

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

WORKING OF THE FISHERIES ACT,

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDICES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

27 August, 1889.

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS
LEGISLATIVE ASSEMBLY.

VOTES No. 28. TUESDAY, 21 MAY, 1889.

10. WORKING OF THE FISHERIES ACT:—Mr. Frank Farnell moved, pursuant to *an order* Notice,
(1.) That a Select Committee be appointed, with power to send for persons and papers, to
into and report upon the working of the Fisheries Act.
(2.) That such Committee consist of Mr. O'Sullivan, Mr. Thompson, Mr. Howc, Mr. Willk
Stephen, Mr. Stevenson, Mr. Ritchie, Mr. Nobbs, Mr. Seaver, Mr. Carruthers, and the Mayor.
Debate ensued.
Question put and passed.

VOTES No. 56. WEDNESDAY, 10 JULY, 1889.

5. WORKING OF THE FISHERIES ACT (*Formal Motion*):—Mr. Dale, for Mr. Frank Farnell, moved,
pursuant to Notice, That the Select Committee now sitting on "Working of the Fisheries Act" be
authorized to make visits of inspection to, and to hold inquiries at, certain fisheries of the Colony,
and that the Committee have power to sit during any adjournment of this House, to enable them
to make the said visits of inspection.
Question put and passed.

VOTES No. 83. TUESDAY, 27 AUGUST, 1889.

4. WORKING OF THE FISHERIES ACT:—Mr. Frank Farnell, as Chairman, brought up the Report from,
and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select
Committee for whose consideration and Report this subject was referred on 21st May, 1889,
together with Appendices.
Ordered to be printed.

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1889.

WORKING OF THE FISHERIES ACT.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on 21st May, 1889, "with power to send for persons and papers, to inquire into and report upon the working of the Fisheries Act" and to whom was granted on 10th July, 1889, "leave to make visits of inspection to, and to hold inquiries at, certain fisheries of the Colony,"—have agreed to the following Report:—

Your Committee having bestowed a large amount of time and attention upon the subject referred to them, and carefully considered the varied evidence given before the Committee find that the Fisheries Act has not worked as satisfactorily as was anticipated by its framers. The Act has by reason of certain restrictions operated harshly upon those engaged in the industry, and has not held out sufficient encouragement to oyster-culture; indeed this industry has almost become a dead letter owing particularly to the system of leasing and supervision being defective.

2. The evidence taken before your Committee, without exception, points to the expediency of allowing an extension of the length of the various nets along the corks, and your Committee recommend for the consideration of your Honorable House,—

- (1.) That the hauling-net should be allowed to be increased in length to 250 fathoms, with a mesh of $2\frac{1}{2}$ inches in the wings, and 2 inches in the bunt, and that the bunt should not exceed $\frac{1}{3}$ the length of the net.
- (2.) That the garfish-net should not exceed 60 fathoms, with bunt not more than $\frac{1}{3}$, and the mesh should be $1\frac{3}{4}$ inch in the wings and 1 inch in the bunt.
- (3.) That the prawn-net should not exceed 30 fathoms, having a mesh throughout not less than 1 inch.
- (4.) That the meshing-net to be used in tidal waters should have a length not exceeding 120 fathoms, and a mesh not less than 3 inches in any part.
- (5.) That the inland waters' net should consist of a net having a mesh of not less than 4 inches in any part, and not fitted with a bag or purse; and no net should be used in the tributaries of inland rivers.
- (6.) That each net should be considered legal when passed by an inspector, and should not be forfeited until a second conviction.
- (7.) That no net be set across any inland river without leaving a width of at least 12 feet of water between each bank and the ends of the net, and any person wilfully placing any obstruction of whatever kind between the net and the bank so as to prevent fish freely passing should be liable to a heavy penalty.
- (8.) That the legal weight of the garfish be reduced to 1 ounce, considering that it is a migratory fish and vast quantities can be captured.

3. Your Committee have cause to regret that more discrimination has not been shown in the closing and opening of rivers and bays for fishing—it having been proved to the Committee that the local Inspectors have but seldom been consulted in regard to the closing or opening of waters, but that closures have been made by the Fisheries Commission which have caused hardship to the fishermen as well as deprived the public of being able to obtain fresh fish, notably on the Parramatta, Hawkesbury, and George's Rivers.

4. Your Committee urge that immediate attention be directed to the way in which the fish in the Murray and its tributaries are being captured and destroyed.

5. Your Committee have learned that trawling is not practised by the fishermen of New South Wales, and they recommend that the coast be surveyed without delay and some encouragement offered to trawlers.

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6. It has been shown to your Committee that much delay and inconvenience have been caused the fishermen by the delays that have taken place in the Fisheries Department through the absence of a quorum of the members of the Commission, and they cannot but add that the mode of procedure in many instances, in transacting business in the absence of a quorum, was irregular and objectionable.

7. Your Committee have ascertained that the members of the Commission have been very irregular in their attendance on the Commission, and much delay has been caused in consequence.

8. Your Committee recommend that the fishermen's license fee remain as at present, 10s., and that the boat license be dispensed with.

9. Your Committee are of opinion that all openings and closures of waters should at all times be notified without delay to the Fisheries Inspectors of the various districts for the purpose of affording direct information to the fishermen, and further suggest that in districts where practicable the local police officers be appointed to perform the duties of Assistant Inspectors of Fisheries, and that Inspectors and Assistant Inspectors should be authorized to issue licenses and collect fees.

10. Your Committee beg to point out the deplorable condition of the oyster fisheries, which once yielded profitable employment, and recommend as a remedy the granting of large areas of foreshore on the leasing system, which shall be subject to tender, and that the rent be determined by the amount tendered, and in no case should a lease be granted unless the rent be paid one year in advance.

11. Your Committee have learned that under the present system of oyster-leasing, pilfering and indiscriminate selection of small areas have interfered with the success of the lessees of larger areas.

12. It has been proved to your Committee that a very unsatisfactory state of affairs exists in regard to the sale of fish at the Woolloomooloo Market, and they recommend the following:—

- (1.) That an additional market be established close to the Railway and convenient to water carriage—to be under the supervision of an officer appointed by the Government, who may be authorised to sell consignments of fish at any hour after their arrival; and that all fishermen shall have the right to appoint their own auctioneers or salesmen.
- (2.) That the present market accommodation at Woolloomooloo being inadequate, and the fact being disclosed, that fish are at the present time liable to be spat upon and trodden under foot, the Municipal Council of Sydney be asked to provide means for the display of fish by erecting suitable raised tables on which they could be placed for inspection before sale.
- (3.) That railway freight on fresh fish and oysters and on fish baskets returned empty should be reduced.

13. Your Committee recommend that the present Commission be abolished, and the whole Department reconstructed; and they suggest that, in place of the Commission, direct Ministerial control be established, and one gentleman appointed to preside over the Department, who should report to the Minister having such control.

14. Your Committee are of opinion that, although the Commissioners have done good work, they will not object to being relieved of their duties; and your Committee, in determining on their Report, acknowledge their valuable services as Commissioners.

15. In the event of the Commission being retained, your Committee would recommend that two representatives of the fishermen in the Colony be placed on that Board.

16. Your Committee cannot conclude this Report without expressing their conviction that the Government has been to blame for its inactivity in carrying out the Commission's recommendations; and they confidently believe that the evidence submitted with their Report, and the various suggestions embodied therein, together with the Draft Bills appended thereto, will prove of great value in settling this important question.

FRANK FARNELL,
Chairman.

No. 3 Committee Room,
Sydney, 27 August, 1889.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 28 MAY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell,	|	Mr. O'Sullivan,
Mr. Ritchie,	|	Mr. Stevenson,
	Mr. Nobbs.	

Mr. Frank Farnell called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, read by the Clerks.
Committee deliberated.

[Adjourned till Thursday next, at a quarter-past Two o'clock.]

THURSDAY, 30 MAY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.	
Mr. Ritchie,	|
	Mr. Nobbs.

Committee deliberated.

Ordered,—That Drs. J. C. Cox and E. P. Ramsay and Mr. S. H. Hyam be summoned to give evidence next meeting.

[Adjourned till Wednesday next, at Two o'clock.]

WEDNESDAY, 5 JUNE, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.	
Mr. Howe,	|
Mr. O'Sullivan,	|
	Mr. Thompson,
	Mr. Ritchie,
	Mr. William Stephen.

Dr. J. C. Cox (*President of the Fisheries Commission*) called in, sworn, and examined.

Witness handed in memorandum in reference to transference of Inspectorial Staff; copy of proposed legislation in reference to the Fisheries of the Colony; list of officers and employees in the Fisheries Department; statement of receipts and expenditure of Fisheries Department from 1881 to 1888; correspondence in reference to prosecutions under the Fisheries Act; list of applications for oyster culture leases, by R. R. Armstrong and Sons; report by Inspector Mulhall on fish supply at Woolloomooloo Market; return of oyster culture leases from 1883 to 1889; returns of fish brought to Woolloomooloo Market from 1885 to 1887. [*See Appendices A 1 to 10.*]

Witness withdrew.

[Adjourned till Thursday, 13 June, at Two o'clock.]

THURSDAY, 13 JUNE, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.	
Mr. O'Sullivan,	|
Mr. Ritchie,	|
	Mr. William Stephen,
	Mr. Stevenson,
	Mr. Nobbs.

Dr. E. P. Ramsay (*one of the Fisheries Commissioners*) called in, sworn, and examined.

Witness withdrew.

Solomon Herbert Hyam (*one of the Fisheries Commissioners*) called in, sworn, and examined.

Witness withdrew.

[Adjourned till Tuesday next, at Two o'clock.]

TUESDAY, 18 JUNE, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.	
Mr. O'Sullivan,	|
Mr. Ritchie,	|
Mr. Stevenson,	|
	Mr. Seaver,
	Mr. William Stephen,
	Mr. Howe.

Lindsay G. Thompson (*Secretary to the Fisheries Commission and Chief Inspector of Fisheries*) called in, sworn, and examined.

Witness handed in copies of two Bills framed for the amendment of the Fisheries Act, with memoranda explanatory of same; copy of letter to Messrs. Duff and Collins, auctioneers, submitting for sale forfeited fishing-nets; list of officers and employees in the Fisheries Department; also memorandum suggesting alterations in the Inspectorial Staff. [*Appendices B 1 to 5.*]

Witness produced correspondence respecting removal of Inspector Quinan.

Witness withdrew.

[Adjourned till Thursday next, at Two o'clock.]

THURSDAY,

THURSDAY, 20 JUNE, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.
 Mr. Nobbs, | Mr. Ritchie,
 Mr. William Stephen, | Mr. Stevenson,
 Mr. Howe.

Alexander Oliver, M.A. (*one of the Fisheries Commissioners*), called in, sworn, and examined.
 Witness withdrew.

[Adjourned till Tuesday next, at *Two* o'clock.]

TUESDAY, 25 JUNE, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.
 Mr. William Stephen, | Mr. O'Sullivan.

Thomas Mulhall (*Assistant Inspector of Fisheries*) called in, sworn, and examined.
 Witness withdrew.

[Adjourned till Tuesday next, at *Two* o'clock.]

TUESDAY, 2 JULY, 1889.

MEMBERS PRESENT:—

Mr. O'Sullivan, | Mr. Seaver,
 Mr. William Stephen, | Mr. Ritchie,
 Mr. Stevenson.

In the absence of the Chairman, Mr. O'Sullivan was called to the Chair *pro tem*.
 Thomas Mulhall called in, and further examined.

Witness withdrew.

John Duncan Grant (*Assistant Inspector of Fisheries*) called in, sworn and examined.

Witness withdrew.

Peter Smith (*Assistant Inspector of Fisheries*) called in, sworn, and examined.

Witness withdrew.

[Adjourned till Thursday next, at *Two* o'clock.]

THURSDAY, 4 JULY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.
 Mr. Ritchie, | Mr. Stevenson,
 Mr. Nobbs.

Richard Seymour (*Inspector of Nuisances for the City of Sydney, and an Assistant Inspector of Fisheries*) called in, sworn, and examined.

Witness *handed in* return showing quantity of fish received and sold by auction, the quantity condemned, and commission on sales at the Eastern Fish Market, Sydney. [*Appendix C 1.*]

Witness withdrew.

Peter Smith called in and further examined.

Witness *produced* list of leases for oyster culture, and of lessees who are in arrear with their rents in the Hawkesbury District.

Witness withdrew.

[Adjourned till Tuesday next, at *Two* o'clock.]

TUESDAY, 9 JULY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. Ritchie, | Mr. Seaver,
 Mr. William Stephen, | Mr. O'Sullivan,
 Mr. Howe, | Mr. Stevenson.

James Charles White called in, sworn, and examined.

Witness withdrew.

Frederick William Smithers (*Travelling Inspector of Fisheries*) called in, sworn, and examined.

Witness withdrew.

Resolved,—That the Chairman obtain the necessary leave from the House for the Committee to make visits of inspection.

[Adjourned till Thursday next, at *Two* o'clock.]

THURSDAY,

THURSDAY, 11 JULY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. William Stephen, | Mr. Stevenson.

Entry from Votes and Proceedings, granting leave to the Committee to make visits of inspection to, and to hold inquiries at, certain Fisheries of the Colony, read by the Clerk.

Henry Woodward (*Oyster-dealer*) called in, sworn, and examined.

Witness withdrew.

Richard Hellings (*Boatman, Fisheries Department*) called in, sworn, and examined.

Witness withdrew.

Ordered,—That W. N. Cain, T. Temperley, F. Nelson, and G. G. Benson be summoned, under the Parliamentary Evidence Act, for Tuesday and Thursday next.

[Adjourned till Tuesday next, at Two o'clock.]

TUESDAY, 16 JULY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. O'Sullivan, | Mr. Seaver,
Mr. William Stephen, | Mr. Stevenson,
Mr. Howe, | Mr. Ritchie.

Frederick Nelson (*Inspector of Inland Fisheries*) called in, sworn, and examined.

Witness withdrew.

William Nicholas Cain (*Assistant Inspector of Fisheries*) called in, sworn, and examined.

Witness withdrew.

Thomas Temperley (*Inspector of Northern Fisheries*) called in, sworn, and examined.

Witness withdrew.

The Clerk drew the attention of the Committee to certain alterations made by Mr. H. Woodward in his evidence.

The Committee directed that certain of the alterations should be struck out.

[Adjourned till Thursday next, at Two o'clock.]

THURSDAY, 18 JULY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. William Stephen, | Mr. Howe,
Mr. Ritchie, | Mr. Stevenson.

Frederick Nelson called in and further examined.

Witness withdrew.

Thomas Temperley called in and further examined.

Witness withdrew.

George Gordon Benson (*Inspector of Southern Fisheries*) called in, sworn, and examined.

Witness withdrew.

[Adjourned till Tuesday next, at Two o'clock.]

TUESDAY, 23 JULY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. O'Sullivan, | Mr. William Stephen,
Mr. Ritchie, | Mr. Nobbs,
Mr. Stevenson.

Thomas Temperley called in and further examined.

Witness withdrew.

Frederick William Smithers called in and further examined.

Witness withdrew.

Peter Richardson (*Fisherman*) called in, sworn, and examined.

Witness withdrew.

James Edwards (*Fisherman*) called in, sworn, and examined.

Witness withdrew.

[Adjourned till Thursday next, at Two o'clock.]

THURSDAY, 25 JULY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. Howe, | Mr. Ritchie,
Mr. Stevenson, | Mr. William Stephen,
Mr. Thompson.

James Richard Hill (*one of the Fisheries Commissioners*) called in, sworn, and examined.

Witness withdrew.

The Clerk submitted the following claims for witnesses expenses:—Thomas Temperley, £13; Frederick Nelson, £4 11s. 9d.; G. G. Benson, £5 17s.

Claims considered and passed.

[Adjourned till Tuesday next, at Two o'clock.]

TUESDAY,

TUESDAY, 30 JULY, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. Howe, | Mr. Stevenson.

James J. Macfadyen (*President of the Fishermen's Association*) called in, sworn, and examined.
Witness handed in copy of Memorial from the Fishermen's Association to the Colonial Secretary,
setting forth certain grievances of the fishermen. [See Appendix D 1.]

Witness withdrew.

William Neal (*Fisherman*) called in, sworn, and examined.

Witness withdrew.

[Adjourned till Thursday next, at Two o'clock.]

THURSDAY, 1 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. William Stephen, | Mr. Stevenson.

John Moore Chanter, M.P., called in, sworn, and examined.

Witness withdrew.

Philip Cohen called in, sworn, and examined.

Witness withdrew.

[Adjourned till Tuesday next, at Two o'clock.]

TUESDAY, 6 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. William Stephen, | Mr. O'Sullivan,
Mr. Ritchie, | Mr. Stevenson,
Mr. Howe, | Mr. Nobbs.

Lindsay G. Thompson called in and further examined.

Witness handed in minute in reference to importation of salmon ova. [See Appendix B G.]

Witness withdrew.

James J. Macfadyen called in and further examined.

Witness withdrew.

Thomas Gascoigne (*Fisherman*) called in, sworn, and examined.

Witness withdrew.

[Adjourned till Thursday next, at Two o'clock.]

THURSDAY, 8 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. Ritchie, | Mr. Howe,
Mr. William Stephen, | Mr. Stevenson.

Committee deliberated as to their Report.

[Adjourned till Thursday next, at Two o'clock.]

THURSDAY, 15 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Howe, | Mr. Ritchie,
Mr. William Stephen.

In the absence of the Chairman, Mr. Howe was called to the Chair *pro tem*.

Draft Report of Chairman submitted.

Same read and considered.

[Adjourned till Tuesday next, at Two o'clock.]

TUESDAY, 20 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Stevenson, | Mr. William Stephen.

In the absence of a quorum the meeting called for this day lapsed.

TUESDAY.

TUESDAY, 27 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Frank Farnell in the Chair.

Mr. William Stephen,	|	Mr. Ritchie,
Mr. Howe,	|	Mr. Stevenson.

Draft Report further considered, amended, and agreed to.
Chairman to report to the House.

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1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WORKING OF THE FISHERIES ACT.

WEDNESDAY, 5 JUNE, 1889.

Present:—

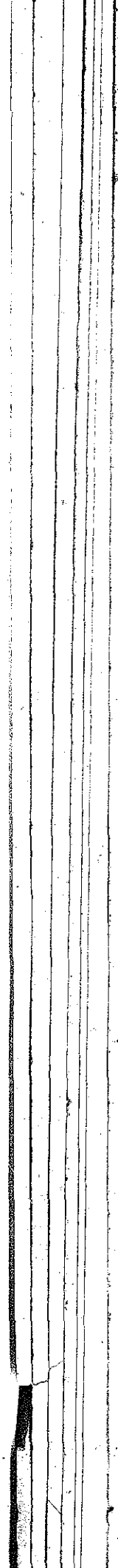
MR. FRANK FARNELL,
MR. O'SULLIVAN,
MR. WILLIAM STEPHEN,

MR. THOMPSON,
MR. HOWE,
MR. RITCHIE.

FRANK FARNELL, Esq., IN THE CHAIR.

Dr. James C. Cox called in, sworn, and examined:—

1. *Chairman.*] What position do you hold in connection with the Fisheries Commission? President. Dr. J. C. Cox.
2. How long have you occupied that position? Since Mr. Macleay's resignation. I produce copy of correspondence on that subject. It was stated in the House that the members of the Commission resigned in a body, but that is a mistake. Mr. Macleay resigned in 1882. I was appointed President on the 19th October, 1882. 5 June, 1889.
3. Are there four other gentlemen on the Commission with you? Yes.
4. As Commissioners you are not under any Ministerial direct control? Yes, too much so. That is what we all complain of. We practically feel that we are not Commissioners. I do not look upon myself as a Commissioner at all. We have no power beyond what the Act gives us, but the interference on all sides is too great for the Commission to be comfortably worked. If we want to move one of our servants or employees from one district to another the influence which is brought to bear is certainly what it ought not to be. We wanted to remove a man the other day from Wollongong to Hawkesbury, and petitions came in from Mayors, J.P.'s., and everybody about the district, asking that the man may not be removed. Some short time ago I requested the secretary to draw up a document which he and I had agreed upon to bring before our Board, because I wanted to maintain the principle that it was better to move our servants—inspectors particularly—from one district to another, on account of the fact that they become affected by local influences which ought not to exist. I hand in the document referred to. [*Appendix A1.*] I regret to say that I have never been able to get the suggestions carried out up to this day.
5. Have you taken an active interest in the fishing industry? Yes, I have always been interested in it.
6. Do you think that the provisions of the Fisheries Act have been applied justly and have given satisfaction to fishermen and oyster-men? I believe they have not, but it is the fault of the law made by the legislators of the country utterly against the advice of the Commissioners.
7. Have you any reason to doubt the advisability of continuing the present Commission? No; I think the Commission is the proper thing if you give them proper powers.
8. As Commissioners have you all worked harmoniously? Yes, I have never had a dispute with any of the Commissioners.
9. How many sittings do you have? One every week.
10. Do all the Commissioners attend? No, they do not all attend; Mr. Hill is extremely regular in his attendance; Mr. Hyam is regular in his attendance; Mr. Oliver, till quite recently, scarcely ever attended; Mr. Ramsay, at the Museum, is a very irregular attendant—he is scarcely ever there.
11. What time is usually taken up at your meetings? I do not think we ever get off under two hours.



The remainder of the page is filled with extremely faint, illegible text. The characters are too light and blurry to be read, appearing as a dense field of noise or ghosting from the reverse side of the paper.

- Dr. J. C. Cox. 12. Have you at any time as President of the Commission brought under the notice of the Government any proposal to remedy the defects alleged to exist in the Fisheries Act? Yes. In 1883, shortly after I took up the office of President, I began to make suggestions on the subject. The Commissioners before me felt that there were very serious defects in the Act; the Commissioners who were associated with me at that time were Messrs. Want, Thomas, Geddes, and I think, Dr. Ramsay. We found it was very difficult to work the Act; the defects were so great that we drew up a Bill at that time and recommended the Government to adopt it; but not only was it not adopted but it was never even taken the slightest notice of. I produce the Bill which we recommended in 1883. [*Appendix A 2.*] The Government did not even say "Thank you" for it.
13. *Mr. Ritchie.*] Speaking of the influence brought to bear, what kind of influence did you refer to? Local influence.
14. *Mr. Thompson.*] Outside pressure? Yes; and too much political influence.
15. *Mr. Ritchie.*] Where does the political influence come from—the Government or private members? From both.
16. Do you find the Government interfere at all? No; the Government are dilatory in carrying out the wishes of the Commission. For instance, we recommended a man to be appointed draftsman six months ago, and we never got an answer to that letter until yesterday.
17. *Chairman.*] Have you at any time had complaints brought under your notice as to the unjust operation of the provisions of the Fisheries Act by fishermen? I have heard hundreds of complaints from fishermen; but they have every one been dealt with honorably and correctly; that is one of the things that I object to in your speech in the House. You said that the Act has been unjustly administered. I think it is a pity to let that go unchallenged, because it is a slur on any body of gentlemen who exist to administer the Act. It is said, in the speech I refer to: "For some time past we have had complaints from the fishermen of this Colony of the unjust manner in which the Fisheries Act is being administered." I challenge this Committee to produce a single instance of that.
18. The officers charged with carrying out the provisions of the Act have power, I believe, to seize nets of an unlawful mesh? Yes.
19. Have many cases come under your notice of the seizure of nets? Very many.
20. Is it not a fact that some of the nets seized have been sold by the Commissioners, while in other cases they have been allowed to rot after having been seized? Yes; we are obliged by a law which you gentlemen made to wait for a certain time before the nets can be sold, and that necessitates their rotting. If you had allowed us to deal with the nets as we thought right they would not have rotted.
21. *Mr. Ritchie.*] What would you have done with the nets? We would either have burnt them or taken them to pieces and sold them for covering fruit trees and things like that.
22. *Chairman.*] Is not your procedure an encouragement to other people to break the law when they purchase the nets, for there is no doubt that they purchase them for the sake of fishing? We have never been able to detect such an instance; the purchasers have to sign a document that they will not use the nets for fishing purposes.*
23. With reference to the constitution of the Commission, are you aware of any particular knowledge possessed by your fellow Commissioners with regard to the fishing industry? I think that Mr. Hill is about as good a practical fisherman as I know of; he is as well versed in the manners and customs and doings of the fishermen as any man in this country; more than that he is a first-class man of business. Mr. Oliver has a good knowledge of fishing and of everything connected with fisheries; Mr. Ramsay has a very good knowledge indeed of the way in which fish breed, and of the different kinds of fish on the coast and the waters they live in. All these matters are very important. Mr. Hyam is a very good practical fisherman, and a very useful member of the Board.
24. Have you taken an opportunity of visiting any of the fishing-grounds or oyster-beds? I have. I would have visited them more frequently but for the meanness of the Government in not allowing us even 6d. to visit any one of them, and in not giving us even a vessel or a free pass by train by which we could travel to those grounds.
25. Are you allowed no fees? No; they make me pay if I want to go to see the Illawarra Lake, for instance, to ascertain if it is blocked up or not. I cannot get a railway pass to go anywhere. I once went over on business to confer with the Fisheries Commissioners at Melbourne and they gave me a pass across. Directly I arrived in Melbourne I was given a pass to go all over the country.
26. During your visits to these different places, the fishing-grounds and oyster-beds, were grievances brought under your notice by the fishermen and oystermen, or was it on account of previous complaints made to the Commission that you visited those places? I visited several of them to see for myself what was going on, but the mass of complaints were all received in writing. Hundreds of complaints come to me—my private consulting-room is sometimes inundated by fishermen. I was visited to-day by a man who is unlicensed, who fishes with an unlawful net in the Parramatta River, and then, because his net was seized he wants me to give it back again, on pretence of ignorance. That is the sort of thing we have to deal with every day.
27. Do you find many of these complaints are well grounded or are not sustained? All complaints are gone into carefully. Many of the complaints are well grounded, but the most of them are exaggerated and overdrawn.
28. With reference to the meshes and nets, is it not a fact that new nets, after being passed as legal, shrink and thus cause the mesh to become smaller? They do, but that is always taken into consideration. I produce a diagram of our nets, which I believe will be useful to the Committee.
29. Are you aware of any proceedings having been taken against men who used nets under the circumstances stated in my last question? Yes.
30. Do you remember what the result of that action was? If we think that an illegal mesh is the result of shrinkage caused by proper attention to the net the case is always overlooked—there is never any harshness used. In fact we are rather too lenient in many cases.
31. When once a net is pronounced to be legal should it not always be considered legal? Yes, I maintain that through thick and thin.
32. *Mr. Ritchie.*] If an alteration took place would it not be on the side of safety? No, the alteration of the net would tend against the law, but once a net is passed by our Commissioners I say that a man should be allowed to fish with that net until it is worn out.

* NOTE (on revision):—No illegal nets are sold if taken illegal; they are made legal at the office and then sold.

33. *Mr. Thompson.*] Do you not know that although the net will at first take up and shrink, it will afterwards go just the contrary on account of the weight brought to bear upon it by the water itself, apart from the weight of the fish and blubber? Yes, I do. Dr. J. G. Cox.
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34. *Chairman.*] Do you think it would be better to have a provision to punish people who bring fish to market under a certain size rather than be so particular as to the nets used? They are not punished, but their fish is seized, if the fish is found to be too light in weight according to the standard ordered by the Legislature.

35. *Mr. Thompson.*] And they are seized even in Government establishments? Yes. A provision as to the size of the fish leads to dreadful effects, and which is destroying the fish in Melbourne waters. The fishermen in Melbourne are allowed to use a net of any length or mesh, but if they are found with fish below a standard weight in their possession anywhere they are punished. I took the trouble to go to Melbourne to see into this question, and I have conferred very carefully with Mr. Kent, who has been investigating the fisheries of Victoria recently. He has been staying here for some time. I certainly agree with him that the destruction of young fish left on the shore in Melbourne is a most melancholy spectacle. In fact they are utterly destroying their fisheries through it.

36. *Mr. Ritchie.*] I suppose the fact is that these men are supposed to return the small fish to the sea when they catch them? They will not live after they are taken out of the water. I have seen young flounders killed in thousands along the coast near Melbourne; the air is quite tainted in consequence. That is my argument against the adoption of such a provision. With regard to emptying the nets in the water, that provision was considered necessary at one time. The law we have now provides that the garfish net should be emptied in the water, with the object of putting out all the other fish except garfish. That is one of the troubled points we have always had. The fact is that the poor fellows who were fishing could not and would not do it. They were much injured by being wounded with fish of different kinds. It was a harsh thing to pass such a regulation.

37. Do you know that it is the practice of many fishermen to use garfish nets for larger fish? I have known this occur many a time; in my own opinion, and the Board agrees with me thoroughly, a man should be allowed to take any fish that he catches with the garfish net if the fish is of proper weight. They would only otherwise die.

38. *Chairman.*] That is entirely against the law? Yes.

39. *Mr. Ritchie.*] What are your regulations with regard to allowing fishermen to have the various kinds of nets. Is one fisherman supposed to have all the different grades of nets? No, he can have any net he likes.

40. He can have two if he chooses? Yes, he can have all or any of the nets authorised by law.

41. Do the meshes range from 1 inch up to 4 inches? Yes.

42. Then it is quite possible that the fishermen may use the small meshes which are intended for the small fish, to catch all kinds of fish? Yes, that is to say, the fishermen can go and cast his garfish net in any position he likes, and he is allowed to take the fish that he catches if they are of proper weight.

43. *Mr. William Stephen.*] If the fishermen catch no garfish, but make a haul of other kinds of fish, how do you deal with them? We let them have the fish.

44. *Mr. O'Sullivan.*] Do you consider that these restrictions with regard to nets are too harsh? I do. What is called a prawn-net is 15 fathoms; I will advise that it be extended to 20 fathoms. The garfish net is 30 fathoms in the bunt, and 30 fathoms on each side, that is 90 fathoms altogether. I will advise that it be extended to 125 or 150 fathoms. The hauling-net is now three-fifties. I will advise that it should be increased to 300, or 350 fathoms, or probably a little more. I would advise the meshing-net as long as 100 fathoms at least. The Commissioners had a conference on the subject recently, and I now produce my rough notes of the meeting, showing the result of the conference. This was brought about by suggestions which were drawn up by the Secretary at my suggestion, embodying all the defects that were discovered in the experience of the Secretary and Commissioners during my tenure of office. I produce the memorandum which was drawn up by the Chief Inspector. He drew up a new Bill which I now produce, altering all defects known.

45. *Chairman.*] You have no control I believe over the inspectors of fisheries, except in seeing that they carry out the law? We have no power of dismissing them. We can only call the attention of the Government to their conduct—we have no power ourselves of getting rid of any servant under the Commission.

46. *Mr. Ritchie.*] Do you appoint them? No.

47. You can only recommend them? We wish we could do that alone; I am sorry that appointments have been made utterly opposed to the wishes of the Commission. I do not want to name anyone but if you wish it I will.

48. *Chairman.*] Are there any particular cases you could refer to? There is the case of the man at present in charge at Port Stephens, who was appointed in opposition to the wishes of the Commission. He is a most incompetent man, and we have since recommended that his services be dispensed with.

49. Have any of the inspectors been reported to you for dereliction of duty? Yes.

50. *Mr. William Stephen.*] Can you state any of the grounds of this man's incompetency? He does not seem to know anything about fisheries.

51. *Mr. Thompson.*] What was he before? A broken-down squatter I think.

52. *Chairman.*] How many inspectors have you? I hand in a copy of some statistics, giving all that information. [Appendix A 3.] All the persons employed are given in this printed list. I think the services of two of the officers named there have been dispensed with.

53. *Mr. William Stephen.*] What is the total number of your employees? About forty.

54. What number of these are clerks employed in the office, and how many are employed in the actual work of inspection? Seven are employed in the office. The rest are engaged on the work of inspection.

