OYSTER FISHERY BILL 1885

**House of Assembly, 5 November 1885, page 1421**

Second reading

**The TREASURER** said oyster fishery at the present time was an important industry, and anything that they could do to increase its importance must result in benefit to the State. He had reason to believe that oyster beds would be found on other parts of the coast to those where they now existed; that there would be large beds found near the Murray mouth, and that the Sydney rock oyster might be planted on certain parts of the coast and would probably do well. Some three years ago a member of the House introduced the rock oyster to Port Victor, and though the attempt failed he believed it was because the oysters were placed at too great a depth to allow them, as was necessary, to be uncovered at the lowest tide. In the Bill it was proposed to have no close season, because it had been proved that the oyster of Australia bred all the year round (Mr Kingston — “As bad as rabbits.”) The size of the oyster that might be taken was described as two inches in diameter, it having been previously six inches in circumference. The Marine Board were empowered to make regulations as to the duties of the officer appointed under the Bill, and the appointment of the inspector was to be made by the Government, although the inspector would be under the direction of the Marine Board. The licence was fixed at £10 for the larger class, and 5s. for each person connected with the fishery, but the Marine Board could, by regulation, impose lesser fees. There was a penalty for fishing for oysters in unlicensed boats. Those who discovered natural beds would have exclusive rights to them for a period of five years, the law at present providing that it should be two years. Provision was also made for the formation of artificial beds and exclusive licences therefor for a period of twenty-one years. The bed must be planted within one year after the application was made. Of course persons holding shore land could form oyster beds without any licence. The boundaries of artificial oyster beds would have to be defined by marks on shore and afloat. It was set out in the Bill that the Marine Board might upon one month’s notice close any natural oyster beds for a period of four years. The present law allowed the beds to be closed for three years, but it was thought better to extend the time, as it took four if not five years for the oyster to attain its maturity. It was thought better to vest the authority under this Bill in the Marine Board rather than be divided between that body and the Commissioner of Crown Lands. In the remaining clauses various penalties were provided for. He had been promised assistance from many hon. members in passing the Bill, among the rest the hon. member for North Adelaide (Mr. Stirling), and the members for the district concerned, who took much interest in the matter. The Bill had been prepared with a great deal of care, and he believed would meet the exigencies of the case.

Mr. MOULE congratulated the Treasurer on his excellent and eloquent speech, and on the fact that after only four months’ study he had so mastered his subject. (Laughter.) At the same time it would have been better if the Treasurer had more closely adhered to the petition presented by those interested in oyster fishery in Port Lincoln, as some objections yet remained to be urged against the Bill. The great objection was that the whole control of the oyster fisheries was vested in the Marine Board instead of one of the Ministers of the Crown. If they wished to encourage any industry, they should not place it under the control of a board. (Mr. Rounsevell — “Hear, hear.”) In paragraph 10 it was absurd to charge £10 for every vessel in the trade, and this would include every dingey of a cutter used in catching oysters. There was no objection to the fee of 5s. per fisher, but it should be transferable. Clause 13 should be modified, as otherwise visitors to Port Elliot could not go out in an oyster boat without being fined. Clauses 28, 29, and 30 were unworkable. The suggestions were — “The oyster brood are all attached to pieces of limestone, razor fish, or other articles, and to keep all that rubbish on the decks would smother the boats in a very short time. On the other hand to knock off the young fish, keeping them separately, and throwing the rubbish overboard would take up far too much of the oyster-men’s time, and would almost certainly kill a brood so disturbed. It would seem a better plan that where there was a large proportion of oyster brood the inspector should close that piece of ground and work somewhere else where the fish were more matured.” He thought these suggestions quite right. There was a serious objection to clause 34. In this clause the words “except dredge refuse” should be inserted after “refuse,” and all the words after “whatsoever” in line 3 and the whole of line 4 down to “not” omitted. It would be impossible for the boats to accumulate the dredge refuse on deck until such time as they could go outside the ground to throw it overboard; and besides the dredge refuse was not injurious; in fact, the bulk of it was very beneficial, as it consisted of old oyster shells, razor fish, or old pieces of stone that the young fish get attached to and grow to. Nothing could be better for the oyster beds than the depositing of moderate-sized stones, empty bottles, or tins, &c., and nothing would more certainly destroy a bed than the removal of these things. The rest of the clause was necessary to prevent vessels discharging ballast on an oyster bed, and to prevent sand or mud from being deposited there. He would do all he could to make the measure workable.

On the motion of Mr. ROUNSEVELL, the debate was adjourned till Tuesday.

