



ANNO QUINQUAGESIMO SEXTO ET QUINQUAGESIMO
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1893.

No. 574.

An Act to amend "The Fisheries Act."

[Assented to, December 23rd, 1893.]

WHEREAS it is desirable to amend "The Fisheries Act"—Be it Preamble.
therefore Enacted by the Governor of the Province of South
Australia, with the advice and consent of the Legislative Council
and House of Assembly of the said province, in this present Parlia-
ment assembled, as follows :

1. This Act may be cited as "The Fisheries Amendment Act, Short title.
1893."

2. Except in so far as the same is hereby altered, "The Fisheries Incorporation with
Act" shall be incorporated and read with this Act as one Act. "The Fisheries Act."

3. Sections 2 and 3 of "The Fisheries Act" are hereby repealed. Repeal.

4. It shall be lawful for the Governor from time to time to Close season may be
declare, by Proclamation to be published in the *Government Gazette*, proclaimed.
that the whole or any portion of any river, inlet, creek, lake, lagoon,
estuary, or arm of the sea shall be closed against the use of all
fishing nets, fish traps, fixed engines, or other devices of whatever
description for catching fish (except the rod and line, or hand-line),
for such term as shall be specified in such Proclamation, and any
such Proclamation may be extended or may be rescinded in like
manner.

5. If any person, after the expiration of twenty-one days from Penalty on fishing in
the publication of any such Proclamation as aforesaid, and during closed waters.
the

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the currency thereof or any extension thereof, shall shoot, cast, haul, stake, fix, or place any net, trap, fixed engine, or other device of whatever description (except the rod and line and hand-line) for the purpose of taking or capturing fish within the limits of the 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 of not less than Two Pounds and not exceeding Twenty Pounds; and all fish taken in violation of the provisions of this section, together with any net, trap, device, or fixed engine used for the purpose of taking the same, shall be forfeited to Her Majesty, and shall be disposed of as the Commissioner may direct.

Forfeiture of net.

6. The Justices before whom any person is convicted of an offence under this Act may order any such net, trap, device, or fixed engine to be forfeited, and the same shall be disposed of as the Commissioner may direct.

Search for nets or traps.

7. The Commissioner or any Justice of the Peace may authorise, in writing, any police constable to search for any net, trap, device, or fixed engine which has been forfeited as aforesaid, and the constable so authorised may, at any time between sunrise and sunset, enter into and search any house, store, shop, tent, or other premises, and go on board of any boat and search for, and seize, and take away any such net, trap, device, or fixed engine.

Fishing reserves for aborigines.

8. The Governor may declare by Proclamation that the whole or any portion of any river, inlet, creek, lake, lagoon, estuary, or arm of the sea shall be a reserve within which only aboriginal natives of South Australia shall be allowed to fish.

Governor may make regulations.

9. It shall be lawful for the Governor from time to time to make, alter, and revoke regulations for the purpose of giving effect to the provisions of this Act and not inconsistent therewith, and for the purposes following, namely:—

- (1) For prescribing the mode of testing the dimensions of the meshes of nets:
- (2) For determining all rights of priority of fishermen in shooting or fixing nets:
- (3) For the imposition of a penalty not exceeding in any case the sum of Five Pounds for any breach of any regulation:
- (4) For prescribing the nature, quality, or material of any net, trap, fixed engine, or device to be used in capturing or taking fish within the limits defined in any such regulation, or for prohibiting the use of any trap, net, fixed engine, or device.

Other and special regulations may be made.

10. The Governor from time to time may make all such other regulations not inconsistent with this Act, either applicable generally

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rally or to meet particular cases, as may be necessary or desirable to carry out the objects and purposes of this Act, or as may be convenient for the administration thereof.

11. All such regulations shall be published in the *Government Gazette*, and, within fourteen days after the making thereof, shall be laid before both Houses of Parliament, if Parliament be then sitting, and, if Parliament be not then sitting, then within fourteen days after the beginning of the next session of Parliament, and shall have the force of law from the date of such publication.

Regulations to be published.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

S. J. WAY, Lieutenant-Governor.