

## FISHERIES ACT 1915.

6 GEORGE V., An Act to consolidate the Law relating to Fisheries.  
No. 2674.

[6th September, 1915.]

*Fisheries Act*  
1899 **B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

*Short title and commencement.* 1. This Act may be cited as the *Fisheries Act 1915*, and shall come into operation on the first day of October One thousand nine hundred and fifteen.

*Repeal.*  
*First Schedule.* 2. The Acts mentioned in the First Schedule to this Act to the extent to which the same are thereby expressed to be repealed are hereby repealed. Provided that such repeal shall not affect any appointment award distress nomination complaint order or proclamation made, or any permission to form and plant any artificial oyster bed, or notice given, or any information or conviction laid or found or any forfeiture incurred, or any licence or warrant granted, or any recognisance entered into, or any compensation awarded under the said Acts or any of them before the commencement of this Act.

*Interpretation.*  
*Ib. s. 2.* 3. In the construction of this Act unless inconsistent with the context or subject-matter—

"Boat." "Boat" includes any barge or vessel of any tonnage construction or description.

"Fixed engine." "Fixed engine" includes any weir net line implement device or contrivance fixed to the soil or made stationary or partly stationary in any way or manner for the purpose of taking fish.<sup>(a)</sup>

"Oyster brood." "Oyster brood" includes "spat" "culch" or any small oysters which can be passed through a metal ring having a clear inside diameter of two inches and a quarter or such other diameter as may be substituted therefor by the Governor in Council by proclamation published in the *Government Gazette*.

(a) See note to section 22.

- "Take" includes "catch" or "dredge for" or "raise." *Fisheries Act*  
1890.
- "Use" includes "attempt to use" or "assist in the use of." "Take."
- "Waters" includes all ports harbors lakes rivers creeks streams water-courses and lagoons in Victoria whether salt fresh or brackish and also all reservoirs dams tanks channels or works for water storage or distribution vested in or under the control of the Crown or any statutory authority and any part of the sea within a distance of three miles from any part of the coast of Victoria and any bay estuary or other inlet of the sea, but not any water or waters the property of any private individual. Provided that so far as regards such part of the sea nothing contained in this Act shall affect any ships boats or persons other than British ships boats or subjects. "Use."  
"Waters."  
*Fisheries Act*  
1912 s. 2.

*Application of Act.*

4. Nothing in this Act relating to the use of nets shall apply to any person using a landing net to secure fish caught with a rod and line nor to any person using a hand shrimp net, and nothing in this Act shall apply to any aboriginal native taking fish for his own use nor to any private individual taking fish in water of which he is the owner nor to any person authorized by such private individual to take fish in such water nor to any person with the written permission of the Minister catching fish for the *bonâ fide* purpose of removing them to stock other waters or for scientific purposes nor to any nets engines or boats used or fish taken by such person nor to any person who having unintentionally taken any fish contrary to the provisions of this Act immediately returns the same with as little injury as possible to the water. Act not to apply  
in certain cases.  
*Ib.* s. 41.  
*Ib.* ss. 3 & 13.

*Inspector of Fisheries.—Officers.*

5. The Governor in Council from time to time may, subject to the provisions of the *Public Service Act* 1915, appoint some person to be inspector of fisheries, and also some person or persons as assistant or assistants to such inspector and every person so appointed may remove; and every such appointment and removal shall be notified in the *Government Gazette*; and it shall be the duty of such inspector and of every such assistant to enforce compliance with the provisions of this Act. And all members of the police force are hereby required to aid and assist the said inspector or assistants in executing his or their duties under this Act. Inspector of  
fisheries &c.  
may be  
appointed.  
*Fisheries Act*  
1890 s. 32.

*Proclamations.*

6. The Governor in Council from time to time by proclamation to be published in the *Government Gazette* may substitute weights or lengths for any of the weights or lengths set opposite the names of every or any of the species of fish (including crayfish) mentioned in the Second Schedule hereto, or for the weights or lengths substituted for any of such weights or lengths by any previous proclamation, and may for any species of fish prescribe a "close season" or "close seasons" in every year, and may define the limits of and what waters shall be deemed to be and what shall be deemed the mouth or other boundary of any river creek stream bay estuary or lake; and may fix a distance Power to make  
proclamations.  
*Ib.* s. 37.  
*Fisheries Act*  
1912 s. 15.  
Second  
Schedule.