55. What is the total cost of the Fisheries Commission per annum? I hand in a statement of receipts and expenditure on account of the Department of Fisheries from 1881 to 1888. [Appendix A 4.] I have had this document specially drawn up for the Committee. In 1881 the receipts in round numbers were £1,554, and the expenditure £1,488. In 1882 the receipts were £2,651, and the expenditure £3,033. In 1883 the receipts were £2,943 and the expenditure £3,875. That was about the worst year we had, and it was owing to a change in the Oyster Fisheries Act. In 1884 the receipts were £5,865 and the expenditure was £5,231. In 1885 the receipts were £4,988 and the expenditure £5,621. In 1886 the receipts were £7,000 and the expenditure was only £6,000. In 1887 the receipts were £5,000 and the expenditure £6,000. In 1888 the receipts were £3,634 and the expenditure

- Dr. J. C. Cox. expenditure £6,255. I want to explain the reason for the last deficiency. It was because you gentlemen in your wisdom passed an Act to abolish the royalty on oysters;—you took that responsibility upon yourselves.
56. *Mr. Ritchie.*] From what source does your revenue come? There is £1 charged for every 100 yards under oyster lease, then there are the fishermen's licenses for boats and men, and there was a royalty on oysters up to this year;—that was 2s. 6d. per bag.
57. *Mr. William Stephen.*] Was there any revenue derived from fines? No; that goes to the consolidated revenue, and the proceeds of sale of the confiscated property goes to the Consolidated Revenue also.*
58. *Mr. O'Sullivan.*] With regard to the royalty on oysters before it was abolished, were not our fishermen very unfairly handicapped in competition with New Zealand and Queensland? Yes; they were shamefully used. The people of this Colony paid £1 per 100 yards for the cultivation of oysters under your new Act; then they were charged 2s. 6d. for every bag of oysters which they produced off that ground. Oysters were brought here from Queensland and New Zealand; they were utter rubbish, and they were represented as our oysters. Those oysters came in here without paying one farthing. Knowing that this injustice existed, I called on the Treasurer. Being a protectionist myself, I found it was a very sore subject with him; I pointed out to Mr. Burns the working of the Act, and he said that rather than give in to a proposal to charge 2s. 6d. per bag on oysters which came from abroad he would rather take off the charge from the oysters raised here. The result is that the Commissioners lost a very large sum of money indeed, and of course the country will have to pay for it.
59. According to your statement there appears to be a dual control with regard to the fisheries the Government appointing the officers and dismissing them, and your Commission appearing to be a kind of Board of guardians for disbursing the funds. Do you think such a state of things is likely to promote the interests of the fishing industry? No, we recommended years ago that we should have absolute control over these things. We are responsible only for what we do.
60. What powers would you suggest as necessary to make you an effective body for the protection of this great industry? I will give a case to illustrate the difficulties we have to meet with, and I will suggest that in such aggravated cases more power should be given to the Board. There is a family named Gascoygne on the Parramatta River, who have been detected seven times fishing, against the law. They have been convicted about six times, and fined several times, and two cases against them were dismissed. We ought to have power to take such men's license away and prevent them from fishing again if they will persist in breaking the law. They persist in breaking the law and we have no power to stop them. If they are brought up to Court they are fined a shilling or a pound or two. [*Appendix A 5.*]
61. What would you suggest in regard to the appointment and dismissal of officers? We ought to have absolute power to appoint and dismiss our own officers. We ought to be placed in exactly the same position as the Museum Board is.
62. *Chairman.*] Do you think that all the officers in the Department are required? I do not think that we could do with less than the present number of officers. We have reduced our staff recently, and there is a vast amount of clerical work to be done.
63. *Mr. Lindsay Thompson* is head of the Department and Secretary to the Commission;—has he had any practical experience in connection with fisheries? He knows the Fisheries Acts well, and has them at his fingers ends. I do not know any man who knows the law better; I say it respectfully; but] *Mr. Lindsay Thompson* is a real red tapeist.
64. Is he charged with carrying out the detail arrangements of the Department? Yes.
65. Is it customary for him to visit the different fisheries and oyster-grounds? No; he is not required to do so by the law. Whenever he is ordered to go there it is his duty to go, and he does go.
66. Are you aware that it is a source of complaint on the part of fishermen, that the fish-market at Woolloomooloo has not worked satisfactorily? I believe that the fishermen are most grossly used in their employment. They are robbed. The fish caught in the waters of the lakes between Newcastle and Hawkesbury are sent on to the steamers in open baskets. When the baskets are going along the road or knocking about a railway station, everybody seems to think it is his privilege to help himself to the fish. When the baskets go on board the steamers everybody helps himself. They are landed on the wharf, and lie there until people come to take them to the market. Every stroller about the wharf thinks that it is his privilege to help himself to the fish; then we discovered that the people who take the fish from the wharf to the market pull up at two or three public-houses, and the detectives whom we employed discovered that, while the drivers were taking a drink, persons came up to the cart and helped themselves to the fish. When the baskets arrived at the market one-third of the whole mass have gone; then last comes a most heavy impost on those poor fellows who have to pay, what I call middle-men. I hope and trust this Committee will see their way to have the fish conducted in an honest manner to our public places where they are sold. I think that our fishermen are publicly robbed.
67. Who has charge of the market? *Mr. Seymour*, an excellent officer.
68. Do you remember a man named Quinan;—what was he dismissed for? I believe for not accounting for some moneys in connection with the revenue from oysters. The whole of the documents are printed.
69. Do you think it is possible for the inspectors to be in collusion with the fish and oyster sellers? Yes.
70. Do you know *Mr. Woodward*, of King-street? Yes.
71. Does he know anything about fisheries? I think that probably he knows as much about the cultivation of oysters as any man in Australia; *Mr. Gibbons* and *Mr. Coote* are also first-class men in oyster cultivation.
72. Does *Mr. Phillip Cohen* know anything about the practical part of fishing? I believe he is a very good fisherman.
73. Do you know if *Captain Armstrong* has any experience? Yes. This gentleman applied to our Commission for the oyster-leases, a list of which I now produce. [*Appendix A 6.*] He deliberately took up the very eyes of the country, and according to the law we could not object to it. He never did anything with the leases—he never took them up. He put the office to an enormous expense, and never did one bit of good to the fisheries.
74. What was his object? Simply to resell the land applied for. *Mr. Cohen* made ten applications for leases. The first application he kept for a long time and withdrew; the same occurred with the second and third. The next we had to cancel because he would not pay his money. One lease was issued; the next

NOTE (on revision):—This is not included in our receipts.

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next one was kept for a long time, and it was withdrawn. The same was done with another, and in the next case a lease was issued, and the next one was cancelled.

75. Are you aware that the fishermen complain that the fishing grounds are closed for periods of over twelve months at a time? They are always closed in accordance with the Act.

76. Does the Act state that you have power to close reserves for a period of six months, and that after that a further proclamation by the Commissioners is necessary? On reference to the Act I find that we have power to close them for a period not exceeding two years.

77. How long has the Parramatta River been closed? For about four years.

78. Therefore you have gone outside the limit? No we reclosed it. We had a fresh proclamation issued.*

79. It has never been actually opened since the first proclamation? If I have my way it never shall be opened.

80. Can you give any reason why the fish have decreased? I think they have most enormously increased. I do not know any more extraordinary sight than I saw a short time ago at George's River which we closed at the bridge right up to the head. The river was literally swarming with fish. The whiting principally were in such enormous abundance that the flood drowned hundreds of baskets of them.

81. Is it not a fact that some eight or nine years ago one could go out on a fishing excursion and catch as many sorts of fish with a line as one chose, whereas in many cases a person may go out now for a whole day and not succeed in catching a single fish? I need only refer to the return of fish which are offered for sale. [See Appendix A 7.]

82. I am speaking more particularly with regard to the Parramatta River? I do not believe it, because yesterday sixty baskets of fish had to be taken away from our fish-market. Certainly, many of them were bad from waiting too long to be sold, but the most of them had to be sent away and destroyed or given away, because no one would buy them, there was such a superfluous quantity.

83. Mr. Ritchie.] What is the reason of your saying that you would close the Parramatta River entirely if you had your way? It is one of the most important breeding-places we have in the country, particularly for breeding and stocking Port Jackson with fish for the anglers. If I had my way I would stop net-fishing in Port Jackson altogether, and leave it for line-fishing only, as was done with Port Hacking. You passed a law a short time ago actually closing Port Hacking. Why not do the same with Port Jackson.

84. Would not that be a hardship on fishermen who have settled there and expended a considerable amount in establishing homes for themselves? I do not. They get comparatively little fish in Port Jackson, and it would encourage them to fish outside Port Jackson, where our supply of fish should come from.

85. Take the case of Gascoyne, who has been on the Parramatta River for twenty or thirty years, and where he has the whole of his investment for that purpose;—would it not be a hardship to that man to be deprived of his living? Yes; one man might feel the hardship; but you must consider the community. You must remember that the fishermen are taking fish continuously out of our waters, and you must find means to replenish the supply. How are you to do it; do you expect the fish to be always coming in from the sea? They will not do it, and the places we have closed are necessary for the breeding of the fish. If you do not protect such places you will have no fish at all in Port Jackson. It is not from the fishing alone that the fish supply is diminishing in those places. The great cause is the enormous traffic of steamers up and down, and the filth thrown into the harbour, which encourages sharks and other enemies of our fish to come in and eat them.

86. You have said that the fishermen are robbed in the transit of their fish;—could you suggest any remedy for that? I had a long conversation with the fishermen on this subject, and I advised them to subscribe enough money to pay half the cost to employ a man to come down in charge of the baskets of fish, and I said I would ask the Government to subscribe the other half.

87. Would that be in connection with the Municipal Council or the fish-market? With the Fisheries' Commission. They could then do away with the middle men altogether.

88. What is the heavy impost which you refer to as being placed on the fishermen? That is by the agents.

89. Not the market dues? There are market dues as well.

90. Are they unduly heavy? I do not think so. What I refer to is an impost which is charged by the agents for selling the fish.

91. Is there good accommodation at the fish-market? Very good.

92. Are there expeditious facilities for distributing the fish? Yes. What I would strongly advise is that another fish-market be established at the other end of the town—either at the head of Darling Harbour, or, better, near the Railway station. Then the fish which come from Wollongong and other places could be sold in the evening. Very often fish arrive from there after the hour for closing the fish-market, and these fish have to be put in cold storage and kept until next day to be sold. The fish are not improved by this, and they have to pay for the cold storage.

93. Have you a list of the breeding places which you have referred to as being closed? Yes; I hand it in.

94. Is Lake Macquarie entirely a breeding ground? Yes; the whole lake is a breeding ground, but we could not close it because it would be too great a hardship; it is a fine fishing ground. The Hawkesbury River above Bar Point is closed. We have been done a little injustice too with regard to that. The Chairman represented to the Assembly that no notice was taken of some complaints which had been made by the Hawkesbury fishermen.

95. Chairman.] The statement was that no relief had been given? So far from that being the case we actually moved the reserve up to Bar Point.

96. That gives very little more space? Bar Point is a long way up towards Wiseman's Ferry. It was closed at Peat's Ferry.

97. Is not that only 4 miles from the railway bridge? My advice was to open the river as far as Wiseman's Ferry, and to close the tributaries. All the tributaries are very wisely closed now.

98. You are an authority on the propagation of oysters? I have taken a great interest in it.

99. Can you tell the Committee why it is that there is a dearth of oysters in the Parramatta and other rivers? The principal cause in the Parramatta River is the enormous quantity of filth which is thrown into it, and the consequent stirring up of that filth by steamers. Another cause is the scandalous way in which they are pilfered.

Dr. J. C. Cox. 100. Do you not think that if the whole of the rivers were closed to oyster-getters for three years the beds would be resuscitated? Yes; we recommended that, but you gentlemen actually passed a law in opposition to us.

5 June, 1889.

101. *Mr. Thompson.*] Have you found that flood-water has a very deteriorating effect upon the oyster-beds, very often killing not only the spat but the grown oysters, covering them up with fresh mud? Yes; floods from all time past have killed whole beds and masses of oysters.

102. Can you suggest any remedy for that? The only way I can suggest is to do what we are trying to do now to restore the beds in George's River. One of the causes why oysters are not now propagating is because the rocks are so slimed with dirt and filth that the spat cannot take hold of them. If you throw a branch of a tree into the water you will find it covered with young spat in the season of spitting.

103. *Mr. Ritchie.*] Will the emptying of the city sewerage at Bondi have any ill effect on oyster culture? No; it will rather benefit us inside the harbour.

104. *Chairman.*] What time does it take before an oyster is eatable? About three years, I fancy

105. You have stated that oysters were imported from New Zealand, and that there was no royalty or duty charged on the importation? There is not any duty.

106. Do you remember the case of a man named Hanley, who imported oysters, and placed them on land which he leased at Woolwich, in order to keep them fresh. In carrying out his calling he used the oysters as they were required, and sent them to the different oyster-sellers in Sydney. Did you charge him a royalty on those oysters, although they were actually New Zealand oysters? Yes. I might have a horse which I might send down to a livery stable, where it would be fed and bedded. Why should I not have to pay for that horse-feed. This man got a bed for his oysters, and food for his oysters, and why should he not pay for that.*

107. Did he not have a lease? I am not sure on that point, but I think he had. He got food for his oysters, and although it is a nice point, I think we were perfectly justified in our action. We might as well say that a man could bring tons of oysters from Queensland and lay them down here and that we ought not to get any benefit from them.†

108. Do you know how many oyster-leases are in existence? I will have the information supplied. [Appendix A 8.]

109. Do you know whether all the rents have been paid? No; there are, or were, a great many in arrears.

110. Are there any means in the hands of the Commissioners to recover these rents, or are you obliged to apply to the Government? We referred this very subject to the Crown Solicitor, and asked him to try a test case. He wrote back and said if we paid for it he would do it.

111. With regard to oyster-culture, can you give the Committee any information as to proposals you would like to see carried out? I am disappointed with the present working of the Oyster Fisheries Act. It is very badly framed. It was not framed by the Commission,

112. *Mr. Thompson.*] Was it framed by one of the Commission? No; by Sir Alexander Stuart, and the Parliamentary Draftsman.

113. Not Mr. Alexander Oliver? Well, the two together. It has resulted in the biggest amount of imposition that I have ever been thrown in connection with. People have contracted to take up and cultivate oysters, and they induced Sir Alexander Stuart to issue what they called permits to work them. By the time we got the leases ready for them so that they could go to work they had stripped the places applied for of every oyster, and then declined to pay for the lease;—that has happened all along our coasts. I think it should be left in the hands of the Commissioners to be able to lease rivers or portions of rivers. If we could do that men like Gibbons, Woodward, and Coote would enter upon the work of cultivating the oysters properly, and we could put down this abominable system of what I call "cockatooing." You do not know the robbery that is going on at present—at Parramatta River, for instance—if they have an oyster left there. There are what are called Crown lands along the water, and you have made the law so that we cannot touch a man taking the oysters from the Crown lands. It is only on oyster reserves that we can touch them.

114. *Mr. Ritchie.*] Can you not resume those Crown lands and place them under your authority? No; we cannot make them all reserves. We make local reserves for the wants of the local people. Even then the oysters are stolen. It would take 10,000 soldiers to keep the people away.

115. *Chairman.*] In 1887 a Bill was passed to protect the fish in the inland waters. Have you directed your attention, or the attention of the Commission, to its provisions? I was very pleased indeed to see that Bill passed; it was a step in the right direction.

116. Can you give the Committee any idea as to how you have directed your operations? We found, as you state, that all the fish from our waters was going to Victoria. In 1884 the quantity of fish exported to Melbourne from this Colony was 555,918 lb. From the first we have had no power whatever to close the waters. In the original Act our powers were confined to tidal waters; any other waters were left out, so that the lawyers always beat us upon that point. When the Act was passed I went over to Melbourne and tried to arrange with the Melbourne Government about this point. Sir Alexander Stuart promised that he would see into the matter for us.‡ We were very anxious to get passed a much more stringent Act than the present one. Now we have power according to the latest Act to appoint inspectors, and to close any waters we like. I confess there has not been very much of it closed. We have not seen any great necessity for it. In fact the fish on the Murray are so prolific that nothing in the world would keep them down. I am speaking of the Murray and its tributaries. It is better to kill and eat those fish as soon as they become large. They eat the young of their own species.

117. *Mr. Thompson.*] Have you not heard that plenty of the best fishing places have been decimated by the everlasting netting? I have, but, so far, we have not been able to get any money to appoint anybody there to prevent it.

118. *Chairman.*] The Act states that reports shall be furnished annually by the Commission. We find that that has not been complied with. In 1883, I think, the first report was issued; then there was no report issued for 1884, 1885, and 1886. No report was issued in 1887, and the last report was made

* NOTE (on revision):—If this were permitted no man would work his leases with spat off our own shores; he would get off without a royalty; whereas if the spat from our shores was utilized he would have to pay 2s. 6d. a bag for it.

† NOTE (on revision):—Whereas the man who got the same quantity from our shores and lays them down would pay nothing;—our spat would all go to waste.

‡ NOTE (on revision):—He found that the jurisdiction of our laws did not extend to the Victorian side of the River Murray.

made in the middle of this month? That is not really out yet, there has been such unnecessary delay over one thing and another.*

119. Then the report for 1887 and 1888 has not yet actually reached the hands of the Government. No. When first I went on the Commission the first report got out was for 1883-1884. When I went on there was no record or book belonging to the Commission, as everything had been burnt in the Garden Palace. After a great deal of trouble I got out the report for 1883-1884. Then came a time when there was a great agitation with regard to the fisheries. New Oyster Fisheries Bills were going through the House and we recommended a new Bill. In fact there was nothing to report except statistics from 1883 to 1885, owing to the change in the laws, and we thought it was really useless to tell the public that we were unable to do anything. I drew attention to the matter, and was very anxious to publish even statistics, but I could not get it carried out. Then we got out a report covering the period from 1884 to 1886, and you will find that there was really nothing to do. The thing was at a stand still, owing to the defects of the law, and we could not do anything except publish statistics.

120. *Mr. William Stephen.*] You told us that men named Gascoyne had been brought up to the Court several times;—can you tell us in what way they had broken the law? They fished in closed waters. There were also charges of having under-weight fish, and for using illegal nets.

121. Under whose control is the fish-market? *Mr. Seymour.*

122. Under whose authority does he act? Under the Municipal Council. We have nothing whatever to do with it. We have an inspector there to see that the fish are of proper size; that is all our duty.

123. *Mr. Ritchie.*] Are you of opinion that inland fisheries are necessary? Yes, I am most anxious to see the inland fisheries properly protected. I want to close certain portions of the tributaries where fish breed, and I would like to have power and money to import fish so as to stock the rivers with trout.

124. Do you think that trout would do well in our waters? Yes, I think that we might establish very excellent breeding grounds for trout, and that they would do excellently in many of our waters.

125. Do you know of any instances where trout have done well in our waters? They have done very well at Monaro.

126. Speaking of the salt water and oyster fisheries;—to what waters would you confine fishing along the coast? I would pick out all those places where the fish breed and I would protect them as nurseries, the head of rivers and their tributaries.

127. Would not your policy drive the fishermen to the deep waters of the sea and confine them to that almost entirely? No. I would not have closed Port Hacking as you gentlemen did. It should have been closed only to the Spit. Then Port Jackson is only closed right at the very head where the fish breed. Middle Harbour is all open. We did close it at one time, but we opened it again. The head of George's River is closed and probably Cook's River might be closed if it is clean enough for fish to live in, but I doubt whether it is. Then the entrances of the rivers that run into Lake Macquarie and Lake Illawarra should be closed and also the head of the Shoalhaven and the tributaries of the Hunter. These are the kind of places I would close.

128. Would you leave open such places as Lake Macquarie, the Hawkesbury, and Lake Illawarra as fishing grounds? Yes, except parts closed now.

129. *Mr. O'Sullivan.*] Can you explain why fishing with well-boats is not generally carried on here, seeing that it is very successful in Tasmania and elsewhere? I myself take a great interest in that matter. A great many fish such as trumpeter were brought up here in a well-boat from Tasmania, and I do not know myself why we have not adopted the process for catching fish outside.

130. Is it a prejudice? I think it is laziness to a great extent. They can get such a good living inside the protected harbours that they do not care to go outside.

131. Do you remember a schooner called the "Rachel Thompson," a well-boat, which made a very successful trip from Tasmania to Sydney? Yes.

132. If means of that kind were adopted here, could not the fisheries along our coast be largely developed? Yes. You will find that when they have destroyed all the fish in the harbours they will go outside and develop those fisheries, but they do not require to do so just yet.

133. *Mr. William Stephen.*] Can you define defects in the Fisheries Act? Yes, there are very many which are all pointed out in the document which I have handed in, which also contains the improvements which I recommend. I would like now to hand in interesting documents, being two comparative returns of the quantity of fish brought to the Woolloomooloo fish-market, and the prices realized during the years 1886 and 1887, and also during the years 1884, 1885, 1886. During 1886, 28,000 baskets of fish were brought there and realized £32,000. The number of dozens of fish, such as schnapper and others of that kind, was 2,000, and they realized £9,000. The amount realized at auction was £20,000 in 1886, and £18,000 in 1887. These documents will give some interesting information. [*Appendices A 9 and 10.*]

134. Are you aware that the number of fish in Port Hacking have decreased since it was closed? Yes, I know that it is reported to be the case, and I believe it is reported with truth—from what I have heard from Mr. Gannon and several other influential fishermen; but the place is most grossly poached. The Parliament has done a most wonderful thing in legislating on this subject of Port Hacking. The Act says that no fishing shall take place in those waters, but no power is given to inflict a penalty to anyone.

135. *Mr. Howe.*] Have the Commissioners done anything to improve the fishing industry by obtaining information of a practical character for dissemination among the fishermen? Yes; I obtained a most valuable document which was published in America with regard to the cultivation of oysters. I had it copied out by one of our clerks, and the Colonial Treasurer was asked to have it printed for dissemination amongst the fishermen, but he positively refused to do so and he kept the document; so far I cannot get it back. That was Mr. Burns. There is another document which we published, a very interesting one, referring to the propagation of oysters. If we were allowed to disseminate such information I think that it would do a great deal of good.

136. *Mr. Ritchie.*] Have you no funds at your disposal? No.

137. *Mr. Howe.*] Are all the inspectors practical men, and have they an intimate knowledge of their duties? No; some of them have not, and they have been appointed against our wishes.

138. Have you ever represented to the Colonial Secretary the desirability of opening Port Hacking to the fishermen? I am not in favour of it or against it. You gentlemen passed a law setting forth that you wanted to have it closed, and I have not thought of the question. I do not think that it is a very great privation to the fishermen to have it closed.

- Dr. J. C. Cox. 139. *Mr. William Stephen.*] Do you think that it would be any benefit to the fishermen, and that it would not be detrimental to the fish in Port Hacking if it were opened as far as the bar? I think it would be an advantage to open it up to the bar for the use of the fishermen.
- 5 June, 1889. 140. Do you think that it would be detrimental to the fish above the bar? No; I do not think that it would do one bit of harm. It is not a breeding ground below the bar.
141. *Mr. Howe.*] Has it ever been represented to the fishermen that the Commissioners were in favour of opening Port Hacking? I do not think so; the waters were taken out of our hands.
142. The fish breed in the estuaries of the rivers. In extending the limit (say) on the Parramatta River and George's River, do you not think that you could well extend it to Ryde, on the Parramatta River, and Salt Pan Creek, on George's River? I am a strong advocate for giving the fish plenty of space to breed in. The fish are sufficiently disturbed by the traffic of the steamers, and I, myself, would not advise the opening of those rivers higher up than at present. Virtually we do not deprive the fishermen of any fishing ground.
143. What charges are made on the fishermen in the way of license fees? The law compels every man to take out a license when he fishes for sale.
144. Has he to pay so much for his boat as well? Yes.
145. And so much for each man? Yes; that is according to the laws of the country.
146. *Mr. William Stephen.*] Is one fee sufficient for the owner of the boat and the boat? It was done in this way: The fishermen thought it was a hardship and said they would like, if they wanted two boats, to be able to take out the license for them. You will find that when the Royal Commission took evidence a great deal was spoken about this point. It was after a conference with the fishermen that the matter was arranged.
147. *Mr. Howe.*] Seeing that the fishermen have to pay taxation, do you not think that it would be an advantage to them to be represented on the Commission? I would not object to it. If there is an association of fishermen I think that I would like it, because I am one of those who like everything to be above board.
148. *Mr. Ritchie.*] Did you wish to give the Committee some information with regard to the culture of fish in our inland waters? I have recently taken a great deal of interest in this matter, and I recently went to Ballarat expressly to see the breeding grounds there. We have got over a large number of young trout recently and distributed them in our waters. We intend next year to get over a great many more and distribute them in those waters which we think best fitted for them. It is our intention, at the request of the Water and Sewerage Board, to stock the Prospect Dam with trout at once, and utilise that as a nursery for trout. My impression is that we could establish there a very excellent trout breeding-place. It is the very kind of water we want, and I think we could stock the whole of the country from there.
149. Has it not been proven that trout does not succeed very well in the eastern parts of this country? There have been statements to that effect. In rivers subject to muddy floods they seem to be destroyed, and, in fact, such floods destroy the native fish.
150. *Mr. Howe.*] I was glad to hear you express an opinion in favour of establishing another fish-market in another part of the city. Would it not be better, instead of having the other market at Darling Harbour, to run a siding from the railway at some convenient place where a market could be established to give a second supply of fish? Yes; I would do all in my power to assist you in carrying out such a proposal.

THURSDAY, 13 JUNE, 1889.

Present:—

MR. FRANK FARNELL,
MR. O'SULLIVAN,
MR. NOBBS,

MR. RITCHIE,
MR. WILLIAM STEPHEN,
MR. STEVENSON.

FRANK FARNELL, ESQ., IN THE CHAIR.

Dr. Edward Pearson Ramsay called in, sworn, and examined:—

- Dr. E. P. Ramsay. 151. *Chairman.*] Are you a member of the Fisheries Commission? Yes.
152. How long have you held that position? I think since the end of 1882.
- 13 June, 1889. 153. Are there four other gentlemen associated with you? Yes; several have resigned and others have been appointed.
154. Have you taken any particular interest in the fishing industry? Yes; I was sent to England to make myself acquainted with the fisheries there: chiefly from a scientific point of view, such as examining the hatcheries for fish and the cultivation and breeding of oysters. I took every opportunity of going out on the coast of England with the fishermen day and night. I made myself acquainted with the fisheries of Great Britain and the Continent, and with the aquariums. I went to Howieton, Sir James Maitland's Estate; he invited me there to see the hatcheries for salmon. I also visited Surgeon-General Day on several occasions, who is a great authority on fish-breeding. I made a great many visits to various places and I spent a great deal of time amongst the aquariums at the Fisheries Exhibition. Of course my principal object was to make myself acquainted with the subject from a natural history point of view. I visited one of the Earl of Kinnoul's establishments to examine the salmon disease; there the overseer or factor of the estate showed me all over the place and explained what was being done to reduce the disease.
155. Was it with the object of gaining information that you went to all those places? Yes; so that the knowledge might be applied here.
156. Do you consider that the provisions of the Fisheries Act have been applied justly and have given satisfaction to the people who carry on business as fishermen and oystermen? With the actual working of the Act out here I have not identified myself much. I found that the fish cultivated in England would not live out here, except in one or two instances. The oysters cultivated in England are by no means the oysters cultivated here. The oyster cultivated at home and most in use are the British natives and the Whitstaple oysters. They are identical with our mud-oysters, and consequently the culture is totally different.

different from ours. The oysters generally in use here are drift and rock oysters, and the means of cultivation for British oysters would not suit ours. I doubt very much whether the oyster-spat taken off the rocks here and put into deep water ever comes to maturity. In Middle Harbour and various other places I find that the oysters grow down a certain distance, and you will not find the oysters 2 feet below the lowest tide-mark; I do not believe those oysters would live in 10 or 15 feet of water. There are varieties of oysters which live at the bottom which are gathered up and sold; for instance, the drift oysters in the various rivers.

157. How long does it take an oyster to become eatable from spat? I should say between four and five years; some people say three years. You must remember that it takes spat about twelve months to establish themselves. Oysters here seem to spat all the year round. I have not noticed any defined spatting season. Some fifteen years ago I gathered oysters from the mangroves and rocks round the harbour and put them on Dobroyde, where the people had cleared off all the oysters. It was at least two or three years before we got any return from their spatting.

158. Have you any reason to doubt the advisability of continuing the Fisheries Commission? No; I think the Commission would work well enough if it had more extensive powers.

159. Have you always worked most cordially together? Yes; most amicably. The Commissioners are only too anxious to do what they can, and they very often take trips at their own expense to different parts of the coast and furnish reports.

160. I suppose you have not been the most regular attendant? I very seldom go unless I find that there is special business. I have plenty to do at the Museum, and unless Dr. Cox (the President) tells me that he requires my services, I do not attend the Commission very often.

161. How long does a sitting generally last? Two or three hours. The meetings are held once a week.

162. Do you remember at any time having a complaint brought under your notice as to the unjust operation of the Act? We have had complaints from persons about certain places being closed, and then the next day or so we have complaints because other places are not closed. When we close any place from fishing we always have complaints from the parties interested, on both sides.

163. Have you had any complaints as to the injustice of limiting fishermen to nets of a certain mesh? Not that I remember. I know that once or twice when nets were confiscated we gave them back because we thought it was proved that the mesh was originally correct but the nets had shrunk.

164. Is it not within your knowledge that men have been punished under such circumstances? Not to my knowledge.

165. Have the officers charged with carrying out the Act power to seize nets of an unlawful mesh? Yes.

166. Have many cases come under your notice? No, but nets have been seized which were reported to the Commissioners as illegal; in such a case if we have any doubt we send a special inspector. It is not within my knowledge that instances have occurred where hardship or injustice has been done to those men.

167. Is it not a fact that confiscated nets have in some instances been sold by the Commissioners while in other instances they have been allowed to rot? Not to my knowledge.

168. How many meetings have you attended? Before I was reappointed I stopped away the whole time as a matter of principle. Since I was reappointed I simply go when I think that my services may be required. I tell the Secretary to send to me at the Museum where I am always available if I am required at a meeting of the Commission, and if any information is required from me the material is sent to the Museum, where I examine and report.

169. Are you aware of any particular knowledge possessed by any of your colleagues on the Commission with regard to fisheries? I should think that Mr. Hill has special knowledge. He is continually fishing, and he must know a great deal of fishermen and their goings on. I should think that Mr. Oliver is particularly well up in the business.

170. Have you visited any of the fishing-grounds and oyster-beds? Not recently.

171. Have you done so since you were appointed a Commissioner? I do not think that I have visited more than half-a-dozen places. Once or twice I have gone with Dr. Cox when he wanted some special advice. I often go dredging and trawling in the harbour to see how the fisheries are getting on. I have raked all these harbours with trawls, and I know every inch of them and every rock.

172. Is it not a fact that nets which have been passed as legal have shrunk so as to have an illegal mesh? Yes.

173. Have proceedings been taken against men who have used nets under such circumstances? No. I have heard of instances where the nets have shrunk, and the inspectors have been instructed to overlook the shrinkage of the 16th or 20th of an inch, but it would be a different matter if the mesh had shrunk to the extent of a quarter of an inch.

174. Speaking as a man of some experience do you not think that when a net is pronounced to be of a legal mesh, it should always be considered legal? I do; but you cannot tell whether these men change the nets or not. One net was seized at Manly, having in it two or three different kinds of mesh in strips.

175. Did it belong to a fisherman or to a private gentleman? I believe a fisherman had it. I only heard that casually.

176. Do you not think it would be better to make provision for punishing people who bring fish to market under a certain size, rather than be so particular as to the mesh of the nets? It might be an advantage, but according to my knowledge of the law, if a man is using his garfish net it would be perfectly legal for him to keep any bream or other fish which he might catch in that haul.

177. Have any cases been brought under your notice where any of the inspectors or officers of the Commission have been reported for dereliction of duty? I remember a man named Quinan, regarding whom there was an investigation, and who was dismissed. I think that it is a great pity that the Commission have not the power to dismiss any of their employees instead of having to go to the Government.

178. What was Quinan dismissed for? There was a whole series of charges. I believe he was accused of a great many breaches of the Act and of inattention to his duty.

179. Is it not possible for the inspectors to be in collusion with fish and oyster sellers? Yes, if they are men.

180. Does Woodward, of King-street, know anything about fisheries? He has been growing oysters for a great number of years, and he ought to know something about them. I do not know if he has any knowledge of fisheries.

181. Are all your inspectors practical men? I do not know.

182. Do you not think that the officers and men employed by the Commission could be considerably reduced in number? No, I think the staff ought to be increased.

- Dr. 183. Are you aware that it costs something like £6,000 a year to maintain the Department? I do not know, but I remember a few years ago when I looked over some statistics there was a balance in favor of the Commission.
- W. E. Ramsay. 184. Have you an inspector named Mulhall? Yes.
185. How old is he? I should think about eighty.
186. Is it not time that he retired? Yes; he is a very worthy old gentleman, but I think the Government ought to give him a pension, and let him retire.
187. Can you give any reason why he has been retained? I do not know why he was put on or retained. He can do his duty because he is inspector of the fish-market, and knows the different kinds of fish when he sees them.
188. Has Mr. Lindsay Thompson, the Secretary, any practical experience in connection with fisheries? He certainly has had experience since he has been connected with the Commission, because we send him to make special reports, and the Commission generally relies upon his reports.
189. Are you aware that it is a source of complaint on the part of fishermen that the fish-market at Woolloomooloo has not worked satisfactorily? I do not know about that, but I do know that the fish-market is a disgrace to the city; it is totally unsuited for the purpose; it wants remodelling from beginning to end.
190. Who has charge of the Woolloomooloo fish-market? I do not know.
191. Have you heard of Mr. Seymour? Yes.
192. As a Commissioner have you ever been asked to express your opinion as to whether or not that gentleman is suitable to take charge of the market? Not that I can remember.
193. Are you aware that he receives £75 a year from your Department for services rendered as inspector of the market? I knew he had something to do with selling fish there, but I understood that the Corporation paid him for looking after the market, and the sale of fish, and that he also received a percentage from the sellers of fish, but I had no means of knowing whether that was correct. I never heard any charge made against him. He is rather a rough, plain customer.
194. Are you aware that the fishermen complain of the rivers and fishing-grounds being closed for periods of twelve months at a time? If you want to close the head of the river it is of very little use to close it for six months; it should be closed for eighteen months or two years. I would close the rivers for three years.
195. Do you know, as a matter of fact, that the Parramatta River has been closed for nearly four years? No, I was not aware of that.
196. From a scientific point of view, can you give us any idea as to what has been the cause of the decrease in fish, especially in the Parramatta River? I believe that the prawn-nets have a great deal to do with it; they are all over the place, and they must destroy a great number of small fish. When I visited the Melbourne markets, and I wanted any small species of fish, I always used to overhaul the prawn-baskets. I have done the same in London when collecting specimens for natural history. I have no doubt that great quantities of young mullet and whiting are caught in prawn-nets. We want more inspectors to watch these men, and see that they use the sieve in the water, so that the young fish shall not be killed.
197. Do you not think it would be a good idea to have the inspectors located in the different districts instead of having them at the head-quarters in Sydney? I thought inspectors did live in the different districts. There are inspectors stationed at different places along the coast.
198. You are not aware that there is no inspector on the Parramatta River? I believe that Mulhall and the inspectors under him work the river and the harbour.
199. They do not live up the Parramatta River? I believe they live in Sydney.
200. Can you inform us as to the dearth of oysters in the Parramatta and other rivers? There are various causes. When there is a dry season oysters will not spat, and they grow very little. They want a certain amount of fresh water, and that is the reason why oysters at the mouth of the river are so much better than those out in the open. In the cases of diseases in oysters which I have examined there have been very few oysters bored by small borers. A sponge grows over the oyster in certain places, and that would probably be produced by the want of fresh water. In a very dry season the sponge would take possession of the whole of the oyster, and cover it up very quickly; then small sponges bore through the top shell of the oyster. With regard to the disease which I have been lately examining, that is, worms getting into the oysters, I have come to the conclusion that it is caused through disturbance by floods or by the disturbance of fish and other enemies of the oyster. The octopus feed on oysters when an opportunity affords.
201. Does the stinging-ray also feed on oysters? I do not think that they do much in that way. The octopus will eat oysters, clams, and cockles. I can quite understand that a good deal of damage might be done by octopi taking up their abode on oyster-beds, and disturbing the mud which enters the oysters when their shells are open. A steamer passing up and down, or someone dredging for oysters, might disturb the mud, which gets into the mouth of the oyster. The oyster puts a thin film of mother-of-pearl, or nacre, over the mud, and when the oyster gets disturbed again with mud it puts another film over the deposit. I have seen five or six deposits of mud, with thin films of nacre over each, and the oyster thus gets killed out.
202. Do you not think that if the whole of the rivers were closed to oyster-getters for a period of two years the beds would become resuscitated? You would never hear the last of it if you closed all the rivers. I would close portions of the rivers for breeding, but a good batch of inspectors would then be required for keeping the people from stealing the oysters.
203. A few years ago a Bill was passed, prohibiting net-fishing altogether in the waters of Port Hacking;—why was that done? I do not know.
204. Had the Commission anything to do with that? I do not remember, but I think it was done on account of some gentlemen petitioning in favour of it, so that the public might have plenty of fishing at the National Park.
205. Have you had some experience in connection with the inland fisheries? Yes.
206. There was a Bill passed in 1887 to protect the fish in inland waters;—have you directed any attention to the operation of that measure? I have visited the inland waters repeatedly, because I have been working up the inland fishes from a scientific point of view, but I was line-fishing only. I found that a large number of fish came into the market, perhaps tons at a time. I have seen half a ton in Wellington. In Dubbo on one occasion I was informed that nets were put right across the river. I reported that casually, and the inspectors of the district got a memo. to prevent such a thing being done again.