10 December 1885, Page 1900 - Adjourned debate on second reading.

Mr. ROUNSEVELL sympathised with the object of the Bill because oyster fishing was one of our industries that ought to be fostered to the fullest extent. He thought there was little probability of the Bill becoming law this session. (The Attorney- General — “Yes.”) The Bill commended itself to his mind, but he thought it was a mistake to vest the administration of the measure in the Marine Board, whose functions should be confined to Port Adelaide and its vicinity. The Treasurer ought to administer the Bill. Clause 10 was of an objectionable nature, and would if carried as at present extinguish oyster fishing. A fee of £10 for a boat and 5s. for each man was in a wrong proportion. The fees ought to be on a sliding scale, and the fees paid by large boats should be more than those contributed by smaller vessels, and at the same time he thought the men working on these various crafts should be licensed, but the licences should be transferable so that the men might go from boat to boat if necessary. The fee of 5s. was altogether inadequate, and the men themselves concerned thought that for their own protection it was too small. The fees for boats should be on a sliding scale, according to tonnage, running from £3 to £5, and the fee for the men should be £2. If clauses 29 and 30 were retained in their present form they would bring about the extinction of the trade. They related to the marking off of a brood. He had received a statement from persons who had been connected with the trade for a number of years, which was to the effect that oyster brood was attached to pieces of limestone, razor fish, and other articles, and to keep all that rubbish on deck would smother the boat in a very small time. On the other hand to knock off the young fish, keep them separately, and throw them overboard would take up much of a man’s time, and would certainly kill the brood. Where there was a large proportion of the oyster brood the inspector should close that piece of ground, and work should be proceeded with where the fish were more matured. He would support the Bill with the amendments he had indicated.

The second reading was carried.

In committee.

Clause 4. Interpretation.

Dr. E. C. STIRLING moved in line 13 to strike out the word “cultch,” which consisted of substances at the bottom of the sea to which the oysters were attached. It seemed to him that the word was a little out of place.

The amendment was carried.

Dr. E. C. STIRLING, at the end of line 19, moved to add “except any ships, vessels, or boats propelled by steam.” This was provided in the oyster laws of America, and was to guard against the destroying of oyster beds by their being covered in mud and other rubbish owing to large nets being drawn along by powerful vessels.

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

Clause 6. Administration under Marine Board.

Mr. ROUNSEVELL moved to strike out “Marine Board” and insert “Treasurer.”

The TREASURER (Hon. S. Newland), in answer to Mr. Coglin, said the Government accepted the amendment. (Mr. Coglin — “You’d accept anything.” Laughter.)

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

Clause 9. Government may appoint inspector.

The TREASURER (Hon. S. Newland), in answer to Dr. Stirling, said the present inspector was an exceedingly efficient officer, and he had no other inspector in his mind’s eye.

Passed.

Clause 10. Licences for beats and fishermen.

Mr. ROUNSEVELL moved after the word “fishing” to strike out £10, and add “carrying two men £3, and three or more men £5.”

Mr. MOULE thought it would be fairer to make the fee for the boat £2 2s., and the fees for the persons engaged in the trade £2.

Mr. ROUNSEVELL said that the desire was that the boats, according to their size and tonnage, should contribute to the revenue.

Mr. LANDSEER thought the principle adopted should be according to the tonnage of the vessels and the hands licensed.

The TREASURER (Hon. S. Newland) thought it would be better to fix the fees for boats at £5 and for men at £2.

The amendment was agreed to.

Mr MOULE moved in the succeeding line to strike out “5s.” and insert “40s.”

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

Clause 12. Penalty on fishing for oysters in unlicensed boat.

Dr. E. C. STIRLING said this clause appeared to inflict a penalty on casual visitors who might go fishing, or on people trawling in a yacht for natural history purposes.

Mr. MOULE said the necessary amendment could be made in the next clause.

Clause 13. Penalty for fishing for oysters without a licence.

Dr. E. C. STIRLING moved to insert after “oysters,” in line 37, for the purpose of trade.”

Carried, and the clause passed as amended.

Clause 14. Discoverer of oyster bed may apply for exclusive licence.

Dr. E C. STIRLING asked what was meant by “on or near the coast of South Australia?”

The TREASURER (Hon. S. Newland) thought it a matter of indifference. No one would interfere with people fishing ten, twenty, or thirty miles from the coast. (Mr. Moule — “You have no jurisdiction beyond three miles.”)

Passed.

Clauses 15 to 28 passed.

Clause 29. Treasurer may mark off brood beds for deposit of oyster brood taken up in fishing.

Mr. ROUNSEVELL moved that this clause, and consequently clauses 30 and 31, be struck out. It would be most detrimental to the trade, as well as unworkable.

Carried.

Clauses 32 and 33 passed.

Clause 34. Penalty for depositing injurious matter on the beds.

Mr. MOULE moved to strike out all words after “whatsoever” down to “not” in lire 37, and insert instead “except dredge refuse.”

Carried, and the clause passed as amended.

The schedule, preamble, and title passed.

The House resumed, and the standing orders having been suspended, the Bill was read a third time and passed.