*Fisheries Act*  
1890.

from the mouth of any or every river creek or stream within which nets and fixed engines are not to be used.

Power to make  
proclamations  
for regulation  
&c. of fishing.  
*Id.* s. 38.  
5 & 6 Vict.  
c. 106 s. 91.

7. The Governor in Council may from time to time make proclamations which shall have force and effect either generally or only in any waters or places specified or referred to therein for all or any of the undermentioned purposes (that is to say):—

*Fisheries Act*  
1912 *ss.* 16 & 23.

*Id.* s. 16.

*Id.* s. 23.

Second  
Schedule.

- (a) To provide for the more effectual government management protection and improvement of fish and any waters in which fishing may be carried on.
- (b) For the imposing and prescribing of conditions and restrictions for the regulation of fishing.
- (c) For the registering of all boats engaged or employed in fishing and for prescribing the manner in which such boats shall be legibly marked so as to indicate the fact that they are registered and the fees to be charged for the registration of boats.
- (d) For the preservation of good order amongst all persons engaged in fishing.
- (e) To determine the times and seasons at which the taking of any species of fish shall commence and cease.
- (f) To fix the times and places or the manner at and in which any trammel trawl or other net or engine whether fixed or unfixed to be employed in fishing shall be used.
- (g) To provide for and regulate the description length depth and form of nets to be used in fishing or to be carried in boats engaged or employed in fishing and the size of the meshes thereof or the prohibition of any specified description or form of nets or meshes or of any machine or device whatsoever tending to impede the lawful taking of fish or to be in any manner detrimental to the preservation or increase of fish.
- (h) For prescribing the method to be adopted in measuring the dimensions of nets and the meshes of nets.
- (i) To alter the names of the species of fish mentioned in the Second Schedule or to add thereto the names of any other species of fish and to set opposite thereto any weight or size or length which may be deemed expedient, and all alterations or additions so made shall for the purposes of this Act be deemed to be and to form part of the said Second Schedule, and
- (j) To provide that if any person having in his possession any fish as well as any net or fixed engine or any part thereof is found within half-a-mile of any waters in or upon or within which nets and fixed engines are not to be used such person shall be deemed to have used such net or fixed engine for the purpose of catching such fish in such waters unless he proves the contrary to be the fact and to provide that if any person having in his possession any net or fixed engine or any part thereof is found within a quarter of a mile of any such waters such person shall be deemed to have used such net or fixed engine

- for the purpose of catching fish in such waters unless he Fisheries Act 1890.  
 proves the contrary to be the fact.
- (k) For prescribing the forms of applications for licences and Fisheries Act 1912 s. 28.  
 renewals of licences under this Act ;
- (l) For prescribing the persons by whom such licences shall be  
 issued and renewed the persons to whom such licences  
 shall be issued the forms of such licences the fee to be  
 charged for any such licence or renewal thereof and the  
 conditions subject to which such licences may be issued  
 renewed or cancelled ;
- (m) For prohibiting the use of any trammel trawl or other net  
 or engine whether fixed or unfixed to be employed in  
 fishing for the whole of the year or for such portion or  
 portions of the year as may be specified in such pro-  
 clamations ;
- (n) For prohibiting fishing or the taking of any fish for the  
 whole of the year or for such portion or portions of  
 the year as may be specified in such proclamations ;
- (o) For prohibiting fishing or the taking of fish by any method  
 or in any manner except as may be prescribed by such  
 proclamations ;
- (p) For providing that boats having attached thereto or on  
 board or in tow trammels trawls or other nets or engines  
 whether fixed or unfixed to be employed in fishing shall  
 not be moved from any mooring anchorage wharf or  
 jetty within any waters which may be specified or  
 referred to in any such proclamations and that trammels  
 trawls or other nets or engines whether fixed or unfixed  
 to be employed in fishing shall not be left or allowed to  
 remain in or upon or within half-a-mile of any such  
 waters during any portion or portions of the year which  
 may be specified in such proclamations ;
- (q) For prescribing the methods of and regulations for consign-  
 ing selling marketing storing and distributing fish and  
 the treatment of fish for consigning selling marketing  
 storing or distributing ;
- (r) For prohibiting the selling or exposing for sale of any fish  
 of any species for such period as may be fixed by any  
 such proclamations ; and
- (s) Generally for carrying out the provisions of this Act.

