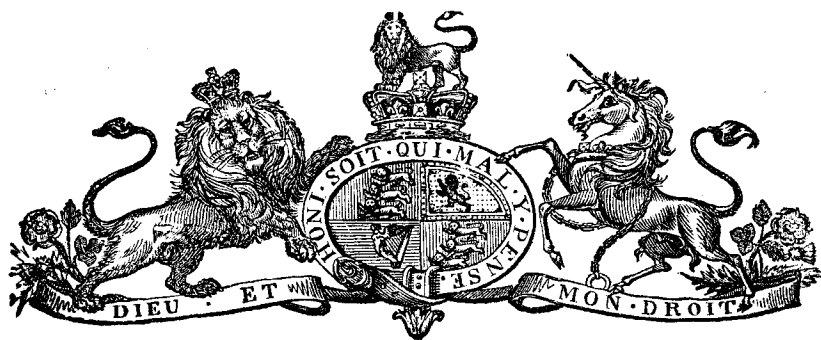


T A S M A N I A.



1867.

ANNO TRICESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 33.



AN ACT to amend *The Oyster Fishery Act*,  
1853. [11 October, 1867.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 It shall be lawful for the Governor from time to time, by Proclamation, to declare that so much of the sea-shore or of the land below low water-mark and adjacent to the shores of this Colony, as may be described in such Proclamation, shall not be fished or dredged for Oysters for a certain time to be fixed by such Proclamation; and the Governor may by Proclamation alter or rescind any such Proclamation; and every Proclamation made by virtue of this Act shall be published in the *Gazette*, and the production of the *Gazette* containing any such Proclamation purporting to be made under this Act shall in all proceedings, civil and criminal, be deemed to be *prima facie* evidence of such Proclamation having been duly made.

Power to close  
Oyster beds for a  
time.

2 It shall not be lawful for any person within any part of the sea-shore or land below low water-mark adjacent to the shores of this Colony, described in any Proclamation under the last preceding Section, knowingly to do any of the following things :—

Punishment of  
certain offences.

To use any implement of fishing except a line and hook, or a net adapted solely for catching floating fish, and so used as not to disturb or injure in any manner any Oyster bed or Oysters :

*Oyster Fishery.*

To dredge for any ballast or other substance except under a lawful authority for improving the navigation :

To deposit any ballast, rubbish, or other substance :

To place any implement, apparatus, or thing prejudicial or likely to be prejudicial to any Oyster bed, or Oysters, except for a lawful purpose of navigation or anchorage :

To disturb or injure in any manner, except as last aforesaid, any Oyster bed or Oysters :

And if any person does any act in contravention of this Section he shall, on conviction, be liable to a penalty not exceeding Ten Pounds.

Sea shore—interpretation.

**3** In *The Oyster Fishery Act*, 1853, the term “sea shore” shall be deemed to apply not only to the sea shore, but also to land below low-water mark.

Act not to affect private beds and layings.

**4** Nothing in this Act contained shall affect any private Oyster bed or laying which, at the time of the passing of this Act, may, in accordance with the provisions of *The Oyster Fishery Act*, 1853, have been or may hereafter be formed or planted by any person or any associated body of persons with the permission in writing of the Governor; nor shall anything herein contained affect the powers and authorities by Law vested in the Municipal Council of every Rural Municipality in relation to Oyster Beds and Oyster Fisheries.

Nor powers, &c. of Municipal Councils of Rural Municipalities.

4th Section of 17 Vict, No. 10, altered.

**5** Where the expression “the First day of *November*” occurs in the Fourth Section of *The Oyster Fishery Act*, 1853, the same shall be read and deemed to mean “the First day of *October* ;” and where the expression “the Thirty-first day of *March*” occurs in the said Section, the same shall be read and deemed to mean “the last day of *February*.”

Interpretation.

**6** In the said Act, and this Act, the word “Oysters” includes the Brood, Ware, Half-ware, Spat, and Spawn of Oysters.

Procedure in respect of offences. 19 Vict. No. 8.

**7** Proceedings in respect of offences against this Act and the said Act shall be had by and before any Two or more Justices of the Peace in the manner prescribed by *The Magistrates Summary Procedure Act* ; and any person who thinks himself aggrieved by any summary conviction may appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

19 Vict. No. 10.

Repeal.

**8** Section Nine of the said Act is hereby repealed.

Acts to be read together.

**9** This Act and *The Oyster Fishery Act*, 1853, save as amended, altered, or repealed by this Act, shall be read and construed together as one and the same Act.

Commencement.

**10** Section Five of this Act shall come into force on the last day of *February*, 1868, and the residue on the passing hereof.

Short Title.

**11** This Act may be cited as “The Oyster Fishery Act, 1867.”