**FISHERIES BILL 1878**

**LEGISLATIVE COUNCIL, 3 September 1878, Page 830**

Second reading

The CHIEF SECRETARY (Hon. W. Morgan), in moving the second reading of this Bill, said he had gathered from the remarks of hon. members on a previous day that there would be no opposition to it. He would have to ask the Council to make a slight amendment in clause 14. In the River Murray what might come under the signification of the term "fixed engine" in that clause was used without any harm arising, and he wished to give the Commissioner of Crown Lands power to grant permission in such cases. His attention had been called to the fact that there was nothing to prevent fixed engines being used in sea fisheries three miles from the shore, but he did not see how they could be fixed in such a case. There were provisions against the use of dynamite either in sea or land fisheries. He moved that the Bill be read a second time.

The Hon. J. PEARCE said that the protection to fish was only given where the rivers did not run through private property, and he thought it would be well that the Act should be made to apply to cases of privately-owned fisheries. He knew that private individuals could protect their own fish, but still he thought it would be well to let the Bill apply to both cases.

The CHIEF SECRETARY (Hon. W.Morgan) said those who had rivers on their own land had full powers of protecting them at common law.

The Bill was then read a second time.

In Committee.

The preamble was postponed.

Clause 1 was passed as printed.

Clause 2. Nets or fixed engines not to be used in rivers.

The CHIEF SECRETARY (Hon. W. Morgan) moved to insert "lake'' after "creek" in the second line.

The amendment was agreed to and the clause passed as amended.

Clauses 3 to 7 inclusive were passed as printed.

Clause 8. Small fish not to be taken.

Sir H. AYERS thought that this clause was much too stringent, as were other clauses in the Act. Under this a cook who purchased a fish less than a certain size of a certain species would be liable to a fine. He thought if such provisions were retained the Bill would be a dead letter.

The Hon. R. A. TARLTON agreed with Sir H. Ayers, and thought if the Bill had been given to a person who had a practical acquaintance with the subject instead of being drawn by a lawyer who perhaps copied some English Act full of technicalities it would be found to work much better. He referred to the legislation that had taken place in England on the matter, and thought that if people were prohibited from fishing with nets less than a certain size in their meshes and emptying nets on shore were prevented much good would he done. He was glad to see that the latter subject had been looked to here. The subject was not by any means an unimportant one. Sir John Barrow had estimated the wealth of England from her fisheries at £8,500,000, but McCulloch had disputed that and estimated it at £5,500,000 per annum, (Hear, hear.) The consumption of fish had increased very largely in England owing to means of communication being opened up by railways.

The Hon. J. CROZIER did not think that the clause would be an injury to any one as it would not be enforced. The way in which the aborigines had used the very small fish in the Murray had no doubt injured the fisheries there; but the blacks were rapidly disappearing and no action need be taken in that direction. He believed that if preserved there was more fish in the Murray and its tributaries than would supply all the colonies with food if they had nothing else, and he anticipated that the opening of the North-West Bend Railway would cause large supplies to come down, (Hear, hear).

The Hon. T. HOGARTH thought the Bill a disgrace to South Australia, as he could see no need for it when a population of 250,000 had two hundred and fifty miles of seacoast. The only good he saw in the Act was the prevention of the destruction of fish by dynamite.

The CHIEF SECRETARY (Hon. W. Morgan) pointed out that the Bill had not been copied from an English Act, which would not have been applicable for various reasons, but it was taken from a Victorian Act. The object of the Bill was no doubt that this colony should become wealthy from her fisheries, and he thought there was great necessity for legislation on the subject, as large quantities of fish had been destroyed in the Onkaparinga by dynamite. In the matter of oysters, we had seen what could be done very easily in destroying a fishery, as some places where oysters used to abound were now places where they could not be got at all. A Chinese fishing station had existed some time ago on the coast of St. Vincent's Gulf for the supply of thediggings towns of the other colonies, and the result was that fish nearly disappeared altogether from the Gulf. He was willing to consider any amendments that hon. members wished to propose in order to make the Bill more simple, and would not seek to take it out of Committee if so desired.

The Hon, J. FISHER did not think that the clause would be made operative so far as that a cook purchasing a fish less than a certain size would be fined. The necessity for protecting the fish at certain times had been shown, and that he would support. It had been stated that the Chinese with their fishing had almost cleared the Gulf of fish for many years. This Bill would operate in the other direction, and he would supportit.

Sir H. AYERS said if the words "or have in his possession" were struck out of the clause it would meet his approval. He would move to that effect.

The amendment was agreed to, and the clause passed as amended.

Clauses 9 to 13 inclusive were passed as printed.

Clause 14. Act not to apply in certain cases.

The CHIEF SECRETARY (Hon.W. Morgan) moved to insert at the end of line 19 the words "or otherwise in the discretion of the Commissioner." That would provide for the use of hooks in the Murray fisheries.

The amendment was carried and the clause passed as amended.

Clauses 15 to 22 inclusive were passed as printed.

Clause 23. Act not to apply to the Northern Territory.

The Hon. J. FISHER wished to know why the Bill was not made applicable to the Northern Territory?

The CHIEF SECRETARY (Hon.W. Morgan) pointed out that we had officers here who could carry it out, but it was not thought desirable to appoint fresh officers in the Northern Territory, which had up to the present been a loss to the colony.

The Hon. J. FISHER was sure the duty would be taken by Mr. J. G. Knight, who was one of our officers there, without additional salary.

The Hon. W. SANDOVER thought if the Chinese nearly robbed the Gulf of fish, they would do the same in the Northern Territory, and he thought he could claim the Hon. Mr. Hogarth's vote for making it applicable there, for though the hon. member thought the Bill unnecessary, still he would admit it was as necessary there as in South Australia.

The Hon. J. PEARCE thought the Chief Secretary should frame the clause so as to give the Government power to apply the Bill to the Northern Territory.

The Hon. J. CROZIER thought it would be just as well to strike out the clause and let the officers in the Northern Territory look after the duty.

The Hon. T. HOGARTH wished to know if an alligator was to be considered a fish under the Bill.

The CHIEF SECRETARY (Hon.W. Morgan) had had no experience except as a fisher, but was not sure that alligators were fish. He knew that Mr. Knight was an excellent officer, but one objection to his looking after the fisheries was that he was stationed about 150 miles from the coast. (Hon. J. Fisher—"There are other officers.") He would allow the clause to be struck out if hon. members desired it.

The Hon. J. FISHER moved that the clause be struck out.

Carried.

Clause 24 was passed as printed.

Clause 13 was recommitted.

The CHIEF SECRETARY (Hon. W. Morgan) moved to insert in the 9th line after the word "May," the words "in tidal waters."

The amendment was agreed to, and the clause passed as amended.

The schedule was passed.

The preamble and title were passed as printed.

The Council resumed and the Bill was reported, the report was agreed to, and the third reading fixed for the following Tuesday.