8. Any proclamation which may under either of the last two pre- Extension to oysters. Ib. s. 15.  
 ceding sections be made with regard to fish or matters pertaining to fish  
 may when practicable be in like manner made with regard to oysters or  
 matters pertaining to oysters and the said sections shall be read and  
 construed accordingly.

9. Every proclamation under this Act shall be published in the Proclamations. How published. Fisheries Act 1890 s. 39.  
*Government Gazette* and may be explained varied revoked annulled or  
 superseded by any other proclamation under this Act. One month's  
 notice of the intention to make every such proclamation shall be pub-  
 lished in the *Government Gazette* and shall be laid before both Houses  
 of Parliament if then in session or if not in session then within fourteen  
 days of its assembling.

*Fisheries Act*  
1890 s. 40.  
Penalty for non-  
observance of  
proclamations.  
*Fisheries Act*  
1912 s. 17.

10. Any person who fails or neglects to observe all or any of the provisions of any proclamation made in accordance with this Act or does or commits anything in contravention of any of such provisions shall for every such offence be liable to a penalty of not less than Two nor more than Fifty pounds.

*Fishing Licences.*

Minister may  
authorize issue  
of licences.  
*Ib.* s. 19.

11. (1) Subject to the provisions of this Act—

(a) the Minister may authorize the issue and renewal of licences to be called fishing licences; and

(b) any such licence may be issued or renewed to any person on payment of the fee prescribed by proclamation under this Act.

Duration of  
licence.

(2) Every such licence under this Act shall remain in force until the thirty-first day of December in the year in which such licence is issued and no longer unless such licence is issued in the month of December in which case it shall remain in force until the thirty-first day of December in the year then next ensuing and no longer.

Persons netting  
or taking fish for  
sale to be  
licensed.  
*Ib.* s. 20.

12. Save as otherwise provided by this Act no person shall by any method take or attempt to take for sale any fish in or upon any waters or use any net for the purpose of taking or attempting to take any fish in any waters unless such person is the holder of a fishing licence under this Act.

Penalty for  
fishing without  
a licence.  
*Ib.* s. 21.

13. (1) Any person not being the holder of a fishing licence who in contravention of this Act—

(a) takes or attempts to take any fish for the purpose of sale; or

(b) uses any net for the purpose of taking or attempting to take any fish,

shall be liable to a penalty of not less than Two nor more than Fifty pounds.

Licence to be  
produced to  
inspector &c.

(2) Any person who takes or attempts to take any fish or oysters in any manner for which a licence is necessary shall if so required by the inspector of fisheries or any assistant to the said inspector or by any member of the police force produce his licence; and if he fails to do so when so required or when afforded reasonable opportunity for so doing he shall be liable to a penalty of not more than Five pounds.

Burden of proof.

(3) Where any person is charged with taking or attempting to take fish for sale contrary to the provisions of this Act the burden of proof that such fish were not intended for sale shall be upon the person so charged.

*Special Provisions relating to Oysters.*

Board of Land  
and Works may  
grant permission  
to plant oyster  
beds.  
*Fisheries Act*  
1890 s. 22.  
Third Schedule.

14. Any person with the permission to the effect in the Third Schedule hereto in writing setting forth the boundaries and limits of the area to which such permission refers and sealed with the seal of the Board of Land and Works may form or plant any artificial oyster bed on or near the shore adjacent to any Crown lands bordering on or near the sea or any estuary; and the occupier of any lands bordering on the sea or any estuary or any person with the consent of such occupier and with the like permission may form or plant any artificial oyster bed on or near the shore adjacent to such last-mentioned lands.

