* to define the various Fisheries of the Colony situated in any tidal waters and to distribute the same into divisions to be designated respectively

Division of Marine
Fisheries.

(I) The Home Fisheries

(II) The Northern Fisheries

(III) The Southern Fisheries

And each of such divisions shall be placed under the supervision of one or more inspectors or assistant inspectors who shall report in detail at

at

Fisheries.

at least once in every month or oftener if required to the Commissioners upon the state of the Fisheries included within his division in accordance with regulations to be made by the Governor or in their absence in accordance with the directions of the Commissioners. Provided always that the Governor may by a like proclamation from time to time rescind any such definition and alter the boundaries of any such Division or subdivide the same.

Regulations.

9. It shall be lawful for the Governor to make regulations from time to time for the purpose of giving effect to the provisions of this Act as to all details whatever and in addition to any purpose hereinafter mentioned for any of the purposes following namely—

- (1.) For regulating the conduct of business by the Commissioners and defining the duties of all officers and other persons clothed with any duty or authority under this Act
- (2.) For prescribing the forms and conditions of all licenses mode of payment of license fees and the due transmission of and accounting for all moneys to the Treasury and Audit departments respectively
- (3.) For prescribing the mode of testing the length of nets and the dimensions of the meshes of nets and (notwithstanding anything contained in the Second Schedule hereto) the weights or sizes of fish prohibited to be caught sold or consigned or exposed for sale and for defining what are marketable and unmarketable prawns
- (4.) For determining all rights of priority in shooting nets or dredging for oysters as between fishermen and dredgermen netting or dredging on the same ground
- (5.) For prescribing the mode and times of inspecting artificial oyster-beds dredging and cleaning natural oyster-beds and marking the boundaries of oyster culture leases.
- (6.) For prescribing the times and conditions when and under which natural oyster-beds may be dredged and for the payment of royalties on oysters dredged from such beds
- (7.) Providing that all oysters of unmarketable size together with all dead shells cultch and substances dredged up to which oysters whether alive or dead are found attached shall be thrown back in the places where the same shall have been dredged
- (8.) Prescribing the size of marketable oysters which may be lawfully dredged taken consigned or exposed for sale
- (9.) For supplying or enabling lessees and owners of private fisheries to supply themselves with oyster spat or brood from Crown Lands for the purpose of stocking oyster layings and upon what conditions and by what persons such spat and brood may be collected on such lands.
- (10.) Prescribing the mode of dealing with and temporarily depositing any oysters seized under the authority of this Act—how oysters so seized shall be restored in case of no adjudication of forfeiture thereof and how and where oysters shall be disposed of in case of such adjudication and under what circumstances and conditions any such oysters may be sold prior to adjudication of forfeiture and how the proceeds of such sale shall be accounted for
- (11.) Prescribing the mode and place of branding oyster bags and of registering such brands
- (12.) Prescribing a scale of rewards (and the terms and conditions of the payment thereof) for the destruction of cormorants or shags. Provided that no such reward shall exceed the sum of one shilling for any one such bird and shall be payable out of the moneys received into the Treasury under the provisions of this Act

(13.)

Fisheries.

- (13.) For the protection and regulation of Public Oyster Reserves and for granting annual licenses subject to the payment of fees (not to exceed five shillings for each person) to gather oysters and spat for sale or culture from specified portions of such reserves and subject to such conditions as may be prescribed by the Regulations
- (14.) Prescribing the conditions under which gaolers and persons in charge of any gaol watch-house lock-up or police station may take recognizances from persons lodged in custody under the sixty-second section hereof
- (15.) Providing for the hauling and landing of gar-fish and prawn-nets in such a manner as to prevent the destruction of under-weight fish

It shall be lawful for any such regulations to provide for their enforcement by the imposition of a penalty not exceeding in any case the sum of twenty pounds And all such regulations shall on publication in the *Gazette* have the full force of law and a copy thereof shall be laid before the Legislative Council and Legislative Assembly within fourteen days after the making thereof if Parliament be then in session and if not then within fourteen days after the commencement of its then next ensuing session.

PART I.

Net and Line Fisheries.

10. It shall be lawful for the Governor on the recommendation of the Commissioners to declare by proclamation in the *Gazette* that any specified tidal waters shall be exempted from net fishing during the months of April May June July August and September in every year The fisheries in all such tidal waters so specified shall be termed "Close Fisheries" and the months during which the same are so exempt from net fishing "Close months" And if any person shall in any close fishery during any close month place shoot cast or haul any fishing-net whatever or stake fix or set any such net for the purpose of catching taking or enclosing any fish enumerated in the First Schedule hereto or in such manner that any such fish might be caught or taken thereby such person shall be liable to a penalty not exceeding fifty pounds and not less than ten pounds And every person aiding or assisting in the shooting or casting of any such net or being in any boat from which any such net shall be shot or cast in contravention of the provisions of this section shall incur a like penalty Provided always that it shall be lawful for the Governor on the like recommendation and in like manner to rescind or vary any such proclamation.

Proclamation of
close fisheries.

11. Every net when used for the purpose of catching or enclosing fish in tidal waters shall be deemed to be an unlawful net whenever or wherever so used if the mesh of such net shall measure diagonally when prepared for use wetted and stretched in accordance with the regulations less than two inches and one quarter in the bunt or three inches in the wings or if the same when cast or shot shall enclose a space measuring more than three hundred yards along the corks from one end of such net to the other unless such net be a *bonâ fide* prawn or gar-fish net and used for catching prawns or gar-fish only (as the case may be) And if any person shall catch or attempt to catch any

What nets unlawful
when used in tidal
waters.