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207. Are you referring to the River Macquarie? I am referring to the Macquarie, the Murrumbidgee, the Murray and its branches. I have been as far as Dubbo, Wagga Wagga, Wellington, Orange, Bathurst, and all the way up the river as far as Trangie. I saw a few settlers fishing with lines at Trangie, but they did not catch a great deal, and the fish they caught were the same species of fish as were caught in other waters.

208. *Mr. Ritchie.*] Have any inspectors been appointed for the inland waters? Yes; at Dubbo, but not at Trangie—I think the police look after the matter there.

209. *Chairman.*] Are you aware that tons of fish are caught in the Murray and sent to market in Melbourne? I have repeatedly heard of it when in Melbourne.

210. Are you aware that there are lots of oysters imported from New Zealand? Yes.

211. Did the Commissioners ever take any steps with a view of encouraging the industry by suggesting to the Government that the royalty on oysters raised here should be abolished? I remember bringing before the Board a recommendation to ask the Government to put a royalty on imported oysters, but they said that on account of freight having to be paid on those oysters it would be injudicious to impose a royalty.

212. There was a law that every bag of oysters raised here should be subject to a royalty of half-a-crown? I heard that the royalty was removed, but I do not know at whose instance.

213. Was Mr. Saville Kent employed to make a report on the disease of oysters in George's River? I remember that he was employed, but I think that it was during the time I was off the Commission.

214. Has Mr. Oliver any particular knowledge of the fishing industry? I know that he has been fishing for a great number of years. He has always been looked upon as a good yachtsman and boatman, and I think he ought to know as much as anybody about the coastal fisheries.

215. Are the Commissioners allowed any fees or travelling expenses? No. I have never received any.

216. Do you know why the Parramatta River was closed, while Lane Cove and Middle Harbour were left open? No.

217. Do you consider that the Parramatta River is suitable for pisciculture? Undoubtedly the mud flats are breeding grounds for mullet and whiting—mullet especially.

218. Would it not be better to leave the river open to the railway bridge, and close it from there up to Parramatta, instead of closing it from the Parramatta River bridge? I think that point was chosen as a good landmark.

219. Some time ago I brought some complaints under the notice of the Government with reference to the closing of the Hawkesbury River;—were those complaints ever brought under the notice of the Commissioners? I do not remember.

220. Are the recommendations of the Commission usually carried out by the Government with reference to the appointment of inspectors? I do not know. Persons apply for the position and produce testimonials. We pick out the best man according to the credentials submitted, and we recommend his appointment to the Government. I think the Commission should have the power of appointment and dismissal.

221. Do you know if any of your recommendations for appointments have been ignored by the Government? I have heard of such a thing, but I cannot speak of my own knowledge. I have heard several times that the Government have been asked to do certain things which have not been done for months.

222. Do you know Mr. Woodward? Yes.

223. Has he any particular influence with the Commission? No; I should not think so. He is a very large grower of oysters, and he holds very large leases.

224. Do you remember any recommendation having been made by him as to the appointment of particular inspectors? No. I do not think the Commission would take any recommendation from him. I hold that no dealer in oysters, who holds leases, should recommend an inspector.

225. *Mr. O'Sullivan.*] Have you had good opportunities of observing the fishermen of Great Britain? Yes; chiefly the herring and cod and Pilchard fisheries.

226. Do you think that our fishermen are abreast of the times with regard to appliances? They are about 200 years behind the time.

227. Do they show a sufficient amount of enterprise? No, that is always what I complain of—there is no go in them. There are one or two exceptions, but generally they only work for so much money as will keep them, and more than half of them throw it away.

228. Do you think that if we got a few fishermen from the coast of Great Britain and Ireland with modern appliances that they would develop our fisheries much better? I am sure they would. When I was coming out from England I was instructed to purchase trawls; I purchased two or three, and showed them to Sydney fishermen, but I could not get the fishermen to use them. Another thing to be considered is that with large trawls steamers are required. I have tried small trawls by getting a Government launch occasionally, and I could always get plenty of fish. The Italians and Greeks use ordinary trawls with two boats with a stretch of 100 yards.

229. Our fishermen do not as a rule go out of the harbours and rivers? They do not work the place properly at all.

230. What is your opinion of the value of our fishing-grounds? I cannot tell you, but I know they are valuable. The few fishermen who take the trouble to work their grounds properly seem to be making very good returns.

231. Do you think we have valuable deep-sea-fishing? I believe that is the case, as proved by the Commissioners having sent a trawl out as an experiment.

232. Can you name any particular spot? They went from Shoalhaven up to the Hawkesbury—there is a large stretch of flat country there, but the place is not surveyed. Men will not go out with a trawl costing £150 and paying £5 a day for a steamer to work it, for if the trawl should be drawn across a patch of rocks it would be destroyed or lost. If the whole of the coast were surveyed from Shoalhaven up to the Hawkesbury for a distance of 5 to 10 miles out to sea we would have a very different style of fishing.

233. Have you been to Lord Howe Island and Elizabeth Reef? No; men from New Zealand, and employees of the Museum, have been there.

234. Are there excellent fishing-grounds there which are comparatively undeveloped? Undoubtedly, they are not developed at all. Captain Armstrong tried it, but he said that it would not pay. The difficulty is that the fish cannot be brought here quickly enough. In the English Channel there are fast steamers, which go round to the boats for the fish and get them to market in a few hours.

235.

- Dr. 235. Why have not our fishermen taken to the use of well-boats? They tried it on two or three occasions, and I do not know why they gave it up.
- E. P. Ramsay. 236. Do you remember the schooner "Rachel Thompson" coming here? Yes; she brought very good fish, but I do not know whether the speculation paid. She was a well-boat. There are not many well-boats used on the British coast, because they use fast steamers for transit. The Dutch fishermen use well-boats for eels, and they keep them in the wells for weeks.
- 13 June, 1889. 237. Are they not used very generally off the south coast of Tasmania? I do not know.
238. What steps have been taken with regard to the cultivation of oysters? No steps as far as I know. They gather the spat off the rocks and throw them down into different depths of water, where they are left to take their chance.
239. Have you any oyster-farms? They are called oyster-farms. They put up fascines to catch the spat and gather the spat from the mangroves. I remember a gentleman in North Shore complaining that men were permitted to go and shovel the oysters from his wharf into bags, and those men described themselves as oyster-dredgers.
240. Then there is no systematic scientific culture of the oyster at all? No; the only systematic business is getting oysters from various places, laying them down in certain beds, leaving them for so many years, and then lifting them up and selling them—that is done on the feeding grounds at Whitstaple. They buy up first and second "ware," as they are called, for which they pay from 2d. to 6d. a dozen, and when they become "whole ware" the oysters are retailed at 2s. and 2s. 6d. a dozen. That is the method employed by the ancient company of oyster-dredgers of Whitstaple, if I remember rightly.
241. Do you think the establishment of an afternoon market in Sydney for the sale of fish would be a great boon to the citizens? I would go a little farther. I would go so far as to say that the fishermen should be allowed to sell their fish at any moment, and when fresh fish came into the market a flag should be run up, so that people could know that they were for sale.
242. *Mr. William Stephen.*] Do you think that the Fisheries Commission should have any extensive powers? I think that they should have more control over their inspectors. They should be permitted to employ such men as are suited for the work; they should also have power to dismiss those who were not suitable, reporting at first to the Government.
243. Do you think that the Commission, or any member of it, is in a position to offer suggestions as to amendments in the Fisheries Act, so as to promote the interests of the fishing industry? I think Mr. Oliver is a very good man, with large experience.
244. Has the Commission any power to draw up rules or regulations which are not enumerated or provided for in the Act? I think that they can make by-laws; but if there is anything important it must be submitted to the Government.
245. Has the Commission any power with regard to fixing the size of the mesh? No, that is fixed by the Act.
246. Is not some of the material used for making nets more liable to shrink than other material? I do not think so; I think all the nets are made of the same material.
247. In what district was this Mr. Quman, to whom the Commission seem to have an objection? He was in the home fisheries here.
248. Are you aware that the fish in Port Hacking are less numerous than they were before the waters were closed? I have not heard of it. I should have thought that the closing of the waters would have increased the bulk of the fish; but you cannot expect to see any increase in a year—it would be necessary to wait for two or three years.
249. Nevertheless practical fishermen say that fish are less numerous there now than they were before the waters were closed? My experience of practical fishermen is that they say the first thing that comes into their head.
250. Have the sharks increased in number in Port Hacking? I do not know about Port Hacking, but I know that they have undoubtedly increased in Port Jackson.
251. It is said by some of the fishermen that the sharks eat up all the fish that the fishermen ought to catch? Sharks do eat a great many fish, but when they can get into a school of mullet or whiting they will not go up Port Hacking.
252. *Chairman.*] Is not Port Hacking a first-class place for breeding fish? Yes. I would close the head of all the rivers, and I would allow no heavy nets to be used, except at certain seasons. When the spawning season for the mullet comes on I would allow the fishermen to take them below a certain mark, but not above it.
253. *Mr. William Stephen.*] That might be right from a scientific point of view, but would it not have a very harsh effect upon men who have to earn their living by fishing? They should not be allowed to go and fish on the spawning ground—there is plenty of room to fish elsewhere. Shutting up the head of the river does not prevent fishing in the other portions of the river.
254. Do you think that the whole of Port Hacking ought to be closed? I do not think that it is necessary to close the lower portion. I would close it above the bar. There is no necessity for closing it below that point.
255. Do you think that the fishermen ought to be represented on the Commission by one or two representatives chosen from the working fishermen? I think there always would be rows. I know they would not allow it in England for a moment.
256. Would not such representatives be capable of giving good suggestions for the guidance of the Commission? They might for their own purposes. If you put a practical fisherman on the Commission it would be to adjudicate for himself.
257. Could not the Commission refuse to accede to any suggestions that would be detrimental to the public interest? Yes; but I think that the proper course for the Commission to take, and it is a course which is adopted at present, is to examine practical fishermen and get suggestions from them on any question. I know that such suggestions are carefully considered by the Commission.
258. *Mr. Ritchie.*] Do you know that in Victoria a uniform mesh is used? No.
259. Do you not think that a great waste of fish takes place here through the use of the garfish net? Yes.
260. Can you suggest any improvements with regard to inland fishing? No. The inspectors have instructions not to allow mesh-nets to be put from side to side of the river.
261. Do you think that the inspection now instituted on the inland waters is sufficient? I think so—if the inspectors do their duty.

262. Do you think that deep-sea fishing might be practised to a greater extent here? Undoubtedly. There is undoubtedly any amount of fine fish to be had if people had only enterprise to catch them.

263. *Mr. Stevenson.*] What is done when nets are seized? The seizure is reported to the Board, and if we have any doubt we send an inspector to examine the nets, or ask some magistrate in the district to do so.

264. What becomes of the nets afterwards? I do not know; I believe that in the first instance they are given back to the man if it is his first offence.

265. Have you ever heard of the nets being sold by auction by order of the Commissioners? It may be the case.

266. They are sold by auction and fishermen buy them? No; they are bought for use in orchards.

267. Have nets been seized more than once and resold? I do not know. If a fisherman bought them he would lay himself open to have the net seized again.

268. It is stated in the advertisement that the nets are sold under instructions from the Fisheries Commission;—under such circumstances have not the fishermen a right to assume that the nets sold are quite legal? If a net is seized and sold as an illegal net it is not likely that it will be bought by fishermen. I have seen them purchased by gentlemen who wanted them to cover their fruit-trees and tomatoes.

269. *Mr. Ritchie.*] Is there any method of marking those nets so that they may be known as illegal nets? Not that I know of.

270. With regard to oyster leases;—you lease certain foreshores for oyster cultivation;—is there any inspection of those leases? There is an inspector in each district.

271. Is the inspector supposed to report on these oyster fisheries? Yes; to see that no one interferes with the oyster-beds, and to report from time to time to the Commission.

272. Does the Fisheries Commission ever make a visit of inspection? Yes.

273. Have they ever been down to Shoalhaven River? I do not know of my own knowledge, but I know that the Commissioners go out now and again. I have not been out very often myself, but I know that Mr. Oliver has been out very frequently, and I believe Mr. Hill, and Mr. Want, when he was a Commissioner, used to go down frequently.

274. Have you any reason to believe that a large number of those oyster leases are used as oyster reservations by the owners of private property? I do not know that. If I had a piece of land opposite to some oyster fisheries I might feel inclined to apply for a lease and use the oysters.

275. If you applied for an oyster lease would you not be bound to apply land to the purpose for which you leased it? If I applied for a lease for oyster cultivation I do not know that I would be bound to work it or put oysters upon it.*

276. Is it in the public interest that beds of rivers suitable to oyster cultivation should be leased in this way? I would not lease the whole bed of a river in that way, but I think if a man pays so much to the Government for a lease he has a right to do what he likes with it.

277. Are you of opinion that the Commission is perfectly justified in leasing to the private owner of a large water-frontage any block of land as an oyster lease whether he cultivates it or not? Within certain restrictions a man cannot take up more than a certain amount of land, and he has to pay for it. If there was a royalty on the oysters the Government might be robbed by his neglect in not cultivating oysters; but if there is no royalty on oysters I do not see how the Government can complain.

278. Then what becomes of the inspection which you say exists? The inspectors have power to inspect the leases whenever they please, but if he reports that the lessee is doing nothing towards the cultivation of oysters the Commission is not able to do anything. I do not think that we can take any action in such a case.

279. Do you think the law is defective in that respect? Yes; I think the law should be altered so as to make cultivation compulsory.

280. *Mr. Nobbs.*] With respect to deep-sea fishing—are you aware that the Victorian Government has granted a sum of money for testing whether such an industry would pay? Yes.

281. Do you think it would be advisable to expend a sum of money in surveying the coast of New South Wales with a view to encouraging deep-sea fishing? Yes. In England you can get charts showing every rock and shoal at the bottom of the sea, and the only trouble that the trawlers have is in connection with wrecks.

282. With respect to the fish-market, are you aware that Inspector Seymour has a monopoly with respect to the sale of fish there, so that every person must go to him to sell fish? I do not know that, but they do go to him.

283. Would it not be in the interests of the public for the fishermen to have the right to go to any auctioneer they pleased? I do not see any objection to that. I would even go further than that, and would say that there ought to be stalls which would be let to agents to whom the fishermen could send their fish at any hour of the day or night. The market is in a bad position. It is in a muggy pokey hole.

284. What are your particular objections to it? We want an open clear place with plenty of draught through it to keep it perfectly clean and sweet; then there should be marble or slate tables on which to place the fish. Water should not be poured over the fish but underneath the slabs, or ice might be placed under the slabs. Each person should have a stall of his own, and the inspector should go round and inspect the fish. The inspector should be continually on the premises, and the market should be in a better location. The money required for this would be well spent.

285. In what month of the year do the mullet and other fish generally come into the river to spawn? Fish do not always come in regularly; the mullet is tolerably regular and always comes in before Good Friday.

286. Are you aware that the rivers were closed some months back? Portions of them.

287. For instance, the Hawkesbury River? I do not remember.

288. The fishermen state that the rivers need not have been closed for a month or two later—that they were filled with fish which were trapped because the fishermen could not get them, and the sharks were encouraged to come up the rivers in shoals, so that the rivers were closed for no other purpose than to feed the sharks? I should say that is not the case. Three months ago an excursion went up the river fishing and they could not get anything. During the mullet season, six or eight months ago, I was in a small

* NOTE (on revision).—By regulations under the Oyster Act, unless a man cultivates his leased land to the satisfaction of the Commissioners he will forfeit his lease. The Commissioners can turn him out.

Dr.
E. P. Ramsay.
3 June, 1889.

Dr.
E. P. Ramsay.
13 June, 1889.

small steamer, and I put out a net and caught one mullet. The mullet, of course, go up the rivers, and when they pass a certain point I would have them protected. Below that I would throw the rivers open.

289. Admitting that the fish were in such great quantities in the river, as stated by the fishermen and the captains of steamers, could not the closing of the rivers, have been delayed a month or two in the interests of the fishermen without materially affecting the breeding of the fish? When the fish first come in they make their way straight up to the head of the river, and if the fishermen were allowed to go on to the breeding grounds where the fish accumulate most they would rake up the whole place and destroy millions of eggs or young fish.

290. The fishermen consider that too much of the river is closed. Do you think that the boundary chosen for closing the river extends too close to the mouth? I do not know. The Commission generally take their cue from the position of a headland that is easily marked.

291. I suppose the mullet come in from the sea? Yes.

292. What is the case with respect to schnapper? The schnapper seldom spawn inside the rivers. I have seen them up as far as Cockatoo Island—they go into the deep parts of the harbour. The mullet are migratory but schnapper are not.

293. Do you think that the schnapper have decreased in numbers, and that you could do anything to encourage their breeding? I do not think so.

294. What do you think ought to be done to encourage the breeding of the schnapper? It is very hard to say. Very few come into the harbour to breed. The chief schnapper-fishing is outside.

295. Do the schnapper spawn outside? Yes.

296. In what months? I forget, but I think it is just about winter-time.

297. Do you think there ought to be a close season for schnapper? I do not think it is necessary—they breed so extensively. They spawn about the small islands and headlands of the coast, so that there is no need to protect them; it is where fish come up in immense shoals to spawn that it is necessary to protect them.

298. *Mr. William Stephen.*] How long does it take a schnapper to be fit for eating and to reach the weight of 10 or 14 lb.? At least four or five years.

299. *Chairman.*] Do you believe that the whole of the Fisheries Act is wrong—that its provisions are not suitable, and do not give satisfaction either to the Commission or the fishermen? I would not make such a sweeping assertion, but I say that the Act is capable of improvement.

300. With regard to the breeding of fish in different rivers, do you not think it would be better to leave the main river open while the estuaries or branches might be closed? Yes, I would leave a portion of every river open; I would find out the breeding grounds and close them—the other portions I would leave open. Some of the sandy beaches would have to be closed, because the soles and flounders spawn there.

301. What are the chief enemies of fish here? Stinging-rays catch and eat small fish; some of the larger sharks, different species of rays, and porpoises eat large quantities of fish; king-fish, bonitoes, and jew-fish also eat large quantities—so do shags.

Mr. Solomon Herbert Hyam called in, sworn, and examined:—

Mr.
S. H. Hyam.
13 June, 1889.

302. *Chairman.*] Are you a member of the Fisheries Commission? Yes.

303. For how long? About three years.

304. Who are the other gentlemen associated with you? Dr. Cox, Dr. Ramsay, Mr. Oliver, and Mr. J. R. Hill.

305. I believe you are not directly under any ministerial control? I always understood that we were under the control of the Colonial Secretary. I think all communications reach us through his office.

306. This inquiry is not merely directed to the work of the Fisheries Commission but also to the operation of the Fisheries Act, in order that we may relieve and assist the Commission in promoting a new Bill for the purpose of remedying the existing Act. We have no complaint to make directly against the Commissioners but wish to get their evidence with a view to having a better law framed? I am very glad to hear that, because there is an impression outside that it is otherwise.

307. Have you taken any particular interest in the fishing industry? Yes, for thirty-five years.

308. Do you consider that the provisions of the Fisheries Act have applied justly and have given satisfaction to the people who have carried on their callings as fishermen and oystermen? I think there are some parts of the Act which might be improved, but I do not think it has operated oppressively on *bona fide* and honest fishermen. It is the worst class among the fishermen who give us the most trouble.

309. Have you any reason to doubt the advisability of continuing the existence of the present Commission? I believe in the Commission; I am the youngest Commissioner. As a business man, conducting a very large business, and the position being only honorary, I would not stay new on the Commission if I did not believe it was beneficial.

310. Has the Commission always worked harmoniously? Certainly.

311. How often do you sit? Every week—a meeting may be missed occasionally, but very seldom since I have been on the Commission. I think it can be shown that I have attended very regularly. A meeting lasts about two hours.

312. Do all the Commissioners attend? No.

313. Have you noticed particularly any Commissioner absent on many occasions? Yes, one Commissioner; but he is looked upon as the scientific member of the Commission—that is Dr. Ramsay. He is not a very regular attendant, but he is a very useful member as a scientific man. Through him we have the Museum always open to us. If there is any new specimen which wants scientific examination we can fall back on him.

314. Have you brought under the notice of the Government any proposal to remedy any of the defects alleged to exist in the Fisheries Act? I think we gave instructions to have a new Act prepared, or some amendment, but I do not know whether it has ever been carried out. I have always been anxious to see some parts of the Act altered.

315. Do you know, of your own knowledge, whether any complaints have been brought under the notice of the Commissioners as to the provisions of the Fisheries Act operating unjustly? Not very many instances; I think most of the complaints have appeared in letters to the newspapers.

316. Do you know Mr. Philip Cohen? Yes, well.

317. Do you think he knows anything about the fishing industry? I think he knows nothing at all about it; it is all theory with him.

318. Do you know Captain Armstrong? I have a still poorer opinion of him; I know him well.

319. The officers charged with the carrying out of the Act have power to seize nets;—have many cases of seizure come under your notice? Yes.

320. Is it not a fact that while some of the nets seized have been sold by the Commissioners others have been allowed to rot? No. In the first place the nets, before they were sold, were, I think, altered; they have been cut so that they could not be used as illegal nets. I know that every care is taken of the nets before they are sold. We cannot sell one net at a time, and therefore they must be allowed to accumulate; but I know that every care is taken to properly dry them and stow them away. Of course some of the nets have suffered from the ravages of rats.

321. When nets are seized, is it not a fact that the Commission has power under the Act to sell the nets? Not within sixty days.

322. Therefore by selling these illegal nets the Commissioners actually encouraged people to continue fishing against the law? The illegality does not always relate to the mesh. It is generally the length of a particular net which makes it illegal. According to the Act we are compelled to sell, and I am satisfied that there are defects in the Act.

323. Do you think that when once a net has been pronounced to be of the legal mesh it should always be considered legal? It can be made legal by cutting it. For instance, the wings may be legal, whereas the bunt of the net may be illegal. By decreasing the bunt so as to make it the proper size the net would be a legal one.

324. Is it not a fact that nets which are newly made frequently shrink after the first two or three weeks? No doubt that is the case.

325. Under these circumstances do you not think that when those nets have been passed as of the legal mesh they should always be considered legal afterwards? The shrinkage is not much. I do not think the law ought to be stretched to meet a particular case. The shrinkage of a small portion, such as a sixteenth of an inch, ought not to be taken into consideration. We have nothing to do with the confiscation of nets—they are confiscated by a bench of magistrates.

326. Would it not be better to have a provision for punishing people who bring to market fish below a certain size rather than be so particular as to the mesh of the nets? From my experience the provision as to the mesh is a very wise one. I have fished extensively as an amateur in nearly every place in the Colony, inland and on the sea-coast, and I am thoroughly convinced that the size of the mesh is very important, and should never be departed from. I think men should be punished for bringing fish to market when they are below the legal weight.

327. Are you aware of any particular knowledge possessed by your fellow Commissioners with respect to fisheries? Yes; I defended this Commission when I was in the House. Mr. William Clarke, the late Minister of Justice, moved that it should be abolished. I defended the Commission, and then stated what I thought of it individually. I am satisfied that no man in the Colonies possesses greater knowledge of fishing generally, especially of oyster-culture and pisciculture, than Mr. Oliver. I look upon Mr. Hill as a very superior man, who has spent years and years on the coast, and is an able amateur fisherman. He has a thorough knowledge of it. Then Dr. Cox is a thoroughly scientific man like Mr. Ramsay. No objection can be taken to them, not so much as practical but scientific men. As practical men, I think that Messrs. Hill and Oliver are second to none. Besides that Mr. Hill is a very able man in dealing with departmental work. In our desire to reduce the expenses of the Commission Mr. Hill has always taken the lead. I think we have always shown that we want to lessen the expenses as far as possible without injury to the Commission. If I were not working with gentlemen whom I considered were fit to occupy their positions I would not remain on the Commission a day. It is merely for love of the thing that I sit there.

328. As a member of the Commission have you taken any opportunity to visit the fishing-grounds and oyster-beds? Yes, I have visited the Murray, the Edwards in the Deniliquin district, the Darling at Bourke, and 60 miles down, the Macquarie, the Lachlan, the Murrumbidgee, and many of the tributaries of those rivers. Then nearer home—since I have been a member of the Commission I have visited the Shoalhaven, the Hawkesbury, Lake Macquarie, Tuggerah Lakes, Lake Illawarra, Hunter River, and the home fisheries in Middle Harbour, Parramatta River—on which I go two or three times every month—and Botany. Port Hacking is out of our control, as a special Act was passed by Sir John Robertson, and I have not felt called upon to visit that place, except when specially requested. I have been looking out for trout-streams; I was instrumental in introducing the trout into this Colony, and we introduced a great many last year into Cox's River, the Grose River, the head-waters of the Shoalhaven, and the Wingecarribee or Wollondilly. The Victorian Government have promised us a lot of trout-fry, and we are looking out for places where they can be introduced. I know that it can be done with success.

329. Is it not a fact that new nets have been passed as legal, and that they afterwards shrink, which makes them much smaller? Yes.

330. Have proceedings been taken at any time against men who have used nets under the circumstances I have just stated? I cannot say.

331. Whilst you have been on the Commission have you had many cases reported to you where inspectors have been guilty of any dereliction of duty? Not very many. It is a dangerous thing to deal with outside reports. Complaints have been made, but not always I think by reliable people.

332. Are all your inspectors practical men? I am afraid not. It has been my desire, in conjunction with Mr. Hill, and I think the other Commissioners, to make sweeping alterations right through, and I think we have done so; but we do not like to do anything too hurriedly. I think it would be monstrously unfair to dismiss a man until we were quite satisfied that he was not fitted for his position.

333. The Commissioners have no power to dismiss an inspector? No; we can merely recommend that he should be dismissed. I think that we ought to have power of dismissal.

334. Have the recommendations of the Commission with regard to appointments been over-riden at any time? I do not know. It may have been done before my time. There was an appointment made to which Mr. Hill and myself took exception, and when we recommended that the appointment should be cancelled the Colonial Secretary cordially endorsed our recommendation.

335. Has it been your desire on the Commission to economise in connection with the Department? Yes; and I think that might be assisted if the local police were allowed to assist the Commission. I refer to the country police—the sub-inspectors, sergeants, and senior constables.

336. Do you think that all the men who are employed in the Fisheries Department are actually required? I do not. We recommended the dismissal of two some little time ago, and it was approved of by the Colonial Secretary. Those men were employed at Port Stephens.

Mr.
S. H. Hyam
13 June, 1889

Mr.
S. H. Hyam,
18 June, 1889.

337. Who is the head inspector? Mr. Lindsay Thompson.
338. Who is the chief inspector under him? There are head inspectors in three districts. I think the home fisheries are under Mr. Thompson's immediate supervision. I do not think we call Mr. Mulhall head inspector. We look upon Mr. Thompson as chief inspector.
339. Has Mr. Mulhall had considerable experience? Yes; I am sure I have known him in connection with fishing for forty-five years.
340. Is he not rather old? Yes.
341. Would it not be better for him to retire? I think that when a man reaches Mr. Mulhall's age there is some wisdom in what you suggest. A man naturally has a lot of sympathy for an old hand like Mr. Mulhall, and he is full of vigour yet and an active man; still I think that a man of his years should retire.
342. From your knowledge as a Commissioner do you think that Mr. Thompson has some practical knowledge of the fishing industry? I think so.
343. Is it customary for him to visit any of the fishing or oyster grounds? Yes; and it has been my desire and the desire of the other Commissioners that he should visit them oftener than he has done in the past, and it is our intention that he shall.
344. Are you aware that it is a cause of complaint on the part of fishermen that the fish-market in Woolloomooloo has not worked satisfactorily? I think there is room for great improvement in the market, but I think the fault lies with the City Council.
345. Who has charge of the market? I believe that it is under the control of Mr. Inspector Seymour. I am told that he is the leading spirit there.
346. Does the Fisheries Commission pay him anything for his services? Yes.
347. Is it possible for the inspectors to be in collusion with the fish and oyster getters? Yes, and I have expressed very strong opinions about it.
348. Do you know Mr. Woodward in King-street? Yes.
349. Does he know much about fisheries? I think he knows a great deal about oysters. From what I know of him I do not think that he is an expert with regard to fisheries generally.
350. Are you aware that fishermen complain of the rivers and fishing-grounds being closed for over twelve months at a time? I do not know that they complain, but as a Commissioner I have felt it necessary to keep the fishing-grounds closed for one year. There are rivers in this Colony which have almost been completely denuded of fish. Like everything else, rivers must have rest. If we go on fishing in the way that has been done in the past we will not have any fish at all in a few years.
351. As a matter of fact do you know that the Parramatta River has been closed for nearly four years? Yes, and, I think, necessarily so. I have fished that river hundreds of times for forty years, and when the Commissioners closed it first it was almost impossible to catch a line-fish in the river. I know from experience that there is more fish now in the river than there used to be. I have caught them freely. There are a great many steamers trading there during the day, and they frighten the fish, but at night you can catch fish.
352. If the rivers were closed for three years from oyster-getters, do you think that would be the means of resuscitating the oyster-beds? I do not. After granting men leases for the oysters I think that would be arbitrary to do that. I think that the failure of the oysters is attributable in a great measure to the seasons. In very dry seasons there is a great growth of marine vegetation in the rivers which destroys the oysters. Owing to this marine vegetation a worm attacks the oyster—I have noticed that for thirty years. When there is abundance of fresh water this vegetation is destroyed, and the oysters grow vigorously. I do not think that it would be wise to close the rivers for three years. Some discretion might be used in compelling men to take better care of their leases, and to lay down young oysters. I think there are men who take up leases, and do nothing except denude the oyster-beds. They often do that before signing the leases, and then they throw them up.
353. Do you believe there might be some alteration made in the Fisheries Act which would be beneficial, and would be the means of satisfying the fishermen and those more directly interested in its operation? I do not know about satisfying the fishermen, but we could make alterations in the Act which would render it more easy to work. With *bona fide* fishermen we have had very little trouble. My impression is that there are too many fishermen about the home fisheries. They have been cutting each other out since the advent of the Italians, and I think our own men have a lot of trouble to make a living. The Italians and the Greeks have crowded out our men to a large extent.
354. Mr. O'Sullivan.] Have you any experience of fishing outside of New South Wales? Yes; I have visited the Victorian fisheries.
355. Have you any practical knowledge of the fisheries in the old world? No; I am an Australian. I only have knowledge of that from reading, and I was the first to move that trout should be introduced into this country.
356. How do you account for the fact that the fishermen in New South Wales are so much behind the times with regard to appliances and enterprise? Simply because there are no companies here. At home there are large companies which fit up trawlers and employ a great amount of labor. The great fishing industries of the old world are carried on by large companies and by private individuals who have large capital.
357. Have you any knowledge of well-boat fishing? I have tried it.
358. Why is it that that system does not succeed in New South Wales? The chief fish we get here outside the heads is schnapper, and I never could find anybody who could do any good with schnapper in a well. They knock themselves about a great deal.
359. Are there not many other fish to be got besides schnapper? What we want here is to introduce outside trawling. I have had a strong desire all along to try to have the deep-sea fishing tested along the coast. I am satisfied that any amount of good trawling could be done there, but it would be expensive.
360. Do you think that well-boats of the size of the "Rachel Thompson," which made a successful trip here some time ago, would be a success? The schnapper is our great fish, and the experiment has been tried so often that I do not think that you could succeed in keeping schnapper in a well. It is a deep water fish, and very lively. Bottom fish, such as soles and flounders, turbot, and other fish of that kind, can be kept in a well, but that is not the case with fish like schnapper, which soon knock themselves to pieces in a well.

TUESDAY,

TUESDAY, 18 JUNE, 1889.

Present:—

MR. FRANK FARNELL,
MR. SEAVER,
MR. WILLIAM STEPHEN,

MR. HOWE.

MR. O'SULLIVAN,
MR. RITCHIE,
MR. STEVENSON,

FRANK FARNELL, ESQ., IN THE CHAIR.

Mr. Lindsay George Thompson called in, sworn, and examined:—

361. *Chairman.*] What position do you occupy in connection with the Fisheries Commission? Secretary and Chief Inspector.Mr. L. G.
Thompson.

362. For how long? I have been Secretary ever since the initiation of the Commission.

363. How many members are there on the Commission? Five.

18 June, 1889.

364. Do you know whether those men have practical or theoretical knowledge of oyster-culture or pisciculture? They have either theoretical or practical knowledge. Some of them practical, like Mr. Hyam, Mr. Hill, and Mr. Oliver. Drs. Cox and Ramsay are both practical and scientific.

365. In connection with your position as Secretary and Chief Inspector of Fisheries, have you taken a deep interest in the fisheries? Yes; always.

366. Do you consider that the provisions of the Fisheries Act have applied justly, and that the Act has given satisfaction to the people who carry out the calling of oyster-men and fishermen? Great complaints of dissatisfaction have been made, but I do not know that we have had any cases proved. The difficulty has been to carry out the law, owing to its defects.

367. You are under practically no Ministerial control? We are under the control of the Colonial Secretary.

368. But any matter which you submit to the Government for consideration has first to go to the Commission? Yes; my duties are set out in a regulation under the Fisheries Act.

369. Have you any reason to doubt the advisability of continuing the existence of the present Commission? I do not think that that is a question which I can exactly answer, as it is one of policy.

370. Have you heard many complaints made as to the administration of the Act by a Commission? I have heard it said that it should be administered directly by a Ministerial department, such as that of the Colonial Secretary.

371. How often does your Commission meet? Wednesday in every week.

372. Does the Commission regularly meet on those days? There have been many cases when we could not get a quorum. Usually, when a quorum has not been obtained, two Commissioners have held a sitting, and the signature of the third has been obtained afterwards to the minute-book.

373. What is the mode of procedure by the Commission? The minutes of the last meeting are read, and the Commissioners then proceed to deal with every case which has occurred throughout the week that requires their consideration. The proceedings are entered in a minute-book, and under each head the President writes the directions of the Commission.