15. (1) The person forming or planting any such artificial oyster bed his executors administrators and assigns (paying to the consolidated revenue such sum yearly as the said Board by such permission requires) shall hold and be exclusively entitled to take oysters from such beds for such period not exceeding twenty-one years as the said Board thinks fit as tenant thereof; but the forming and planting of such beds shall not give any exclusive right or title to the occupation of the whole or any part of the area defined in such permission except as aforesaid, or prevent the full and free exercise and enjoyment of any right whatsoever within the said area subject to the provisions of this Act.

*Fisheries Act 1890 s. 23.*  
Such beds may be held for twenty-one years.

(2) Any person who damages or takes oysters from any artificial oyster bed without the consent of the occupier of such bed shall for every such offence be liable to a penalty of not less than Two nor more than Fifty pounds, and such penalty shall be in addition to any damages which are recoverable by such occupier in due course of law.

Penalty on damaging or taking oysters from an artificial oyster bed.  
*Ib. s. 25.*

16. The Minister (upon payment of Two shillings and sixpence or such other sum as the Governor in Council may by proclamation in the *Government Gazette* prescribe for any locality specified in such proclamation) may grant to any person a licence to the effect in the Fourth Schedule hereto to take oysters within such limits and boundaries as are mentioned in such licence; and every such licence shall continue in force during the time mentioned therein and no longer, but no such licence shall confer a right of entry upon the lands, or of taking oysters from any artificial oyster bed of any person without or against his consent. Provided always that it shall be in the discretion of the said Minister to grant or to refuse such licence or to cancel any licence.

Licence to take oysters.  
*Ib. s. 24.*  
*Fisheries Act 1912 ss. 3 & 27.*  
Fourth Schedule  
*Ib. s. 9.*

17. (1) Any person who takes or attempts to take or assists in taking oysters from any place in Victorian waters unless such person is the holder of a licence to the effect in the Fourth Schedule hereto authorizing him to take oysters from such place, shall for every offence be liable to a penalty of not more than Fifty pounds.

Person not to take oysters without a licence.  
*Fisheries Act 1890 s. 26.*  
Fourth Schedule.

(2) Any person who except as mentioned in the next succeeding section during the months of January October November or December in any year or during any period substituted for the said months by a proclamation of the Governor in Council published in the *Government Gazette* takes or attempts to take or assists in taking by any means whatever or sells or offers or exposes for sale or knowingly has in his possession any oysters or oyster brood taken in any Victorian waters, shall for every offence be liable to a penalty of not more than Fifty pounds; and when any one is charged with selling offering or exposing for sale or having in his possession unlawfully oysters or oyster brood the burden of proving that such were not taken in Victorian waters shall be on the party accused.

*Fisheries Act 1912 s. 17.*  
Close season for oysters.  
*Ib. s. 27.*  
*Ib. ss 10, 17.*

18. The occupier of any artificial oyster bed and any person authorized for that purpose by him may at any time with the written consent of the Minister take oysters and oyster brood from natural oyster beds for the purpose of supplying and replenishing such artificial oyster bed, if notice in writing of the intention so to take oysters and oyster brood stating the beds from and to which respectively the same

Oyster beds may be replenished in close season.  
*Fisheries Act 1890 s. 28.*

*Fisheries Act*  
1890.

are intended to be removed has been given to the said Board of Land and Works and published fourteen days before taking such oysters in some newspaper circulating in the neighbourhood of such beds respectively.

Small oysters  
inadvertently  
taken to be  
returned.  
*Ib. s. 20.*  
*Fisheries Act*  
1912 s. 17.

19. Any person other than a person taking oysters or oyster brood for the purpose only of supplying or replenishing any such artificial oyster bed as is hereinbefore mentioned who whilst lawfully taking any oysters on or from any natural oyster bed happens to raise or take any oyster brood, and does not within six hours thereafter return such brood to the place whence taken or to some other place approved by the inspector of fisheries shall for every such offence be liable to a penalty of not more than Fifty pounds.

Power to close  
any natural  
oyster bed.  
*Ib. s. 31.*  
*Ib. s. 17.*

20. It shall be lawful for the Governor in Council from time to time by proclamation in the *Government Gazette* to close any natural oyster bed, and during the duration of such proclamation it shall not be lawful for any person to take any oysters or oyster brood from such bed, and every person in any way offending against this section shall be liable for every offence to a penalty of not less than Two nor more than Fifty pounds.