Fisheries.

any fish by casting hauling or shooting any net having a mesh less than the said respective dimensions and not being a *bond fide* prawn or gar-fish net and used as aforesaid such person shall for the first offence be liable to a penalty not exceeding five pounds and not less than two pounds and for a second or subsequent offence to a penalty not exceeding twenty and not less than five pounds. The Justices shall in every case where an offender is convicted under this section order all unlawful nets used by or found in the possession of such offender to be forfeited to Her Majesty. Any two or more nets placed behind or near to each other in such a manner as to diminish the mesh or means of escape for enclosed fish shall be deemed to be an unlawful net under this section. For the purposes of this section no net shall be deemed to be a *bond fide* prawn-net which exceeds fifteen fathoms in length or of which the mesh is less than one inch ascertained as aforesaid and no net shall be deemed to be a *bond fide* gar-fish net of which the bunt exceeds thirty fathoms in length or has a mesh less than one and a half-inch ascertained in like manner but such gar-fish net shall have on each side of the bunt thereof a wing hung on the same cork and lead lines not less in length than the bunt of such net and of which the mesh shall not be less than two inches. Provided that any net which under the Acts hereby repealed would have been a lawful net during the winter months as therein provided shall be deemed to be a lawful gar-fish net under this Act when used *bond fide* for the purpose of catching gar-fish only at any time until the thirty-first day of July in the year one thousand eight hundred and eighty-two but no longer. Provided also that the provisions of this section as regards size of mesh and length of net shall not apply to the use of drift-nets or purse-seines in the open sea.

What nets unlawful
when used in inland
waters.

12. Every net when used for the purpose of catching or enclosing fish in inland waters that is to say in any river or creek not influenced by the tides or in any fresh-water lake lagoon or pond shall be deemed to be an unlawful net if the mesh of such net shall measure diagonally when prepared for use wetted and stretched in accordance with the Regulations less than three inches in any part thereof or if such net (whatever the size of the mesh) be staked fixed or set completely across any such river or creek. And the penalties and directions contained in the last preceding section shall be applicable to every offence and offender under this section. Provided always that nothing in this section contained shall apply to the owner of the soil or bed of any inland waters using or setting a net within such waters to capture fish for breeding purposes or for stocking a fishery or for his own consumption only.

Stalling prohibited.

13. The setting of any net by the process known as "stalling" whereby a net is staked or set across or within any bay inlet river or creek in tidal waters in such a manner that fish enclosed by such net are or may be left stranded at low tide is hereby declared to be illegal. But nothing in this section contained shall apply to a *bond fide* meshing net having a mesh not less than four inches ascertained as aforesaid and not exceeding sixty fathoms in length when set as a meshing net provided that no such meshing net shall be set during any close month in a close fishery. And any person who shall offend against the provisions of this section shall be liable to the like penalties and forfeitures as are declared by the eleventh section hereof.

Prohibition against
taking or selling &c
fish under size.

14. If any person shall sell or consign or expose for sale or have in his possession or on his premises any fish of any of the species mentioned in the Second Schedule hereto of a less weight than that set opposite the name of such fish in such Schedule or prescribed by any Regulation he shall be liable to a penalty not exceeding two pounds for the first offence and for the second or any subsequent offence to a penalty not exceeding five pounds and not less than two pounds. And

all

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all such under-weight fish together with all other fish found in the same basket or other receptacle or exposed on the same table or stand or found in the same boat cart or vessel with such under-weight fish shall be forfeited and be disposed of in accordance with the regulations And any Inspector officer of police or person authorized in writing by him may seize any fish which under this section are liable to forfeiture and take the same before any Justice who upon view thereof shall declare whether or not such fish are under weight and if he declare them to be so shall order them to be forfeited and to be disposed of in accordance with the regulations The provisions of this section shall not apply to any Curator of a Museum or zoological collector holding a permit from the Commissioners or to any owner of a private fishery in respect of fish taken therefrom or to any persons being in possession of fish for purposes of pisciculture or to any person who may have in his possession fish not intended for sale or to any aboriginal taking or being in possession of fish for his own consumption but in every such case of exemption the proof thereof shall be upon the defendant or person charged.

15. All prawn fishers and other persons catching prawns shall if they require to riddle them so as to separate the marketable from the unmarketable so riddle or separate them only in the waters where the same have been caught and in such a manner as to permit the small prawns to escape And if any prawn fisher or person shall fail to comply with such direction or shall riddle or separate any prawns after boiling or cooking the same or when such prawns are dead he shall be liable to the like penalties as are provided by the last preceding section.

As to riddling prawns.

16. It shall not be lawful for any person to catch or attempt to catch prawns by means of a net or by any other mode of capture during the months of June July August and September in any year in any tidal waters of or tributary to the River Hunter or in any other tidal waters to which the Governor shall by Proclamation in the *Gazette* declare the provisions of this section to extend And if any person shall catch or attempt to catch any prawns in contravention of this section in any such tidal waters he shall be liable to the like penalties as are provided by section ten hereof.

Close season for prawns in certain rivers &c.

17. It shall be lawful for the Governor from time to time to declare by Proclamation to be published in the *Gazette* and in some newspaper circulating in the nearest Police District that the whole or any defined portion of any tidal river inlet estuary lake lagoon or arm of the sea shall be closed against the use of fishing-nets for such term not in any case to exceed two years as the Governor shall think fit Such Proclamation shall only be issued when the Commissioners shall report to the Governor that the natural supply of fish in the waters proposed to be closed has been exhausted by net-fishing or otherwise to such a degree as to require rest for the recovery of such natural supply but any such Proclamation may be extended by the Governor if so advised by the Commissioners for a further period not to exceed one year from the expiration of the original term of closure or may in like manner be rescinded at any time whatever.

Governor may close fishing-grounds against net-fishing.

18. If any person after the expiration of thirty days from the date of any such Proclamation or extended Proclamation and during the currency thereof shall cast haul stake fix or place any net of any kind whatever for the purpose of taking or capturing fish within the limits of the tidal waters or area defined in such Proclamation such person shall be liable for the first offence to a penalty not exceeding ten pounds and for the second or any subsequent offence to a penalty not exceeding twenty pounds and not less than five pounds And every person convicted under this section shall if holding a license under

Penalty on net-fishing in closed waters.

