

No. XV.

SUNK NETS.

An Act to prevent the use of certain Fishing Nets known as Sunk Nets, and to make other provision subsidiary thereto. [1st March, 1892.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Sunk Nets Act, 1892," and shall be read with and as amending the "Fisheries Act, 1881," and any Act or Acts amending the same.

Interpretation.

2. In this Act the expression "Sunk Net" means any net having a cod or purse attached and used for the purpose of catching, or capable of catching, fish or prawns, and so hung on the cork or upper line thereof, and weighted on the lead or lower line thereof, as to sink such cork or upper line below the surface of the water in order that the net may be hauled or drawn along, or nearly along, the bottom, and "any Magistrate" means a Stipendiary or Police Magistrate or any two Justices of the Peace.

Sunk Nets prohibited, &c.

3. If any person shall, on or after the first day of January, in the year one thousand eight hundred and ninety-two, cast, draw, haul, or shoot any Sunk Net in the waters of Port Jackson, Botany Bay, or Broken Bay, or their tributary streams, or in any other tidal waters to which the Governor shall, by proclamation in the *Gazette*, declare the provisions of this section to extend, or assist or aid in casting, drawing, hauling, or shooting any such net in any such waters, 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 any subsequent offence to a penalty not exceeding twenty and not less than five pounds, to be recovered in a summary way before any Magistrate, who may, in every case where an offender is convicted under this section, order every Sunk Net, together with all warps, ropes, and gear used in connection therewith, or found in the possession of, or being used by, such offender, in, or on, or attached to, any boat or vessel in which such offender shall have been when such net was cast, drawn, hauled, or shot from such boat or vessel, together with all fish and prawns found in such boat or vessel, or in the possession of such offender, to be forfeited to Her Majesty: Provided that it shall be lawful for the Governor, by proclamation as aforesaid, to rescind, vary, or amend any proclamation extending the provisions of this Act.

Exemption in certain cases.

4. In order to allow the catching of prawns in deep water, the Governor, on the recommendation of the Commissioners, may, notwithstanding anything in this Act to the contrary, exempt from its operation, by proclamation in the *Government Gazette*, any portion or portions of any tidal water specified in the last preceding section hereof, or any waters to which its provisions may hereafter be extended: Provided that the Governor may at any time rescind or vary any such proclamation.

Offenders may be apprehended.

5. Any inspector, assistant inspector of fisheries, or any officer of police, or constable may, with or without warrant, seize any Sunk Net, together with all gear and appliances in connection with such Sunk Net, which at or immediately before the time of seizure was
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Customs Duties.

in process of being cast, drawn, hauled, or shot in such waters, or was found in any boat or vessel in any of the waters mentioned in the third section of this Act for the purpose of being cast, drawn, hauled, or shot, 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 person 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 any such gaoler or person in charge as aforesaid 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 any Magistrate at a day and place to be therein mentioned.

6. 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 whosoever in the execution of his duty under this Act shall, on conviction before any Magistrate, incur a penalty not exceeding fifty pounds nor less than ten pounds, or be liable to imprisonment for any term not exceeding six calendar months. And the adjudicating Magistrate may, in addition to 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.

7. The provisions of this Act shall not apply to any curator of a museum or zoological collector, holding a permit from the Commissioners to use Sunk Nets for the purposes of science.

Not to apply to
scientific collectors.
