

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ

No. 4

An Act for the Protection of Fish.

*[Assented to 29th November, 1889.]*

**B**E it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. This Act may be cited for all purposes as ‘The Fishery Act, Short title 1889.’

*The Fishery Act, 1889*Inspector and  
Sub-Inspectors  
of Fisheries

2. It shall be lawful for the Governor from time to time to appoint and remove an 'Inspector of Fisheries,' and 'Sub-Inspectors of Fisheries.' It shall be the duty of such Inspector and Sub-Inspectors to enforce compliance with the provisions of this Act. And all constables are hereby required to aid and assist the said Inspector and Sub-Inspectors in executing this Act.

Small fish not  
to be taken

3. If any person sell, or offer or expose for sale, or have in his possession any fish of any of the species mentioned in the Schedule to this Act, or in any amended Schedule under the provisions of section four of this Act, of a less weight than the weight set against the name of such fish in any such Schedule, such person shall be liable to a penalty of not under Five nor more than Twenty pounds; and all such fish and all other fish contained in any basket or other receptacle for fish containing more of such fish than one-twentieth in number of the whole number of fish contained in such basket or receptacle shall be forfeited, and the Inspector of Fisheries, or any Sub-Inspector, or any Police officer, may seize the same.

Governor in  
Council may  
amend Schedule

4. It shall be lawful for the Governor in Council from time to time to amend the Schedule to this Act—

- (1) By altering the weight set against the name of any species of fish contained in the said Schedule.
- (2) By adding to the said Schedule the names of any other species of fish, setting against the name of any such other species of fish the weight under which it shall not be lawful to take such fish.
- (3) By omitting from the said Schedule the name and weight of any species of fish therein mentioned.

Such amended Schedule shall be published in the 'Government Gazette,' and after such publication shall have full force and effect as if the same had been enacted herein as so amended from time to time.

Emptying nets

5. It shall be unlawful to drag or draw on to the land any net containing fish, but all such nets shall be emptied in the water; and any person offending against or assisting any person offending against this section shall for every such offence be liable to a penalty of not less than Two pounds and not more than Twenty pounds.

Governor in  
Council may  
make regulations

6. It shall be lawful for the Governor in Council from time to time, by regulations to be published in the 'Government Gazette'—

- (1) To prescribe limits in or about the mouth of or within any river, creek, stream, estuary, or other inlet of the sea within which it shall not be lawful for any person to fish by means of any net or fixed engine.
- (2) To determine the times and seasons at which the taking of any species of fish shall commence and cease.
- (3) To regulate the size of the meshes of nets to be used for the capture of any species of fish.

And to impose such reasonable penalties, not exceeding Twenty pounds, and forfeitures, as the Governor in Council may think fit for any breach of such regulations; and every such regulation shall, after publication as aforesaid, have the force of law.

*The Fishery Act, 1889*

7. No person shall capture any species of fish for the purposes of manure, and any person offending against this section shall be liable to a penalty not exceeding Twenty pounds.

No fish to be taken for manure

8. All informations and proceedings in respect of offences against this Act, or any regulation made hereunder, shall be summarily punishable upon conviction before a Justice or Justices of the Peace in Petty Sessions.

Procedure in respect of offences

9. Sections A, C, and F of 'The Shortening Ordinance, 1853,' shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Sections of Shortening Ordinance incorporated

F. NAPIER BROOME,  
GOVERNOR.

SCHEDULE

	Ounces
Bream . . . . .	4
Bream (Silver) . . . . .	4
Butter Fish . . . . .	4
Flathead . . . . .	3
Flounder . . . . .	3
Gar Fish . . . . .	4
Gurnet or Gurnard . . . . .	4
Ling . . . . .	4
Mullet . . . . .	3
Perch or Yellow Tail . . . . .	4
Perth Herring . . . . .	3
Pike . . . . .	12
Rock Cod . . . . .	4
Salmon Trout . . . . .	2
Schnapper . . . . .	8
Sea Herring . . . . .	2
Sea Mullet . . . . .	4
Skipjack . . . . .	3
Sole . . . . .	6
Tailor . . . . .	4
Whiting . . . . .	3
Whiting (Sand) . . . . .	2