#### *Miscellaneous Offences.*

Assaulting or  
resisting  
constables &c.  
*Ib. s. 13.*  
*Ib. s. 17.*

21. Any person who obstructs or resists or assaults or incites or encourages any person to obstruct resist or assault any member of the police force or the inspector of fisheries or any assistant to such inspector or any other person in the execution of his duty under this Act shall be liable to a penalty of not more than Fifty pounds or to imprisonment with or without hard labour for a term of not more than three months, and the court before which any such case is heard may order and award besides any such penalty a sum sufficient to cover any damage which any such officer or person has sustained by such obstruction resistance or assault such sum to be recoverable in the same manner as the penalty.

Nets and fixed  
engines not to  
be used in cer-  
tain waters.  
*Fisheries Act*  
1912 s. 5.

22. (1) Save as otherwise provided by or under this Act any person who uses any net or fixed engine<sup>(a)</sup> for the purpose of taking fish—

- (a) in any river, stream, creek<sup>(b)</sup> or water-course; or
- (b) in any lake or lagoon; or
- (c) in any reservoir, dam, tank, channel or works for the storage or distribution of water vested in or under the control of the Crown or any statutory authority; or
- (d) within such distance from the mouth of any river, stream, creek or water-course as is proclaimed by the Governor in Council pursuant to this Act,

shall be liable to a penalty of not less than Two nor more than Fifty pounds.

(a) A fishing line with two baited hooks, which is attached to a stick driven into the soil of the bank of a creek, was held not to be a "fixed engine" within the meaning of the previous section.

Scope of the section considered.—*Steele v. Osboldstone*, 16 A.L.T., 152; *Myers v. Hook*, 1912 V.L.R., 191. The definition, however,

now contains the word "line."

(b) The words "river creek or stream" in section 15 of the Act 1093 were held not to include a stream running through private property and the bed of which was vested in the owner of that property.—*Steele v. Osboldstone*, 16 A.L.T., 152. See now the Water Act.

(2) The Governor in Council may by proclamation published in the *Government Gazette* permit the use of nets or specified fixed engines for the purpose of taking fish in any such waters for such time or times and under such conditions and restrictions as are set forth in such proclamation.

*Fisheries Act*  
1912.  
Exemptions by  
Governor in  
Council.

23. Any person using any net or fixed engine in any Victorian waters shall on demand by any person be bound to give his name and place of residence; and any person who refuses to comply with such demand or who gives a false name or false place of residence shall be liable to a penalty of not less than Two nor more than Fifty pounds.

Person found  
using net to give  
name and  
address.  
*Fisheries Act*  
1890 s. 17.  
*Fisheries Act*  
1912 s. 17.

24. It shall be unlawful to drag or draw on to the dry land any net containing fish, but all such nets shall be emptied in water not less than one foot deep; and any person offending against or assisting any person offending against this section shall for every such offence be liable to a penalty of not less than Two nor more than Fifty pounds.

Emptying nets.  
*Ib.* s. 16.  
*Ib.* ss. 6, 17.

25. Any person who knowingly takes or assists in taking or attempts to take in any Victorian waters any fish not indigenous to Victoria or any fish of the same species as any such non-indigenous fish introduced into such waters within three years after the introduction thereof, or within such further time as the Governor in Council by proclamation published in the *Government Gazette* appoints, or who inadvertently captures any such fish and does not forthwith return the same to the water in which they were captured shall for every offence be liable to a penalty of Fifty pounds.

Introduced fish  
not to be taken.  
*Ib.* s. 20.  
*Ib.* s. 17.

26. Any person who puts or attempts to put or assists in putting into any Victorian waters any poisonous or noxious material with intent to destroy any fish therein, or knowingly permits such poisonous or noxious material to flow or be cast into any such waters and thereby causes the destruction of any fish therein, shall be guilty of a misdemeanour punishable by a fine of not more than Fifty pounds or by imprisonment with or without hard labour for a term of not more than two years.

