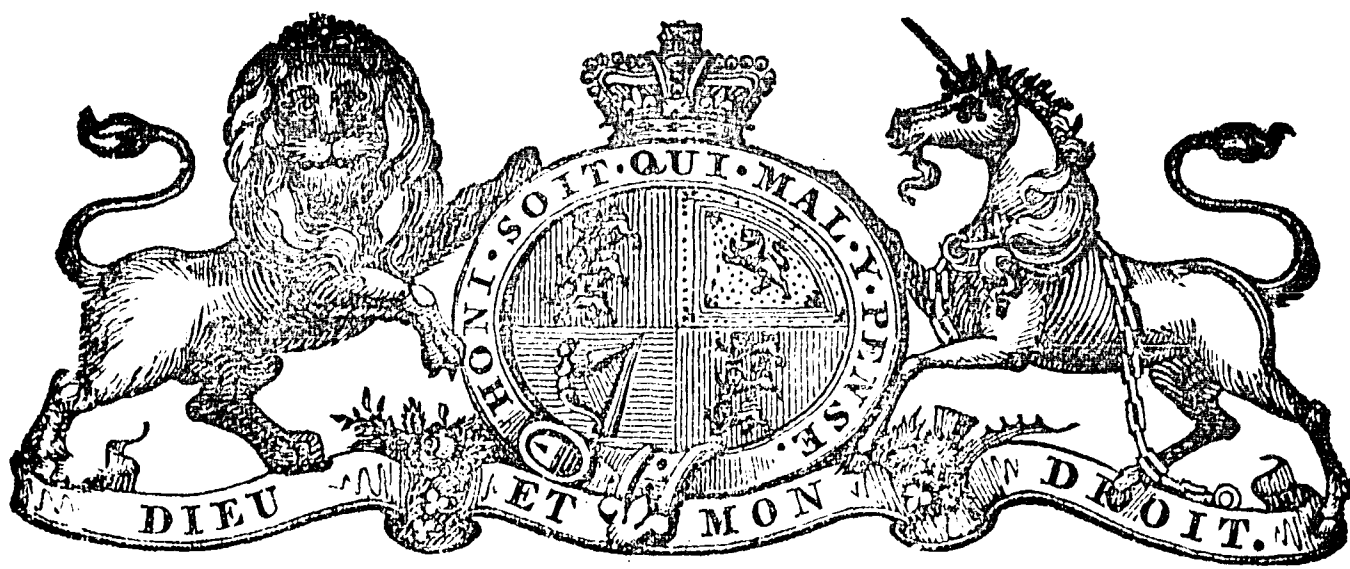


VICTORIA.



ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. DCXXII.

An Act to amend the "*Fisheries Act 1873.*"

[14th November 1878.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act shall be called and may be cited as "*The Fisheries Act Amendment Act 1878*" and shall be read with and construed as part of the "*Fisheries Act 1873*" and shall continue in force for the space of three years and thence until the end of the next session of Parliament.

Short title and
construction.
No. 473.

2. Sub-section III. of the third section of the "*Fisheries Act 1873*" shall be and the same is hereby repealed ; and unless there be something in the context repugnant to such construction the word "waters" in this or the said Act shall include all ports, harbors, lakes, rivers, creeks, and streams in Victoria, whether salt, fresh, or brackish, 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 or the "*Fisheries Act 1873*" shall affect any ships, boats, or persons other than British ships, boats, or subjects.

Repeal of sub-section
III. of section 3 of
Act No. 473.
Interpretation of
"waters."

3. The

Published as a Supplement to the '*Victoria Government Gazette*' of Friday,
15th November 1878.

Power to make
proclamations for
regulation, &c., of
fishing.

5 & 6 Vict. cap. 106
s. 91.

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

- (1.) To provide for the more effectual government management protection and improvement of fish and any waters in which fishing may be carried on.
- (2.) For the imposing and prescribing of conditions and restrictions for the regulation of fishing.
- (3.) For the registering of all boats engaged or employed in fishing.
- (4.) For the preservation of good order amongst all persons engaged in fishing.
- (5.) To determine the times and seasons at which the taking of any species of fish shall commence and cease.
- (6.) To fix the times and places or the manner at and in which any trammell trawl or other net or engine whether fixed or unfixed to be employed in fishing shall be used.
- (7.) To provide for and regulate the description and form of nets to be used 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 whatsoever tending to impede the lawful taking of fish or to be in any manner detrimental to the preservation or increase of fish.
- (8.) To add to the names of the species of fish mentioned in the Second Schedule to the "*Fisheries Act 1873*" the names of any other species of fish and to set opposite thereto any weight which may be deemed expedient, and all additions so made shall for the purposes of the "*Fisheries Act 1873*" be deemed to be and to form part of the said Second Schedule, and
- (9.) To provide that if any person having in his possession any fish as well as any net or fixed engine or any part thereof be found within half a mile of any river, creek, or stream or of the distance from the mouth of any river, creek, or stream 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 river, creek, or stream, or such prohibited place, unless he prove the contrary to be the fact.

Proclamations.

4. The thirty eighth section of the "*Fisheries Act 1873*" shall be and the same is hereby repealed, and every proclamation under this or the said Act shall be deemed to be a proclamation under the said first recited Act and shall be published in the *Government Gazette* and may be explained varied revoked annulled or superseded by any other proclamation

proclamation under this or the said first recited Act. One month's notice of the intention to make every such proclamation shall be published 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.

5. If any person shall fail or neglect to observe all or any of the provisions of any proclamation made in accordance with this Act or the "*Fisheries Act 1873*," or shall do or commit anything contrary to the true intent or plain meaning thereof, such person for every such offence committed shall forfeit and pay a penalty of not less than Two pounds nor more than Twenty pounds.

Penalty for non-observance of proclamations.

6. All nets which shall be used contrary to the provisions of this Act or of any proclamation hereunder shall be deemed to be nets which have been used contrary to the provisions of the "*Fisheries Act 1873*."

Forfeiture of nets.

No. 473 sec. 18.

7. The following words in section thirty-nine of the "*Fisheries Act 1873*" shall be and the same are hereby repealed (that is to say)—
"nor to any fixed engine used solely for catching eels."

Section 39 of Act No. 473 amended.

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.