374. Have the Commissioners always worked together cordially? I have seen no want of cordiality.

375. What is the time usually occupied at your meetings? I suppose, on an average, from an hour to an hour and a half.

376. Have you at any time been instructed by the Commission to bring any grievances or defects in the Fisheries Act under the notice of the Government? Not under the notice of the Government. I was asked on one occasion—about August last or September—to draw up a statement of what I thought were defects in the present Act. I found that the defects were so numerous and difficult of explanation that I had to draw up new Bills on the basis of the present Acts. I had no authority to go as far as that, but I thought it was the most intelligent way of putting the matter before the Commission. I drew up two Bills, one dealing with the fisheries, and the other with oyster-culture, and I drew up memoranda, explaining the alterations and amendments I had made in each. I now hand in those documents. [*Appendices B 1 and 2.*]

377. To whom did you submit these? To the Commission in October last.

378. Are you aware whether the Commission submitted those suggestions at any time to the Government? They have not done so. They have not fully considered the Bills themselves yet.

379. You mentioned that you had had several complaints made as to the alleged bad operation of the Fisheries Act? I meant with regard to the inspectors.

380. Not on the part of fishermen? No. I cannot call to mind any complaints made by the fishermen; doubtless there are some, and I could furnish a statement to the Committee subsequently with regard to them. There have been many complaints from the inspectors with regard to the difficulty of obtaining convictions where the Act has been palpably infringed.

381. Have the officers, who are charged with carrying out the provisions of the Act, power to seize nets of an unlawful mesh? Yes.

382. Have many cases come under your notice? All of them, I think.

383. Is it not a fact that the very same nets have in some instances been sold at the will of the Commissioners, while on other occasions they have been allowed to rot? No; we never sell illegal nets. If we seize a net that is illegal, before we sell it we are obliged, by one of the regulations, which, I think, ought to have been repealed long ago, to keep it for sixty days. The intention of that in the first place was, to enable fishermen to petition the Government to get their nets back again, but the Government have never thought fit to give them back. The effect of that provision has simply been to prevent the immediate sale of nets which have suffered in consequence. When we have several seized nets, and the specified period has expired, we cut them up and make legal those which were previously illegal. We set against each net the particular purpose for which it can be used, and that is the purpose for which it is sold. It would be manifestly unfair to sell an illegal net to a fisherman, when we could seize it the next day. I hand in a statement showing how we deal with these nets. [*Appendix B 3.*]

384. Is it not a fact that new nets shrink? Only by repeated tanning.

385. Have proceedings been taken against men who have purchased nets under the circumstances stated in my previous question? No; we take proceedings against men with illegal nets, but where there is only a very small degree of difference between the actual mesh and the legal mesh we would not allow a prosecution. We only prosecute where the nets are palpably under size.

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386. So it is not within your knowledge that action has been taken in cases where it has been proved that the nets were at one time of a legal mesh, but that they shrank after having been used for a time? No; it is not within my knowledge. I do not think that the Commission would behave so unjustly to any fisherman.
387. Have you taken any opportunity to visit the fishing-grounds and oyster-beds? I have always been glad to visit them when I have had an opportunity. I have visited the Clyde River, Richmond River, the Clarence, Port Stephens, Newcastle, Shoalhaven, and of course Botany and the Hawkesbury.
388. Do you think it would be only fair once a net has been passed as being of legal mesh that it should always be considered as legal? No, because repeated tannings would bring the mesh down to very much less than the legal mesh. The proper way would be to purchase a net of a larger mesh in the first instance, so as to allow for the shrinkage caused by tanning.
389. Would it not be better to have a provision to punish people who bring fish to market under a certain size rather than be so particular as to the mesh of the net? The 14th section of the Fisheries Act provides for that already.
390. How many inspectors have you at the present time? Twenty-four, besides boatmen. Here is a list of the officers in the Department. [Appendix B 4.]
391. Are all those inspectors practical men? No; the acting assistant inspectors, who are principally the pilots at different out-stations, are not always practical fishermen, but the principal inspectors are practical men—in the home division, at any rate.
392. In your opinion are all those officers actually required? I do not think that the officers are properly placed. I think we should get better supervision if the officers were placed in suitable positions. I made a recommendation to that effect some time ago. I wanted to have a complete removal of inspectors, and I wrote a memo. on the subject, but nothing came of it.
393. To whom did you recommend that? To the Commission.
394. Did they send that recommendation on to the Colonial Secretary? No, they did not. I furnish a copy of the memo. [Appendix B 5.]
395. Are you aware that it is a source of complaint on the part of fishermen that the fish-market at Woolloomooloo has not worked satisfactorily? Yes; and I do not think that it is satisfactory myself. It appears that the men at the fish-market used to pay 5 per cent. dues to the agents; that has since been reduced to 2½ per cent.; they also pay 5 per cent. market dues to the auctioneer. That I believe goes into the civic funds. Mr. Seymour is paid a salary, but as auctioneer is not responsible for the sales proceeds—the agents have to see to that. I think it is too much to expect the fishermen to pay 5 per cent. merely for the privilege of selling in that market, and I do not think that it is right to compel all the fish to be sold there. There is a by-law under the Municipal Act which requires that all fish shall be brought to this eastern market to be sold. I do not think that the by-law is quite absolutely enforced, but it is generally enforced. My own idea is that there should be different markets about the town; for instance, there is a new market at Darling Harbour, which might be utilised for the sale of fish. It is utter nonsense to bring fish in a steamer to Darling Harbour, to cart the fish to the eastern market, sell it there, and then cart it back again to the town to be sold retail. There should also be a market near the railway, where fish brought by rail could be sold. The present arrangements are not at all satisfactory. It might be contended that if this were done the fish would not be properly supervised so as to discover bad fish, but that could easily be provided for by detailing some of our inspectors for the duty.
396. Who has charge of the market at present? It is under the civic authorities. Mr. Seymour, the auctioneer there, is one of our assistant inspectors; he was made so in virtue of his position.
397. He receives a salary from the Commission? Yes, £75 a year, I think.
398. Who is the inspector directly under your control? Mr. Mulhail.
399. How long has he been in that position? Ever since the Commission was created.
400. Is he a good practical man? Some say he is, others say he is not. He seems to be very industrious and intelligent, and he is always able to give me such information as I may require.
401. How old is he? Quite 60, I am sure.
402. Do you remember a man named Quinan, who was employed as an inspector—was he not dismissed? He was not dismissed, but he had to retire; his services were dispensed with.
403. On what grounds? He got into trouble when Mr. Stuart was Colonial Secretary, for trafficking in oysters.
404. Will you furnish us with the papers in connection with that case? Yes.
405. Do you think that it is possible for inspectors to be in collusion with fish and oyster sellers? Yes, quite possible.
406. Do you know Mr. Woodward, of King-street? Yes.
407. Do you think he knows anything about fisheries and oyster-culture? Yes, I think he knows a good deal about oyster-culture.
408. Are you aware that rivers and fishing-grounds have been closed for over twelve months? Yes.
409. How long has the Parramatta River been closed? The Act gives us power to close waters for two years, with the right to extend the closing for one year more, when those three years have expired. We can then begin *de novo*. That is our practice.
410. As a matter of fact, has not the Parramatta River been closed for over four years? I think it has.
411. Can you give any reason why the fish in that river, as well as in other rivers, have diminished in number? I do not think they have decreased. In point of fact I am sure they have increased.
412. What is the cause of the dearth of oysters in the Parramatta and other rivers? The droughts. The oyster requires a certain proportion of fresh water; that is to say, the salt water on which it thrives must not be too saline. There is a certain salinity necessary, but anything over that salinity arrests oyster growth and development. That is the cause of the worm disease which is talked about a good deal. I have here four oysters exhibiting the worm disease from its inception to the actual destruction of the fish. Since the recent flood I have received reports stating that at Port Stephens and Newcastle the worm has been entirely killed. It is simply an ordinary earth-worm. Whether it gets into the laminae in the first instance, or right into the oyster, and the oyster then works a nacre over it, we are not quite certain. I am inclined to think, myself, that it gets into the laminae. Another disease to which the oysters are subject is caused by a borer, which attacks the oyster when there is too much fresh water. I now exhibit to the Committee a specimen of oyster which has been attacked by this animal.
413. How long does it take an oyster to become eatable? That all depends on the locality. Oysters which were sent to me yesterday by Mr. Dick, of Port Macquarie, had attained, he states, a marketable size

size in two years and four months. In other rivers you can get them to attain a marketable size in twelve or eighteen months. In George's River they will mature in nine months, as I know from experiment.

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414. Would you favour a proposal to close the rivers for two or three years from oyster-getters—do you think that that would be the means of resuscitating the oyster-beds? No; I think that depends entirely upon the seasons. I believe that after this season we shall have any quantity of oysters. My theory is this: There are deep-water oyster-beds as well as foreshore oysters. Wherever there are developed oysters fresh water must be present, and I believe the deep beds are fed by fresh water oozing up underneath, which produces less salinity at the bottom of those waters than in other waters. If that is the case we shall have oysters whether we keep the beds closed for three years or not. If that is not the case, we might keep the beds closed as long as we liked, and not get oysters. Lately we have not been able to get oysters, because it has been simply impossible for them to grow.

415. Are you in favour of continuing the present system of oyster leasing? I am not so certain about that. I am rather inclined myself to let the rivers either wholly or in arms. I want to bring this about: That if a man has an oyster lease, it shall extend over an arm of a river (say) like the Moonee Creek in the Hawkesbury, so that all the oysters in that creek shall belong to one man. In that case, if any other man were discovered there with oysters, he would have to account for them. The present system of leasing small areas simply encourages people to pilfer one from the other. These small leases are called peacock leases, about 100 yards in length. The Commissioners, at my suggestion, are not now disposed to grant those small areas. People take up these oyster leases simply for the purpose of getting all the oysters they can; then they throw the leases up, leaving the rent unpaid; and I do not know whether we have any power to recover the rent. The matter is now in the hands of the Crown Solicitor, and there is a case to be prosecuted.

416. Do you know how many oyster leases there are, and what amount of rent has been received? No; but I will furnish the information.

417. Have all the rents been paid on the leases issued? No; they are £2,000 or £3,000 in arrear.

418. Is it a fact that in the event of an oyster-lessee detecting anyone pilfering his oysters he cannot prosecute without first consulting the Fisheries Commission? Yes.

419. Is not that an absurd provision? Yes.

420. Do you know how many leases Mr. Woodward has? No; but he has a very large number.

421. Has he always paid his rents? Yes.

422. Do you remember that, some time ago, complaints were made public by myself which came from fishermen in the Hawkesbury River, who stated that they were unjustly and unfairly dealt with? Yes.

423. Has anything been done in order to relieve those people? I went up to the Hawkesbury, and looked into the matter. The result of my inspection was that I recommended the opening of Berowra Creek to net-fishing. I consulted one or two fishermen there, and they said they would be contented if that were done; and I did not see very much harm would result from opening the creek. In point of fact, the mere supervision of its closure was a bar to keeping it closed, because it would be necessary to maintain an inspector there constantly. I recommended the opening of Berowra Creek, but the Commissioners did not agree with my recommendation.

424. Would it not be much better if the main river were left open and the tributaries closed? I do not think so. I am a great believer in keeping those rivers closed for the protection of young fish. I would rather see the heads of the rivers permanently closed, because I have seen such good results from it.

425. Have many complaints been made through you to the Commission as to dereliction of duty on the part of any of your inspectors? No.

426. Have you had any? No.

427. In the appointments of inspectors have the recommendations of the Commission always been carried out by the Government? I think so, without exception.

428. By whom in the first instance are these people recommended;—would they be recommended by a man of Mr. Woodward's or Mr. Emerson's standing? No; I do not know of any who have been recommended by them.

429. In 1887 a Bill was passed to protect the fish in inland waters;—have you directed your attention to the application of that measure? We have no officer to supervise it. I have considered that measure, and I included its provisions in the Fisheries Bill which I drew up. I have not had an opportunity of visiting the inland waters, except Lake George, where I have been once or twice. I should like to have opportunities to visit those waters, as it is really impossible to form an opinion on those matters unless I go there. I would like to have personal knowledge before I made any recommendations. It will be seen in the statement which I have already handed in that I proposed to make recommendations when I was afforded an opportunity of going to the inland waters, but that opportunity has not yet come.

430. At Lake George there are fine fish, and is it not in every way suitable for carrying on experiments in pisciculture? Yes.

431. Have you visited Lake Bathurst? No.

432. Are you aware of the existence of fish there? There was some talk of taking fish there. It would be quite easy to get them there.

433. Are you aware that large quantities of fish are taken from the Murray River to Melbourne? Yes; they all go to Melbourne. We keep the Murray River for the benefit of Melbourne; Sydney gets no benefit.

434. Are you aware there are large quantities of oysters imported from New Zealand? Yes.

435. Do you remember the case of Hanley, who imported oysters from New Zealand and deposited them in one of the foreshores? Yes, at Gore's Bay.

436. Had he to pay royalty on those oysters which came in from New Zealand, and which were under other circumstances imported free of royalty? He took possession of this area and applied for the lease but never got one. It was decided that no leases should be issued in Port Jackson. Hanley was informed that he would have to pay this royalty for the accommodation afforded to him through his being allowed to keep his oysters there and for the benefit which the tidal waters flowing over them had conferred on him. The Commissioners thought that he ought to pay something to the Crown for the benefit he had derived, and they made an arrangement with him that no rent was to be charged. He was to give up the land within three months, but I think the Commissioners allowed him to remain longer.

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437. In bringing these oysters to town and selling them to Woodward and others, had he not to pay just the same as if the oysters had been reared on our own oyster-beds? Yes, only he had no rent to pay.
438. The royalty on oysters has been abolished? Yes.
439. Is there still a royalty on ware? You cannot call it a royalty as it is really a fee. Two shillings a bag is charged on ware, brood, and spat.
440. Do you think that is a wise provision? It is one of the regulations under the Act. It would be a good regulation if attention were paid by the Government to preserving beds for ware. If they took pains to conserve it it would be very good.
441. *Mr. O'Sullivan.*] Have you any supervision or inspection of inland waters? We have power under the Act.
442. Who enforces those powers? We enforce it; we generally employ the police.
443. Do the police represent you on the inland rivers and lakes? Yes; wherever we ask them.
444. Who represents you at Lake George? We have an inspector appointed there, and another on the Edwards River, between Deniliquin and Moama. He is the forest ranger, and he inspects the fisheries in his district. A sergeant of police, named Nelson, has charge of Lake George.
445. When you were at Lake George were you interfered with by the landed proprietors on the banks? No.
446. Did you ever hear that the people who go fishing at Lake George have been ordered away by the land-owners? No.
447. Were you allowed to land anywhere? Yes; I had no interference whatever.
448. Is there only one kind of fish in Lake George? Yes; the cod.
449. Is that lake suitable for rearing other fish? I think so. I should like to try it. Of course the cod is very voracious, and that would militate against any effort of the kind.
450. With regard to the worm disease in oysters, is there any inspection when they come to market to see if the oysters are diseased? No. The oystermen would not send them to market, because it would be only waste labour.
451. How did you manage to discover the specimens you have shown us? You can get them anywhere; you can always discover the disease, the smell is so bad. It is like dredged silt.
452. Could anyone eating an oyster ascertain for himself if it was diseased? Yes; the mere appearance of it is quite sufficient.
453. Have you any complaints as to the stealing of fish at Woolloomooloo market? No; but I have heard of their having been stolen in transit. In point of fact I have seen them stolen myself on the Hunter River wharf when coming from Newcastle in the early morning.
454. Is there any systematic oyster-culture in New South Wales? No. Although the purpose of the Act was to encourage oyster-culture, people have taken up areas not for that purpose at all. They have selected places where there was the most oysters. In many instances they have cleared off all the oysters and then abandoned the area.
455. Is Mr. Mulhall competent to carry out his duties as an inspector? Yes. He is an old man, of course; but he seems to take a great deal of interest in his duties.
456. Does he give satisfaction? Yes; I have not heard any complaint from the Commissioners. They think very highly of him.
457. Do you think that trawl-fishing would be a success off this coast? I can hardly say that; but I am looking forward to the time when we shall have trawling here. We do not know at present where we can trawl. Trawling requires a clean bottom, and that can only be ascertained when we have had a survey. I not only expect that we shall get ground fish, and unknown fish, but also oysters. There is no doubt that there are oyster-beds off the coast. There is such an oyster-bed off the Clarence, and I was in hopes, although unfortunately I have not been able to do so, that I could show the Committee this afternoon some oysters taken from the sea near Catherine Hill Bay, a few miles to the south of Lake Macquarie. They grow there in a place called Shark Hole, or very near there. There are no creeks or inlets about there, and the only inference is that those oysters come from the sea, and there must be some place there where they breed. I do not know why we should not get deep-sea oysters here as they do in France, New Zealand, and recently in Bass's Straits.
458. How do you account for our fishermen being so backward with their appliances and method of fishing? They seem to be able to supply the market, and they do not seem to care to go out of the beaten track. They have very primitive appliances, and some fishermen really do not care to go away from their own homes. That is one of the causes of the out-cry against closed waters. We had a deputation from the Fishermen's Union on one occasion, and the impression created in my mind was that the fishermen thought there were no other grounds where they could fish except George's River and the Parramatta River. They do not seem to have any enterprise.*
459. Do you think that our fishermen keep up a proper supply of fish for the market? The supply of fish has been increasing yearly. In 1885 there were 38,000 baskets of fish brought to market. In 1886, 45,000 baskets. Roughly, in 1887, 51,000 baskets; and in 1888, 54,000 baskets. The proceeds for the sale of those baskets was—in 1885, £31,000; in 1888, £37,000; so that that shows the supply is gradually increasing, and I put that down to our keeping the rivers closed.
460. Are there any obstacles in the way of well-boat fishing off this coast? No, but it has not been a success so far. I was speaking on the subject to Mr. Buckingham, who owns the ketch "Gratitude." He explained to me that the smaller fish seemed to succeed very well in a well-boat, but he brought a number of them on one occasion into Sydney, arriving here on Saturday night. He left them in the well all Sunday, and on Monday they were all dead. They were killed in their own filth. I can quite understand that, because he moored his boat just in the usual way, and there was not a sufficient passage of water through the well. If he had moored the vessel across the tide he might have saved the fish. He noticed also that the large schnapper dived down and killed themselves against the bulk-head. He intended then to spread a net round the well to act as a buffer to prevent that if possible. The "Gratitude" is at present in New Zealand, but she is returning to Sydney, and he hopes to be able to do something with her in future, as he is going to use steam-power, which will enable him to get to the fishing-grounds and back in proper time.

461.

* NOTE (on revision):—I intended to convey this idea: That fishermen resident on a particular water, say, for instance, the Parramatta or George's River, seemed not to think that there were other fisheries besides those to be considered, and that they would rest perfectly satisfied if allowed to follow their calling on their own river, and not trouble much about the convenience of members of their own craft resident in more remote localities.

461. Did not the "Rachel Thompson" from Tasmania demonstrate the success of such fishing? She was not a success. The master had all the assistance possible from the Commissioners. The Government found the money to start the enterprise, but the master, instead of prosecuting the affair went back again, as he found that it was not a paying speculation.

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462. Might he not have had a good market in Tasmania? Yes; he found that he had much better market there than here.

463. Do you know that well-boat fishing has been very successful in Tasmania for years? Yes, I have heard so.

464. Even when the wells were fitted in ordinary whaleboats? Yes; but I do not know anything of it personally.

465. *Mr. Ritchie.*] You have stated that you are in favour of giving extensive oyster leases;—do you think that it would prevent pilfering if you gave one man the entire bed of the river? I did not say that I would give the entire bed of a river to one man. Suppose a river had an arm such as Moonee Creek on the Hawkesbury. I would give one man the whole of that arm. If his oysters were then stolen it would certainly be his own fault. Under the present system we allow one man to have small areas here, there, and everywhere, and neither the Government nor the lessee can protect those leases.

466. Is there any oyster-culture going on at the present time at Moonee Creek? No; the worm disease has taken such a hold on the oysters that nothing has been done.

467. You have spoken of closing the heads of the rivers;—what bounds would you fix for the Hawkesbury? My proposition was that we should close that river from Bar Point upwards. The river was first closed as far as the Railway Bridge. The fishermen represented to me that that was altogether too much. In deference to their wishes, and seeing that it would not interfere with the public interest, I proposed that we should open the river up to Bar Point, excluding the tributaries.

468. Is Bar Point much above the railway bridge? Yes; about 4 miles.

469. What are the bounds in the Parramatta River? We have closed it from the bridges. Iron Cove from the bridge, Johnston's Bay from the bridge, and Parramatta from the bridge, and Lane Cove from the mouth.

470. Have you closed the same proportion in all the other rivers? Yes; we take some well known point.

471. Is the worm disease very prevalent or widespread? Yes; but at present the floods have killed it.

472. Do you think that fresh water is a specific? Yes; there is no doubt about that. There is a great deal of talk about the origin of the disease, but I think the practical question is, what will cure it, so far as is yet known. Nothing but fresh water will do it. I put those worms [*Exhibit*] in fresh water, and they were dead instantly. They would live ever so long in salt water.

473. Is it by trawling only that deep-sea oysters can be obtained? Yes; and dredging.

474. Is that the method used in New Zealand and France? Yes; and dredging. I think they get them in 30 fathoms of water in France.

475. Cannot they be obtained by means of a diving bell? They can. We have divers here, but that is expensive, and a poor man could not go in for it. There is a man diving at George's River, but I do not at all approve of that system as it is impossible to know what the man is doing.

476. *Mr. Howe.*] Would you be prepared to extend the limit on the Parramatta River to beyond the bridge? Yes.

477. Say to Ryde? Yes; I would not object to that.

478. Would you object to extending the limit on George's River to Salt-pan Creek? I was discussing that matter the other day, and I would be willing to extend it to this side of Salt-pan Creek in the summer months, but I would not like to open the creek.

479. Would you be in favour of opening Port Hacking? We have nothing to do with that.

480. Would you advocate the repeal of the Act, which closes Port Hacking? Yes; I should like to close Port Hacking only from the Spit upwards. There is really no supervision at present, and owing to the way in which the Act is drawn a conviction could not be obtained if the opposing lawyers knew what they were about.

481. Are not the fishermen anxious to be allowed to use any kind of net, so long as the fish are not below a specified weight? That is the practice in Victoria; they disregard the nets altogether there, or very nearly so, and rely entirely on the weight of the fish. I am not inclined to agree to that practice, because we have to do more than prevent young fish from being sold. We want to prevent the young fish from being damaged, which takes place when they are caught in a net.

482. *Chairman.*] Do you think that in many cases the lengths of the nets should be increased? Yes.

483. *Mr. William Stephen.*] Do you think that the inspectors should be practical fishermen, and should understand the habits of the various kinds of fish? I think they should be practical fishermen. There is but little known of the habits of the fish. Garfish are the only fish to which a certain net will apply, because they are surface fish, and very seldom go below.

484. Are all the inspectors really practical men, who will be able to give a decision at once, and understand when the fishermen break the law? They will know when the fishermen break the law, but I do not think they have all been practical men. Of course, in their capacity of inspectors, they have learnt a great deal, and perhaps all that is necessary, but when they were appointed I do not think they were all practical fishermen.

485. Is it your opinion they should be? I think that it is very desirable that they should have the necessary knowledge at any rate.

486. Is Mr. Seymour in the employ of the Fisheries Commission? Yes; we pay him a salary of £75 a year.

487. Is he not paid by the Corporation of Sydney? We have nothing to do with his position in the Corporation. He was merely appointed an inspector because it was thought that he would be serviceable as representing the interests of the Fisheries Commission, seeing that he had the control of the market.

488. Then he is paid by regular salary, and not by fees? He is paid a regular salary.

489. Does he not receive any Commission from the vendors of fish? I believe he gets a salary from the Corporation, but I do not know that officially.

490. In your opinion has the closing of the fishing-grounds increased the number of fish? Very much, there is no doubt about that.

491. Have you not heard that since Port Hacking was closed the fish have decreased there? Yes, because the fishermen fish there whenever they please. There is nobody to prevent it.

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492. Have the Commissioners the power of appointing their own inspectors? No; the Minister does everything; the Commission can only recommend.
493. Do you think it would be desirable that the Commission should have the power of appointing inspectors? They virtually have the power of appointing inspectors now, because the Government always carry out their recommendations.
494. Are the inspectors subjected to any examination before the Commission recommends them? No.
495. So that in reality the Commissioners are not aware what their qualifications may be before they employ them? No, except from the recommendations which may accompany their application.
496. Do you think it would be desirable for the Commission to have power to appoint the inspectors directly, without reference to the Government? I do not see what is to be gained by it, because the Government will never refuse the appointments recommended by the Commissioners.
497. Do you think that any of the waters closed at present might be opened with advantage to the fishermen, and without lessening the supply of fish? I do not, except with the modifications I have already explained. I think those modifications might be allowed without detriment to the fish supply.
498. Have the Commissioners power under the Act to try experiments in catching fish outside the Heads? The Act does not exactly give them power, but the Government would not object to their doing so. In fact they have made an experiment with the trawl, and I think the result of that experiment is embodied in the Commissioners' report for 1883.
499. Would it not be desirable for the Commission to make experiments, with a view to educating the fishermen as to what might be done? I think so. I know that when the Commission was first formed the Government, at the instance of Sir William Macleay, who was then the President of the Commission, imported a lot of nets and fishing appliances in use in various countries; but, unfortunately, they were destroyed in the Garden Palace fire. Among them was a purse-seine, half a mile long. This was used to catch fish off the coast of Maine, in America.
500. *Mr. Stevenson.*] Do you ever change your inspectors from one district to another? We have not done so. I made a recommendation to that effect [*Appendix B 5*], which the Commissioners had under consideration, but nothing came of it. Our present inspectors live at Paddington, Woolloomooloo, and Surry Hills. I would place them in proximity to the closed waters. For instance, we want supervision over the closed parts of the Parramatta River. We require supervision of the Lane Cove River, and so on. My idea was to locate the inspectors somewhere near the lines of closure, so that they might see that illegal fishing was not going on. The Commissioners were willing to entertain my proposal to a certain extent, but the trouble was with regard to residences. I thought residences might be provided in this way: That we should make use of some of the 100-foot reservations which exist in most of these places, or any other suitable reserves in existence, and build a weatherboard-house for the inspector on this location, charging him a small rent, so as to cover the interest on the money expended.
501. What has been the result of your recommendation? I submitted it to the Commissioners, but there has been no result so far.
502. What salaries do you pay the inspectors? Mr. Benson, at the Clyde River, and Mr. Temperley, at the Clarence River, are the divisional inspectors; they get £200 a year, and they received the statutory increase of £40, which is the only increase they have had. All the other inspectors are called assistant inspectors, and they get £150 a year.
503. Is Mr. Benson at Bateman's Bay? Yes. He has charge of the Southern Division, from Jervis Bay down to the boundary. Mr. Temperley has charge of the Northern Division, which begins about the Manning River and runs away to the northern boundary.
504. Is Mr. Benson a relative of the President of the Commission? He is a relative or connection.
505. Has he any allowance for rent? Yes; I think he is allowed about £25 a year for rent.
506. Why do you make an allowance to him for rent and not to the other inspectors? I really do not know how it came about. I know he is allowed it. He applied for it, I think.
507. Has any other inspector ever applied for rent allowance, and has it been refused or granted? I do not think any other inspector applied. It has certainly not been granted to any other inspector.
508. Is he allowed anything else besides rent? Travelling allowance.
509. Is he allowed an attendant? He is allowed a boatman.
510. At what salary? I think £108.
511. Does Mr. Temperley get a boatman? Yes. In Mr. Temperley's case the Richmond and the Clarence are important rivers, and the boatman is posted on one river and Mr. Temperley on the other. In my proposition I arranged for another disposition of all those men.
512. Then the only inspectors who have assistance are Temperley and Benson? Mulhall, in Sydney, has attendants of course. You can understand that we require more men at head-quarters.
513. When the chief inspector is absent from Sydney who performs his duty? The chief inspector is very seldom absent. I wish he were absent a little more. Mr. Ellis, the first clerk in the office, performs his duty when he is absent.
514. What practical knowledge has he of the duties? Really there is no practical knowledge necessary, because he, as likewise I, as Secretary, would only take the instructions of the Commissioners. If he wanted any directions, or had to give any directions, he would have to go to the Commissioners, or the President, in the same way as I should. As chief inspector I do not consider that I have any absolute control over the inspectors.
515. Is it not a source of complaint amongst the fishermen that if they want redress for anything they have to wait here until the Commissioners meet? If the fishermen went to one of the Commissioners—to the President, for instance—he would give them all the help and redress he could. If a fisherman had a grievance, and he wrote to me, I should have to wait until the Commission met.
516. Have you heard any complaints from the fishermen as to the delay they have been subjected to? Yes, very frequently.
517. Are any of the inspectors incapable of performing their duty from old age? We have only one old man, that is Mulhall; he is over 60. I do not think anyone else is over age. I had a return of their ages prepared at one time.
518. What is Mulhall's time principally occupied by? He visits the fish-market every morning at 4 o'clock.
519. Has he an assistant? Two or three. He patrols the closed waters at night, and he looks after the oysters and fish coming in during the day. He is generally about,

520. There is no part of his time, I suppose, occupied in getting fish for the Commissioners themselves? No; I never heard of such a thing. That is a case that would hardly come under my notice. If it was done I would hardly know anything about it.

521. You do not know, of your own knowledge, that it is not done? I do not know that it is or is not done.

522. Who is the inspector at Port Stephens? Mr. Otway.

523. Is it proposed to remove him? Yes; the Commissioners have passed a minute that he and the boatman shall be dispensed with. They propose to make other provision, and his services will not be required. The matter is now under the notice of the Government.

524. What fish comes from Port Stephens? All kinds of fish.

525. A large quantity of fish comes from there, and is it not necessary that someone should be at Port Stephens? I think so. That is my opinion, but it is not the Commissioners, so far as I know.

526. What provision is to be made for that place—is it proposed to remove an inspector up there? My proposal was to remove the inspector from where he is stationed, at Alicetown, down to the Heads, to supervise the fish taken from Port Stephens to Newcastle, and that any provision for the inspection of oysters at Limeburners' Creek, whence they are sent overland to Newcastle, should be done at the creek. In fact that he should be helped by another man, and I proposed to take a man from Shoalhaven and place him there. I thought that would be a very effective means of seeing that the law was observed where the principal fishing goes on, that is, at the lower part of Port Stephens.

527. Do you think that Port Stephens is a very important fishing-ground? Yes.

528. Yet the Commissioners propose to close the inspection there? I do not know that they propose that, but they intend to do something. I was instructed to go up there and report for their information, but I have not been able to go yet.

529. It has been reported to me that they propose to remove the inspector, and it is considered to be a very ill-advised step. I want to know what action has been taken and what provision has been made to meet the case of that port? They have not moved him yet. I should propose an inspector there. I am in rather a delicate position in having to state what I believe to be the Commissioners' opinion on this matter. I do not know how far to go, or whether I should leave my idea of it unexpressed.

Chairman.] You will be protected in every possible way with regard to any information you give here, and you need not be afraid in answering any question.

530. *Mr. Stevenson.*] This Committee would be a farce otherwise. I want some information as to the steps taken by the Commissioners as to removing this inspector? I was going to say that the Commissioners take this view generally.

531. Has there been any complaint against this gentleman? I have not had any official complaint. I have had many verbal complaints that he has not given satisfaction. I asked those gentlemen who made verbal complaints to put them in writing, so that we might inquire into them, but I have never been able to get them in writing. Whether the complaint arose from his being too active, or from his not being active enough, I do not know.

532. Is it on account of those complaints that the Commissioners propose to remove him altogether? Not wholly; they think he is rather an expensive officer.

533. What is his salary? £150 a year, but the Commissioners think that he spends too much money in travelling, and they do not think that he is a competent man.

534. Can you give me any idea as to what fish comes from Bateman's Bay in proportion to the quantity from Port Stephens? There is no comparison in favour of Bateman's Bay.

535. Yet you keep an inspector at Bateman's Bay? Yes, the divisional inspector.

536. And you give him an assistant at £108 a year? Yes, but my proposal would remedy all that.

537. But in the meantime the evil exists? Yes.

538. You allow this inspector at Bateman's Bay house-rent in addition. All this expense is kept up where there are no fish, yet the inspector in a place where there is plenty of fish is to be done away with? If I recollect rightly my proposal was to remove Benson to the inland waters and remove the boatman somewhere else, giving him inspectoral powers.

539. What were Mr. Benson's qualifications for the office when he was appointed? I do not know what his qualifications were in the first instance, but I believe that he had had experience in Tasmania or Melbourne. I believe he came from Tasmania originally. He seems to have given satisfaction at Bateman's Bay;—we have no complaints about him.

540. How do you arrive at a knowledge of the existence of deep-sea oysters at Catherine Hill Bay? From the report of the inspector. This is a matter of very great interest to me, and whenever I hear of anything of this kind I always make full inquiry.

541. Have you had any complaints with reference to the fisheries or the inspector at Hawkesbury River? Yes; there were great complaints, and an inquiry was held, but nothing was actually proven. The idea was that the inspector, Peter Smith, was interested in oyster culture leases.

542. Have many nets been seized at the Hawkesbury at any time? Yes, but I cannot say how many.

543. On several occasions? Yes.

544. What became of those nets? They were sold by order of the Commissioners.

545. Are you aware that those nets were sold by public auction under instructions from the Commissioners—that they were purchased, put in use, and seized again? There never has been a case of that kind. Suppose an inspector seizes an illegal net from A, another inspector seizes an illegal net from B, another inspector seizes an illegal net from C, those three illegal nets may be converted into one or perhaps three nets, which may be legal for some purpose or another. We cut up those nets, and make that legal which was hitherto illegal, and the legal net is sold.

546. You do not sell the illegal net in the condition in which you seize it? No. That would be manifestly unfair. It would be laying a trap for the fishermen.

547. *Chairman.*] Are you sure as to that statement;—are you sure that nets have not been seized, prosecutions having been instituted on account of those nets being of an illegal mesh, and the very same nets sold again to people who used them? I do not know of such a case. I now recollect something that took place a long time ago. Many years ago some gentlemen in the country wanted nets to cover their fruit-trees, and some of those nets that could not be made legal for fishing were sold to those people for the purpose named. We instructed the auctioneer to say, when he sells a net, that it is legal for whatever purpose we intend it to be legal.

Mr. J. G.
Thompson.