Poisonous  
material not to  
be put in water.  
*Fisheries Act*  
1890 s. 21.

27. Any person using any kind of explosive substance in any waters without first obtaining the permission in writing of the Minister shall be liable to a penalty of not less than Five nor more than Fifty pounds.

Explosives not  
to be used  
without  
permission of  
Minister.

28. (1) Any person who—

(a) takes attempts to take or consigns or has in his possession house or shop or under his control any fish of any of the species mentioned in the Second Schedule to this Act of a less weight<sup>(a)</sup> or length than the weight or length set out after the name of such fish in such Schedule or than

*Fisheries Act*  
1912 s. 25.  
Fish under the  
prescribed  
weight or size.  
*Ib.* s. 12.  
Second  
Schedule.

(a) T was fined for "taking" fish of less weight than prescribed by the Act. The evidence was to the effect that the market inspector found a basket of fish in the possession of a third person in which there were fish under weight. In the basket there was an invoice purporting to be

signed by T. but beyond this there was no evidence that T. did "take" the fish or that the invoice was signed by him. *Held*, that there was no evidence to support the conviction.—*Ex parte Tobias*, 6 A.L.J., 10.



*Fisheries Act*  
1912.

any weight or length which may by Proclamation be substituted for such weight or length; or

(b) sells or exposes for sale any such fish whether taken in Victoria or elsewhere,

shall be liable to a penalty of not less than Two nor more than Fifty pounds.

(2) Any such fish and any fish contained in any basket box or receptacle to whomsoever belonging containing more of such fish than one-twentieth of the whole number of fish contained therein may be seized by the inspector of fisheries or any assistant to such inspector or by any member of the police force and if so seized shall thereupon be forfeited to the Crown.

Burden of proof.  
*Ib.* s. 14.

(3) When a person is charged with an offence under this or the next succeeding section the burden of proving that the fish were of lawful weight size or length or were not taken during the close season for such species of fish shall be on the person so charged.

Fishing &c.  
during close  
season.  
*Ib.* s. 13.

29. (1) Any person who takes attempts to take sells or exposes for sale or consigns or has in his possession house or shop or under his control during any close season for any species of fish any fish of such species shall be liable to a penalty of not less than Two nor more than Fifty pounds.

(2) Any such fish may be seized by the inspector of fisheries or any assistant to such inspector or by any member of the police force and if so seized shall thereupon be forfeited to the Crown.

*Apprehension Seizure Inquiries Forfeiture Legal Proceedings &c.*

Seizure and  
apprehension.  
*Fisheries Act*  
1890 s. 4.  
*Fisheries*  
*Act* 1912 s. 4.

30. The inspector of fisheries or any assistant to such inspector or any member of the police force may at any time with or without warrant seize any net or nets or boat which any person found offending against this Act may be using and also may with or without warrant apprehend any person whose name and address are unknown to him and who is found offending against any of the provisions of this Act.

Offenders may  
be admitted  
to bail by  
inspector.  
*Fisheries*  
*Act* 1890 s. 5.

31. If the inspector or person in charge of the watch-house lock-up or police station in which such person is detained sees fit so to do he may liberate such person on his making deposit of Ten pounds or on his own recognisance in the like sum conditioned to appear before some court of petty sessions and such deposit if such person fails to appear at the place and time notified by the person taking the same shall be absolutely forfeited, and such recognisance shall be made or be in such form and recoverable in the same manner as any recognisance now or hereafter may be if taken and acknowledged before some justice.

Power to seize  
nets &c.  
*Fisheries Act*  
1912 s. 8.

32. (1) The inspector of fisheries or any assistant to such inspector or any member of the police force may at any time with or without warrant seize any net fixed engine rod line or fishing tackle wherever found which has been used contrary to this Act, and if so seized such net fixed engine rod line or fishing tackle shall thereupon be forfeited to the Crown and be disposed of in accordance with any general or special directions of the Minister.

(2) Any person who is convicted of so using any such net fixed engine rod line or other fishing tackle shall be liable to pay any expenses incurred in the seizure carriage and disposition thereof in addition to any penalty imposed upon him.

*Fisheries Act 1912*  
Payment of expenses of seizure.

33. The inspector of fisheries or any assistant to the said inspector or any member of the police force may at any time with or without warrant search any parcel basket bag box or receptacle or any vehicle whatsoever or go on board any boat or vessel or enter any factory market shop tent or other premises to search for or inspect any fish and to search for any net or fixed engine or to seize and take possession of any net fixed engine rod line or other fishing tackle used or suspected to have been used in contravention of this Act.

Power of search.  
*Id.* s. 22.

34. (1) The inspector of fisheries may by notice in writing served on any person require such person within such time as is specified in such notice to furnish to him or to some other person or officer specified by him a true weekly statement in writing of all fish or oysters taken or consigned or received whether as principal or agent or salesman by such person showing the quantity of each species of fish or oysters and the waters in which they were taken respectively.

Returns.  
*Id.* s. 24.

(2) The notice may be served by delivering it to the person on whom it is to be served or by sending it by post in a prepaid registered letter addressed to him at his last-known residence or place of business.

(3) If any person after the service of such notice upon him fails to comply with the requirements of such notice he shall be liable to a penalty of not more than Ten pounds.

35. All prosecutions and proceedings under this Act may be in the name of the Minister or of any officer appointed under this Act or nominated in writing for that purpose by the said Minister and no proof shall be required of the appointment of any such officer.

Proceedings how brought.  
*Fisheries Act 1904 s. 33.*  
*Fisheries Act 1912 ss. 3, 26.*

36. The justices by whom any person is convicted and adjudged to pay any sum of money by way of penalty or compensation for any offence under this Act shall adjudge that such person shall pay the same together with reasonable costs to be fixed by such justices either immediately or within such period as the said justices think fit, and in case such sum of money and costs are not paid at the time so appointed the same shall be levied by distress and sale of the goods and chattels of the offender together with the reasonable charges of such distress, and for want of sufficient distress or in the discretion of such justices without making any such distress such offender shall be imprisoned with or without hard labour as to the convicting justices seem meet for a term of not more than one month where the sum remaining unpaid does not exceed Five pounds, and for a term of not more than two months where such sum exceeds Five pounds and does not exceed Ten pounds, and for a term of not more than six months where such sum exceeds Ten pounds, the term to cease in each of the cases aforesaid upon payment of the sum due.

Penalty and costs to be paid within any time ordered by convicting justices, on failure of distress may issue or party be summoned.  
*Fisheries Act 1900 s. 9.*

37. Any person who feels aggrieved by any summary judgment or conviction under this Act may appeal to the court of general

Appeal.  
*Id.* s. 10.

*Fisheries Act*  
1890.

sessions of the peace, and the proceedings on such appeal shall be in accordance with the provisions of any Act in force for the time being regulating such appeals.

Penalties appropriated.  
*Ib. s. 11.*  
*Fisheries Act*  
1912 s. 4.

38. All moneys arising from fines penalties and forfeitures under this Act shall be appropriated as to one moiety to the informant, and as to the other moiety to the consolidated revenue. Provided that whenever in any of the above cases the informant is a member of the police force the moiety to which he would be entitled as such informant shall be paid to the police superannuation fund.

Punishment for second offence.  
*Ib. s. 30.*  
*Ib. s. 11.*

39. If any person is convicted of a second or subsequent offence under this Act, any licence which such person may have obtained under this Act shall be forfeited, and such person shall be incapable for a period of three years from such second or subsequent conviction (as the case may be) of having granted to him again any like licence.

Second offence for illegal netting.  
*Fisheries Act*  
1912 s. 23.

40. Notwithstanding anything contained in this Act any person who is convicted of a second or subsequent offence for unlawfully using a net for the purpose of taking or attempting to take any fish shall be liable for such second or subsequent offence to a penalty of not less than Ten nor more than Fifty pounds.

Forfeiture of boat used by person offending.  
*Ib. s. 7.*

41. When any person is convicted of any offence against the provisions of this Act or of any proclamation thereunder if such person has used a boat in committing such offence the boat may in the discretion of the justices before whom any such person is convicted be forfeited to the Crown and every boat so forfeited shall be disposed of as the Minister in writing directs.

