

No. X.

An Act to protect the Fisheries of New South FISHERIES. Wales. [1st June, 1865.]

WHEREAS it is necessary to preserve and secure the production Preamble. of fish in the waters of the Colony of New South Wales and to prevent fishing with nets of a certain size in the said waters Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. That for the purposes of this Act the year shall be divided Division of the year into summer and winter months. into winter and summer months whereof the winter months shall comprise the period extending from and inclusive of the first day of April to and inclusive of the thirty-first day of August and the summer months shall comprise the period from and inclusive of the first day of September to and inclusive of the thirty-first day of March in every year.

*Fisheries.***Description of nets.**

2. It shall not be lawful for any person during the said winter months in any year to use in any bay estuary or other influxion of the sea or in any river in New South Wales for the purpose of catching any fish therein any net or nets the bunt of which shall exceed thirty fathoms in length and the meshes in the bunt of which shall be when wet less than one inch and a quarter or whereof each wing shall exceed thirty fathoms in length and the meshes of which respectively shall be less when wet than two inches and the meshes of the remainder whereof shall be less when wet than two inches nor during the said summer months in any year to use for the purpose aforesaid any net or nets the meshes in the bunt of which shall be less when wet than two inches and whereof the meshes in the remainder shall be less when wet than two inches and a half and it shall not be lawful for any person at any time to fix or stake any net within one mile of the shore or at the mouth of any river and any person committing any of such offences shall on conviction in a summary manner before any Justice of the Peace forfeit and pay a penalty not exceeding five pounds and such Justice may order every such net or any portion thereof to be destroyed.

Proper officer to have power to search for illegal nets.

3. Any Officer of Customs or Police Officer may in the daytime examine any net when in use or in any boat ready for use in the said Colony and seize and take away any net which shall not be in accordance with the foregoing section of this Act and the person using or about to use such net shall upon conviction before any one or more Justices of the Peace forfeit and pay a penalty of not more than five pounds and such Justice is hereby empowered to order such net to be forfeited and destroyed.

Penalty for putting lime into waters.

4. If any person shall put any lime or other noxious material in any of such waters with intent thereby to destroy intoxicate or catch any of the fish therein he shall forfeit and pay such sum not exceeding twenty pounds as the convicting Justice shall think fit.

Offenders to be apprehended.

5. Any person found committing any offence against this Act may be apprehended by any Police Officer finding such offender and taken before any Justice of the Peace who may hear and determine the same in a summary way.

Nets used for prawn fishing.

6. Nothing in this Act contained shall prevent the use of a net used solely for prawn fishing provided the same shall not exceed eight fathoms in length.

Short title.

7. This Act shall be styled and may be cited as the "Fisheries Act of 1865."