

Hon. Mr. W. C. Walker.

FISHERIES CONSERVATION ACT 1884 AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Fisheries Conservation Act, 1884."

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

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1. The Short Title of this Act is "The Fisheries Conservation Act 1884 Amendment Act, 1898."

Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

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"The principal Act" means "The Fisheries Conservation Act, 1884":

"Regulations" means regulations made under the principal Act.

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3. The fishing season for trout, perch, and other acclimatised fish shall commence on the first day of October in each year, and shall close on the thirtieth day of April in each year:

Fishing season for trout and perch.

Provided always that the Governor in Council may by regulations further limit or restrict such season within any particular district or part thereof, or as to any particular river or stream.

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4. In districts where trout or other acclimatised fish may be sold, every holder of a license to sell such fish shall keep a book or register wherein shall be entered the true name and address of the person or persons from whom he purchased such trout or other fish, and the name of the river, stream, or lake from which it came.

Register of fish sold to be kept.

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5. In any regulation hereafter made under the principal Act the Governor in Council may, upon the written request of any registered Acclimatisation Society, make provision for the sale of trout or other acclimatised fish within the district of such society upon such terms and conditions as shall be specified in such regulation.

Governor may regulate sale of fish.

The provisions of such regulation shall apply only to trout or other fish taken from such streams, lakes, or waters as shall be so specified.

Export of trout forbidden.

6. No person shall export any trout or other acclimatised fish from the colony for the purposes of sale, nor buy or sell any such fish for the purposes of such export, under a penalty not exceeding *twenty* pounds. 5

No poisonous or deleterious substance to be put in river, stream, or lake.

7. (1.) No person shall put, throw, or place, or allow to be put, placed, or thrown, into any river, stream, or lake, or at the mouth, entrance, or outlet of any such river, stream, or lake in which salmon, trout, or other acclimatised fish have been liberated or exist, any explosive substance, sheep-dip, lime, sawdust, or sawmill refuse, wool-scouring or fellmongery refuse, or anything of what nature soever poisonous, deleterious, or noxious to fish: Provided that nothing herein contained shall apply to *débris* or tailings from mining claims. 10 15

(2.) Any person offending against the provisions of this section shall be liable to a penalty of not more than *twenty* pounds.

Additional punishment for killing trout with lime or dynamite.

8. If any person be convicted of taking or wilfully killing trout or other acclimatised fish by means of lime, dynamite, or other deleterious or explosive material, he shall be liable, in addition to any fine that may be imposed upon him, to imprisonment for any term not exceeding *six* calendar months. 20

Fish unlawfully taken and appliances to be forfeited.

"Sea Fisheries Act, 1894," No. 56, s. 52.

9. All trout, salmon, or other acclimatised fish unlawfully taken, had in possession, exposed for sale, consigned for sale, or bought for sale, and all baskets, bags, nets, or other receptacles, gear, tackle, or other apparatus, instrument, or contrivance used in any unlawful fishing or taking of such trout or other fish as aforesaid, whether found on shore or in possession of the person taking the same, or of any other person, or in any vessel or boat, shall be forfeited, and shall be disposed of in such manner as by regulations may be prescribed. 25 30

Power of search when offence committed.

Ib., s. 53.

10. (1.) Any Stipendiary Magistrate or any two Justices of the Peace, upon information on oath that there is probable cause to suspect that an offence has been committed at any place against this Act or the principal Act, may, by warrant, authorise and empower by name any officer appointed under the principal Act, or any constable, to enter any dwellinghouse, office, or premises for the purpose of detecting such offence. 35

Seizure of fish and appliances.

Ib.

(2.) The person so authorised may at any hour between sunrise and sunset enter into and search any house, shop, office, store, tent, or other premises, and go on board any vessel or boat, and search for, seize, and take away any fish, net, gear, tackle, baskets or receptacle, instrument or contrivance, which he may have reason to believe has respectively been taken or used, or in the opinion of such authorised person is intended to be used contrary to the provisions of the principal Act or this Act or of any regulations made thereunder. 40 45

Definition of ownership of waters for the purposes of this Act.

11. For the purposes of this Act and no other, no person shall be deemed to be the owner of water, and no water shall be deemed to be the property of any private person, in any case where such water shall form part of the waters of any permanent stream or water which is not wholly contained throughout its entire length or area 50

within the lands of one owner ; but nothing herein contained shall extend to authorise any person to commit a trespass.

“ Owner ” for the purposes of this section includes joint owners carrying on business together in copartnership, and also includes a
5 corporation or company.

12. All fees, fines, and penalties which may be recovered or paid under the principal Act or this Act, or under any regulations made thereunder respectively, shall be paid into the Public Account, and without further appropriation shall be applied,—

Application of fees,
fines, and penalties

- 10 (1.) In or towards the payment of the salaries of any fisheries officers appointed under the principal Act, and any other expenses of carrying out the provisions of that Act ; and
- 15 (2.) The balance shall be handed to the treasurer of some registered acclimatisation society in the district in which such fees, fines, or penalties shall have been paid or recovered for the purposes of such society.
- (3.) If there be more than one such society in a district, then such balance shall be paid to such one or more of them as the Colonial Treasurer may direct, regard being had to
20 the value of the work done by such societies.
- (4.) If there be no such society such balance shall form part of the Consolidated Fund.