Fisheries.

under this part be deemed by conviction to have forfeited his license And all fish taken in violation of the provisions of this section together with all fishing-nets used for the purpose of taking the same shall be forfeited to Her Majesty and shall be disposed of as provided by the Regulations Any inspector constable or officer of Police may with or without warrant apprehend and take before one or more Justices any person found offending against the provisions of this section to be dealt with as hereinafter provided and may in like manner seize every such net.

Licensing of fishing boats.

19. Every boat used or intended to be used for catching for sale any of the varieties of fish whether marine or fresh water enumerated in the First Schedule hereto by net or line shall be licensed The fee for every such boat license shall be one pound which shall be paid annually to the Colonial Treasurer or some officer authorized by him to receive license fees under this Act and payment of such fee shall cover the interval from the date of payment to the thirty-first day of December of the same year or if made on the last-mentioned day and month shall give the license a duration extending to the corresponding day and month of the year next following Provided that after the thirtieth day of June in any year one moiety only of such fee shall be payable Every boat licensed under this section shall have painted in legible letters in such conspicuous place as may be prescribed by the Regulations the name of her owner and the words "Licensed fishing-boat."

Licenses to be taken out by fishermen.

20. Every person employed in catching for sale fish lobsters or prawns in or upon any tidal waters shall pay an annual license fee of ten shillings to the Colonial Treasurer or some officer authorized by him to receive license fees under this Act Such fee shall be payable on the dates and according to the provisions expressed in the last preceding section.

Penalty on unlicensed persons fishing for sale.

21. If any person shall take or attempt to take any fish within such waters as aforesaid whether by line or by net without holding a valid fisherman's license as required by the next preceding section hereof or shall take or attempt to take any such marine or fresh water fish whether by line or net in a boat not licensed under section nineteen hereof he shall be liable for every such offence to a penalty not exceeding forty shillings But nothing in this section contained shall extend to persons on excursion or pleasure parties fishing for purposes other than sale Provided always that it shall lie upon the defendant to prove that he is within the saving in this section contained in any case where not being the holder of a license under the next preceding section he shall be found fishing in a boat licensed under this Act.

Torpedoes &c. not to be used.

22. It shall not be lawful by the explosion of dynamite or any explosive substance or by means of any poisonous or noxious thing to destroy or take fish in any tidal or other waters in New South Wales And if any person shall explode any dynamite or any such substance under such waters or place any poisonous or noxious thing in such waters such person shall for every such offence be liable to a penalty not exceeding forty pounds and not less than ten pounds But nothing herein contained shall apply to any person duly authorized (the proof whereof shall be on him) to explode torpedoes or dynamite in any such waters.

Penalty for damaging nets by placing obstacles on hauling grounds.

23. If any person without lawful authority the proof of which shall lie on him shall drive or place any stake log stone or other thing whatever likely to damage a fishing-net if dragged over or against it in any tidal water whatever within the reach of a seine of lawful length and if any damage shall be sustained by any lawful fishing net through coming into contact with such stake log stone or thing such

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such person shall be liable to a penalty not exceeding ten pounds and in addition to pay such compensation to the owner of such net as may be awarded by the adjudicating Justices.

24. Every person who shall be found using a fishing-net of any kind whatsoever in any waters in New South Wales shall on demand give his true name and residence to any inspector Justice officer of police or constable and to any owner or occupier of land bordering such waters or over which they ebb and flow And if any such person shall refuse or neglect to comply with such demand or shall give a false or fictitious name or residence he shall be liable to a penalty not exceeding five pounds.

Netters to give name and residence when demanded.

25. Any inspector officer of police or constable and any person authorized in writing by any Justice of the Peace may at any time enter any premises or dwelling or go on board any boat and search for and seize and take away any net which has been used in contravention of the provisions of this Act or which is or is suspected to be of less dimensions in the mesh or of a length not permitted by this Act or the Regulations And every net so seized shall be taken before a Justice who on inspection thereof shall if satisfied that the same has been so used as aforesaid or is an unlawful net shall order the same to be forfeited to Her Majesty.

Search for and seizure of unlawful nets.

PART II.

Oyster Fisheries.

26. Charts or plans of all rivers inlets estuaries creeks and other oyster-bearing waters in New South Wales according to such scale and in such manner as the Governor may direct shall be prepared as soon as may be conveniently practicable after the passing of this Act And the position and boundaries of all natural oyster-beds and of all areas leased or lawfully occupied under this Act shall from time to time be charted thereon.

Plans of oyster-bearing waters to be prepared &c.

27. All leases granted or promised to be granted under the "Oyster-beds Act of 1868" hereby repealed shall be deemed valid to all intents and purposes although such leases comprise natural oyster-beds or portions thereof Provided always that it shall be lawful for the Governor to make regulations for the management of such natural oyster-beds during such leases and by such regulations to provide for the avoidance of such leases if such regulations or any of them be not complied with.

Validation of certain leases under the "Oyster-beds Act of 1868."

28. Crown Lands lying below the mean line of high-water mark in any bay river estuary inlet lake or creek or in any tidal waters may be leased by the Governor for the purpose of enabling the lessees to form or plant oyster-beds or layings All such leases shall be subject to the conditions and provisions following:—

Leases of Crown Lands for oyster-beds or layings.

- (1.) No natural oyster-bed or portion of any such bed shall be included in any such lease
- (2.) The term for which any such lease may be granted shall not exceed thirty or be less than fourteen years
- (3.) The annual rent to be reserved on any such lease shall be five shillings per acre for the first four years and twenty shillings per acre for the remainder of the term
- (4.) No lease shall include an area exceeding twenty-five acres.
- (5.) Every such lease shall contain and be issued subject to such conditions and provisions as may be prescribed by the Regulations or approved by the Governor

(6.)

