

TASMANIA



1878.

ANNO QUADRAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 3.



AN ACT to amend "The Salmon Act, 1865." A.D. 1878.
[10 September, 1878.]

WHEREAS it is expedient to amend "The Salmon Act, 1865:" PREAMBLE.
Be it therefore enacted by His Excellency the Governor of *Tasmania*, 29 Vict. No. 6.
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:—

1 Sections Three and Fifteen of "The Salmon Act, 1865," are hereby Repeal.
repealed; but such repeal shall not affect anything duly done, or any
offence committed before the commencement of this Act, which shall be
dealt with as if this Act had not been passed.

2 In this Act and in the said Act, unless the context otherwise Definition of
requires,— terms.

"Person" shall include any body of persons corporate or incor-
porate:

"Salmon" shall include all migratory fish of the genus *Salmon*,
whether known by the names hereinafter mentioned; that is
to say, salmon, grilse, sea-trout, salmon-trout, smolt, parr, or
by any other local name:

"Young of Salmon" shall include all young of the salmon species
which measure less than Twenty inches in extreme length,
whether known by the names of spawn, fry, parr, smolt, peal,
grilse, or by any other name, local or otherwise:

"Tidal waters" shall include the sea and all rivers, creeks, streams,
and other waters, so far as the tide flows and reflows:

"Inland waters" shall mean all waters that are not tidal waters:

Salmon Act, 1878.

- A.D. 1878. "Fixed engine" shall include stake-nets, bag-nets, putts, putchers, night lines, and all fixed implements or engines for catching or for facilitating the catching of fish.
- Penalty on selling fish during close season. **3** No person shall buy, sell, or expose for sale, or have in his possession any salmon between the Third day of *May* and the Second day of *September* following. And any person acting in contravention of this Section shall forfeit any fish so bought, sold, or exposed for sale or in his possession, and shall incur a penalty not exceeding Two Pounds for each such fish; but this Section shall not apply to any person buying, selling, or exposing for sale or having in his possession salmon cured, pickled, or dried.
- No person to fish for salmon with a rod and line unless licensed. **4** It shall not be lawful for any person to fish for, catch, or kill salmon with a rod and line who is not the holder of a licence issued under the provisions of this Act.
- Persons licensed may fish for salmon with rod and line. **5** Every person who may desire to fish for salmon with a rod and line may apply in writing to any such person as may be appointed by the Governor in Council to issue licences under this Act; and upon payment to any such person of the fee fixed by the Governor in Council from time to time, a licence may issue to the applicant authorising him to fish for salmon with rod and line until the Second day of *May* then next following the date of such licence; but no such licence shall entitle any person to enter upon the land of any private owner or owners adjoining inland or tidal waters for the purpose of catching salmon without the consent of such owner or owners.
- Persons not licensed liable to penalty for fishing, &c. **6** If any person fishes for, catches, or kills salmon with a rod and line without being duly licensed under this Act, he shall for every such offence forfeit and pay a penalty not exceeding Two Pounds; he shall forfeit all rods, tackle, or other instruments used by him in fishing for, catching, or killing salmon as aforesaid, and shall also be liable to pay the full licence fee payable by such person over and above the said penalty.
- Onus of proof. **7** In all legal proceedings taken against any person for any breach of or non-compliance with the provisions of the said Act or of this Act the onus of proving that such person was duly licensed or was otherwise exempted from any penalty imposed by the said Act or this Act shall in all such cases rest upon the defendant, who shall in all such proceedings be competent but not compellable to give evidence, anything contained in any law or practice to the contrary notwithstanding.
- One moiety of penalty to informer. **8** One moiety of every penalty imposed under the said Act and this Act shall go to the informer or person suing for the same, and the remaining moiety of every such penalty shall be paid into the Colonial Treasury, and form part of the Consolidated Revenue Fund.
- Appropriation. **9** All fees received by any person for licences under the said Act and this Act shall be paid into the Colonial Treasury and form part of the Consolidated Revenue Fund.
- Acts to be read together. **10** This Act and the said Act shall, save so far as the same is altered by this Act, be read and construed together as one Act.
- Short title. **11** This Act may be cited as "The Salmon Act, 1878."