Disposal of forfeited fish.  
*Fisheries Act*  
1890 s. 36.

42. All fish forfeited and seized under the provisions of this Act may be disposed of in accordance with any general or special direction of the Minister.

No *certiorari*.  
*Ib. s. 12.*

43. No proceeding under this Act shall be removed into the Supreme Court by *certiorari*.

Limitation of actions.  
*Ib. s. 14.*

44. Every action which is brought against any justice inspector assistant inspector member of the police force or other person for or on account of any matter or thing done or committed by him in the execution of his duty or office under this Act shall be commenced within three months after the cause of action or complaint has arisen and not afterwards.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Number of Act.	Title of Act.	Extent of Repeal.
1093 ... ..	<i>Fisheries Act</i> 1890 ... ..	So much as is not already repealed.
2391 ... ..	<i>Fisheries Act</i> 1912 ... ..	The whole.

SECOND SCHEDULE.

Sections 6, 7, & 28.

Barracouta . . . . .	4 ounces.	Perch, English . . . . .	4 ounces.
Blackfish (except Blackfish taken from the streams flowing northwards from the Great Dividing Range) . . . . .	4 "	Pike . . . . .	6 "
*Bream . . . . .	8 inches.	Red Mullet . . . . .	4 "
Bream, Silver . . . . .	5 ounces.	Rock Cod . . . . .	4 "
Butter fish . . . . .	4 "	Rough or Roughy . . . . .	2 "
Cat fish . . . . .	4 "	Salmon Trout . . . . .	2 "
†Clayfish . . . . .	11 inches.	Salmon, California . . . . .	8 "
Flathead . . . . .	4 ounces	Salmon, English . . . . .	8 "
Flounder . . . . .	6 "	Sand Mullet or Poddies . . . . .	6 "
‡Garfish . . . . .	9 inches.	*Schnapper . . . . .	10½ inches.
Grayling or Yaria Herring . . . . .	2 ounces.	Silver fish or Silver Perch . . . . .	4 ounces.
Ling . . . . .	5 "	Skipjack . . . . .	4 "
Luderick . . . . .	6 "	Snook . . . . .	4 "
Mackerel . . . . .	5 "	Sole . . . . .	5 "
*Mullet . . . . .	8½ inches	Stranger . . . . .	2 "
Murray Cod . . . . .	1½ pounds.	Travale . . . . .	6 "
Murray Perch . . . . .	8 ounces.	*Trout of all kinds, not indigenous to Victoria . . . . .	11 inches.
Perch . . . . .	5 "	Trumpeter . . . . .	6 ounces.
		*Whiting . . . . .	11 inches.
		Whiting, Sand . . . . .	2 ounces.
		Yellow Tail . . . . .	3 pounds.

\* The length is ascertained by measuring over all, that is, from the tip of the snout to the end of the tail.  
 † The length is ascertained by measuring from the rostrum or small central horn between the eyes to the end of the telson or central flap of the tail.  
 ‡ The length is ascertained by measuring from the tip of the upper jaw to the end of the upper half of the tail.

THIRD SCHEDULE.

Section 14.

Fisheries Act 1915.

These are to permit to form and plant an artificial oyster bed on the shore or sea ground adjacent to And within the area limited as follows:—i.e. commencing from a point, &c. [describe the limits]. And in consideration of the payment by the said h executors administrators or assigns of the annual rent of on the first day of January in every year in advance (the first payment being made on the first day of January next), the said h executors administrators or assigns may hold subject to the provisions of the said Act the said oyster bed for the term of commencing from the first day of January next.

The seal of the Board of Land and Works was }  
 hereunto affixed the day of }  
 19 in the presence of } (L.S.)

FOURTH SCHEDULE

Sections 16 & 17.

Fisheries Act 1915.

LICENCE TO TAKE OYSTERS.

Whereas [insert name residence and calling of licensee] has applied to me to grant him a licence to take oysters and has paid into my hands the sum of for the same: Now therefore I do license for the present year the said to take oysters at all lawful times and in the lawful methods and quantities and for all lawful purposes in the natural oyster beds situated within the following limits:—i.e. [describe the limits].

Dated at this day of 19