

## New Zealand.



### ANALYSIS.

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1884, No. 48.

Title.

AN ACT to provide for the Conservation of Fisheries.

[10th November, 1884.]

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

Short Title.

1. The Short Title of this Act is “The Fisheries Conservation Act, 1884.”

Acts incorporated with this Act.

2. The several Acts hereunder mentioned, and all Acts passed in amendment thereof respectively, are hereby incorporated with this Act; that is to say,—

“The Oyster Fisheries Act, 1866;”

“The Fish Protection Act, 1877;”

“The Fisheries (Dynamite) Act, 1878;”

“The Seals Fisheries Protection Act, 1878.”

Persons, &c., exempted from Act.

3. Nothing contained in this Act shall apply to—

(1.) Any person using a landing-net to secure fish caught with a rod and line, nor to any person using hand shrimp net; nor to

(2.) Any person taking fish in water of which he is the owner; nor to

(3.) Any person authorized by such owner to take fish in such water; nor to

(4.) Any person, with the written permission of the Collector or other person duly authorized by the Commissioner of Trade and Customs to grant such permission, taking fish or ova, or oysters, or oyster brood for the *bonâ fide* purpose of ascertaining and verifying the existence or increase of such fish or oysters, or of removing them to stock other waters; nor to

- (5.) Any nets, tackle, or boats used, or fish or oysters taken, by such person ; nor to
- (6.) Any person who, having unintentionally taken any fish or oysters contrary to the provisions of this Act, shall immediately return the same, with as little injury as possible, to the water.

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

Interpretation.

“Collector” means a Collector of Customs or other principal officer of Customs at any port :

“Commissioner” means the Commissioner of Trade and Customs :

“Close season” means the time during which it is declared unlawful to take any species of fish, oysters, or seals ; and applies to such season, however the same may be varied or extended :

“Fish” means and includes all fish and mammalia inhabiting the waters of the colony, whether indigenous or not, their young, or fry, and spawn :

“Oysters” means and includes shore oysters, rock oysters, and mud oysters :

“Prescribed” means prescribed by this Act or by regulations :

“Seals” includes all kinds of seals and their young :

“Take” means and includes “kill,” or “catch,” or “dredge for,” or “raise,” or “hunt :”

“This Act” includes the Acts incorporated herewith, and all regulations made thereunder :

“Use” includes “attempt to use” or “assist in the use of :”

“Vessel” includes any ship or vessel of any tonnage, construction, or description :

“Waters” means any salt, fresh, or brackish waters in the colony, or on the coasts or bays thereof, includes artificial waters, but does not include waters the property of any private person.

5. The Governor in Council may, from time to time, make, alter, and revoke regulations which shall have force and effect only in any waters or places specified therein,—

Governor may prescribe regulations for the protection of fish, oysters, and seals.

- (1.) Providing for the more effectual protection and improvement of fish, and the management of any waters in which fishing may be carried on ;

- (2.) In respect of any species of fish, oysters, or seals, respectively,—

(a.) Prescribing a “close season” or “close seasons” in any year, month, week, or day, as may be most suitable for the whole or any part or parts of the colony, during which it shall be unlawful for any person to take any fish, oysters, or seals of such species respectively, or in any way to injure or disturb the same ; or

(b.) Extending or varying any close season so prescribed, or varying any close season so extended ; or

(c.) Extending any such close season over any term not exceeding three years, and, before the expiration of such term, further extending the same ;

- (3.) Prohibiting the buying, selling, exposing for sale, or having in possession any fish, oyster, or seal, or any skins, oil, or blubber from any seal, in any manner in contravention of this Act;
- (4.) Prescribing the minimum size or weight of any fish, oyster, or seal that may be taken;
- (5.) Limiting the size, when wet, of the mesh on the square, or in extension from knot to knot, of nets and seines to be used in fishing, or altogether prohibiting the use of nets of any sort;
- (6.) Prescribing that all nets containing fish shall be emptied in the water, and prohibiting the dragging or drawing on to the dry land any such net;
- (7.) Fixing the time or times during which dredging shall be prohibited, or prohibiting the use of any particular engines, tackle, or apparatus for taking any fish or oysters;
- (8.) Reserving from public use any natural oyster-beds, so as to prevent their destruction;
- (9.) Setting apart, within any harbour, any bay or bays frequented by fish for the purpose of propagation, and prohibiting the use of nets of any kind in any such bays during such time as shall seem fit; or setting apart any river or other fresh or salt waters for the natural or artificial propagation of fish, oysters, or seals;
- (10.) For the protection of young fish, or fry, or spawn at all times, and especially for the preservation and propagation thereof upon its importation into the colony;
- (11.) Prohibiting or restricting from time to time, for any period which the Governor thinks necessary, fishing in any waters, river, or stream in which young fish or spawn is placed or deposited, or at the mouth or entrance of any such waters, river, or stream;
- (12.) Prohibiting the casting of sawdust or any saw-mill refuse into any waters, river, or stream.

Penalty for breach of regulations.

The Governor may, by such regulations, impose any penalty not exceeding fifty pounds, to be recovered in a summary manner before any two or more Justices of the Peace, and also appoint the minimum penalty for the breach of any such regulations; and all such regulations shall be gazetted, and thereupon shall be binding and conclusive upon all persons as if the same had been contained in this Act.

Penalties to apply to extended close seasons.

6. Any penalties prescribed by any such regulations as aforesaid for taking, buying, selling, exposing for sale, or having in possession any fish, or oysters, or any seal or seals, during any close season for the same respectively, shall apply to such season however the same may be varied or extended.

Fish, &c., and fishing gear to be forfeited.

7. All fish, oysters, or seals unlawfully taken, and any skins, oil, or blubber from seals taken as aforesaid, and the baskets or other receptacles thereof, and also all nets, gear, tackle, or other apparatus used in any unlawful fishing or taking of oysters or seals, whether found on shore or in any vessel or boat, shall be forfeited, and shall be disposed of as the Commissioner may think fit.

**8.** It shall be the duty of the Collectors of Customs within the colony to see that the provisions of this Act and of the several Acts incorporated herewith are duly carried into effect, and for that purpose they severally shall have and may exercise all the powers granted by this Act and the aforesaid Acts in that behalf.

Collectors of Customs to see Act carried into effect.

**9.** The Commissioner may from time to time appoint such assistants to the Collectors, and such other officers, servants, and other persons as may appear to him to be necessary for the effective administration of this Act; all of whom shall, as well as the Collectors aforesaid, be deemed to be officers appointed under this Act.

Commissioner may appoint necessary officers.

**10.** In respect of any species of fish, oysters, or seals respectively to be affected thereby, all regulations prescribed under this Act shall, on their coming into operation as to any waters or place, supersede therein all enactments at variance with such regulations, in so far as they are so at variance, but not further in any way whatsoever:

Repeal of enactments at variance herewith.

**11.** Nothing in this Act shall allow fish to be taken during close season in any waters except for the purpose of pisciculture.

Fish may only be taken in close season for purpose of pisciculture.