13 June, 1889

Mr. L. G.
Thompson.
18 June, 1889.

548. *Mr. Stevenson.*] Have you never heard of a case where a man was prosecuted for using a net, which was sold to him by order of the Commissioners? I have heard of a case of complaint, but I forget the exact case now. I know that there was nothing in the complaint. It was something in connection with a lot No. 8 at some sale. The man said he had bought the net at this sale, and that he was afterwards prosecuted for using it. As a matter of fact, as far as I can recollect, the man never bought No. 8, but he bought something else. If any information is given me on the subject I can search for the case.
549. We want you to furnish us with information? I cannot give it; if I could I would give it.
550. You really do know or have heard of some case that has arisen? Which was said to have arisen, but there was really nothing in it.
551. What became of the prosecution? I do not know.
552. Was the man subjected to a great deal of annoyance, and was he brought to Court? If he had an illegal net he would certainly be brought to Court.
553. What became of it? I do not know the case, and I cannot give the information.
554. You must admit that that would be a very great hardship? Yes; it would be a monstrous thing, which I would not lend myself to.
555. Do the Commissioners inquire into any complaint that is made? If any representation was made it would be inquired into.
556. *Mr. William Stephen.*] Do the Commissioners inspect every net seized, so as to make sure that a net is not illegal before it is sold? No.
557. Do you leave it to the inspector to do that? Yes.
558. *Mr. Stevenson.*] I presume the inspector performs that duty? Yes.
559. When you grant leases for oyster-beds, do you see that the purpose for which the leases were granted are carried out? Yes; it is our business to do that, and we do it where we can, but we have very little opportunity. Also, an oyster lessee need not do anything for three years. At the end of three years if he finds that the land is incapable of oyster culture the Act gives the Commissioners power to recommend the surrender of his lease.
560. Then you do make some inspection? We always inspect, and we have never got any reports of mismanagement as yet, because really there has been no oyster culture. We have had no growth in the oysters.
561. What reports have you received with reference to the oysters on the Shoalhaven River? That the lessees are carrying out the conditions of their leases as far as they can. We have an inspector there who reports constantly.
562. Then the conditions of leases on that river are supposed to be satisfactorily carried out? Yes.
563. With reference to the sale of fish, would it not be an advantage to the fish-dealers themselves, the parties procuring the fish, if there was an auctioneer licensed to sell the fish, quite irrespective of Mr. Seymour, so that the fish might be sold at any time of the day when they arrived? There is no manner of doubt about it. I would completely upset the present arrangement.
564. Would you be inclined to recommend that fish auctioneers should be licensed to sell the fish, which is a perishable article, in the same way as auctioneers are licensed to sell wood and coal, which are not perishable, at Darling Harbour? Yes, I would recommend that fish and oyster dealers should be licensed.
565. *Chairman.*] You have mentioned that experiments in trawling have been made by the Commissioners;—how many trawls have you? We have at present two trawls and gear complete.
566. What is the cost of them? I do not know. They were brought out by Dr. Ramsay when he was sent home as the representative of the Colony to the London International Fisheries Exhibition. They are kept at the Museum, and have never been used.
567. What is their condition? They are in perfect condition. We have had other trawls besides. We have a boatman in our employ who was an old trawler at Grimsby. He possesses a certificate as second mate as a trawler. He made a trawl of 35 feet beam in 1883. It is now in bad condition, because we have no twine suitable for repairing it. The only cost of that trawl was the actual cost of the material. One experiment was tried with the "Ajax" for a fortnight in 1883, and the result was comparatively successful. The cost of making this trawl was about £15 for material. It required a long warp, which cost about £20; that is still in existence at the Museum. The same man made a small trawl in 1884 that has been used three times. It was used once with the President in Iron Cove, but without success. It was also used in Botany Bay two months ago. The first time it was unsuccessful owing to the trawl getting foul of the screw of the steamer. It was used the next day, and a large haul was made, but not of good fish. They consisted of catfish, rays, and sharks. In order to use the trawl successfully we must of course be sure of the ground. If we could only find out where the beds of deep-sea oysters are I suppose we would have an immense market for them here.
568. *Mr. Stevenson.*] Before that can be done must there not be a survey of the coast? Yes; but I do not think we would require such a survey as was commenced before, and which had to be abandoned owing to the expense.
569. *Chairman.*] Has the Commission a steam-launch? Yes.
570. What is its condition? Quite good.
571. Is she used? Yes, in this harbour and in the Hawkesbury River and George's River. She can only be taken to those rivers in exceptionally fine weather. She is only a little launch about 36 feet long.
572. Are you aware that Lane Cove River is not closed? It is closed. There is a bridge across Lane Cove River, and it is closed from that.
573. Have not the men Gascoyne, who live on the Parramatta River, suffered great hardship owing to the provisions of the Fisheries Act? I do not think so.
574. Did not these men settle on the river years ago to carry out this industry, the father rearing his sons there, and they having, as it were, a vested interest in the river; and is it not a hardship now that for the last four years the river should be closed against them? No; because I think they ought to give way to the public interest and go farther afield. Other fishermen have had to do that, and I do not see why the river should be kept open for these men.
575. Is there not a great population on the northern side of the river who for years were dependent on these people for a supply of fresh fish, and who cannot now get a supply on account of the river being closed? I suppose it is possible for those people to get fish in the same way as the people in the western suburbs get fish.

576. Do you not think that those people are as worthy of as much consideration as the people of Sydney, and that some means should be afforded them to obtain fresh fish? Report has it that the Gascoynes are, and always have been, very successful in securing a supply of fresh fish, and that the inhabitants on the northern shore have not suffered at all, notwithstanding the river has been kept closed.

577. Is it not a fact that fishermen, if found in closed waters, are liable to have their nets seized, and that cases have occurred in which their nets have been seized? Yes.

578. After that, is it left to the discretion of the magistrate whether he shall punish the fisherman or not? If the seizure is proved he must punish them.

579. Not necessarily? I think you mean with regard to the forfeiture of the net. Under the 26th section there is no penalty, but the magistrate has power to forfeit the nets.

580. Is not that an unjust provision? If we had to contend against *bonâ fide* fishermen, who would take an interest in conserving the fisheries, I think such a provision would be bad; but we have to fight not against the *bonâ fide* fishermen, and there are many of them, but we have to fight against those men who are not *bonâ fide*, and who will take every opportunity of infringing the law. We have to make laws to provide against these, and the *bonâ fide* fishermen suffer through the misdoings of the others.

581. *Mr. Ritchie.*] What is the distinction between a *bonâ fide* fisherman and a non-*bonâ fide* fisherman? A *bonâ fide* fisherman is one who will act so as to help the laws where they are fair. I quite admit that there are many restrictions in the Act; but I think the fishermen should recognize that the Commission are endeavouring to protect the fisheries, and I think we have proved that, inasmuch as we have brought up the supply one-fifth in five years.

582. *Mr. Stevenson.*] Would it not be possible for fishermen in heavy weather to be driven into closed waters, and would it not be a hard case if their nets were then seized? I do not think that ever occurs.

583. Have you not seen rough weather in Hawkesbury River? Yes; but there is no closed waters until you get up to Bar Point.

584. There are a number of settlers on the Hawkesbury, more particularly about Wiseman's Ferry, who are mainly dependent for fresh food upon fish obtained out of the river? I have heard that stated, and I was asked for a report on the matter, and I recommended that the Hawkesbury should be opened from Webb's Creek upwards. The Commissioners however did not concur with my proposal, and it has not been done.

585. Was not a letter sent in complaining that those people could not even get fresh meat, and that they had no means of getting fresh food unless they were allowed to fish, and was not permission to do so refused by the Commissioners? Yes.

586. On what grounds? That it would require the appointing of an inspector.

587. The Commissioners were distinctly informed that the settlers were respectable men, that it would not pay them to catch fish and to hawk them about, and that they, therefore, would only catch sufficient fish to provide for the necessities of life, that it has always been allowed up to a certain time, but that lately it had been stopped? The Hawkesbury has always been closed. There is nothing to prevent line-fishing.

588. A farmer cannot fish from morning to night with a line, and do you not consider that this prohibition is a great hardship? I recommended that the river should be opened there.

589. *Mr. Ritchie.*] Under the law could you not permit these people to supply themselves with the necessities of life? The law does not allow it. There is no provision of the kind in the law. It is altogether defective.

590. *Mr. William Stephen.*] Do you think that the law should be amended so as to allow farmers to catch fish for their personal use? Yes; I think some discretion should be allowed in such a case. The present Act when it was passed was tentative, and I suppose if we passed an Act now it would be found unsuitable in some respects in a short time.

591. *Mr. Stevenson.*] I suppose you are fully aware that families in some of these isolated places would have to travel 10 or 20 miles to obtain fresh food? I did not know that but the information was conveyed to us. I think that it is a great hardship that they should not be allowed to get fish.

592. *Mr. William Stephen.*] Are there any divisional inspectors in the immediate vicinity of Sydney? No. Quinan was a divisional inspector for Sydney, but when he retired from the Service no one else was appointed in his stead.

593. Are the provisional inspectors expected to visit the waters in the vicinity of Sydney at any time? No.

594. If the important fishing-grounds in the immediate vicinity of Sydney can be entrusted to assistants or sub-inspectors, why should not the same be the case with regard to Bateman's Bay? I do not myself see the necessity for those divisional inspectors, and I never did. I would do away with them. In the Bill I have prepared I have done away with them.

595. *Mr. Stevenson.*] What becomes of the fish from Clarence River? It is sent to Sydney in ice-boxes. 15,000 baskets have been sent in one year.

596. *Mr. William Stephen.*] Are the sub-inspectors allowed travelling expenses? Yes; they are allowed their actual expenses; the Commissioners are very particular on that point.

597. *Mr. Stevenson.*] What travelling expenses do the inspectors get? They get paid their actual expenses, and nothing more.

598. *Mr. William Stephen.*] Are you not aware that Mr. Mulhall is considerably over 60 years of age? I do not know, but I think that he is over 60.

THURSDAY, 20 JUNE, 1889.

Present:—

Mr. FRANK FARNELL,
Mr. RITCHIE,
Mr. STEVENSON,

Mr. NOBBS,
Mr. WILLIAM STEPHEN,
Mr. HOWE.

FRANK FARNELL, Esq., IN THE CHAIR.

Mr. Alexander Oliver called in, sworn, and examined:—

599. *Chairman.*] What position do you hold in the Public Service? I am Parliamentary Draftsman and one of the Fisheries Commissioners.

600. How long have you occupied the latter position? I was one of the first Commissioners appointed, in 1881. I afterwards resigned, and remained off the Board for two or three years; then, at Mr. Dalley's request, I again become a Commissioner, I think in 1886.

Mr. L. G.
Thompson.
18 June, 1889.

Mr.
A. Oliver.
20 June, 1889.

Mr.
A. Oliver.
20 June, 1889.

601. Have you taken any particular interest in the fishing industry in this Colony? Yes; perhaps no man in the Colony has taken more interest.

602. Do you consider that the provisions of the Fisheries Act have applied justly, and have given satisfaction to the people who carry on their callings of fishermen and oystermen? That is a very large question. It would be impossible for any Act of a regulative character to give satisfaction to the persons who are affected by it. Fishermen could never be pleased with any Act which interferes with their liberty of action. I know a great many of the fishermen, and they have frequently told me that the Act impedes them in the exercise of their calling. Some say we ought to have closed fewer places, or ought to have closed them at other times. There is no consensus of opinion amongst the fishermen as to what parts of the fisheries should be closed. Those who live up the river say, "Do not close the waters where we make our living; close them down below. On the other hand those who live down below say, "Close up the tops of the rivers, because that is where the fish breed." Having had a great deal to do with the working of the Act, I can say that the Commissioners have been very largely guided by the recommendations made by the original Royal Commission of 1880, on the evidence of the fishermen themselves as to their closures, periods of closure, and places of closure. It will be seen by the report of that Commission that the persons who most strongly recommended periodical closures, sometimes to the extent of two years, were the fishermen themselves.

603. In your experience as a Commissioner, have you not had many cases of hardship brought under your notice? Certainly, not many. We have had a few petitions and memorials, and I think that on several occasions Members of Parliament have addressed us on the subject of hardship in the way of forfeiture of nets and the infliction of penalties for fishing in closed waters.

604. As a result of your consideration of those complaints, have the Commissioners made any recommendations to the Government in order to relieve those people? I think that on one or two occasions we have suggested that the penalty might be remitted. I think that during the period I was off the Board some recommendations may have been made to the Government. During the last period of my membership there have been some cases of the kind I refer to, but I do not remember at present that we made suggestions or recommendations to the Government, except in one or two instances, and I think those were cases in which we recommended that the penalty or forfeiture of the nets might be remitted. The magistrate has hardly any discretion. If it is a case of an illegal net or a second offence he must forfeit. Then the case is entirely out of our hands; because, being a forfeiture to Her Majesty, the Government alone can remit the forfeiture. There have been two or three hard cases. I think one was at the Hunter and the other at the Parramatta River, and the law had to take its course. Very frequently, when cases seemed to be hard, we have refused to allow our officers to prosecute. In fact our rule is never to prosecute unless it is really a bad case.

605. I suppose you are a pretty regular attendant at the meetings of the Commission? Not, perhaps, as regular as I should be. Unfortunately, the hour of meeting clashes with another engagement, and with my public duties, but I think I am fairly regular.

606. What time is generally occupied by your meetings? We have frequently sat from 3 to half-past 5, but on an average we get through our business in an hour or an hour and a quarter.

607. Do you remember if at any time the Commission made any recommendation to the Government to alter the present Fisheries Act? Yes; they submitted an amended Bill in 1884.

608. Then it is entirely owing to the negligence of the Government that that measure was not brought forward? I would not say that. I think the Bill was drawn up when Sir Alexander Stuart was in office in 1884. I am quite sure that in the report for 1883-84, when I was not a Commissioner, it was stated that a draft Bill had been submitted. I do not think the Commissioners have ever made any suggestion in the direction of remitting penalties or of altering the system we have been going upon, because we have always been of opinion that it is our duty, in the interests of the fishermen themselves and of the product of fish, to have a periodical closure of the main fisheries, provided it is at the right time of the year. That has been our idea, so that the breeding period should not be interfered with, and so that no one place should be absolutely skinned of its fish, as used to be done in the old times. At one time Lake Tuggerah, a very large fishery, was absolutely skinned of fish. We closed it for two years, and the result was perfectly astonishing. I do not say that we have always been wise in the periods for closing the rivers, as it is a tentative business with us, and perhaps we have not hit the right time for closure, but I am sure that the effect of periodical closure has been on the whole very good.

609. Have you any reason to doubt the advisability of continuing the existence of the present Commission? If any responsible Minister had time to go into the matters that the Commission deals with now, I do not myself see the necessity for a Commission. Of course a Commission is always a bad body for doing anything. It is only useful as an advising body. It only meets once a week, and does not act as quickly as a Minister could act. On the other hand a body selected on account of the familiarity of each of its members with the subject, ought to be of some use, and ought to help the Minister very considerably. If there were any Ministerial Department that had very little to do, and could take over the Fisheries, and if the Minister himself were an enthusiast on the subject, I do not think that the Commission would be a necessity.

610. *Mr. Ritchie.*] Do you think that the power of administration by a Board is too cumbrous in comparison with administration by a Minister? Most certainly; that is always the case.

611. *Chairman.*] Have you at any time had complaints brought under your notice as to the unjust operation of the Fisheries Act, particularly with regard to nets? There have been complaints of length of net, and as to the mesh. There are those who think that the nets are not long enough. They think that 150 fathoms is not long enough to inclose sufficient fish, especially in shallow waters where the men have to take their nets for some distance before they get on the ground where the fish are lying. Then there is the question as to whether the mesh is not too large—that is to say, the men do not get the fish they expect to catch. That is perfectly true in one sense. A man perhaps has an ordinary net with a mesh of 2½ inch in the bunt, and 3 inches in the wings. He shoots his net, and he finds that an immense lot of garfish and whiting escape, he naturally blames the mesh of the net. The object of the Act was to have a mesh of such a size that immature fish could escape. Unfortunately it is very difficult to meet the necessities of the case with regard to the mesh.

612. Would you recommend the extension of the length of the net? Yes; in the case of the lakes that are so shallow near the banks.

613. The officers charged with carrying out the provisions of the Act have power to seize nets of an illegal mesh. Have many cases come under your notice? Yes; a good many. 614.

614. Is it not a fact that the very same nets have, in some instances, been sold at the Commissioners' will, while in other cases they have been allowed to rot? If so, that has been done without the knowledge of the Commissioners. We have done our best to prevent the nets from being sold to be used again by the same persons. We have had them cut up and altered in every way, so as to try and make them legal nets. We have done whatever we could to prevent illegal nets going back into use; but of course we cannot follow the nets. It may be that we ought to have destroyed the nets; I am not sure that we should not. We thought it well to get any money that we could from their sale, especially when we could sell them to orchardists.

615. Is it not a fact that new nets, after being passed as legal, shrink a good deal, and, as a consequence, the mesh becomes smaller? It is only the tanning process that does that.

616. Even after the first tanning is it not likely that the nets will shrink? Yes; because they tan the nets five or six times. I think that the shrinkage occurs on every occasion that the nets are tanned.

617. Are you aware whether proceedings were ever taken against men who used nets under the circumstances stated in my preceding question? Yes; I think there were two or three cases in which the defence offered was that the nets shrank after tanning. We tried to do the best we could in this way. Where the shrinkage has been very small, and has probably been owing to the tanning, we have done our best not to take proceedings.

618. Do you believe that if a net is once passed as of the legal mesh it should always be considered legal? The object is to prevent the destruction of little fish. We could not attain that object, if, by constant tanning of the net, the mesh were reduced from $1\frac{1}{2}$ inch to the size of a prawn-net; that would wreck destruction on the little fish. Regarded from the point of view of the fisherman it is unquestionably a hardship that a net which was once legal should become illegal by the necessary process of tanning.

619. Do you not think it would be better to have a provision to punish people severely for bringing fish under a certain size to market, instead of being so particular as to the mesh of the nets? Yes, we have a provision of that kind, but it is very difficult to carry it out; we have a scale fixed as to the weight of marketable fish, but it is very difficult in practice to carry it out.

620. You have no control over the inspectors of fisheries, except so far as seeing that they carry out the law? If we found any inspectors behaving as we considered harshly and wrongly we would first of all give them warning. If they persisted we would recommend their dismissal.

621. Cannot the inspectors act without reference to the Commission? Yes; but they could not prosecute in any case without sending the case to the Commissioners.

622. Have any of the inspectors been reported to you at any time for dereliction of duty? Yes; there have been some complaints made as to some of them.

623. Are they all practical men as regards the fishing industry? I do not think we have any inspectors now who do not know something about the industry; but they know their work in different degrees. Some of them are very familiar with their work, because they are old fishermen. On the other hand, some have not been drawn from that class, and, consequently, they are not so familiar with their work as others. I cannot say that all are perfectly familiar with fish and their habits; but I think that the majority are.

624. Do you think that all the officers and inspectors now engaged in the Department are required? We have tried, since the very great decline in our receipts from oyster leases, and owing to the abolition of the royalty on oysters, to economise the expenditure. There has been a very great decline in our revenue, and in fact we have been working on deficits for two or three years. We have done our best to retrench without leaving any of the fisheries absolutely helpless. I think that we have reduced the expenditure about £500 a year.

625. *Mr. Ritchie.*] How often does the Committee meet? Our meeting day is Wednesday—once a week.

626. Do you meet regularly once a week? Meetings have occasionally lapsed for want of a quorum.

627. Does that occur frequently? I will not say frequently, but I think that it has occurred somewhat too often. That is inevitable, seeing that the members of the Commission have plenty to do. I do not think that the business suffers in consequence of non-attendance, because any business of an urgent character is transacted by the Secretary going to a quorum of Commissioners. Frequently he goes to Dr. Cox and myself and tells us what the business is, and when it is urgent action is taken.

628. You have a Secretary who carries out the orders of the Commission? Yes.

629. Are you aware what is the size of the mesh used in Victoria? No, I am not at all acquainted with the Fisheries Act of Victoria.

630. Would it be possible for fishermen to save the smaller fish if they used a smaller mesh? Yes, in many cases. It would give them a lot of trouble, and it would be necessary to have an inspector present to see that the law was complied with.

631. Do you think it would not be desirable to reduce the size of the mesh in any way? Yes. I think the mesh is as small as you could make it, without endangering the succession of fish.

632. With regard to the closing of the rivers, do you think that they should be closed entirely during the breeding time, or should any portion of them be closed permanently? We have found it to be far the best plan not to have the closure during the close months that the Act provides for, but rather to have a closure of the upper portions of the inlets for periods of a year or two years. We cannot close them for longer than two years, and they should be kept periodically closed. That has been our practice, and as a matter of fact the fish have increased and not diminished during the last few years. I have no hesitation in saying that because it is probable by the statistics of the quantity of fish sold, and therefore I think our practice has a good deal to recommend it. In some places no legislation can bring the fish back to their original condition. For instance, in the Parramatta River the traffic and the pollution of the waters are so great that the fish will never be able to get back to their old form.

633. Still you think there is a probability of improving it? I think that the closure that we have adopted on the Parramatta River has certainly increased the fish very largely. I have been a good deal up and down the Parramatta River, and I know that for a long time that it was a rarity to see a school of decent fish. Since the river has been closed for a year or two I have seen on the flats at Five Dock frequently a good school of young mullet. It is impossible to preserve any fisheries in the immediate neighbourhood of a large metropolis.

634. Have you had any experience of deep-sea fishing? Yes, a great deal.

635. Is that practised here at all? Not as much as it should be. The schnapper men go out fishing with lines, but the misfortune is that the fish, during the late droughts, have been driven away, and their place has been taken up by those abominable leather-jackets to an immense extent, for miles along the coast, to the northward and southward of Sydney. The fishermen have now to go a long way to catch schnapper.

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636. Are schnapper easily caught by means of trawling? Not easily. I have been on three or four trawling expeditions and we did not get one schnapper. The schnapper is very active and when he sees a trawl approaching he gets out of the way. Another difficulty is, that you have to trawl for schnapper in the neighbourhood of rocks, so that you run a risk of destroying the trawling apparatus. We have not yet discovered any banks on which we could trawl. I have been out on six or eight expeditions looking for such banks, but never found any.

637. Do you think it is possible that we could establish a good deep-sea fishery here? I am quite sure of it, but it will require some capital and some patience. It will require a complete reform in our system of selling fish. The fisherman now does not get half as much as he should get for his catches of fish. I consider that the fishermen are very badly treated.

638. Do you think that there is anything required in a new Act to encourage deep-sea fishing? It is difficult to see how the Government, or an Act of Parliament, can encourage any industry.

639. The Act at present does not militate against deep-sea fishing? No; the Act has nothing to do with deep-water fishing.

640. The Commission has no control over it? If the Commission had any money to work upon they could do a great deal in this matter which they cannot do now.

641. Are there no funds placed at the disposal of the Commission? No, except for the mere working of the office. If we wanted to make a little experiment with regard to trawling, or with a view to discovering whether fish caught at the Solitaries could be brought down here alive, or in ice, we could not get any money to carry out the experiment. For example, we could not do what the Victorian Government did lately, who despatched a large steamer with a trawl for the purpose of fishing in Bass's Straits. It would not be possible for us to do anything of that kind under the present circumstances.

642. *Chairman.*] Are you aware that it is a source of complaint that the fish-market at Woolloomooloo is worked unsatisfactorily? Yes; it is the subject of very great dissatisfaction all round. I think that it only gives satisfaction to the middle-men.

643. *Mr. Stevenson.*] Whom do you call the middle-men? Perhaps there may be two of them between the catcher and the consumer. It may be the dealer and also the barrow-man or van-man. No doubt the consumer too has much reason to be dissatisfied with the condition in which he gets the fish. The barrow-man takes the fish round after having perhaps washed them in Woolloomooloo Bay, which is not a very clean place, or in the place set aside for the purpose in the fish-market, which is not very much cleaner. He then covers them with a wet bag, instead of keeping them dry and in a cool place. They are kept exposed to the sun, and if there is any one way of making fish rotten, that is the way. The consumption of fish would be very much greater if it was delivered to the consumer in a proper manner.

644. *Chairman.*] Is Mr. Mulhall your inspector at Woolloomooloo? He attends the fish-market. Mr. Seymour, the auctioneer; is also an officer of the Commission. Mulhall attends the market regularly every morning.

645. Do you remember a man named Quinan who was at one time in the Department? Yes.

646. What was he dismissed for? I do not know of my own knowledge. During the time Mr. Quinan was in difficulties I was not a member of the Commission. The Commission took a particular view, and made various representations to Sir Alexander Stuart. At a later stage I was a member of the Commission, and great complaints were made about Quinan in connection with certain oyster leases, respecting which it was considered he had not behaved as an officer of the Board ought to have behaved.

647. Do you think it is possible for inspectors to be in collusion with fish and oyster sellers? It is quite possible.

648. Are you aware that fishermen complain of the rivers and fishing-grounds being closed for periods of over twelve months? Yes; the Act allows a period of two years, and we have sometimes gone to the extreme limit. No doubt the fishermen have complained. The plan we have adopted with most of the fisheries is not to close the whole of them but only certain portions, and to close those portions for two years. For instance, there is Lake Illawarra, which is a very productive fishery. I think there are four creeks flowing into that lake, and there is an entrance from the sea. We closed those tributaries, and for a considerable distance on either side of them going out half a mile into the lake. We consider them to be the nurseries of the fish. All the rest of the lake is open. We have pursued the same course with regard to Lake Macquarie and Lake Tuggerah. We have not closed the whole but only portions of them. In the case of Curl Curl, Deewhy, Narrabeen, and Manly, we have closed the whole of them permanently, because we think they are very great nurseries to Port Jackson.

649. Do you know how long the Parramatta River has been closed? I think it has always been in a state of closure more or less. Sometimes for one year and sometimes for two years. That is to say, the portions which we do close.

650. Can you give any reason why the fish in that river have decreased in number? With all respect we hold that they have increased rather than decreased.

651. Do you think that it would be wise to close the rivers from oyster-getters for a period of about three years? The fact is, that nearly all the oyster-beds are under lease, and we could not now prevent the operations of the lessees. I do not know any particular oyster-fishery which would be benefited by closure. There is a great evil which I do not think we could ever get over by legislation; that is the theft of oysters. It is quite remarkable what a great deal of theft goes on in the rivers under lease. We have constant complaints from lessees, who expect us to look after their oyster-beds, but we cannot do anything of that kind. The lessees, who complain, say that we have given leases of 100 yards here and there to men who really are not lessees but thieves. I know of my own knowledge that that is a fact. One man put down 800 bags of New Zealand oysters, and in four or five days there was not one of them left. The man knew who did it, and he expected the Commissioners to protect his leasehold area, but we could not do that. The thieving of oysters is a very serious thing in this country.

652. Do you not think it would be better to lease either shore of a river, or an arm, instead of giving those leases over small portions? Yes, I am sure of it. It would be one of the best amendments you could make in the Act. That would prevent the invasion by those men who are only thieves.

653. You know that the Parramatta River is closed as far down as the vehicular bridge at Gladesville? Yes.

654. Do you think any harm would result from opening up the Parramatta River as far as the railway bridge at Ryde? I do not think it would do any harm, but the Homebush Bay Flats are the great breeding place in the Parramatta River.

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655. Have you had under your notice several times as a Commissioner the case of the Gascoynes, who live on the Parramatta River? Yes.

656. Do you not think that a hardship has been inflicted upon them by the closing of the Parramatta River? Yes. There is no doubt it is a hardship to any man for the law to operate in such a way as to practically take away his livelihood. These men are not fishermen who go away much from their particular beat. They are river fishermen, and nothing else. On the other hand it is fair to say that the particular interest of one or two residents ought not to militate against any public advantage or general advantage to the fishermen as a class by the closing of the upper part of a river. Fishermen in other countries are generally nomadic. They are as erratic as sailors in their way, and they go wherever the fish are. But here a great many of them have been in the habit of sticking to their own beats, and they do not go elsewhere.

657. Do you not think that the interests of the people on the northern side of the Parramatta should be considered, as well as the interests of the people on the southern side, with regard to obtaining a supply of fresh fish in the morning, and for which they depended on the Gascoynes? Certainly, if they are dependent for their fish supply upon the resident fishermen, that ought to have been considered.

658. Are you aware of the fact that the people up there are now very seldom supplied with fresh fish? I know there is a very intermittent supply, and I suffer myself from it on the North Shore. It is very difficult to get fish.

659. In 1887 a Bill was passed to protect the fish in inland waters;—have you directed your attention to the application of that measure? I drew the Bill for Mr. Tonkin, and I was very much interested in the matter. I have had my attention drawn to the question of the fish in inland waters. It is a very troublesome question indeed. It is troublesome, mainly because we cannot carry out any Act of Parliament without money, and we have not money to get as many inspectors as are required. The Act therefore becomes a dead letter, inasmuch as we cannot depend upon the police. We did our best years ago to see how far we could utilize the police, but we found that they had so many duties cast upon them that the authorities objected to the addition of another duty. Again, the police were not always to be found at the places where our stations would be, on the coast especially, and we could not get policemen on some of the rivers. We therefore had to give up the notion of working the Act in the country by the aid of the police.

660. *Mr. Ritchie.*] I suppose you find that inspectors ought to have some special knowledge of fish? Yes. Some of the police have that knowledge if they could be spared.

661. Could you suggest anything for the improvement of the inland fisheries? I should like this Committee, if possible, to arm us with some powers for the purpose of acclimatizing English and American fish. I know that our rivers are perfectly well fitted for trout, grayling, and other fish. That is one of our duties, but we have been unable to carry it out for want of funds. I wish we had the means of stocking the rivers with better fish than they hold now. Taking the fish as they are I do not see anything which can be done to protect them unless Parliament chooses to spend a little more money upon inspection.

662. What waters do you think are fitted for imported fish? The head waters of nearly all the streams of this Colony are fitted for the acclimatization of fish. A little while ago a gentleman, named Mr. G. A. Murray, got some small trout fry from Ballarat (I think), and he placed them in some big tanks at Mittagong. Even in that unsuitable place they have thriven wonderfully, and when he showed me one of his trout I could hardly believe that it had only been seventeen months there. What has been done in this unsuitable place could be done much better in the waters forming the heads of our rivers.

663. Would not the Murray cod, which is plentiful in many of the rivers, prevent the acclimatization of trout? I am afraid the Murray cod is a very bad fish for others, as he will eat anything, but there are no Murray cod in the eastern rivers.*

664. *Mr. William Stephen.*] Do you think that the Commissioners have as much power at present as they ought to have? They are a recommending body chiefly, and their administrative powers are very small. If they are worth keeping at all they ought to have more power.

665. Have the Commissioners any discretion as to fixing the size of the meshes of the nets? Yes; by a recent Act, and they have exercised that power by reducing the garfish net in the bunt from 1½ to 1¼ inches; that was done at the request of the fishermen.

666. In the event of a net shrinking below the legal size of the mesh, have the Commissioners no discretion as to the punishment? No; the law comes in there, and all that the Commissioners can do is to recommend the Executive to remit the penalty and to return the man his nets. Of course the magistrate has some discretion in the matter, because if evidence is produced to him that the net was originally legal, but had become illegal from shrinkage, he has power to dismiss the case.

667. Are you aware that the fishermen have been making complaints lately as to harshness in working the Act? Yes; sometime ago they made complaints to Sir Henry Parkes, and then I think Sir Henry sent on a memorial to the Commissioners, who went into the matter thoroughly. I think we had one or two interviews with Mr. McFadden, the President of the Fishermen's Union. The complaints were mainly, I think, about the closure of waters. I think they complained that we had not closed the waters where they should have been closed; that our bounds of closure were as a rule drawn too high up the stream; that is to say, they wanted more water to fish in.

668. Has it come to your knowledge that in any closed waters, Port Hacking for instance, the fish have decreased in number? We did not close Port Hacking. I think there is no doubt that the fish have decreased there. A few years ago I could get as many fish there as I wanted, but eighteen months ago I tried many places with a line, and I did not see a fish.

669. Can you give any reason for the decrease of fish there? No. I am inclined to think that it must be fished on the sly very largely. Of course a dam has been thrown across the upper part of this inlet, and it is probable that may have stopped the fish from going up to their usual haunts. Fish are very fond of going to the fresh water, and owing to this obstacle they may possibly have left the place.

670. Do you think it would be any advantage to the fishermen if they were permitted to fish as far up as the natural Spit, 2 or 3 miles from the mouth? I do not know that that would be any advantage to the fishermen. I have heard some people say that now that no netting is allowed to take place sharks and other rubbish go up there and destroy the fish.

671.

* NOTE (on revision).—Perhaps this statement is too large. Cod are said to be plentiful in the upper waters of the Clarence.

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671. Do you think it would be any detriment to the breeding of fish in Port Hacking if the fishermen were allowed to fish as far up as the Spit? I do not think so. I never knew the reason why Port Hacking was closed by Act of Parliament. No one sees whether or not the Act of Parliament is carried out. I think it would be far better to permanently close Port Hacking from the Spit upwards.

672. Do you think that it would be desirable to give the Fisheries Commissioners the same power over Port Hacking as they have exercised over other fishing-grounds? Yes.

673. Do you think that all the Commissioners understand the practical working of the fisheries? I think they all understand that thoroughly well.

674. Do you think that they are pretty well acquainted with the hardships which fishermen have to undergo in plying their vocation? I hope they are humane enough to know that.

675. Do you think it would be desirable to have the fishermen directly represented on the Commission by a practical fisherman who has to earn his living by fishing? I hardly see how that can be done until you pay the Commissioners—you would have to take this man away from his vocation, and you could hardly do that without paying him. A second objection would be that if he felt it was his business to look after the interests of his class he would be outvoted, unless he was an extremely reasonable man. Suppose he said, "I object to the closing of all waters from fishing," he would be out-voted on the Commission, as it is now constituted, because we are of opinion that reasonable closing is the best thing that can be done for the fisheries. I do not see what good he would be under such circumstances. On the other hand, if he were a perfectly reasonable man, and fell in to a certain extent with the policy of the Act, and the way in which it is worked by the Commissioners, I can see no objection to his being on the Board, if he could afford the time.

676. Do you think it would be advisable if the fishermen could find such a man? There could be no harm at all in it.

677. Do you think that your inspectors ought to be really practical fishermen? Yes.

678. Do you think it would be desirable for the Commissioners to have absolute power of appointing their own inspectors, and of dismissing them if proved inefficient? We have not had much trouble as yet on that score. Our recommendations have generally been concurred in by the responsible head of the department, so that I cannot see that much mischief has yet been done. Of course it would strengthen our hands immensely if we had the power of appointment and dismissal, but I do not think that that would be quite consistent with our present system of government, to allow any Board to have so large a power. Inspectors are paid from the Consolidated Revenue, and I suppose it is quite proper that Ministerial control should be paramount.

679. Do you think that any of the present closed waters might be opened with advantage to the fishermen without lessening the supply of fish? We do not close any of them outside the Home Division, that is, between Jervis Bay and Port Stephens. With reference to the Hawkesbury, I would not object very much to making the line of closure above Bar Point. It is at present at Bar Point, and I would not object to taking it a bit farther up, provided that it did not go farther than Mangrove. That would give some good fishing-grounds. With regard to the Parramatta River, the product of fish is comparatively so small that I do not know that it is worth the trouble and expense of protecting. I think it doomed as a fishery owing to the neighbourhood of Sydney. I believe that the fishermen themselves would ask to have the river closed in two years' time if it were to be opened. George's River is closed from the railway bridge upwards.

680. Do you not think it would be advisable to open George's River up to Salt-pan? There is nothing above that any good. The water is so polluted that I do not think the fish go up any higher. If we did what you propose it would be on the understanding that if in a year or two the result was a large decrease in the supply of fish, we should go back to the old plan.

681. Would it not meet all the requirements of the fish supply to open all the main rivers right up, and to close all the estuaries? That would entirely reverse our present system, because we believe in closing the nurseries, and leaving the lower grounds open, in order that the fishermen may ply their business. As a rule the beaches are down at the mouth of the estuaries.

682. I did not mean the mouths of the estuaries but the branches, a certain distance from the mouths. Are you aware that at some seasons of the year, when fishing is permitted in George's River, the river is so foul with quantities of blubber floating about that the fishermen cannot cast their nets, whereas, when the river is closed, it is free from blubber? That is true, and it is a great trouble. The only way to remedy that would be to revert to the old close months—that is to say, to pick out of the year three or four months during which fishing might be allowed. Fishing might be prohibited during the rest of the time, that is, when the blubber is floating about.

683. Can you define the duties of the inspectors? The inspector at Botany performs duties similar to those of the other country inspectors. He has to see that every man who fishes has a licensed boat and is licensed himself. He has to prevent fishing in closed waters with any sort of net whatever. He has also to prevent the use of dynamite or anything of that kind, and he has also to overhaul the nets to see that they are not of an illegal size or mesh. If there is an oyster fishery in the neighbourhood he has to look after the leases. If an inspector does his work conscientiously he has plenty to do, especially where he has a large area of water to protect. Some of the inspectors go out at night to watch people who are suspected of poaching.

684. Do you believe that the increased quantity of fish brought to market is due to the closing of fishing-grounds? Most certainly I do. The increase of fish during the last few years has been the result of periodical closing.

685. Do you think that it is solely due to that cause, and not to the increased number of fishermen? No; because when the fishermen had their own way they did not produce so many fish. They skinned out several of the best fishing-grounds; there were twenty-six or twenty-seven boats on Tuggerah Lake and Macquarie Lake, hauling all day and all night long. The fish were so much harassed that they went out to sea and did not come back again. The Little River, a few miles long, which joins Lake Macquarie and the sea, and which is always closed, is now and has for long been actually teeming with fish.

686. Are you acquainted with the branch of Botany Bay, which is called Quibray Bay or Weny's? Yes.

687. Do you think that it would be desirable to close those places during any portion of the year? We have left them open. I believe they are great breeding places. If we closed those places we would require to have an inspector there constantly.

688. Do you think the present Act could be amended with advantage? Yes; in several directions. The Chairman mentioned one point particularly—that is, with regard to prevent the leasing of small oyster
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689. Can you mention any particular points where amendments should be made? I think the length of the net should depend a great deal upon the place where it is used. You should not have a fixed length of net, or character of net, for every place in the Colony. In the shallow places I would allow the nets to be of the total length of 600 yards. I would retain the 3-inch mesh on the wings, so as to let the unmarketable fish have a chance of escape.
690. *Mr. Howe.*] I understand that the fishermen want to use a garfish-net 150 yards long;—do you see any objection to that? Certainly not, if you could provide that they would only catch garfish; that is one of our difficulties, and I think that it is insuperable. With a garfish-net of 150 yards the destruction of small fish would be something dreadful.
691. If the fishermen is only allowed to bring fish of a certain weight to market, is it of any importance what the size of the mesh may be? Yes. The fish are nearly all killed when they are caught in a net and dragged along the sand—that is the destruction we want to prevent if possible. By limiting marketable fish to a certain size we do not get rid of the destruction, because the fishermen simply leave the small fish on the beach.
692. Do the freshes in the rivers sweep the fish down to the sea, and so cause their loss for food? I do not think so. On the contrary, the freshes send some of our best fish to sea, notably the mullet, and they are caught as they come up north. Then the freshes bring down a lot of fish, which are caught in the mouths of the estuaries. For example, the fish which came down George's River in the last fresh will be caught at Botany, or in its immediate vicinity, and in Port Jackson. They are not swept away into the ocean.
693. *Mr. William Stephen.*] Do you think that the freshes destroy fish that inhabit the salt water, because I have been told that during the continuance of the last heavy rainstorm the water for half-a-mile outside the bay was fit to drink, owing to the large quantity of fresh water which came down from the rivers? I do not think that has any effect on the fish, because the fresh water being lighter than the salt it always floats on the top. The water would be quite salt a few feet below the surface. I think floods are the best things that could happen to the fish. The protracted droughts lately have been injurious to the fish as well as to the oysters. If this Committee could induce the Government to investigate the worm disease in oysters it would be a great advantage. That disease reduced the product of our oysters during last year from 25,000 bags to 10,000 bags. It has destroyed nearly all the oysters on the Hunter, a great many in Port Stephens, a great many in the best part of the Hawkesbury, and it has got as far down as the Clyde. It has become as great a pest amongst the oysters as the rabbit is in the western parts of the Colony. The floods have killed those worms. The destruction the disease has worked among lessees is more than anybody would believe who has not given attention to the subject. I know of a poor man who spent £200 to £300 in making a false bottom in Mooney Creek. He bought New Zealand and other oysters, but he lost every one of them owing to the ravages of this worm disease. We cannot pursue the investigation ourselves, because it really requires an expert to do so. If the result of such an investigation was to furnish us with some reliable information as to the laying of oysters it would be a great benefit.
694. *Mr. Stevenson.*] Do I understand that the Commissioners perform their duties without salary? Yes, the Commissioners are unpaid.
695. Do you consider that that is a satisfactory system? When the question was first considered by the first Commissioners, I was one of those who voted against payment, and the Bill was consequently drawn so that the Commissioners should not get paid. I am now older, and I have come to the conclusion that almost all public work to be well done should be paid for. To begin with, payment will always secure a quorum; then I think payment places a sort of obligation on a man's conscience, and he thinks that what he is paid for he should do conscientiously; I am therefore inclined to alter the opinion I entertained on the subject eight years ago.
696. Is it not a fact that the Commissioners often fail to hold a meeting? I am sorry to say that meetings have lapsed too often.
697. Has not that given rise to complaints by those who are fishermen and others who have had grievances? No; because when there is anything urgent, Mr. Thompson comes round and tells us.
698. What is the staff under the Commission at present? The secretary and chief inspector, and I think there are three clerks and a draughtsman.
699. Have you an accountant? I have included him amongst the clerks.
700. Did not the staff originally consist of a secretary and accountant, five clerks, and two draughtsmen? Yes.
701. Was not that a very large staff? No; it was not. At that time we could not have done with fewer. Just then we were overloaded with applications for oyster leases. They all had to be recorded, to be sent on to the draughtsmen to plot, and then had to be sent on to the inspectors for a report.
702. Has it ever come to your knowledge that owing to the delay in granting oyster leases, applicants have refused to take them up? Yes, there was great delay, but I do not know how that could have been avoided. We made it a rule never to grant a lease if it interfered with the fishermen's hauling grounds. Sometimes the inspector would have to go a long way to find out where the area was, and to see if it would interfere with the fishermen's hauls. There was a great deal of delay in consequence of that.
703. How many inspectors have you? The chief inspector and an inspector for the northern division and one for the southern. We may have, I think, about seven sub-inspectors.
704. What duties does the chief inspector perform which are different from the duties of the other inspectors? He has to travel to report upon any particular fishery or particular trouble which may arise. There are frequent conflicts between lessees as to their areas. The chief inspector is supposed from his position, knowing all the work in the office, to be better able to report to the Commission than some of the local inspectors, who are sometimes not very literate.
705. Who is the chief inspector? Mr. Thompson is secretary and chief inspector.
706. Have you divisional inspectors, one for the south and one for the north? Yes; Mr. Temperley in the northern division, and Mr. Benson in the southern.
707. What are the salaries of the divisional inspectors? I think it is £240.
708. Are they provided with any house-rent or accommodation? No; it is sometimes very hard upon them that they are not.
709. Are they provided with boatmen? Sometimes they are, if they have a very large area of water to look after. Of course their expenses to and fro are paid by the Commissioners.
710. You do not know of your own knowledge that the divisional inspectors are regularly provided with boatmen, who receive a salary of £108 a year? I know that most of them are.
711. How often has the inspector who is located at Bateman's Bay to report? He has to report regularly to the Commission on the oyster and various fisheries.

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712. Is Mr. Benson connected in any way with any gentleman sitting on the Commission? I do not know that. I have only heard that he is a distant connection of the President.
713. Do you choose your own inspectors or do you take them on recommendation from people outside? It is a very long time since we have made any appointment. The first men were chosen from the personal knowledge of the old members of the Commission—Mr. Macleay, Mr. Dalley, Mr. Dangar, and myself.
714. I presume they were taken simply on account of their knowledge of the fisheries? Yes. I think Mr. Otway at Port Stephens was appointed subsequently on recommendation.
715. When the inspectors seize nets what becomes of them? The nets are forfeited in the ordinary course to the Crown, and sold after sixty days.
716. Have you ever heard of nets sold by order of the Commission having been bought by the fishermen from whom they were seized who used them again and were again summoned? No, I have not heard of that. I should not be likely to be told of such a thing. We do our best to prevent such a thing from happening.
717. How do you prevent it? It is very difficult. A net of illegal mesh may not be illegal if it is made up in another way. If it is 1½-inch stuff it would not do for a general net, but it would do for a garfish net. If possible we sell the nets to orchardists.
718. Do you remember Mr. Quinan seizing an illegal net which he found was worked while in the possession of a gentleman who was sitting on the Commission? I did hear that; I think it was Mr. Hill's net. I do not think Mr. Quinan was justified in making that seizure at all.
719. What is your reason for thinking so? I do not think it was an illegal net, or used illegally.
720. What action did the Commissioners take in reference to that matter? I do not know; the occurrence took place during the time I was not on the Commission.
721. How many years ago is it since Mr. Quinan was dismissed? Recently.
722. Then he was not dismissed about the time of the seizure? No; it had nothing to do with that. His final dismissal took a long time. I think it occurred about eighteen months ago.
723. Was he dismissed since you returned to the Commission? Yes; the ground for his dismissal was an improper transaction with oyster lessees down south.
724. What sized oysters do you allow to be sold? They must go through a ring, I think, of 1¼-inch diameter.
725. Do you know of your own knowledge the Commission reduced the legal size of oysters, and that consequently a lot of oysters come on the market which have not yet arrived at maturity? I think unmarketable oysters do sometimes come to market.
726. Can you tell us what number of oysters were brought into Sydney in comparison with the number brought here from our oyster-beds? During last year our own product of oysters was 10,000 bags, and I think over 20,000 bags were brought from different parts.
727. Where did they come from? Queensland and New Zealand.
728. Do you ever change your inspectors from one river to another? We have not done that as much as we should have, but latterly we have started a plan of shifting them about so that they may know something more than their own beats. There is a very great difficulty in the way of this change. These men have homes of their own, and they represent that it would be a very great hardship to them to be removed. It means that in fairness we should have to supply them with residences.
729. Do you not think it would be better for the inspectors to be kept in their own districts, seeing that they would have a better knowledge of those fisheries? That is perfectly true; but, unfortunately, they also contract as we think friendships and partialities, and in some cases we have reason to believe that they have gone a little farther, and trafficked in oyster leases. We therefore came to the conclusion that it would be wise to have a system of changing, and we have changed some of them.
730. What staff do you keep in connection with Mulhall? He has an assistant inspector. He has to attend the market regularly; he has to look after Parramatta River, Lane Cove River, Middle Harbour, and all other places which have been closed. He has to look after the Port Jackson fishermen mainly, and very frequently he goes to Botany and other places.
731. What staff has he under him? Two boatmen.
732. Do you not think that there is room for improvement with reference to the sale of fish at Woolloomooloo? Yes.
733. Do you not think it would be advisable, instead of having only one sale of fish by auction early in the morning, to have a sale of fish whenever it arrives in the market? Yes.
734. Have you any knowledge as to when the fish arrive here from Lake Macquarie? Yes; it always arrives too late for sale.
735. *Mr. Howe.*] Would you favour the establishment of a market in the southern part of the city? Certainly.
736. *Mr. Stevenson.*] Do you consider that the present market is suitable for a fish-market? No; it might do for sea-borne fish, but it is not perfect even for that purpose. When you come to consider the question of railway-borne fish, it is absolutely unsuitable.
737. Do you know the fish-market at Melbourne? Yes.
738. Is it far from the railway station? No; it is just across the road.
739. Do you think that another fish-market should be established, where fish which arrived by rail might be sold? A large quantity of fish is conveyed by rail, and it has always appeared to me that there should be as close as possible to the Redfern station a cooling chamber, and the fish should be sold as early as possible next morning. I do not think that such a cooling chamber would be very expensive. Fish from Port Stephens and the Hunter suffer from two or three handlings.
740. Do you know what becomes of the fish sent by steamer from the Clarence, the Hunter, and the Hawkesbury? Draymen meet the steamers at the wharves, and carry the fish across to Woolloomooloo, where it is sold at the fish-market. During the passage across the stock of fish is very often reduced 25 per cent.
741. Are there cooling-rooms at the fish-market? Yes.
742. You think there is a necessity for a dépôt for the sale of fish at the north-west side of the city, say, at Darling Harbour? I am rather disposed to say that there should be a dépôt near the railway. I think as time goes on we shall have nearly all our fish brought by rail.

TUESDAY,

TUESDAY, 25 JUNE, 1889.

Present:—

MR. FRANK FARNELL, | MR. WILLIAM STEPHEN,
MR. O'SULLIVAN.

FRANK FARNELL, ESQ., IN THE CHAIR.

Thomas Mulhall called in, sworn, and examined:—

743. *Chairman.*] What position do you hold under the Fisheries Commission? Assistant Inspector.
744. For how long? Since 1881.
745. Were you acting in any other capacity previous to that appointment? No.
746. You then joined the Fisheries Department for the first time? Yes.
747. What was your occupation before that time? I used to be running along the coast as a waterman, and fishing.
748. Have you had considerable experience in connection with fisheries? Yes.
749. Was it your duty to inspect the fish-markets at Woolloomooloo? Yes; I am there every morning at 4 or 4.30, and remain there until 7 and sometimes 8 o'clock. I look after the fish, before Mr. Seymour comes, to see if they are of the full size or not.
750. Have you any assistant there? Yes, Mr. Richard Ellings.
751. Does the fish always come to the markets in good condition? No. In summer-time it very often comes in a very bad condition.
752. Is that the case with the fish that come from distant waters? Yes; from the Clarence, the Richmond, the Macleay, and those places. Sometimes the fish are bad when they come from places near at hand, such as Lake Macquarie.
753. Do you find many fish coming in under size? Not a great many now. There used to be, but the fishermen know that it is of no use to send them in, as they will be seized.
754. What do you do with the fish that you seize? Send them round to the charitable institutions.
755. Do you know that it is a source of complaint on the part of fishermen that the fish-market is not properly conducted, and is not suitable for their requirements? I never heard them say so.
756. Have you heard of any cases of pilfering? There has been some talk about that and I have seen it myself. Baskets have often come to the market, out of which one-third and sometimes one-half have been taken. I cannot say where that has been done.
757. Has Mr. Seymour something to do with the fish-market? Yes; he is the salesman.
758. From whom does he get commission? Each fisherman pays so much in the £, a shilling I think, and that goes to the Corporation.
759. That is the commission that Seymour would get if he were a private auctioneer? Yes.
760. Does he simply sell on behalf of the Corporation? Yes.
761. Does he sell regularly? Yes.
762. How often do the fish supplies come into the market? Every morning, except Sunday.
763. What description of fish comes to market? Whiting, garfish, bream, black-fish, schnapper, jew-fish, king-fish, salmon, silver bellies, yellow-tail, mackerel.
764. Yellow-tail and mackerel are not brought in for food? No, for bait. There is a great deal of crayfish.
765. Do you know much about our fisheries along the coast? Yes, as far as Newcastle.
766. Your duties, I believe, compel you to visit Parramatta River? Yes, and Middle Harbour, Lane Cove, and all those places.
767. As a matter of fact do you know that the fish have become reduced in numbers in the Parramatta River since the closing of it? No, I cannot say that, because before the late rain you could not hear anyone speaking if you went up the river at night, because the fish were so abundant there. Any of the fishermen will tell you that.
768. Do you know the Gascoignes, on the Parramatta River? Yes.
769. They live, I believe, and have their nets within closed waters? Close to the closed waters, or in the closed waters.
770. The river at present is closed from the Parramatta vehicular bridge up to the head of it? Yes.
771. Do you not think that a great deal of hardship would have been avoided if the waters had been open as far as the railway bridge at Ryde? Yes, that has been my argument all along. I say that it ought to be open up to that point.
772. Did you make any recommendation to the Commissioners? I cannot say that I did; but I have spoken of it several times. Lane Cove should be open from the bridge up. The fisherman should be given as much space as possible.
773. Have you had many cases coming under your notice where people use unlawful nets? Yes.
774. When you seized those nets what became of them? Those portions that were fit for sale were sold.
775. Just as they were? No. All the small stuff was taken out. All the illegal net was cut out.
776. From your experience as a fisherman do you know that nets are liable to shrink? Yes, very well; but I always allow for that.
777. When these fishermen are using a new net do they generally submit it to the inspector to see if the mesh is lawful or not? Yes.
778. Do you believe that when a net is passed as being of the legal mesh, it should be always considered legal? It should be considered legal until it goes much under the size. An inch and a quarter is the proper size for a garfish net in the bunt, but if it goes to an inch that should not be allowed. It then comes in for a prawn-net. The fishermen tan their nets in ironbark, I believe; in fact they burn them instead of tanning them, so that the nets shrivel up. The Italians, with a 3-inch mesh of net, take smaller fish than our fishermen can take with a 2-inch net.
779. Is that owing to the shrinkage? No; it is owing to the way in which they hang the nets on to the rope. The net is of the same length as the rope, so that when they begin to haul the net comes close together, and a 2-inch bunt with them will bring in smaller fish than our nets would with a mesh of 1 inch.
780. Have you ever had any complaints made to you as to the length of the net which the fishermen are allowed to use being insufficient? No; but I have often told the fishermen that if they wanted a longer net

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net they ought to send in an application in order to get the net lengthened. I proposed allowing the fishermen to have 250 fathom nets on the lakes. I should also propose that the 90-fathom net should be lengthened to 120 fathoms; that the prawn-net should be 20 fathoms instead of 15; and that the meshing-net should be 100-fathoms instead of 60.

781. Have you directed your attention to the inland fisheries? No.

782. Were you ever asked to report on them? No.

783. Do you think that the Woolloomooloo market meets all the requirements of the fishermen as well as of the public? I think so.

784. Could not some improvement be made? I cannot say so. No complaints have ever been made to me about it.

785. Are the fish from distant waters brought here by steamer? Yes.

786. Where do the steamers heave to? They go right round to Darling Harbour.

787. Then has the fish to be brought from the boats in carts to the fish-market? Yes.

788. Would it not be better if there was a depot at Darling Harbour? Yes, if there was any open place for a market there. It would not do to have the fish kept in a closed place in hot weather. There is no doubt that it would be a great benefit to have a market over there somewhere.

789. If there was a market over there at Darling Harbour, such as there is for produce, where the steamers could run alongside and discharge the fish, would it not be much better for the convenience of the public as well as of the fishermen? Yes, and it would save the fish a great deal. The more you drag fish about the more it is spoilt.

790. Do you make any reports to the Commissioners? Yes, monthly reports.

791. Have you ever reported any grievances which were brought under your notice, or which were alleged to exist? No.

792. Do you know anything about oyster-culture? A little. I do not pretend to be much of a man amongst oysters; still I may know as much as those who pretend to be good judges.

793. Can you give us any idea as to the cause of the dearth of oysters in the Parramatta River? It has been a long while since we have had such a flood as we had lately. There are sewers going into the Parramatta River, and all over the harbour, the dirt from which has been destroying both the oysters and the feeding-grounds of the fish. There is no doubt that the late flood will relieve it a great deal. All over the rocks in the water there is about an inch of dirt, and the oysters cannot attach themselves to the rocks until they are clean. That is what spoils the fishing-grounds.

794. How long has the Parramatta River been closed from net-fishing? It is about twelve months since it was last closed.

795. Was it not closed for two or three years previously? Yes.

796. It has been closed for nearly five years in all, I believe? Yes.

797. Was it on your recommendation that it was closed from time to time? No.

798. Can you give us any good reason why the river should not have been left open for one year out of those four or five years? If it was left open you would not have a fish in six months as long as your finger.

799. From your showing, the people of the district, and even the people of the city, have been deprived of fish for the last four or five years? Well, that is a great deal owing to their own fault. The men who live at Watson's Bay watch the places up the river better than the men who live there. When there is abundance of fish in any of those places and a breeze of wind comes, there is a continual stream of fish out of those places. If the fishermen who live about the river looked after the fish they would get them as well as the fishermen do who live at Watson's Bay; but they let the fish pass. If you do not close some of the heads of the rivers there will not be a fish in the place. I have seen the fishermen lying off Johnson's Bay bridge with meshing-nets, meshing the fish as they came out.

800. *Mr. William Stephen.* What means have you of ascertaining whether the fish brought to market are of legal size? I weigh them.

801. What is the lowest weight that is allowed by law? Two ounces for garfish.

802. Do you think that the breeding grounds above the bridges on the Parramatta River and the Lane Cove River would be sufficient to keep up a supply of fish for the harbour? I think so. It is not the fish that the men bring to market that do the injury. When they shoot a net and get eight or ten baskets of fish, they cannot send more than two or three baskets out of the lot to market. The rest of the fish caught are left on the beach for the hawks, seagulls, and rats. That is how the fishermen injure themselves, because they will not throw the fish back.

803. Do you not think that the fish are injured too much to live after having been drawn up on the beach? No. I have seen it done in former times.

804. How much have you known nets to shrink after they have been declared legal? With an inch and a quarter net three tannings with ironbark would bring it down to an inch.

805. When a net comes down to a certain extent by shrinkage, but is still legal for garfish and prawns, what are the fishermen supposed to do with the other fish which they catch in those nets? They keep them. They cannot throw them away.

806. Will they not catch fish below the legal weight? Yes, and then they throw them away.

807. Are they not liable to be fined for that? Yes.

808. Is not that very hard on the fishermen? Yes. It is often said that I should fine the fishermen for bringing undersized fish to market, but I look at it in this way, that if I took action against those men and got them fined, the undersized fish would in future be left on the beaches, and would thus be of no use to anyone.

809. Have you a full knowledge of the habits of migratory fish? Yes.

810. Do you understand the seasons when they come in and depart? Yes.

811. You have alluded to fish coming down the harbour and being caught by fishermen from Watson's Bay. How do you ascertain that the fish have come down that are caught there? Because I see them. I see the boats coming out at night, and I see them with meshing-nets catching the fish in Johnson's Bay, outside the bridge.

TUESDAY,

TUESDAY, 2 JULY, 1889.

Present:—
 MR. O'SULLIVAN, | MR. SEAVER,
 MR. WILLIAM STEPHEN, | MR. STEVENSON,
 MR. RITCHIE.

EDWARD WILLIAM O'SULLIVAN, ESQ., IN THE CHAIR, *pro tem.*

Mr. Thomas Mulhall recalled, sworn, and further examined:—

812. *Chairman.*] How old are you? I am going on for 66.
813. Are you fully competent to carry out the duties you are now performing notwithstanding your age? Yes, I am quite qualified.
814. Are you at your post every morning? Yes, at 4 o'clock, or a few minutes afterwards. Sometimes I am not in bed at all for one night.
815. Have you full charge of the Port Jackson inspectorship? Yes. I have to look after all the fish and oysters which come in and I have to make a weekly report on both.
816. Had you long experience as a fisherman and boatman before you took the position? Yes, all my life.
817. How do you account for our fishermen not being in the habit of going out to fish in the deep sea? They have no nets adapted for that. There are no trawls and no trawlsmen here that I can see. In fact I do not think they know where to go and none of us do know. It is no use finding a sandy or a rocky bottom; you must get a dark bottom before you can get any fish.
818. Do you think that before our fishermen can carry out deep-sea fishing with trawls the coast must be surveyed? Yes.
819. In order that they may know the character of the bottom? Yes. In my opinion the only net that will do any good in this country is a net which one of the Italians has got and that needs a little alteration.
820. What kind of net is that? It is about 100 fathoms long and about 40 feet deep with a large bag in it. That would be dragged by two steamers with a four or five hundred fathom line at each end.
821. Is not that something on the same principle as trawling? Yes, only it is longer. A trawl only picks up about 60 feet. We once used a trawl between Wollongong and Botany and we only got somewhere about three or four baskets of fish of various kinds, most of them not being worth the picking up.
822. Did not the Fisheries' Commission import a few small-sized trawls? Only one. There was one large half mile net, an American one, which was the finest net I ever saw, but that was burnt in the Garden Palace.
823. Were the experiments with those trawls successful? No, we got a few fish but not many. It is necessary that the ground should be surveyed.
824. Do the Greek and Italian fishermen use trawls? No.
825. You have only seen one net used by them which resembles a trawl? Yes, and the man who made that net is gone home to bring out eight or nine men with him. He says he is satisfied he could get as much fish as will supply the market. I think that is questionable but he may get a great many.
826. As a rule do our fishermen make anything like a comfortable living? I think those who will work do, but a great many of them will not work. When they come to Sydney with a few fish they stay about the public-houses as long as their money lasts.
827. How much do they earn as an ordinary rule per week? A couple of pounds or more clear. Some of them make more. The Italians do the best. They are tremendous men to work. They work night and day.
828. What part of Port Jackson is closed from fishing? Johnson's Bay above the bridge, Iron Cove above the bridge, and then the water is closed from the bridge at Five Dock right up. Lane Cove is closed from the telegraph post at the entrance to head of the river. It ought not to have been closed from there, but it ought to have been closed from the bridge in Lane Cove. The Parramatta ought to have been closed from the bridge at Ryde—that would have given the fishermen very good scope. Above the places I have mentioned the river should never be opened, because those are the proper breeding grounds, and if we do not save the fish in some places they will be all destroyed.
829. Do you think from your practical experience that the rivers are closed too low down towards the mouth? Yes.
830. Do you think that oyster-culture could be carried out successfully off our coasts? I do not think we will ever get many oysters off the coast—I have never heard of any. Some twenty-five or thirty years ago three or four men came out from England. They went away in a ketch for five or six months, and they never got an oyster. They lost £300 or £400.
831. Have you noticed that the Victorian Government are offering bonuses for the development of the fisheries and oysters? Yes.
832. Do you think that would be conducive to the encouragement of fishing here? Yes, if there were any men here who knew anything of trawling they would then go to work at once.
833. Was there not an old trawler here at one time? There were two or three. We now have in our office two men who were trawlsmen in England.
834. Have you ever been at Lord Howe's Island and Elizabeth Reef? No; but I believe there are very good fishing-grounds there. I suppose that the bottom is foul there.
835. Do you think that those fisheries might be developed by offering a bonus to fishermen? Yes.
836. *Mr. Stephen.*] Are you aware that the Fisheries Commissioners have been averse to opening Port Jackson beyond the railway bridge? No.
837. Do you think that it would be desirable to open the river up to that bridge? Yes.
838. Are you under the impression that it would be desirable to open the river to that bridge at present? Yes.
839. *Mr. Stevenson.*] Have you heard that the nets used by the Italian fishermen destroy large quantities of small fish? Yes.
840. What action was taken with reference to that? I never took any action, except against one of the Italians, because although there were several letters in the papers about the Italians destroying small fish, I never could find out the names of the people who wrote the letters, except in the case of two young fellows of Balmain, whom I went to see, and who identified a boat and one of the fishermen. I prosecuted that man, and he was fined £2.

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841. Do you know whether the practice is now discontinued? I think they continue it at present unless they see me or the boat about.
842. What means have you of checking this practice? No means, except that I watch them pretty closely.
843. How often are you supposed to be out? Every day.
844. But is not this sort of thing done during the night? Yes; but I am generally out three nights in the week.
845. Yet you are at the market every morning at 4? Yes; and it is often 4 o'clock when I get out of the boat.
846. Do you think that the present fish-market is a suitable place? Yes; it is a fine open place. You must have an open place for fish, and you must have plenty of salt water.
847. Is the present market central? It would be much better if it was near the railway terminus, but you would require to have an open place.
848. What district have you to supervise? The whole of Sydney harbour.
849. You do not visit other places? I sometimes go to the Hawkesbury and anywhere I am sent to.
850. To what outside places do you go? It is twelve months since I have been at Broken Bay. It is nearly two years since I have been at Wollongong.
851. You received instructions from the head office? Yes.
852. When the Secretary is absent from whom do you receive orders? The President.
853. When you seize fish for being under-weight what becomes of it? I give them to the charitable institutions. I divide them round about.
854. Do you ever send any fish to the Commissioners? No.
855. Never to Dr. Cox? Dr. Cox gets fish once a week.
856. Who takes them? One of the men.
857. One of your men? Yes.
858. Are they cleaned? No.
859. Who pays for the fish? I pay for them and Dr. Cox pays me. I sometimes pay 2s. 6d., sometimes 3s., sometimes 5s., and I have given as much as 8s. for a schnapper.
860. Then Dr. Cox is the only Commissioner who has fish sent to him? Yes.
861. Do you not think that it is very unfair for the Commissioners to have the pick of the fish? They do not get the pick of them.
862. Still you consider that it is part of your duty to provide any Commissioner who may request you to do so with fish from the market? I look at it in this way: If they ask me to buy half-a-crown's worth of fish I say to one of the men who is buying fish, "I want half-a-crown's worth of fish from you." I only get from him the same fish as he sells about the town.
863. How often does that happen? Sometimes once a week and sometimes twice.
864. Is it not a fact that every week or oftener one or other of the Commissioners is supplied with fish by yourself or by one of your assistants? Dr. Cox is the only Commissioner who gets them.
865. Does he get them regularly? Yes; every Friday.
866. In preparing the reports which you send in do you draw up the report yourself? Yes; I write them myself when I am at home at night.
867. *Mr. Ritchie.*] What is your opinion with regard to the closed waters of Broken Bay? I think the fishermen have a very good space of ground open to them there.
868. How far up would you close the Hawkesbury River? I would open if I had my will as far as Mangrove Creek.
869. *Chairman.*] Do you often hear of depredations by sharks in Port Jackson? Yes; and I often see them.
870. Do you know that very often some very distressing deaths are caused by them? Yes.
871. Do you think it would be worth while for the Government to offer a bonus for the destruction of sharks? I have often said that they ought to do so. The sharks have often rushed right at our boat when coming down at night. Large sharks have done that. I have often watched for them with harpoons, but then they never came near the boat. On several other occasions they have rushed right at the boat.
872. Do you think that men could be induced to hunt the sharks? I think if a bonus were offered they would be soon cleared out.
873. What would you suggest as a proper bonus? I should say that the Government should not offer less than £1 for each of the big sharks.
874. Have you noticed the habits of sharks in Port Jackson, and as to what time they are most numerous? I know they begin to come in about January. I generally see them in January and February. During the cold weather they go to deep water.
875. Is January their breeding season? No, March and April is the proper breeding season.
876. Are they very dangerous at that time? Yes, very savage.
877. Have you noticed that in spring-time they come in again in pairs? Yes, that is another breeding time. October and November is a breeding time.
878. Then they breed twice a year? Yes, all fish breed twice a year. In March and April they spawn, but they come to nothing in the cold weather. Then the fish spawn again in October and November, so that the two spawns come on at about the one time.
879. Is there not one particular time of the year when the sharks come into the harbour in large numbers? Yes, I think they come in in large numbers at the breeding time. They come like the mullet in March and April.
880. Then autumn and spring are the most dangerous periods for sharks? Yes, they are very savage.
881. With regard to purchasing fish for the Commissioners, is that part of your duty, or do you do that merely to oblige Dr. Cox? It is not my duty. I do it merely to oblige Dr. Cox.
882. You say he pays for any fish he gets? Yes.
883. *Mr. Ritchie.*] It does not take up any of your extra time? No.
884. *Mr. Stephen.*] Did you ever earn your livelihood as a fisherman in the same way as fishermen do now? Yes.

Mr. John Duncan Grant called in, sworn, and examined:—

885. *Chairman.*] What position do you hold? Assistant Inspector of Fisheries.
886. What is your district? George's River and Botany.
887. Have you had long experience of fish and fishing? Yes, I was fishing in 1864, and before that time.
888. Do you report to the Commission occasionally as to the closed waters in Botany and George's River? I report that there is plenty or scarcity of fish.
889. Have you reported as to the closed waters? No. I have never recommended the closing of the river.
890. In your opinion as a fisherman do you think that the rivers are closed too far down towards the mouth? Not a bit for the winter months.
891. Then you are not prepared to recommend that they should be opened farther up? I should recommend that they be opened in the summer months. Some of them have been closed for two or three years, summer and winter.
892. Would you recommend that they should be open in winter and closed in summer? No, the reverse—closed in winter and open in summer.
893. Why in summer? They could then get a fresh supply for the market in summer, and in winter they could go farther north and south. I do not say that they spawn in the winter months, but at that time they are rowed, and in September and November they are pretty empty with very little roe in them.
894. *Mr. Stephen.*] Do you think that the closing of Port Hacking has had any effect upon the production of fish there? I think Port Hacking is like a boat-harbour. The fish go in there to-day and they go out to-morrow. Up towards the park there may be a few holes and flats where the fish might spawn, but that is the only place.
895. Then you do not consider it is desirable to have the whole of Port Hacking closed against net-fishing? I do not think it had any effect. South-west arm or up near the park is the only breeding-place. I should say that above north-west arm and the whole of south-west arm might be breeding-places.
896. How far would you recommend Port Hacking to be thrown open to net-fishing? From Lilly Pilli Point across to Coston's Point.
897. Then you think it would be an advantage to have the port open to net-fishing up to Lilly Pilli Point? Yes; but that might stop a great many people from catching fish with lines.
898. Do you consider that the closing of Port Hacking has had anything to do with the enormous number of sharks to be found there lately? No, before the closing of the harbour I can remember one or two boats getting between 200 and 300 sharks in one haul.
899. It has been reported on many occasions that in reality Port Hacking is at present a feeding-ground for sharks because the fishermen are prohibited from hauling, and a great many sharks are left there which would otherwise be caught in the nets and be destroyed? I do not think that is the case because the fishermen have never stopped hauling there. Since the waters have been closed I have seen three boats there at a time.
900. Did you seize the nets? No.
901. *Mr. Ritchie.*] Were the men illegally hauling there? On one occasion.
902. *Mr. Stephen.*] When there is a heavy flood in the George's River do the fish leave the fresh water and go right out to sea and are therefore lost to the public? No, they never go away unless it is their proper season to go away. They go out for a short time but they come back again.
903. Do you think they always return to the same place? Yes.
904. Are you acquainted with the best breeding-grounds in George's River? I can scarcely answer that; but I know where the fish lie in schools by the thousand.
905. I suppose they must have breeding-grounds somewhere there, and a man residing there ought to know their situation? In 1883 and 1884 the river was closed to Tom Ugly's Point. The fishermen asked me if the river could not be opened as far as the bridge, as all the breeding-grounds to their knowledge were above the bridge. I recommended that, but I still believe myself that there were breeding-grounds below the bridge. Since that they have wanted to open the river to Salt-pan Creek, and they say that the breeding-grounds are above that. I could not alter my opinion in that way, as I knew better.
906. Do you think it would be any better for the supply of fish in George's River if it were opened up to Salt-pan Creek? At the present time the fish are as thick as ever they can swim in the river, but if it were opened and fifteen or twenty nets were used up there in a fortnight, there would be no fish at all. What fish they did not catch they would so harass that they would be driven out to Botany Bay, where the sharks would get them. You do not see any sharks in the river.
907. Then you do not think it would be desirable to open up the river to Salt-pan Creek without including Salt-pan Creek? I think you might as well open it up as far as Liverpool as to open it up to that point.
908. Do you think there are any seasons of the year when it would be desirable to throw the whole of the river open to net-fishing? Yes; I think it should be thrown open the whole of the summer. It would be quite sufficient to close the waters during May, June, July, and August.
909. But we are told that October and November are the breeding seasons for fish? Yes; in December the sand-whiting is full of roe.
910. If these are the breeding seasons would it not be well to protect them during that time? It would be good to protect them, but I am speaking of the benefit of the fishermen and of the Sydney market.
911. Our object is not to benefit any particular party. We want to report for the benefit of the whole fishing industry and for all of those using the fish? In December our best whiting are fully roed. I am told by the best fishermen in Botany that they are also fully roed in June and July.
912. Have you given an opinion at any time to the Fisheries Commission that it would be desirable to keep George's River open for fishing purposes from December to the end of April in each year? No; but I recommended that it should be open to the bridge.
913. I would draw your attention to the following passage from an official document: "If it be that a larger supply of fish is required in the metropolis during the summer and Lenten months, Mr. Grant thinks that the whole of the river might be opened from the beginning of December till the end of April, and to this the Commissioners will not offer opposition?" You are right. I forgot myself. I did recommend that. I never recommended that the river should be closed during the summer months. I never approved of it.

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914. Do you ever hear any complaints as to private parties line-fishing in Botany or George's River? I have heard complaints that they go into the rivers which are closed and kill fish. I do not think they should be allowed to do it while others are not allowed.
915. Is not line-fishing open to fishermen in that way in the same way as it is to private parties? Just the same.
916. Yet there have been complaints about private parties fishing in that way? Yes; I have seen such a thing as twenty dozen or fifteen dozen whiting being caught by private parties, a very large number of which were under an ounce and a-half in weight, whereas if fishermen were found in possession of fish of that sort they would be liable to prosecution.
917. If a fisherman were to catch these undersized fish with a net would he be liable to be fined? Yes.
918. If he caught them with a line would he be liable to be fined? Yes, if they were found in his possession.
919. Private parties are not so liable? No.
920. *Mr. Stevenson.*] When waters were closed, not only in your district but in other districts, I presume that was done on the report of the inspectors? I cannot say so. I never recommended such a thing.
921. When George's River was closed was it done upon your recommendation, or were you consulted? No.
922. Are we to infer from that that the Commissioners closed the waters without making any reference to the inspectors in the districts? That was what was done in my case. I have always reported that the water was always overflowing with fish.
923. Do you issue fishermen's licenses? No; I have to chase after them to see if they have licenses.
924. Would it not be more convenient if the inspectors were allowed to issue licenses? Yes.
925. Has it not been a great source of complaint with fishermen, and would it not be far better, seeing that you have control of the district, if you had power to issue the licenses? Yes; if I issued a license I would have no occasion to chase the fishermen to find out whether they had a license in their possession.
926. Would it not be better to have the boats licensed by having a number or some other distinguishing mark on them? Yes, I think they ought to have something that would not be destroyed by salt water. At present the fishermen have a bit of paper as a license, but they cannot take it about with them lest it should be destroyed. I think it would be better to have the licenses issued in the form of a piece of metal.
927. When the chief inspector is away to whom do you go for instructions? I address my letters to the chief inspector, and Mr. Ellis, the chief clerk, replies.
928. Then, in the absence of the chief inspector, the instructions are issued by the chief clerk? Yes.
929. Has he any knowledge of the fisheries? Only through seeing our reports, but he may never see any of them for all I know.
930. Do you consider such a person is competent to issue instructions to inspectors of fisheries? I should not think so, but I cannot say what his experience may have been.
931. You do not think he has had any practical knowledge? No.
932. Do you consider that such a person should issue instructions at all? No.
933. You have told us that you visited Port Hacking with somebody else, and that you found some persons fishing there;—what action did you take against those persons? They had their nets confiscated and they were taken to the police court. Mr. Smithers dealt with the case. I was sent by Mr. Hill with him to show him the general work and he seized the net.
934. Have you any knowledge of oyster-culture? A little.
935. If the rents paid for oyster-leases were reduced would not that tend to oyster-culture? I would recommend that the rents be reduced—they might even be reduced to 1s. per 100 yards and a royalty imposed. If they got a good crop they could afford to pay the royalty, and if they did not they would lose nothing.
936. With regard to oyster-leases, are you not just in the same position as you are with regard to licenses to fish, that is to say, you do not know who has paid? Not until I get a copy of the *Gazette*.
937. Would it not be better if you dealt with the collections of that revenue also, so that you might know what is going on in your own district? There is no doubt about it because I would then know what is being done.
938. I suppose that the inspectors, generally being intelligent men, would be quite competent to discharge that duty? Yes.
939. Would it be a saving in carrying out the Act? Yes, we have tracings of the whole of the river, and when anyone applies to us we have to make fresh tracings, and to make out fresh applications for it. Then they go to the Treasury and pay the fee.
940. If the course suggested were pursued would it not be a more systematic method of carrying out the work of the fisheries than the present system of making the fishermen travel long distances to Sydney? I am quite sure that so far as the fishermen are concerned that plan would save them a great deal of trouble and time.
941. Is not the present system a great source of complaint? Yes.
942. Have you ever heard of fishermen applying for licenses, and having to wait a long time for them? Yes.
943. In the meantime are they not deprived of their means of living? Yes, that is the case according to the Act.
944. Do you know what the cause of that delay is that the Board has not held a meeting? I cannot say that.
945. If you seize a net what do you do with it? I take it home, report the matter to the Commissioners, and wait until they give me instructions.
946. How long do you wait before you take action? Sometimes three weeks, sometimes a fortnight, sometimes a week.
947. Presuming that the net was not an illegal net would not the man be under suspension for all that time? Yes, he would be idle.
948. Do you not think that it would be a much better system to arm the inspectors with sufficient power to take action as well as to seize? Yes, I think if we are not fit to hold that power we are not fit to hold our

949. Can you tell us what action has been taken by the Commissioners with regard to the culture of oysters in the Colony generally, or whether they have done anything to promote the culture of oysters? A few oysters have been sent to me on several occasions to test them, but I have never been able to keep them; they have always been stolen.

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950. Have you any residence provided for you? No, I provide my own.

951. Are you aware whether any of the other inspectors are provided with accommodation? Not to my knowledge.

952. Do you know Mr. Benson? I have seen him occasionally at the office. He is inspector for the Southern Division.

953. What are his duties? I cannot tell you. We are not supposed to know anything out of the office.

954. You say that he is inspector of the Southern Division? That is what I believe.

955. Are you in the Southern Division? No.

956. Under whose supervision are you? Mr. Quinan's, when he was there. Since then I have been directed to write to Mr. Mulhall, and a copy of my report is sent to Mr. Thompson.

957. Do you ever make a report? Yes, every week I am supposed to report, but I generally report every fortnight, and I send a copy of it to Mr. Thompson.

958. How often does Mr. Mulhall visit your district? I never saw him there.

959. How long have you been there? Since 1882. I saw Mr. Quinan there once or twice.

960. Has he left the Service? Yes.

961. Since then you have had no visit of inspection? The President and Mr. Thompson have been there once or twice.

962. But they did not go there on a visit of inspection? They came there to see what fish were in the river.

963. Are the district inspectors provided with rent allowance or houses? I cannot tell you.

964. Are they provided with boatmen? I believe so.

965. What are the duties of the boatmen? To pull the inspector about I suppose.

966. Where is Mr. Benson located? Bateman's Bay.

967. Can you say of your own knowledge what districts he visits? I cannot say. He has not visited mine.

968. *Mr. Ritchie.*] When a fisherman wants a license what steps has he to take? He goes to the Commissioner's office, and gets a printed form; he fills it up; takes it to the Treasury and pays his money. They give him a receipt, which he takes back to the Commissioner's office, where he gets his license.

969. As a rule does he apply to you first? No, very seldom, because they have first to go to Sydney.

970. When a man makes application at the Commissioner's office do they refer to you as to whether the man is suitable or competent? No.

971. There is no test or question as to the right of any man to apply for a license? No.

972. When he receives a license are you apprised of the fact that he is going to fish in your district? There is a little pamphlet printed and circulated every three months, giving information as to who have obtained licenses. I think only one has been issued this year—about February or March last.

973. Are the licenses local or general. If he gets a license for Botany Bay is he permitted to go to Port Jackson? He is permitted to go anywhere in the Colony.

974. Have you had any practical experience of deep-sea fishing? I have done a little line-fishing for seven or eight years. When the trawl was first used I was the only man who was supposed to know anything about the bottom along the coast, as I had been doing a good deal of schnappering. I did not know anything about trawling, but I went with the expedition to show where the sandy and rocky bottoms were.

975. Was that a successful trial? No; it was a perfect failure.

976. What was the cause of the failure? Our fish as a rule hang along the edges of the reefs. If I had charge of a trawl belonging to another man I would be afraid to use it along the edges of the reefs lest it should be destroyed, and I would consequently lose my appointment, but if the trawl belonged to myself I would run the risk, and use it along the edges of the reefs, as there is no doubt that would be the place where the fish would be caught.

977. Are schnapper caught by a trawl-net? We did not catch any. I believe the reason is, that the schnapper is too quick a fish, and that it would swim away in front of the trawl.

978. From your practical experience do you think that the authorised meshes of the nets are correct? Yes, bar the 2-inch net. There is one net 2½ inches in the bunt and 3 inches in the wings; I think it ought to be 2½ inches in the wings in order to catch whiting. I think the garfish net ought to be 50 fathoms in length of bunt, and that the wings should be 2½-inch mesh.

979. Is the garfish net 2½ inches mesh in the wings? No, they are 2 inches in the wings, and you really do not want that. They shrink a little in tanning.

980. Would you alter the size of the bunt? No, 1½ inch is enough.

981. Do you know from your own experience whether garfish-nets destroy any small fish? Yes; they should not be allowed to be used in summer in the flats and bays. All along Botany they kill small whiting and mullet in hundreds.

982. Can you suggest any method of exterminating the sharks? Not without some reward or recompense being given for killing them. That is the only way I know of.

983. Is there any known method by which the large ones especially could be killed expeditiously? No. But I think that if 10s. and 5s. a head were offered for the large and small ones they would soon be killed.

984. *Chairman.*] What, do you think, would be a fair price to give for the destruction of sharks? I think 10s. a head should be given for the big sea-sharks, gray-nurse, and pointer, which eat a great many fish.

985. Do you think that men would be induced to fish for sharks for a reward of that kind? Yes. The fishermen very often see the sharks when they are fishing, and a reward of that kind would make it worth their while to kill the sharks.

986. Are there many sharks at Botany? They are dreadful at times, but there are not many in the winter.

987. Have you observed the habits of the sharks? Yes, they are most plentiful at Christmas time. The big sharks follow the mullet right round from river to river. When I was fishing myself, when I was catching a lot of mullet in a net, a shark about 15 feet long rushed at the mullet, seized a great many of them, and went right through the net.

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988. Are there any particular breeding-grounds for sharks about here? At the back of the reef between Port Hacking and Botany sometimes 200 can be seen in one evening.
989. Do you think it would be a good thing to use dynamite there? That would be the means of destroying a tremendous lot of other fish, and it would not kill many of the big sharks, because those I am now speaking of are called the school shark.
990. Do you think that 10s. per head would be sufficient inducement to kill the large sharks? Yes. But I think that 2s. 6d. per head would be enough for the school sharks.
991. Would it pay to get shark oil? No. We used to get 3s. or 3s. 6d. a gallon for it at one time, but you can very rarely sell it now.
992. Did you not suggest that the rent of oyster-leases should be reduced to 1s. per 100 yards? Yes. I would sooner see the rent fixed at 1s. than have it arranged as at present. There would then be a better chance of having oysters cultivated.
993. Would not such a reduction lead to a lot of dummyming? They could be made to improve their holdings, and they should also have power to prosecute anyone who stole their oysters, instead of having to wait for months in order to have permission from the Commissioners to do so.
994. Do you also suggest that a royalty should be imposed? Yes.
995. Are you aware that there is no royalty imposed on imported oysters? Yes. But let them pay a royalty too.
996. Then you do not approve of free-trade in oysters? You should not have protection for one and free-trade for another.
997. *Mr. Stephen.*] Do you think there ought to be a royalty on imported oysters as well as on local oysters? Yes. And that would help to pay the expenses. If a lessee got a lot of oysters he could afford to pay the royalty, and if he did not get many he would not have to pay much.
998. *Mr. Stevenson.*] If the rent for oyster-leases were fixed at a low sum would it not lead to a number of small men taking up oyster-culture? Yes. It would give the real oystermen a chance.
999. Is it not almost a monopoly at present? Yes.*
1000. Is not a small man shut out under the present system? The system is bad in several respects. The public can take 500 bags of oysters if they like off the Crown lands for which a man may have applied for a lease? If I find them doing so, and I ask them if they are taking the oysters for sale of course they answer, "No."
1001. Is it not the case that a man who has applied for a lease finds that while he has been waiting for his lease all the oysters have been taken away, and he then refuses to accept the lease? Yes, I have heard of known cases of that kind.
1002. *Chairman.*] Was the trawl which you have referred to imported by the Fisheries Commission? I think it was one made here by George Glading; the imported one was never used in my time.
1003. Who had charge of the trawl? Mr. George Glading, but the Commissioners were also there.
1004. Was he an expert? Yes, I believe he was from England.
1005. Before we resort to trawling do you think it is necessary that the coast should be surveyed? Yes, that is the only way in which you can do it.
1006. Do you think that the Government should undertake a survey without delay? That is the only way in which trawling can be carried out, but I cannot say that it would be a success.
1007. *Mr. Stephen.*] Are the fishermen always supposed to carry their licenses with them? Yes, they are liable to a penalty if they do not carry them, but they are always liable to be damaged.
1008. Is there no clause in the Act which would permit the fisherman to leave his license at home if he thought that it might be damaged with water? There is no such clause in the Act.
1009. When once a net has been passed as being of the legal mesh do you not consider that it should be always considered as legal until it is worn out? The difficulty is that you cannot tell whether it is the same net.
1010. Is a man not likely to be fined if a net which has been passed as legal, afterwards shrinks? I do not think anybody has been fined under such circumstances.
1011. When you seize nets what are done with them? They are cut up. In the case of a garfish-net the centre might be under-size; that part would be cut out and the wings would be sold. If the net is an inch in mesh it is sold for a prawn-net.
1012. What is the lowest legal weight for fish? 2 ounces for gar-fish, 4 ounces for whiting, flathead, mullet, and sand-whiting; 6 ounces for black bream; they have silver bream in the Act but I never saw such a thing.
1013. If men are fishing with a garfish-net and they happen to catch bream, or any other fish below the legal size, are they liable to be fined? Yes, they would be liable, but I do not think an inspector would know his duty if he took notice of such a thing. The real object of the Act ought to be to protect small mullet and whiting.
1014. Is there more than one assistant inspector in George's River and Botany? Yes, I have an assistant with me. I had to swim once or twice; I was in the water for five or six hours, and then I applied for a mate.
1015. What are the bounds of the home district? I think it is from Jervis Bay to Port Stephens.
1016. What do you call the other districts? I cannot say. I have no knowledge of the others.
1017. *Mr. Stevenson.*] You have stated that the fishermen carry the licenses about with them; they would very probably be destroyed by the water. If they were destroyed what remedy would the fishermen have? I cannot answer that; they are liable to be fined if they have not licenses.
1018. Do you not consider that that is a very great hardship on the fishermen? Yes.
1019. Could they not get a duplicate license? I suppose they can. Of course, when I once see a license I take the number of it, and I would not trouble a man again about his license.
1020. Would not this hardship be avoided if the inspectors issued the licenses themselves? Yes.
1021. *Mr. Stephen.*] Might not a man say that he has lost his license in order to get a license in an illegal manner? There would be the same number on the license, so that would prevent a fraud.
1022. *Chairman.*] Are the licenses written on paper or parchment? It is a sort of improved paper. It used to be parchment at first.

1023.

* NOTE (on revision) :—I desire to correct myself. I do not consider that anyone has a monopoly in oyster leases in my district.

1023. Do you not think they ought to be parchment? I think some sort of metal badge with the number would be better.

1024. *Mr. Ritchie.*] How often do you report to the Commission? Once a month.

1025. On what matters do you report? How the oysters are, what is the condition of the river, what boats are working, and so on.

1026. Do you report on the condition of the fish? Yes, I do when I see a roed fish; but I do not see a fish for months at a time, because the river has been closed for two or three years.

1027. *Mr. Stephen.*] Is a fisherman supposed to have a license for himself, for every man in the boat, and also for the boat? Yes; the license for a boat is £1, and for each man 10s. per annum.

1028. Do you not think it is hard to make the men pay for a license for the boat and, in addition, for every man using the boat? If it were not for the Revenue I do not think it saves the fish at all to have licenses. If we had a register of fishermen I think 10s. for the boat and 5s. for each man would be quite sufficient.

1029. *Chairman.*] Is it not very unfair to charge the man for a license first, and then compel him to pay a license for his boat also? The difficulty is that there are a great many men who are always shifting about from one place to another.

1030. Would it not be sufficient for the man to pay a license without having to pay for the boat? If I caught a boat up the river and the men saw me coming they would leave the boats and the nets behind them and go into the bush, and if the boats were not licensed I would not know who had been fishing there.

1031. Do you seize the boat as well as the nets? In the last case that I had the owner of the boat came back again; if he had not I would have taken the boat, but I think he would have got the boat again.

1032. Does the law empower an inspector to seize the boat as well as the nets? The Act says any implement of fishing. I never seized a boat; but if a man ran away I would take the boat as well as the net.

1033. *Mr. Stevenson.*] How do the fishermen know what waters are closed? The proclamations are gazetted and I nail up the proclamations all over the place on trees.

Mr. Peter Smith called in, sworn, and examined:—

1034. *Chairman.*] What is your position? Assistant Inspector of Fisheries, Hawkesbury River.

1035. Is anyone over you at Hawkesbury? No; we are all called assistant inspectors.

1036. What are the bounds of the closed waters in the Hawkesbury? From Bar Point across to Fishermen's Point in a westerly direction.

1037. Do you think that those boundaries are too close to the mouth? That all depends upon the supply of fish. If there was plenty of fish in the river there would be no occasion for closing that portion.

1038. Could the boundaries be safely shifted up the river for some distance? Yes; if the mesh of the nets was larger. The bunt part of the net is too small. A great many of the fish are destroyed at present in the common hauling-net. If the mesh were made larger I think that the river might be thrown open up to Mangrove Creek. The hauling grounds above Mangrove Creek are not much, and there would be plenty of room for the fish to breed.

1039. Are those waters good breeding-grounds? Yes; there is plenty of space in the Hawkesbury.

1040. What kind of fish have you at the Hawkesbury? Mullet, bream, perch, blackfish, and so on; also whiting, flathead, soles.

1041. Do you consider the restrictions imposed by the Act bear harshly upon the fishermen? No; I cannot say that. Some fishermen would like to have everything their own way, and they do not trouble themselves as to who may come after them. I should like to legislate in such a way that the young fish particularly would be protected. If you do not protect the young fish you will never have old ones. In some instances I would increase the restrictions in this way: Instead of having a mesh of $2\frac{1}{4}$ inches in the bunt I should recommend a mesh of $2\frac{1}{2}$ inches; but at the same time I would allow a greater length. I have been a practical fisherman myself, and I know what I am talking about. Some fishermen, when they see young ones going through the net think that they are losing a fortune. I would give them a little more room to fish in the Hawkesbury River.

1042. What are the best fishing-grounds around Hawkesbury? There are many hauling-grounds everywhere.

1043. Is Pitt Water good? Yes; it is very good.

1044. Is Brisbane Water? Yes; it is a good place, but it is a fine place for young fish and garfish-nets should not be allowed to be used there. There is a very weedy bottom there, and it is a great resort for little mullet, and it is impossible to haul a garfish-net there without killing lots of these young fish.

1045. Are sharks plentiful there? Not at present, but they are in summer.

1046. Do they come there after the mullet? No; it is their nature to come there.

1047. Is it their breeding season? I suppose it is; Cowan Creek is full of them.

1048. What kind of sharks are there? There are several kinds. Some they call the ground-shark, grey-nurses, and another sort are called rough backs—they jump out of the water a great deal.

1049. Do you think that it would lead to a reduction of their number very considerably if the Government offered a bonus for their destruction? It might for the large ones, but I think they come on the coast from some other places. They are not on the coast in winter.

1050. Do you think it would be an improvement if the inspector had the power of issuing licenses to the fishermen? I believe that would be a great convenience to the fishermen. They sometimes have to come to Sydney and lose two or three days in getting licenses, and I do not see why I could not do that work just as well. I have had to account for moneys before in connection with the royalty on oysters; it would certainly give me a little more work to do.

1051. Is there much oyster-culture at the Hawkesbury? Yes; the Hawkesbury has been one of the finest rivers in the Colony for oysters.

1052. Is it carried on in a scientific way? No. It is now carried on in a very unsatisfactory manner, because it seems that there is a lot of rent owing, and I do not know whether the lessees can be prosecuted in order to recover the money. The oyster-beds which the lessees hold are in anything but a good condition.

1053. *Mr. Stephen.*] Do you not think that it would be sufficient for breeding purpose to close the tributaries of the Hawkesbury, and to leave the main river open? Some of the tributaries are the best hauling-grounds. I think if the upper part of the Hawkesbury, that is, from Mangrove Creek upwards, were closed it would be

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quite sufficient—there would be then about 60 miles of river besides all the branches. From Mangrove to Windsor is about 60 miles.

1054. Are there not good hauling-grounds as far up as Wiseman's Ferry? A few but not many. Men very seldom go up there if they have to fish for the Sydney market.

1055. Do you think it would not be of much advantage to fishermen to open it up as far as Wiseman's Ferry? It would be an advantage to Windsor fishermen, but they generally use large meshing-nets. It is closed against everybody at present.

1056. Do you not consider that by closing the tributaries of the river, say at a certain distance from the mouth, leaving the remaining portion of the river up to Wiseman's Ferry open to fishing of all descriptions, that would protect the breeding-grounds, and at the same time give fishermen more facilities for making a living? The difficulty would be that a separate inspector would be wanted for every creek. Many of the creeks are 15 miles long, 20 miles, and 12 miles. I have to look after the whole of the Hawkesbury River all the way to Windsor; all that they would have to do would be to watch until I went off to another creek.

1057. Would not further expenditure be justified in procuring a better supply of fish for the market and in giving facilities to the fishermen to earn a living? I think that if you opened the river as far as Mangrove Creek the fishermen would thank you very much, because it would include the best hauling-grounds. If you at the same time made the mesh of the net $2\frac{1}{2}$ inches in the bunt and 3 inch wings, that would be the means of protecting the young fish.

1058. *Mr. Stevenson.*] Are you aware that the fishermen of the Hawkesbury have complained because the river has not been opened as far as Mangrove Creek? I believe they have complained to the Commissioners.

1059. Do you not think it is part of your duty that you should know when those complaints are made? It is of no use to complain to me.

1060. Do you not think as inspector that you should be consulted before the waters are closed? Certainly I think I ought to be.

1061. Are you not consulted? No never.

1062. Do you not think it would be an advantage if all the inspectors were consulted before the waters were closed? Yes.

1063. Has it not been a great source of complaint amongst the fishermen for years that they are unfairly dealt with, simply because the river is closed for about 60 miles that they are not allowed to haul above Bar Point, and yet that up to Mangrove there is good hauling-grounds? Just about 200 or 300 yards above Mangrove Creek there are a few good hauls and then they cease.

1064. The fishermen are never allowed to go up there? Yes, the river has been closed ever since the Fisheries Act has been in force.

1065. Did you ever hear that the farmers about Wiseman's Ferry sent in a report to the Commissioners that they were prohibited from getting fresh food for themselves and their families, and that they were not allowed to take any fish? I never heard that complaints were made by the farmers to the Commissioners—there might be and I would hear nothing about it.

1066. Do you not think that the Commissioners would be perfectly justified in allowing those families to obtain the necessaries of life from the river? If you open the door to one you must do it to all. If you allow one to fish even for his own use there would be no limit to it.

1067. What sort of people generally live about the McDonald and the Colo? They are all farmers.

1068. Do you not consider that an application of that kind coming from people who were debarred from getting any fresh food should have been granted by the Commissioners? Yes.

1069. *Mr. Stephen.*] If they desire to sell the fish they would have no market there would they? Yes, at Windsor.

1070. *Mr. Stevenson.*] How far is Windsor from McDonald? 50 miles.

1071. Do you think it would pay a farmer to neglect his wife and family, and leave his work, in order to take a few fish up to Windsor? I know that there are men who have made a living by doing so. I remember the time when Peter Kemp used to take fish from Mangrove Creek to Windsor; that is how he learnt his rowing.

1072. Have you ever prosecuted anybody for hauling in those waters? Yes, chiefly in Berowra Creek.

1073. There is no supervision above Bar Point? I go up there sometimes.

1074. How often? I do not suppose I go above Mangrove Creek once a month.

1075. Have you visited as far as McDonald River, Colo, and other places once in six months? No.

1076. Then what supervision is there to prevent people from hauling fish daily? There is none.

1077. Yet when these persons applied to fish for their families they were refused, and yet if they did it illegally they could not be detected? Yes.

1078. Do not the fishermen at Hawkesbury complain bitterly about having to come to Sydney to obtain licenses? They do not say much about it to me.

1079. Do you not consider that the inspector should issue those licenses? It would be an advantage to the fishermen.

1080. Would it not be an advantage in the working of the Fisheries Act? Yes, I would like to be in a better position to know who really hold licenses, without having to hunt them up and ask them.

1081. For want of that knowledge how do you know who are licensed fishermen? I would not know unless I demanded their licenses when they were at work.

1082. How are you acquainted with them in the first instance? I go round when I see them hauling, and I ask them to show me their licenses. I sometimes get a list from the office showing the licenses issued. I have a list at home now which was issued on the 1st March, and I have not received one since.

1083. From March to July you have no knowledge? No, unless I see them myself and note them down.

1084. Suppose you go to a man and demand his license and he has not got it, what course do you take? I have to prosecute him according to law. He would be fined according to the Fisheries Act.

1085. Would you not seize his net? No, I could not.

1086. Supposing that the man told you that he left the license behind him, would you summon him? No; I would write to the head office to ascertain if he had a license; if he had not I would have to prosecute him.

1087. *Mr. Stephen.*] Does your jurisdiction extend further than the Hawkesbury River? Not now, I was appointed for Tuggerah Lake as well as Gosford, but there is an inspector there now.

THURSDAY, 4 JULY, 1889.

Present:—

MR. FRANK FARNELL,
MR. NOBBS,MR. RITCHIE,
MR. STEVENSON.

FRANK FARNELL, ESQ., IN THE CHAIR.

Mr. Richard Seymour called in, sworn, and examined:—

1088. *Chairman.*] What is your position? Inspector of Nuisances for the City of Sydney, and Assistant Inspector under the Fisheries Act.

1089. How long have you held the last-named position? About three years.

1090. Is it part of your duty to visit any of the fishing-grounds or oyster-beds? No.

1091. Are your duties confined to the fish-market at Woolloomooloo? Yes.

1092. Are you supposed to supervise the sale of fish? I am one of the auctioneers. My first duty is to go into the market half an hour before the sale. We commence the sale every morning in winter at half-past 5, except on Friday, when we begin at 5. I go round and examine all the fish. If there are a great quantity of small fish in any one heap they are seized and sent to the charitable institutions. If there is only a small proportion of small fish in each heap they are passed, because in that case it would be a great injustice to the fishermen to seize the fish.

1093. Do you sell the fish by auction, and charge the fishermen a commission for selling? Yes, 5 per cent. The City Council makes that charge.

1094. Does that commission go into your pocket? Not a farthing. It is paid into the revenue of the City Council.

1095. Have you any idea what quantity of fish passes through your hands a year? Yes. I hand in a return giving full information. [*Appendix C 1.*]

1096. Have you ever heard any complaints from fishermen that while their fish is in transit to the market it is pilfered? Yes.

1097. How does that occur? The fish may be taken on board the boats. They may be taken out on the wharves. There is no doubt they have been taken out at the wharves. Then there is every likelihood that fish are taken out while they are being carted from the Newcastle and Clarence steamers to the fish-market.

1098. Does the fish come to market chiefly by steamer? It now comes both by steamer and by rail.

1099. When the fish comes by rail, does it go to Darling Harbour? It is first taken to the Redfern Station, and then straight down to Darling Harbour; it is then brought by the agents, carters, or vanmen, to Woolloomooloo.

1100. When the fish comes by steamer does the steamer generally take it to the western side of Sydney, to Darling Harbour? Yes; except when it is brought from Cape Hawke. In that case it comes into Woolloomooloo Bay.

1101. Do you think the fish get very much damaged in transit? I am sure they do.

1102. Do you think that it would be better to have a depot, say, at Darling Harbour, or where the steamers are moored, rather than continue the present state of affairs? I do not think that so far as the markets are concerned you could better them.

1103. Do you think it would be a benefit to have another market established at Darling Harbour? I do not think so.

1104. Do you not think that if there was another market at Darling Harbour it would prevent the hauling about of fish? There would not be any less hauling; the fish would have to be taken from the trucks into vans, wherever they went, even if the market was in Darling Harbour.

1105. Are the fish-markets at Woolloomooloo large enough for the sale of fish? Yes; they have been recently enlarged; they are very large.

1106. Do you always see that the markets are always kept clean? Yes; if you went there now you would not know that it was a fish-market. It has been favourably spoken of by the most experienced men from Billingsgate, Portsmouth, and Plymouth.

1107. Are very great numbers of under-sized fish brought to market? Yes, sometimes.

1108. How do you account for that? The fishermen along the coast wait until the last minute to make a haul; the fish are then caught in a hurry to be put on board the small steamers or the boats which meet the Newcastle boat. The fish are bundled into the baskets and are sent to market.

1109. Have you heard many complaints from fishermen as to the operation of the Fisheries Act? The principal thing they complain of is the closing of certain waters in summer. I refer to Port Hacking, Botany, Port Jackson, and Broken Bay.

1110. Have you ever heard any complaints from the fishermen with regard to the mesh of the nets? No, I have nothing to do with that.

1111. Then the principal complaint you have heard is with regard to the closing of the rivers? Yes, at certain times of the year,—that is, during the summer months. The country fish during the months of February, March, and April, are seized in great quantities as being unfit for food. The atmosphere during those months is very low and clammy, and the fish brought from the country spoils in transit. If the places which I just mentioned were opened it would give a better supply and a fresher supply to the city and suburbs. At the present time the fish are in grand condition.

1112. According to the return you have just handed in it appears that the schnapper brought into the market has gradually increased. For instance, in 1873 there were thirty-one dozen of schnapper brought in, whereas in 1888 there were brought in 1,820½ dozen. How do you account for the increase? The increase has been principally from the other side of the Hawkesbury, and the Hawkesbury, and also south of Botany Heads, along the southern coast to Jervis Bay, and south. Near the city the schnapper is very scarce; the men have to go north for them.

1113. Are the schnapper caught by line-fishing? Yes. We have had schnapper caught in nets at the Hawkesbury, but not many. They are caught by line principally and brought in by fishermen in their own boats.

1113½. How long will fish remain fit for human food after they are caught? In winter-time fish will keep for about three days; if cooked they would last much longer. I know the Jews buy fish on Tuesday and eat

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- eat it on Friday, but they cook the fish as soon as they get it. Good schnapper, such as were in the market yesterday, from Botany, would keep two days and two nights without being cooked.
1114. In the summer-time are fish which are caught in the morning likely to go bad before sunset on the same day? Yes; it is bad bait which often turns the fish; when bad bait gets into the belly of the fish decomposition sets in very quickly.
1115. Are you aware that fish have decreased very much in the Parramatta River? I have heard so from fishermen. I know that some years ago people used to go up the river and catch any amount of bream.
1116. *Mr. Ritchie.*] Where does the bulk of the fish come from which supplies this market? The greater part comes from the Clarence, Port Stephens, Newcastle, and Wollongong.
1117. Have you any control over the means of transit? No; not until it comes into the city.
1118. How are the fish which are caught at Port Stephens conveyed to Sydney? They are brought in a small steamer to Newcastle, and transhipped there to Sydney. Those caught in Lake Macquarie, I believe, are carted over in waggons to Newcastle, and from there conveyed by steamer to Sydney.
1119. When the fish are landed on the wharf are they under your charge? No; we are not at the wharves.
1120. Are the carriers under your control? No; they belong to the fish agents. The fish are not handed to us until they come to the market.
1121. You are in no way responsible for taking fish out of the baskets or anything of that kind before it comes to the market? No; I know an instance which occurred last week where a great quantity of fish came down by rail, and three-quarters of it never came near the markets. That fish went up country.
1122. The great question is who accounts for that fish—what price is obtained for it? All the fish sold in the Sydney market is booked by the agents and clerks. The books are made up every morning before 9 o'clock, sent up to the City Treasurer, examined, and sent back for the use of the fishermen and the public, from 10 to 6 o'clock.
1123. Is it not quite possible that the fish that are passed from the steamers up country may be of an illegal weight? There is not the slightest doubt about that. I have no control over that.
1124. You say that you frequently seize under-sized fish. If a fisherman sends a consignment of fish containing large and small, how do you deal with it? I have the large taken out. I do not confiscate the whole. There is a memo. kept, showing who owns the fish, what quantity has been seized, and where it has been sent to.
1125. In what way are you connected with the Fisheries Commission? On behalf of the Commissioners I am bound to see all the fish that comes into the market, and to see that none is sold under a certain weight.
1126. Do you receive any orders from the Commission? Sometimes; but very seldom. It is only in connection with the fish coming into the market.
1127. Do you think the fish-market is sufficiently commodious for the trade? Yes.
1128. Do you think that it is in the proper place for distribution? Yes; I can guarantee that the fish sold at half-past 5 in the morning, or at 5 o'clock in the morning, is for sale in the suburbs at half-past 6. Taylor and Assenheim have carts which take fish out to Waverley, Petersham, and as far as Burwood, and people there can have fish for breakfast.
1129. Have the sellers of fish any license? No, they pay no fees of any sort.
1130. After the fish leave the market have you no further control? No; except that if I met a man with small fish in his basket I would seize them, and I would do the same if they were in a bad condition. I have no control outside of the City.
1131. *Mr. Stevenson.*] How many auctioneers are there? Two.
1132. Do you only sell in one hour during the day? No; we sell on Friday morning from 5 o'clock till half-past 8 o'clock, and on other mornings from half-past 5 o'clock until 8 o'clock.
1133. Would it not be an advantage if the fish were sold at any hour in the day when they arrive? We tried that for twelve months, and it was an utter failure. We gave the people the markets free to do what they liked. If any fish come in after the sale is over they are put in a refrigerating-room, where they are kept until the following sale.
1134. But they have to pay for that? One shilling per basket of 90 lb. of fish.
1135. Are not a great deal of the fish which are caught in Lake Macquarie brought down to Sydney by the morning train? Yes.
1136. Does that reach the market in time for the morning sale? Yes.
1137. What time do you close the sale? Not until we get a report from all the wharves that all the fish are in.
1138. What time does the northern train come in in the morning? We have the fish from it in the market before half-past 6.
1139. Does Mr. Mulhall, one of the Assistant Inspectors, buy any fish from you at the market? Yes.
1140. How often does he buy fish from you? Sometimes twice a week.
1141. Do you know what he does with that fish? No.
1142. Does he purchase it in the open market in the same way as anyone else? Yes.
1143. Have you ever heard any complaints from fishermen in reference to this course of proceeding? No.
1144. Can you suggest any method for the prevention of the stealing of fish while it is in transit? Yes. I would suggest that the Fisheries Commissioners should have men at the wharf who should follow the carts from the wharf to the market, as I did myself for three months with the Corporation officers. No fish were lost then and the baskets were quite full when they reached the market. Since the Corporation staff has been reduced I have not been able to carry out that system.
1145. Do you think it is part of the work of the Fisheries Commission to have somebody on the wharf to carry out this duty? Two inspectors at each wharf would be enough; one man would remain at the wharf and the other would follow the cart.
1146. Could it not be prevented by having licensed carts for the conveyance of fish, the carters to be held responsible? I do not think so.
1147. *Mr. Ritchie.*] Could it not be prevented if the carts were under your control? Yes, if they were engaged by the Council and were held responsible.
1148. Could you not issue licenses for the purpose at a nominal sum? Yes, we could then have men whom we could be able to trust. I suggested that myself; in fact I think the first suggestion came from the

the Mayor, Mr. John Harris, but there was a great row made about it in the market. The first suggestion was that we should have our own waggons and have the fish brought up to the market.

1149. Have you the means of engaging carts? We could get half a dozen waggons in a day.

1150. Are your principal duties connected with the City Council? Yes; I am only connected with the Fisheries Commission in the market.

1151. *Mr. Stevenson.*] Have you ever seen Mr. Mulhall or his assistants cleaning fish in the market? No.

1152. *Mr. Ritchie.*] Do you receive any salary or emolument from the Fisheries Commission? Yes, £75 a year.

1153. Yet the Commission have no control over the officers appointed under you by the Council? No, they receive nothing from the Commission.

1154. *Mr. Nobbs.*] At what time do fish arrive by train from the south coast? They are in the market every morning before 6 o'clock.

1155. Is there not a mid-day fish train? I do not think so.

1156. Does the 6 o'clock train arrive in time for the market? Yes.

1157. I understand that fish does come in at mid-day from the south coast;—if that is the case must the fish wait for the next morning's sale? If it comes in at mid-day it goes into the refrigerating-room.

1158. And it has to wait for the next morning's sale? Yes.

1159. What arrangements have you for the fish? Cool chambers.

1160. Do you not think that there ought to be a mid-day sale? We tried a mid-day sale and a 4 o'clock evening sale, but we could never get a person to come to the place unless they could get a basket of fish for 1s.

1161. That was under the old system; but now that we have trains from the north and south bringing large quantities of fish every day, do you not think it would be advisable to try a mid-day sale? We can try at any time you wish, but I think you will find that it is a great failure. The shopkeepers buy all their fish in the morning, the carters do the same, and after 9 or 10 o'clock they are employed all day hawking fruit and vegetables, and they do not go back to fish.

1162. It has been stated here in evidence that the market accommodation is not sufficient; what is your opinion? I think that the market accommodation is equal to anything in the world.

1163. What is your opinion as to the situation of the market? I think it is very good—we have plenty of room. There are the sides of four streets for the carts and waggons to come in without blocking up any thoroughfare or entrances to wharves, stores, or anything of that kind.

1164. Is there nothing you could suggest that would in any way improve the market? I think not.

1165. *Mr. Ritchie.*] Do you know of your own knowledge whether the mode of carrying the fish from Lake Macquarie destroys any of it? I am sure it does, especially in summer.

1166. Do they not send any of the fish down by rail instead of sending it to Newcastle? Yes, the greater part of it comes down by the Northern train.

1167. Does not that portion of the fish come down in better condition? Yes.

1168. Is the refrigerating-room at the market effective? Yes.

1169. How long can you keep fish there in the months of February, March, and April? For three months, if necessary.

1170. Do you actually freeze them? Yes, by cold air. The refrigerating-room is going to be made about four times its present size. We are about to import from home a Bell-Coleman cool-air-machine.

1171. Can you store away great quantities in the refrigerating-room? Yes, more than we can get. In fact we have always one chamber empty at present.

1172. *Mr. Nobbs.*] I see from the return before us that, from the 30th November, 1887, to the 30th November, 1888, the revenue of the market amounts to £2,658;—what are the working expenses of the market? A little more than half, but then the buildings have to be taken into consideration. After paying for gas, electric light, interest on capital, and so on, I do not think that the profit derived by the Council will be £500 per annum.

1173. *Mr. Ritchie.*] Does the Fisheries Commission receive none of those profits? No. The buildings and maintenance are the property of and kept by the City Council.

Mr. Peter Smith recalled and further examined:—

1174. *Chairman.*] Have you had experience with regard to oysters? Yes.

1175. Have a great many oysters been sent to market from the Hawkesbury? Yes.

1176. Has there been a dearth of oysters of late years in the Hawkesbury? There has been a great deal of disease among them during the last two years that has caused a great scarcity of oysters. Oyster culture has not gone ahead, as we expected it would, when the Act was passed.

1177. How many oyster leases are there on the Hawkesbury River? I produce a list of the leases in existence. There are now ninety-nine leases in existence on the Hawkesbury. I measured and reported upon 216, embracing an area of 144,800 yards of foreshore. All of those leases, however, were not completed.

1178. Does the completed number amount to ninety-nine? Yes; embracing an area of 40,750 yards. A few more leases have been taken out since that return was made up.

1179. Is it your duty to collect the rentals on those leases? No.

1180. Do you know whether the rentals have been paid on all those leases? I have reason to believe that there is a great deal owing. What is really owing for this year I cannot say, but I produce a list of what is owing for last year. There is something like £232 owing for last year alone.

1181. Do you know whether any of that money has been paid in since? I do not think so.

1182. Is this owing to the lessees giving up their leases? No; they are using them.

1183. Has the Commission directed you to collect the rent? No.

1184. Have you made any report to the Commission on the subject? Yes, I have mentioned the matter a great many times in my monthly reports. One point on which I had to report was whether the lessees had fulfilled all their conditions. I mentioned that the payment of rent was one of the conditions of the lease, but that in many instances that condition was not fulfilled. No action was taken upon my report.

1185. Do not you think the leasing system could be very much improved? Yes.

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1218. How often do the Commissioners visit your district? I have had one Commissioner there several times lately—that is Mr. Oliver. Other Commissioners may have been there, but I have not seen them.
1219. Do you remember Inspector Benson visiting your district? I remember that he visited the Hawkesbury to examine the disease in oysters.
1220. Who accompanied him on that occasion? Inspector Gyler, from the Manning.
1221. Why did Mr. Gyler accompany Mr. Benson on that occasion? Mr. Gyler was an old experienced oysterman.
1222. Do you believe that Mr. Benson has any real practical knowledge of oyster-culture? I cannot say, he is a stranger to me.
1223. If he had any practical knowledge would it be necessary to take an assistant with him to afford the information which he was sent up to obtain? I do not know that there was any necessity for Mr. Gyler to come down.
1224. Was it necessary that Mr. Gyler should come in order that his superior officer should obtain information with reference to oyster-culture? I think one man could do it as well as two.
1225. As a practical man, if information had been sought for from you, would you have been quite capable of supplying it? Yes; quite as well as Mr. Gyler.
1226. Did you ever hear of a fisherman named Crosslands? Yes; there are several of that name on the Hawkesbury.
1227. Did you ever seize nets belonging to them? One of the Crosslands was working with a man from whom I took a net.
1228. Can you state the facts of the seizure? The net I seized was in closed waters in broad daylight. I was pulling up the Berowra Creek, which are closed waters, when I saw them hauling. I went to them and seized the net.
1229. Was there any inquiry into that seizure? An inspector came down from Sydney and seized James Crossland's net.
1230. Were you at all connected with the inquiry in connection with the seizure of nets? They called me as a witness at Ryde, but I could give no evidence. I knew nothing about the matter.
1231. What was the result of the investigation? I believe Crossland was fined £1.
1232. Have you ever come into open conflict with the Crosslands with regard to fishing? No; except that one of the Crosslands was working with a man named White, whose net I seized. Of course when I seize a man's net he will look cool at me afterwards.
1233. Were you ever charged with being the holder of, or interested in, oyster leases yourself? Yes.
1234. Did you undergo examination? Yes.
1235. What was the result of the inquiry? The charge was dismissed.
1236. Who held the Inquiry? The Fisheries Commissioners.
1237. What became of the report? I cannot say, but I suppose the Secretary knows. I went home about my business, and I knew nothing more about it.
1238. What did the Commissioners say about it after the inquiry was closed? It was proved that I had no lease. Through being appointed executor in a certain estate I found that there were three oyster leases belonging to it. That is how the case came about. I asked the Commissioners to relieve me of those leases, which was granted, and the leases were handed over to a man named John Wilson, of Brisbane Water.
1239. Did you apply to be relieved of those leases before any inquiry at all was instituted? Yes, long before there was any inquiry.
1240. *Chairman.*] How long have you been in the Service? Close on eight years.
1241. Have you been located at the Hawkesbury all your time? Yes.
1242. Was the area over which you had supervision larger than it is at present? Yes. At first I had charge of Tuggerah Lake and Brisbane Water.
1243. Have you any assistant in the shape of a boatman? No, I have to pull about myself.
1244. Are you allowed any house-rent? No.
1245. Do you simply get bare salary? Yes.
1246. Do you get any travelling allowance? I have got a little book in which I am supposed to get the hotelkeeper to sign his name, if I pay 1s. for a dinner or anything of that sort, but I generally leave the book at home.
1247. Do you remember several complaints having been made by fishermen at the Hawkesbury as to the unjust operation of the Fisheries Act? Yes, I believe there have been some complaints to that effect.
1248. Have there also been complaints about the river being closed against net-fishing, in such a manner as to interfere with their carrying out their ordinary avocations? Yes.
1249. Did you ever make any recommendation to the Commissioners to extend the area of open waters? None, whatever. It would not look well on my part. If they asked my opinion I would give it to them.
1250. Have they ever referred to you? No.
1251. Do you not think it would be better to leave those matters to the local inspectors to decide? Yes, a good deal, providing that you had capable men of experience—proper practical men of sound judgment. Sometimes fish may be scarce, and a man of inexperience might come to the conclusion that the fish were scarce, whereas in reality the fact might be that owing to windy cold weather the fish might have taken to the deep waters, and might not be far away.
1252. Do you remember an application, made some time ago by myself for an extension of the open waters, when the Commissioners extended the open waters to Bar Point? Yes.
1253. Do you not think they might have extended the open waters as far as Mangrove Creek without injuring the interest of the public, whilst, at the same time, it would have been a great boon to the fishermen? I was not asked about it at the time. If I were to give an answer now it might be taken as condemning the action of the Fisheries Commission.
1254. That does not matter; you are protected thoroughly here. We want to bring forward a measure which will give power to relieve the fishermen, and, at the same time, protect the public? If I am to give my opinion about the matter, I may say that a good deal might be done in opening the waters further, but at the same time I would like the mesh of the net to be made a little larger in the bunt, in order that the small fish might be able to get through. At present young mullet would get stuck in the mesh, and in pulling it out of course it would be killed.

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1186. For instance, instead of having those leases in the hands of those ninety-nine people, would it not be better probably to have them in the hands of four or five lessees? Most certainly.

1187. Would not that prevent a lot of pilfering? Yes.

1188. Can you make any proposal which you would like to see carried out with regard to oyster leases? The leases are too small an area. My advice was against granting small areas of 100 yards, because no man could make a living out of such an area, and he would be forced to go and work at something else. My words have come true in that respect. A great deal of stealing is carried on, as the lessees steal one from the other, and also from the Crown lands. The consequence is that oyster-culture is at a standstill. I would certainly recommend that one creek should be given to one man, and that the main river, above the bridge, should be given to one lessee. A person with a little capital and enterprise might go into oyster-culture with some spirit, and he would have a better chance of protecting his lease against pilfering. The law would have to provide that if any man, except the lessee, was found in a creek with oysters in his boat, he should have to account for their possession.

1189. Have the oysters been suffering from one disease or several diseases? I have only seen one disease—that is the one caused by worms? They deposit a lot of mud inside the shell, and the oyster dies. I have seen five worms in one oyster.

1190. Can you suggest any remedy for the disease? No; I believe the only remedy is a good freshet. We had a good one lately, and since then I have seen no more worms.

1191. Have you ever heard of a disease caused by an insect called the borer? No.

1192. In laying down oysters on a new bed where is the spat obtained from? They get it from the Crown lands. They obtain a license and pay 2s. a bag for the spat. They pay nothing for the license.

1193. How long does it take an oyster before it is eatable? That all depends upon the locality and the quality of the spat. If the water is too salt they are very slow in growing.

1194. Do the stinging-rays cause much destruction of oysters? Yes, they live upon them. They are particularly severe on laid oysters. They do not seem to be so well able to get at the rock-oysters.

1195. Are there many oysters sent away from the Hawkesbury at present? Not a large quantity lately. The New Zealand oysters keep the market down.

1196. For how long are the oyster leases granted? For fifteen years. The greater part of them were granted in 1884 and 1885.

1197. *Mr. Nobbs.*] Are you in a position to state what leases are in arrears? Not for this year.

1198. *Chairman.*] Where are the oyster-beds situated? There are a few in Porto Bay. There are some in Mullet Creek. There are a good many in Moonee Creek and Berowra, and the main river, commencing above the Railway Bridge. The uppermost one is at the mouth of Mangrove.

1199. When the fishermen are sending oysters to market are they subject to examination by you? No, not by law.

1200. Is there not a provision in the law that persons who offer oysters for sale which will go through a certain sized ring are liable to prosecution? I could seize undersized oysters. The law says that oysters that can be passed through a metal ring of an inside diameter of 1½ inch are not to be offered for sale. I have such a ring. In examining oysters I would, of course, use my discretion, and would not seize a bag of oysters because one or two might be under size. If there are many small oysters I would seize them as a warning. I have done so in several cases, and it has had a very good effect.

1201. *Mr. Stevenson.*] Is there any scarcity of oysters at present? The leases are in a very poor condition, through the lessees not looking after them, and cultivating them as they should have done under the Act, and as they promised to do.

1202. Is there no supervision? I have reported many times that the leases are in very poor condition.

1203. What action have the Commissioners taken upon that? None.

1204. Is it a fact that oysters are now 50 per cent. dearer than they were when the present Commissioners took office? I can hardly remember what the price was when the Commissioners took office, but I do not think that oysters are a great deal dearer now.

1205. Have you heard of some leases having been declined owing to the delay and excessive rent demanded by the Commissioners? There is no excessive rent, because the law prescribes that the rent shall be £1 for every 100 yards.

1206. Have you ever heard of complaints regarding delay in the issue of leases? At first there was a great deal of delay, owing to the great number of applications.

1207. Have you heard of cases in which men have refused to take up leases on account of the delay in issuing them? Yes.

1208. Were there very many of such cases? I think that was given more as an excuse. At first people went nearly mad about leases, but they soon found that they were not so good as it was thought that they would be, and any excuse was good enough for not taking them up.

1209. Is it not a fact that while people were waiting for the issue of their leases other people could go on the Crown lands and take all the oysters away? No.

1210. Is there any law to punish people who take oysters off Crown lands? I am very sorry to say that there is not.

1211. Have not cases come to your knowledge where people did take oysters off the Crown lands? Yes; I brought cases before the Court and they fell through.

1212. Then people did really take oysters from the Crown lands between the date of application and the time of the issue of the leases? Yes; because there was no one to watch them.

1213. Because there was no power to prevent them? A person who applied for the land could have got a working permit.

1214. But how long might he have to wait to get a permit? I cannot say what delay the department might have caused him.

1215. Are you aware that oysters which are more than 1½ inch in size have not come to maturity at that time? Yes; it depends on the locality.

1216. Would not reduced rents help the oyster-culture? I think not.

1217. Do you believe in small people being granted small leases at a merely nominal rent, and that they should pay a royalty on the oysters? I am very much afraid that the only way is to give the whole of the creek to one man. I have reason to believe that if you put up the leases to auction, and gave one creek to one man, you would realize far more rent than under the small lease system.

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1255. Instead of hauling, do not the fishermen adopt the practice of running the net a short distance from the shore, thus meshing the fish? Yes; you can use a meshing-net where you cannot use a hauling-net.

1256. Have they not resorted to this practice in order to get a living, because there is not sufficient hauling-ground available? Yes; there might be a shoal of fish on the rocks where they could not use a hauling-net.

1257. Is there not a particular ground which used to be looked upon by the Hawkesbury fishermen as a place on which they could always depend to get a supply of fish for the market—that is at Dangar Island; and is it not a fact that that hauling-ground has been destroyed? One ground has been destroyed on the north side of the island.

1258. How? The large pontoon was built there, and the bottom is now full of piles, which were sawn off, in order to make a sort of gridiron on which the pontoon might rest at low water. Of course the whole bottom there now is a mass of timber, and it would be impossible to make it a hauling-ground.

1259. Could not the piles have been easily drawn up after the pontoon was built, if the contractors had chosen to do so? The Dangar Island Wharf is also in the road.

1260. Could not the piles have been easily drawn up if the contractors had chosen to do so? Certainly.

1261. Instead of that the contractors sawed the top of the piles off below low-water-mark? They are all dry at low water at spring tide.

1262. Do you not think that the contractors sawed off the tops of the piles to prevent detection? No.

1263. What was their object? I think they simply levelled off the tops of the piles in order to make a gridiron for the large pontoon to rest on. Still the whole concern might have been easily pulled up.

1264. How many fishermen are there at the Hawkesbury? At present twenty-five or thirty get their living by fishing; that does not include Brisbane Water.

1265. Do they send their fish to Sydney by rail or steamer? Both.

1266. *Mr. Stevenson.*] Who has charge of Lake Macquarie? William Boyd.

1267. *Mr. Ritchie.*] Is the present rental for an oyster lease £1 per 100 yards? Yes.

1268. Are all of these oyster-beds of equal productiveness? No, some are better far than others.

1269. Are all these beds indiscriminately leased at the same rental? Yes.

1270. Are any of the lessees of the Hawkesbury doing well, and getting great quantities of oysters? No, I cannot say they are doing well, but that is owing to their own neglect, and because there is a great deal of stealing. This disheartens any man of enterprise.

1271. Do you not think the better way would be for the Crown or the Commissioners to appraise those beds according to their productive value? Some are more productive than others.

1272. That is easily known to you and others? Yes.

1273. Would it not be more equitable to appraise them? There might be a good bit of ground between two bad pieces, and when the lessees have worked out their own piece of ground they then work the Crown land; and the Crown gets nothing for it.

1274. Do you not think that if you were authorized to appraise these grounds and cut them up, with your practical experience you could do so with better advantage to all parties concerned? I think not. I could cut up the grounds fast enough, but I think the best plan is to give one creek to one man.

1275. Assuming that you gave a whole creek to one man, would it not be possible for one creek to be much better than another? You would find that out when you called for tenders. That is how I would deal with them.

1276. Is that the way in which the leases are offered now? They were once dealt with in that way, but they are not under the present system.

1277. Is there any better way of leasing those grounds to oyster-culturists than under the present system? Yes; I believe there is a better way, that is, by giving one man a whole creek.

1278. Would you let the leases by tender? Yes; I would call for tenders in the newspapers.

1279. Would you give a man entire control of the creek? Yes; at so much per year; the rents to be paid in advance.

1280. Under the present Act is there no compulsion by the Commission with regard to cultivating those grounds;—are they not compelled to plant the grounds with spat? They are not exactly compelled, but still they are supposed to keep their leases in good condition.

1281. Is it left entirely to the inspector's discretion to decide whether the leases are cultivated properly or not? That seems to be the case under the Act.

1282. Do you ever interfere with regard to cultivation? I have never done so yet.

1283. Have you seen cause to interfere? I believe I ought to have done so in some cases. I gave information to the head office as to how things stood, but I was told that they were going to sue for rent instead of confiscating the leases.

1284. Are not the rents paid in advance? They should have been in the month of January in each year, but there are many in arrears.

1285. Do you know, of your own knowledge, that those leases are not paid for? Yes. I have a list of the rents unpaid for last year, and I have good reason to believe that those rents have not yet been paid.

1286. Are you communicated with by the Commission as to rents in arrear? Not much, but I asked for this list. I received a communication two years ago to the effect that any lessee who had not paid his rent was to be prevented from using his lease. For that reason I wished to know the names of those who had not paid their rents.

1287. Do you look after them at all? Yes; but lately I was told that the Commissioners did not wish to interfere with the lessees, but that they intended to sue for rent. If I once stopped the lessees from working they would not pay any rent.

1288. Do you think it would be advantageous to the oyster-getter if he had to pay a lower rent, but had also to pay a royalty on the actual number of oysters he obtained? That might be the case, if you would put a duty upon oysters coming from New Zealand.

1289. Leaving that out of the question, would it not be better if a royalty were charged upon the actual number of oysters obtained? Under the present system of oyster-culture I have no confidence whatever. It is only by leasing the whole of a creek to one man that you will be ever able to do any good.

1290. Do you not think it would be better to have a royalty on the actual number of oysters obtained, rather than to impose a heavy rental? I do not think it would work very well, because a lessee might buy a lot of New Zealand oysters and lay them down; you would want to charge him royalty on those oysters.

1291. Do you think that the present rentals are extra heavy? No; but I believe you could get a large rent by leasing one creek to one man.

1292. Would that not prevent small men entering into the occupation? Yes, it would; but they would have to go as servants to the others.

1293. Do you think that that would be the means of producing a great quantity of oysters? Yes; and it would put all the places in better condition.

1294. What do you think has been the cause of the disease in oysters? Owing to the drought—there was not enough fresh water.

1295. Are you of the opinion that Brisbane Water should be entirely closed from net-fishing? I think it ought to be closed against garfish-netting, but not against larger nets. The garfish-nets are the great fish destroyers; I would not allow garfish-netting above Juno Point.

1296. Do you consider that Brisbane Water is a splendid breeding-ground? Yes.

1297. How many licensed fishermen are there in your district? About thirty.

1298. Have you ever made any seizures of nets in the Hawkesbury? Yes; for unlawful nets and for fishing in closed waters last winter I seized a net.

1299. Since you have been in the Service has a moiety of the moneys received from the sales of the nets confiscated by you been given to you? Yes; when a net is sold the inspector gets half.

1300. Do you get that at the present time? Yes; but I have not seized a net for twelve months.

1301. Are many fish carried up to Windsor? I do not think so, unless they are taken by rail; when the river was open the fishermen used to get a living there.

1302. *Chairman.*] What is the fishing season in the Hawkesbury River? They fish all the year round.

1303. Is there not a particular season during which the fishermen engage themselves more actively than during any other season? I do not think so; in winter the fish go up the river in large shoals, and in summer they come down in what fishermen call the mullet season, when the spawning time comes on. April is the great spawning month.

1304. Are the spawning-grounds up the tributaries of the Hawkesbury? Yes; I believe they lay their spawn in the mouths of the rivers and so on.

1305. So that the main river might be opened farther up than at the present time? The spawning is done on the lower part of the river, not above Bar Point, where it is closed at present.

1306. Then what is the object of closing the river above Bar Point? A lot of the young fish resort there. The Upper Hawkesbury is of large extent, and there are young fish up there everywhere.

1307. *Mr. Ritchie.*] When a man wants a license for fishing do you recommend him? No; he applies to the head office in Sydney.

1308. Do you get instructions from the Commission, stating that he has been licensed? No; on some occasions I may get a list of the fishermen who have been licensed.

1309. Do you frequently report your doings to the Commission? Yes; I make weekly and monthly reports on the fisheries and oyster-fisheries.

1310. Do the Commission give you any instructions whatever? Yes, through the Secretary.

1311. What are the instructions as a rule? Sometimes about the oyster disease. I have been trying to get the worms which were found in the oysters to put in spirits.

1312. Do they give you any instructions with regard to looking after particular work, such as oyster-culture and fishing? No; unless any particular cases come under their notice or anything has been reported to them.

1313. *Mr. Stevenson.*] Your duty never carries you beyond Bar Point? I must go into the closed waters sometimes to see if anybody is fishing there.

1314. Did you not say that you had not been up to M'Donald or Wiseman's Ferry for the last six months? I think I stated that as an average. In winter time, when the fish go up the river, I go up a good deal—generally at night.

1315. How can you say there is no good hauling-ground above Mangrove Creek if you never go there? From long practical experience I know where all the hauling-grounds are.

1316. Yet you say it is necessary to go up to the closed waters occasionally? There is plenty of fish up there, but they must use meshing-nets.

1317. Are the fish too small? No; there are great shoals of mullet up there.

1318. What is the object of closing the waters if you say there are no good hauling-grounds above Mangrove Creek? I wish to protect those parts for breeding.

1319. Seeing that there is such a large extent of river, 60 miles, exclusive of tributaries, what is the necessity for closing all that? No particular reason.

1320. *Chairman.*] Do you not think that it might be opened for a considerable distance farther up the river, say to Wiseman's Ferry, without any injury? There would not be much harm in extending the open water if you took my advice and made the mesh a little larger in the bunt.

1321. *Mr. Stevenson.*] Have you ever heard complaints from the fishermen that there is too little water given to them? Yes; because at one time the river was closed to the railway bridge and there was very little ground left.

1322. May not a great deal of hauling be done on the closed waters without your knowledge, seeing that there is about 60 miles of water without any supervision? Yes.

1323. Would it therefore not be better to open the river for legitimate fishermen, even if it was necessary to have two inspectors? Meshing-nets would have to be used up there. For men who fish for the Sydney market they are quite far enough when they are at Mangrove Creek. There is one matter which I should like to suggest to the Committee—that is with reference to the spawning season for the mullet. Mullet is our great staple fish. In April they are fully roed, and I think they ought not to be caught when they are like that.

1324. *Mr. Ritchie.*] What months would you close? Only the month of April.

1325. Would not that entail very great hardship on the fishermen? They would have to catch other fish.

1326. *Mr. Stevenson.*] How could that be carried out? That would do more good than all the closing that is carried out now.

1327. But how could you do that? I refer to the shoals of mullet which come in the harbours. Tons of them come in.

Mr.
P. Smith.
4 July, 1889.

TUESDAY, 9 JULY, 1889.

Present:—

MR. FRANK FARNELL,
MR. HOWE,
MR. RITCHIE,MR. O'SULLIVAN,
MR. WILLIAM STEPHEN,
MR. SEAVER,

MR. STEVENSON.

FRANK FARNELL, Esq., IN THE CHAIR.

Mr. James Charles White called in, sworn, and examined:—

Mr. J. C. White. 1328. *Chairman.*] Were you at one time connected with the Fisheries Department? Yes; I was assistant inspector at Port Stephens.

9 July, 1889. 1329. When were you appointed? I think it was about five years ago—two years previous to Mr. Otway's appointment.

1330. How long did you occupy that position? About two years.

1331. Were your duties confined principally to the fisheries about Port Stephens? Yes, to Port Stephens only.

1332. Are there great quantities of fish caught there and sent to the Sydney market? Yes.

1333. Also oysters? Yes, and crayfish. Port Stephens is the principal depôt for crayfish.

1334. How are they sent to Sydney? Generally speaking the steamer "Kingsley" brings the crayfish and oysters, but there are small timber ketches on the Myall River which bring oysters from some of the beds there. They bring oysters to Sydney, and there is no check whatever on them. I do not think they even paid the royalty when it was in force.

1335. Have you heard any complaints made by fishermen in that district as to the unjust operation of the Fisheries Act? No; I had not very much to do with the fishermen themselves. I did not know who held a license and who did not. I knew who held licenses for oysters, because I put the area down on a map and sent a sketch of the area to the Board in Sydney. I prosecuted a few of the fishermen occasionally for having an illegal mesh of net.

1336. Do you remember what was done with those nets? No; except that they were confiscated.

1337. Did you ever make any recommendations to the Commission in Sydney with regard to affording greater facilities to the fishermen? I do not think so.

1338. Were you ever asked to do so by the Commission? No.

1339. What sort of fish are generally caught in Port Stephens? Generally mullet, blackfish, whiting, bream, and jew-fish occasionally. Schnapper is not caught there by net.

1340. Do you think that the fish caught at Port Stephens are brought fresh to the Sydney market? I can only answer that question in this way: The "Kingsley" is in the habit of leaving Port Stephens in the summer at 6 or 7 o'clock in the evening, and she always waits for the boats to come in. I believe that the boats do not go to fish in summer until 12 or 2 o'clock, but in winter I have known the fishing-boats up the harbour, near Tablee, to catch fish overnight. Those fish go down to Newcastle at 12 or 1 o'clock the following day, and they do not get into Sydney until the day after.

1341. So that if the atmosphere were close they would be likely to go bad? Yes; a great many of them are completely spoiled. Dalton does not take payment for bringing fish down, but he takes a share after they are sold in the market, and he tells me that he often loses very heavily.

1342. Have you ever heard any complaints made by Dalton or by the fishermen as to the bad accommodation afforded to them in the market for the sale of fish? Yes; I have heard a great deal about the fish being stolen while they are being conveyed to the market. I have heard of instances where the carts had stopped and people have come out with baskets and taken the fish.

1343. Where do the steamers which bring the fish heave to? They go alongside their own wharves—none of them at Woolloomooloo. All the fish are sent from Port Stephens either by the Newcastle Company or the Hunter River Company's boats.

1344. Would it not be more convenient for the public as well as for the fishermen to have another fish depôt somewhere at Darling Harbour for the sale of fish? Yes; I think that would be a good idea. It would be better than the present market. I think that the sooner the fish are disposed of after their arrival in Sydney the better it would be for the public generally.

1345. Do you know any of the Commissioners? The only one I know is Dr. Cox.

1346. As assistant inspector, you had not much power vested in you? No power at all. I had the greatest trouble when I tried to convict a man before a magistrate. They would not go on this Act at all. They could not find out on what clause I was prosecuting under, or anything.

1347. Do you think it would not be much better and more satisfactory if the inspectors and assistant inspectors were charged with some powers without reference to the Commission at all? I am quite sure of it.

1348. You have had a good deal of experience in connection with oyster-culture? At Port Stephens only. I have been there now for fifty-nine years.

1349. Is it not a fact that the best oysters produced on the eastern coast come from Port Stephens? They are always in demand, but I cannot say whether they are the best, not having sufficient knowledge of the other beds.

1350. Can you say that at the present time they are very prolific beds? There is a disease amongst all the oysters resting on the black mud.

1351. If you say that there has been a decrease in the number of oysters at Port Stephens, how do you account for that fact? One reason is that there has been a great deal of stealing going on. Under the 15th clause of the Fisheries Act anyone has power to go where he likes, provided he is not on leased ground. All that he has to say is that he is taking the oysters for his own use, consequently the Government beds are all denuded. The good oysters are sent away, and the small oysters are put on his own beds. I know that is the practice in Port Stephens. My son has never done it. He has set his face against it. He has got 4 or 5 miles of oyster-beds under lease, and he depends upon his own oysters.

1352. Is he ever troubled with people pilfering those oysters at any time? If it were known that the oysters were stolen of course he would look out for it, but I have seen men at other people's beds taking away the oysters. I have seen them doing so from the verandah of my son's house.

1353. