

Act No. 18, 1901.

An Act to consolidate the Acts relating to the prohibition of Net-fishing in Port Hacking. [4th October, 1901.]

NET-FISHING
(PORT HACKING).
—

BE it enacted by the King'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. This Act may be cited as the “Net-fishing (Port Hacking) Act, 1901.” Short title.

2. (1) The Acts mentioned in the Schedule are hereby repealed. Repeal.

(2) Every notification and all regulations made or published under the Acts hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made or published hereunder. Saving.

3. Notwithstanding anything contained in any Act relating to fisheries, or any license granted or proclamation issued under any such Act, no person shall cast or set any net, of any kind whatsoever, in any place westward of a straight line drawn from the north to the south head of the inlet in the county of Cumberland known as Port Hacking, for the purpose of catching or adapted to catch or capable of catching fish, and whether within the waters of the said inlet subject to or beyond the influence of the tide. Prohibition of net-fishing.
50 Vic No. 6, s. 1.

Any person who casts or sets any net contrary to the provisions of this Act shall be liable to a penalty not exceeding ten pounds for the first offence, and to a penalty not less than five pounds nor more than Penalty.

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than twenty pounds for the second or any subsequent offence, and every such net and all lines, leads, cork, and gear connected therewith shall upon any such conviction be forfeited to His Majesty.

Governor may
declare portion of
Port Hacking open
to net-fishing.

58 Vic. No. 8, s. 1.

4. Notwithstanding the provisions of the preceding section, the Governor may, upon the recommendation of the trustees of the National Park, declare by notification in the Gazette that any portion of Port Hacking to the eastward of the part commonly termed the "Spit" is open to net-fishing, and such portion shall thereupon be open to net-fishing, subject to any regulations made under this Act, and to any Act relating to Fisheries. The Governor may at any time revoke any such notification.

Penalty for taking
net into prohibited
waters.

Ibid. s. 2.

5. Any person who takes a fishing net to, or is in a boat containing a fishing net in, any part of Port Hacking to the westward of the said Spit, or in Burraneer Bay, shall be liable to a penalty of not less than five pounds nor more than ten pounds.

Regulations.

Ibid. s. 3.

6. The Governor may, upon the recommendation of the trustees of the National Park, make regulations for carrying out the provisions of this Act, and by such regulations may impose penalties not exceeding ten pounds nor less than ten shillings for the breach of any such regulation, and such regulations, upon being published in the Gazette, shall have the force of law.

Recovery of
penalties.

Ibid. s. 4.

7. All penalties under this Act, or any regulations made hereunder, may be recovered before a stipendiary or police magistrate, or any two justices of the peace, upon the information of any officer of the Commissioners of Fisheries, or of the trustees of the National Park, or of any servant of the said trustees by them authorised by writing in that behalf, or of any constable, or of any person specially appointed by the Governor to enforce the observance of this Act and regulations.

Line-fishing.

50 Vic. No. 6, s. 2.

8. Nothing in this Act shall be construed to prevent any person from fishing within the tidal waters of Port Hacking with a hand-line or rod and line.

SCHEDULE.

Year and No. of Act.	Title of Act.	Extent of repeal.
50 Vic. No. 6 ...	Net-fishing in Port Hacking Prohibition Act of 1886	The whole.
58 Vic. No. 8 ...	Net-fishing in Port Hacking Prohibition Act Amendment Act of 1894.	The whole.