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- (6.) Every such lease may be renewed on its expiration for a further term not exceeding thirty years at such rent and subject to such conditions and provisions as may be prescribed by the Regulations or approved by the Governor but only in case the Governor shall be satisfied at the end of the original term that the area leased is fairly stocked with oysters and has been during the term of the lease properly worked in accordance with the conditions of the lease
- (7.) Occupation under any such lease shall not give any right or title to the lessee to form or plant oyster-beds or layings on the shore nor to occupy or use any portion thereof not included in his lease except for such purposes and during such times as may be prescribed by the Regulations And no portion of the shore fronting land alienated in fee by the Crown shall be included in any lease granted under this section
- (8.) Every such lease shall be in writing or partly printed and partly written and shall by reference to a plan or tracing endorsed thereon or annexed thereto define as nearly as practicable the position and boundaries of the land intended to be leased
- (9.) Every such lease shall vest in the lessee his executors administrators and assigns the exclusive right during the currency of the lease of laying and planting oysters and of dredging and taking oysters in and from the oyster-bed or laying authorized to be formed by the terms of such lease but subject always to the right of any inspector or authorized officer to enter upon any land included in such lease and to test the condition of the layings by dredging or otherwise or for any other authorized purpose
- (10.) No lease granted under this section shall be deemed to be wholly invalid on the ground that the land demised includes some portion of a natural oyster bed but the lease in that case shall be held to be good for the residue of the land demised excluding the said portion
- (11.) The Governor may if so recommended by the Commissioners accept a surrender of any lease granted under this section in any case where after a lapse of six years from the date of such lease it shall appear to the satisfaction of the Commissioners that oyster culture cannot be carried on upon the portion demised with any reasonable hope of success or where from any other reason the Commissioners shall report in favour of such surrender

Every lease granted under the provisions of this section shall be subject to the provisions of the ninth section of the "Crown Lands Alienation Act of 1861."

Notice before
granting lease.

29. Before any such lease shall be granted the Commissioners shall cause a notice of the application therefor to be inserted in the *Gazette* and in some newspaper circulating in the Police District within which the land applied for is situated And any person may by memorial addressed to the Commissioners within thirty days after the date of the last of such notices pray that the lease applied for be not granted on the ground that it includes a natural oyster-bed or portion thereof Any memorial so presented shall be duly inquired into and if the Commissioners think fit an Inspector shall be sent to visit and report specially as to the site of the proposed lease and the truth of the allegations contained in such memorial And no lease shall be granted of any land if the Commissioners shall be of opinion that it is the site of or forms part of a natural oyster-bed or is within the limits of any oyster-bed or laying the property of any private person.

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30. It shall not be lawful for any person other than the lessee his agents servants and workmen within the limits of any oyster-bed or laying knowingly to do any of the following acts viz. :—

Penalty for injury to oyster-beds or layings.

- (1.) To take or interfere in any way with any oysters on such bed or laying without the consent of the lessee or lawful owner or occupier thereof
- (2.) To deposit any stone ballast rubbish or substance on such bed or laying
- (3.) To dredge or drag with any implement upon or over such bed or laying unless by direction of the Commissioner or the proper officer of the Department of Harbours and Rivers or the Marine Board and on payment of compensation for damage done (if any)
- (4.) To use any implement of fishing except a line and hook on such bed or laying
- (5.) To place any implement or thing prejudicial or likely to be prejudicial to such bed or laying or to any oysters thereon except for a lawful purpose of navigation or anchorage
- (6.) To disturb or injure in any manner except as last aforesaid any such bed or laying or any oysters thereon

And if any person does any act in contravention of this section he shall be liable for the first offence to a penalty not exceeding five pounds and for the second offence to a penalty not exceeding ten nor less than five pounds and for a third or subsequent offence to a penalty of twenty pounds. And every such person shall also be liable to make due compensation to the lessee for all damage sustained by such lessee by reason of such person's unlawful act and in default of payment the same may be recovered by the lessee in any Court not incompetent by statute in respect to the amount or nature of the claim for compensation whether such first-mentioned person has been convicted of an offence under this section or not. Any of the acts mentioned in subsections (2) (4) (5) and (6) of this section committed on or in respect of oysters being on a natural oyster-bed by any person not lawfully authorized in that behalf shall be an offence under this section and be punishable by the like penalty as herein provided in respect of oyster-beds and layings under lease or lawful occupation.

31. If it shall appear to the satisfaction of the Commissioners that any lessee has not within the period of two years from the date of his lease taken measures proper in the opinion of the Commissioners to form the oyster-bed or laying mentioned in such lease then it shall be lawful for them to recommend the revocation of the lease by the Governor. And the Governor shall have power to revoke the same accordingly by notification in the *Gazette*. And upon the publication of such notification all the rights and privileges granted by such lease and the term thereby demised shall absolutely cease and determine. Provided always that before making such recommendation the Commissioners shall cause a notice in writing stating their intention to make such recommendation to be served on the lessee or person for the time being entitled to the lease or in case such person cannot be found they shall cause such notice to be inserted as an advertisement at least three times in a newspaper circulating in the Police District nearest to the area leased and also to be published once in the *Gazette*. And no such recommendation shall be made until after the expiration of one calendar month from the service of such notice or from the date of the last advertisement (whichever shall happen last). Leases of the land comprised within any such revoked leases may be disposed of by public auction or otherwise if the Governor shall think fit and all such new leases shall be subject to the provisions of section twenty-eight of this Act.

Commissioners may recommend revocation of lease in certain cases.

Fisheries.

Lease of shore of tidal waters.

32. It shall be lawful for the Governor to lease to the owner lessee or occupant of any land abutting on or bounded by any tidal waters any Crown Land lying between mean high-water-mark and a line approximately parallel thereto defining a depth of water not exceeding three feet at low water of spring tides. Provided that no land exempt from lease under the next following section and no land included in a public oyster reserve made under this Act or being part of a natural oyster-bed shall be so leased. Such lease shall be for oyster cultivation and be subject to the following conditions—

- (1.) The rent shall be at the annual rate of one pound for every hundred or part of a hundred yards in length comprised in the lease and shall be paid to the Colonial Treasurer or officer authorized by him.
- (2.) Such leases shall bear date on the first of January in each year and expire on the thirty-first of December in the same year but the Governor may renew any such lease annually on payment of the rent herein prescribed in advance.
- (3.) The lease shall be forfeited if the rent payable in advance for every renewal shall be unpaid for three months after the first of January in any year and may be sold at auction.
- (4.) To such conditions and provisions of the twenty-eighth section of this Act as the Commissioners may apply thereto by regulation.

Portions of shore &c. may be exempt from leasing or be declared public oyster reserve.

33. It shall be lawful for the Governor by notification in the *Gazette* to declare that any portion of the shore abutting on any tidal waters or that any portion of the bed of any estuary bay lake inlet river or creek influenced by the tides with or without any portion of the shore abutting thereon and being the property of the Crown shall be exempt from the power of leasing conferred by this Act and if he think fit either by the same or by any subsequent notification to declare that any such portion shall be a public oyster reserve. Any such reserve may on the recommendation of the Commissioners be revoked by the Governor by a like notification.

Rights &c. conferred by such leases.

34. The lessee of any portion of the shore of any tidal waters under the thirty-second section shall have the exclusive right during the currency of his lease of taking otherwise than for the purpose of burning for lime all oysters found within the portion so leased and of making any layings or otherwise cultivating and protecting any such oysters within such limits. And any person taking dredging for or disturbing any oysters or attempting to do so upon or from any such leased portion shall be liable to the like penalties and forfeitures as are provided by section thirty hereof in all cases where the limits of such leased area shall be marked out in accordance with the regulations but not otherwise.

Marking of natural beds and areas under lease.

35. The position of all natural oyster-beds and areas under lease shall be marked either by substantial piles or stakes fixed in the ground or by buoys securely moored and such piles stakes or buoys shall for natural oyster-beds be painted red and the words "Oyster-bed No.——" shall be painted in white letters at least three inches in length on such piles stakes or buoys and in the case of leased areas shall be painted white and the words "Oyster lease No. ——" shall be painted in black letters of the like length on such piles stakes or buoys. In rivers creeks and inlets and wherever else practicable such marks shall be placed so that an imaginary line connecting the marks across the river creek or inlet shall be at right angles to the direction of the tide. The position and number of every such bed and area under lease shall correspond as nearly as practicable with the position and registered number of the same as charted on the plans hereinbefore referred to and the marking thereof shall in all respects not herein provided for be subject to the Regulations.

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36. Oysters may be dredged or taken from natural oyster-beds and from layings abandoned or withdrawn from lease by holders of dredging licenses only. Such licenses shall not be transferable and may be issued—

Dredging licenses.

(1.) Either for a term of one year (but renewable from year to year) bearing date as from the first day of January and expiring on the thirty-first day of December in each year or

(2.) For a term of three calendar months from date of issue

The fee for an annual license shall be ten pounds and for a quarterly license three pounds to be paid in each case by the applicant to the Colonial Treasurer or officer by him authorized to collect license fees under this Act.

37. Dredging licenses issued under the last preceding section shall be in the form prescribed by the regulations and shall authorize the holder and his servants being the crew of any one oyster dredger to dredge for and take oysters in such waters and on such beds or places not under lease and at such times as an Inspector may appoint and subject to all regulations made under this Act.

Form and effect of such licenses.

38. Every holder of a dredging license shall for every bag containing or reputed to contain not more than three bushels of oysters dredged by him pay to Her Majesty a royalty not less than one shilling and sixpence and not more than four shillings. And such royalty shall be in accordance with the scale and shall be collected and paid to the persons and in the manner prescribed by the regulations.

Royalty on dredged oysters.

39. If any person other than an inspector or person lawfully authorized in that behalf not being the holder of a valid and unexpired dredging license under this Act shall dredge for or otherwise take from any natural bed or laying as aforesaid any oysters or shall be found dredging for oysters within the limits of such bed or laying such person shall be liable to a penalty not exceeding twenty pounds and not less than five pounds and all oysters found in his possession shall be deemed to be oysters unlawfully taken by such person and shall on his conviction be forfeited to the use of Her Majesty.

Penalty on unlawful dredging for oysters.

40. Any person found dredging for or otherwise attempting to take oysters within the limits of any natural bed or laying as aforesaid who on demand by an inspector assistant inspector officer of police or constable refuses or fails to produce his dredging license for inspection shall be deemed to be unlawfully fishing for oysters and for that offence shall be liable to a penalty not exceeding ten pounds and not less than two pounds.

Inspection of licenses.

41. The inspector of each district shall keep a register in which shall be entered the name and registered number of every holder of a dredging license who shall dredge for oysters within such district. And every such holder shall register his name and number with such inspector and the same shall be painted in white letters not less than three inches long on a black ground on the quarter of every boat or vessel herein termed oyster-dredger employed by such holder in dredging for oysters. And the words "Oyster Dredger" shall be painted in black letters not less than twelve inches long on the main or principal sail of every such boat or vessel. Every person who shall at any time dredge for or take or attempt to take oysters on any such bed or laying as aforesaid in any boat or vessel not marked in accordance with the requirements of this section shall for every such offence be liable to a penalty not exceeding ten pounds.

Oyster-dredgers to be marked.

42. Every person dealing in or selling oysters whether wholesale or by retail shall take out an annual license for which a fee of five pounds shall be paid. Such license shall entitle the holder to sell and dispose of oysters in any part of New South Wales during the

Licensing of oyster dealers.

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the year commencing on the first day of January and ending on the thirty-first day of December and shall be renewed annually by a like payment within fourteen days after the first-mentioned day. Provided that on applications for licenses made after the thirtieth day of June in any year one moiety only of such license fee shall be payable. Such licenses may be granted by the Commissioners or by any Police Magistrate and the fee shall be paid to the Colonial Treasurer or some officer authorized by him. And every person who shall deal in or sell oysters without holding a license under this section shall be liable to a penalty not exceeding twenty pounds and not less than five pounds.

Property in oysters
&c.

43. All oysters within the limits of any land comprised in any lease granted under this Act or being within the limits of a private fishery under this Act shall be the absolute property of the lessee or owner of such private fishery respectively and shall for all purposes whatsoever be deemed to be in the actual possession of such lessee or owner. And all oysters removed without lawful authority by any person from any land so leased or from any such fishery or laying shall be deemed to be the property of such lessee or owner and he shall be deemed to have the right to the possession thereof for all purposes whatsoever. Oysters on a natural oyster-bed or public oyster reserve shall be deemed to be and continue (until lawfully removed therefrom) the property of Her Majesty.

Penalty on burning
live oysters for lime.

44. Every person who shall gather or burn live oysters for the purpose of converting the shells into lime whether he be the holder of a lease or license under this Act or not shall for every such offence be liable to a penalty not exceeding fifty pounds.

Oysters not to be
dredged between
sunset and sunrise.

45. No person shall dredge for or take oysters at any time between sunset and sunrise except an owner upon his private oyster fishery under a penalty for every offence not exceeding twenty pounds. And if such person be a lessee or licensee under this Act his lease or license may on the recommendation of the convicting Justices or the Commissioners be cancelled by the Governor.

Provisions for sea-
carriage of oysters.

46. All oysters shipped on board any vessel shall be placed in bags branded in accordance with the regulations. And the master of every vessel on board which oysters are shipped shall enter the same in the manifest stating the quantity and the name of the consignor and consignee. And any oysters carried in any vessel in contravention of this section may be seized by an Inspector officer of Customs or of police and forfeited to Her Majesty. And every such master who shall fail to comply with any of the requirements of this section shall be liable to a penalty of not less than two pounds and not more than ten pounds.

When natural oyster
beds may be closed.

47. It shall be lawful for the Governor whenever the Commissioners report that the whole or any portion of a natural oyster-bed or that any group of oyster-beds has by over-dredging or from any other cause been reduced to such a state that the further dredging of oysters from such bed or beds ought to be suspended to prohibit by proclamation in the *Gazette* for any term not exceeding three years the dredging or taking of oysters from such bed or beds or portion thereof as may be described in such proclamation by any persons whosoever other than an inspector or person authorized by him or by the Commissioners. And if any person shall without lawful authority the proof of which shall lie on him at any time during the period mentioned in such proclamation take or dredge oysters from any natural oyster-bed or portion thereof described in such proclamation such person shall be liable to a penalty not exceeding twenty pounds nor less than five pounds. And all oysters and the bags containing them together with all dredging appliances found in the possession of any person so offending may be seized and upon conviction of the offender shall be forfeited

to

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to Her Majesty All proclamations closing any estuary river inlet or lake specified in the Third Schedule hereto and made and published under the Act thirty-first Victoria number twenty-eight (hereby repealed) shall be deemed to be proclamations under this Act but expiring on the respective dates specified in the second column of the said Schedule unless the same shall be sooner rescinded by a like proclamation published as aforesaid by the Governor on the recommendation of the Commissioners.

PART III.

Private Fisheries.

48. Any person entitled to an estate of freehold in possession in any land and any lessee of land with the consent in writing of the reversioner (which consent such reversioner is hereby authorized to give) may apply in writing to the Minister charged with the administration of this Act for a license to establish a private fishery in or over any part of such land. Private fisheries may be established.

49. The applicant for any such license shall state in his application the nature of his estate or interest in such land and shall describe the area in and over which he proposes to establish his fishery the purpose or purposes for which such license is desired the mode (if any) in which he proposes to admit in and over such area the sea or any tidal-waters the distance between mean high-water-mark and the point at which the admission of such waters has been or is to be effected the position of such area with reference to any harbour river creek bay inlet lake arm of the sea or part of the coast in or near the shore or bank of which such area is situated And such application shall be accompanied by an explanatory plan or tracing and by any other particulars which the said Minister may require. Particulars to be stated by applicants for private fisheries.

50. Such application together with all plans and documents accompanying it shall be referred to the Commissioners and to any officers whom the said Minister may think fit to consult to report whether any rights of the Crown or the public are likely to be prejudiced or injuriously affected by any work in connexion with the proposed fishery. Report on application.

51. Upon the receipt of such report it shall be lawful for the Governor to refuse such license absolutely or to grant it in terms of such application or with such modifications thereof and subject to such conditions as he may think fit all of which shall until revoked be binding on the grantee and his successors in title in respect of the area over which such license extends. Power to grant or refuse license.

52. Any license so granted may be revoked by the Governor at any time if he shall be of opinion that the conditions therein expressed or any other terms of the grant have not been faithfully complied with. Revocation of license.

53. The grant and the revocation of any such license shall severally take effect upon notification in the *Gazette* Provided that there shall upon every such grant be paid to the Colonial Treasurer or authorized officer the sum of ten pounds. Grant &c. when to take effect. Officer.

54. The grant of a license for a private fishery shall have the effect :— Legal effect of license,

- (1.) Of vesting in the grantee and his successors in title to the area described in the license and as appurtenant to such area the exclusive right during the continuance thereof of stocking such

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such area with fish of any kind whatsoever (including oysters lobsters crabs prawns shrimps whelks cockles muscles and any other varieties of crustaceans or molluses) and of taking therefrom any such fish and their shells

- (2.) Of vesting the property (at Law or in Equity) in any such fish while the same are within the limits of such area in such grantee and his successors in title any rule of law to the contrary notwithstanding
- (3.) Of vesting in such grantee and successors the right to the influx and efflux of the tide into and over the aforesaid area by such means of admission as the license provides and in case the license provides no such means or the same are doubtful then by cutting a trench or passage through or laying one or more pipes under the shore Also a right to construct a sluice so as to permit the tide to ebb and flow into and from such area
- (4.) Of vesting in such grantee and successors a right to enter upon the shore where the works for the admission of tidal waters are situated and to repair such works stopping the traffic thereover (if necessary) for any period not exceeding seven days in any one year in order to repair or renew the same.
- (5.) Of abrogating any rule of law so far as it might be held to confer any public right-of-way or of navigation on and over such area or any public right of fishing for or taking fish by nets lines or other appliances whatsoever in or upon such area

In the case of a grant to a lessee the reversioner and in the case of a grant to a tenant for life or *pur autre vie* the remainder man shall with reference to the lessee tenant for life or *pur autre vie* respectively be included under the expression "Successor in title."

Provision for bridge
across trenches &c.

55. No trench or passage through the shore for the purpose of permitting the tide to ebb and flow to and from such area shall at any point exceed a width of twelve feet and every such trench or passage shall at the cost of the licensee or his successors in title be bridged by such a substantial bridge or means of crossing as the license shall prescribe or (if none shall be so prescribed) as the Commissioners shall determine And every such bridge or crossing shall be maintained in good order and repair by such licensee or successors and shall in every case be furnished with substantial handrails on either side and be not less than twelve feet wide between the rails.

Terms and conditions
of license when to be
modified.

56. In places where at low tides large flats are left uncovered by water or where any land subject to overflow by the tide belongs to the applicant or where the land of the applicant abuts on or is in the vicinity of some tidal creek from which it is proposed to admit the water the terms and conditions of the license (except the sum to be paid for such license) may be modified by the Governor so as to suit the special circumstances of the locality.

Marking limits of
private fishery.

57. The limits of a private fishery shall in every case be marked by substantial stakes placed at a distance not exceeding fifty yards from one another or (where such staking is not reasonably practicable) in such manner as the regulations shall prescribe But in any proceedings taken by the owner of such fishery for larceny or any offence or matter under this Act it shall not be necessary for him to prove that the requirements of this section have been duly complied with.

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PART IV.

Legal Procedure—Miscellaneous.

58. All offences penalties and forfeitures under this Act or any Procedure. regulation made thereunder may be heard determined and recovered and all proceedings therefor may be taken in a summary way by and in the name of any Inspector or by and in the name of any person authorized by the Commissioners before any two or more Justices in pursuance of the provisions of the Acts regulating summary convictions before Justices and every defendant shall be a competent witness in his own case. Provided that if any person shall be adjudged to pay any sum by way of penalty or otherwise the adjudicating Justices shall order such sum to be paid (together with costs to be fixed by the said Justices) either forthwith or within such period as the said Justices shall appoint and if such sum and costs (if any) shall not be paid at the time so appointed the same shall be levied by distress and sale of the offender's goods and chattels and for want of sufficient distress or in the discretion of such Justices without any such distress such offender may be imprisoned with or without hard labour for any term not exceeding three calendar months unless such sum be sooner paid.

59. The amount of every penalty fine or forfeiture recovered under this Act shall be paid one moiety to the informer or prosecutor and the other moiety to the Consolidated Revenue Fund. Appropriation of penalties &c.

60. Any person aggrieved by any conviction order or adjudication of Justices under this Act may appeal therefrom to the next Court of Quarter Sessions holden in the district in which the subject matter of the appeal arose unless such Sessions shall be held within fourteen days from the date of such conviction order or adjudication and in that case to the Court of Quarter Sessions then next following. And such Court shall have power to hear and determine the matter in a summary way in accordance with the Acts in force regulating appeals from summary convictions. And the decision of such Court shall be final and conclusive. Provided always that the appellant shall have given written notice seven days at least before the hearing of the appeal of his intention to appeal and stating the grounds thereof to the or one of the adjudicating Justices and to the prosecutor and provided that such appellant shall also pay into the hands of such Justice the full amount of any penalty or sum awarded against him together with costs within twenty-four hours next after such conviction order or adjudication and also enter into a bond with two sureties approved by such Justice conditioned to prosecute such appeal with effect and to abide the event thereof and to pay the full amount of all costs which may be awarded against him. Appeal.

61. Any person who shall assault resist or obstruct or encourage any other person to assault resist or obstruct any inspector assistant inspector constable officer or other person whomsoever in the execution of his duty under this Act shall incur a penalty not exceeding fifty pounds nor less than ten pounds or be liable to imprisonment not exceeding six calendar months. And the adjudicating Justices may in addition to any such penalty order a sufficient sum to be paid by the offender to cover any damage or injury sustained by the person so assaulted resisted or obstructed which sum shall be recoverable in the same manner as a penalty under this Act. Assaulting &c. inspectors and others in execution of their duty.

62. Any inspector assistant inspector of fisheries or any officer of police or constable may with or without warrant seize any net dredge or other implement of fishing which any person found offending against any of the provisions of this Act may then be using and may also with or without warrant apprehend and lodge with the gaoler or person in charge of any gaol watch-house lock-up or police station any Offenders may be apprehended and bailed.

Fisheries.

any person found offending against any of the provisions of this Act who on demand made shall refuse to give his true name and address but any Justice or subject to the conditions prescribed by the regulations any such gaoler or person in charge may liberate any person so lodged in custody on such person entering into a recognizance (with or without sureties) in the sum of twenty pounds conditioned for his appearance before two or more Justices at a day and place to be therein mentioned.

Justice may grant
a warrant to enter
suspected places.

63. Any Justice of the Peace upon an information on oath that there is probable cause to suspect any breach of the provisions of this Act or of any regulation thereunder to have been committed may by warrant under his hand and seal authorize and empower any Inspector of Customs or Police or any officer to enter any dwelling-house or premises or vessel or boat whatsoever for the purpose of searching for and seizing any unlawful net dredge implement or engine or any fish or oysters taken in contravention of this Act or any proclamation or regulation thereunder.

Police to aid and
assist inspectors.

64. All members of the police force and all persons employed in the department of the Marine Board the Customs or Harbours and Rivers if called upon to aid and assist any inspector or other officer in the execution of any power or authority vested in him by this Act are hereby authorized and required to aid and assist such inspector or officer in the lawful exercise of any such power or authority.

Larceny from con-
tiguous oyster-beds.

65. Whenever a person shall be charged with larceny of oysters from any oyster-bed or laying which may be contiguous to another or others it shall be sufficient in alleging and proving the place from which such oysters were stolen to allege and prove that such oysters were stolen from one or other of such contiguous beds or layings and that the same belonged to and were in the lawful possession of one or other of the lessees or owners thereof.

What instruments
&c. to be evidence.

66. The production of any of the undermentioned documents writings or publications shall be conclusive evidence in all Courts as to the several matters contained therein and in the case of a lease or license that the same was duly issued viz.—

- (1.) A lease signed by the Governor or a copy thereof bearing the common seal of the Commissioners.
- (2.) Any license or a copy thereof bearing the like seal.
- (3.) A copy of the *Gazette* containing any regulation or proclamation purporting to be made under this Act.

Search for and
seizure of fish or
oysters.

67. All fish or oysters of which the taking possession exposure for sale consignment or purchase for sale is prohibited by this Act may be searched for seized condemned and dealt with according to law by any inspector or assistant inspector or by any person holding the written authority of any Justice or any search warrant under the hand and seal of any Justice or authorized by any regulation under this Act.

Operation of Act.

68. The provisions contained in sections one two four five six eight nine and twenty-six shall come into force immediately on the passing of this Act and all the remaining sections shall come into force on the sixtieth day after such passing.

Report by
Commissioners.

69. The Commissioners shall on or before the thirty-first day of December in every year report to the Minister charged with the administration of this Act as to the state of the fisheries in the several divisions thereof and such report shall be laid before both Houses of Parliament The Commissioners shall also furnish to the said Minister such reports accounts plans vouchers and documents relating to any act or matter done by them or within their control or cognizance as he may by writing under his hand addressed to the said Commissioners require The Commissioners shall in all matters be subject to the like control by the Governor as any Department of the Public Service.

SCHEDULES.

Fisheries.

SCHEDULES.

FIRST SCHEDULE.

Marine Fishes.

Bream—	Perch.
	Flounder.
	Sole.
Flathead.	Mullet—
Whiting.	Sea [including the variety
Tarwhine.	commonly known as hard
Blackfish.	gut mullet]
Garfish.	Flat-tail.
Long Tom.	Sand.
Pike.	Travally.

Fresh-water Fishes.

Murray Cod.	Silver Perch or Bream.
Golden Perch or Yellow Belly.	Ordinary Fresh-water Perch.

SECOND SCHEDULE.

Lawful Weights for Fish.

Description of Fish.					Weight in ounces avoirdupois.
Marine	{	Schnapper or Red Bream	...	...	16 ounces.
		Bream (Black)	...	...	8 "
		" (Silver)	...	...	4 "
		Blackfish	...	...	8 "
		Rock-cod (Black or Red)	...	...	8 "
		Gurnet	...	...	4 "
		Flathead	...	...	8 "
		Mullet—			
		Sea [including the variety commonly known as hard gut mullet]			12 "
		Flat-tail	...	...	4 "
		Sand	...	...	4 "
		Whiting	...	...	4 "
		Flounder	...	...	4 "
		Sole	...	...	4 "
		Pike	...	...	8 "
		Travally	8 "
		Garfish	3 "
		Lobster (or Crayfish)	16 "
Fresh-water	{	Cod (or Murray Cod)	16 "
		Perch	4 "

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THIRD SCHEDULE.

Name of River or Place.							Date of expiry of Proclamation closing Oyster-beds.
Bellinger River...	...	...	...	...	...	...	29 July 1881.
Bermagui River	...	...	...	...	...	...	26 August 1881.
Brow Lake	...	...	...	...	...	...	16 August 1881.
Candlegut Creek	...	...	...	...	...	...	7 April 1881.
Congo Creek	...	...	...	...	...	...	7 April 1881.
Cutagee Creek	...	...	...	...	...	...	31 May 1881.
Dunn's Creek (Hunter River)	...	...	...	...	...	...	28 April 1881.
Hunter River	...	...	...	...	...	...	25 November 1881.
Jervis Bay	...	...	...	...	...	...	26 August 1881.
Lake Macquarie	...	...	...	...	...	...	31 May 1881.
Manning River	...	...	...	...	...	...	19 January 1882.
Nambucca River	...	...	...	...	...	...	26 August 1881.
Narrawillie Creek	...	...	...	...	...	...	12 January 1882.
Narrabeen Lagoon	...	...	...	...	...	...	20 May 1881.
Panbula River	...	...	...	...	...	...	26 August 1881.
Port Macquarie...	...	...	...	...	...	...	4 February 1882.
Richmond River	...	...	...	...	...	...	26 August 1881.
Salt Water Creek (near Manning River)	...	...	...	...	...	...	28 September 1881.
Smith's Creek (Hunter River)	...	...	...	...	...	...	28 April 1881.
Tilba Tilba Lake	...	...	...	...	...	...	26 August 1881.
Tomago River	...	...	...	...	...	...	26 August 1881.
Towamba Lake	...	...	...	...	...	...	26 August 1881.
Tweed River	...	...	...	...	...	...	26 August 1881.
Twofold Bay	...	...	...	...	...	...	26 August 1881.
Wogonga River	...	...	...	...	...	...	26 August 1881.
Port Jackson including Middle Harbour and Lane Cove and Parramatta Rivers and their inlets	...	...	...	...	...	...	29 July 1881.

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1881.

[1s.]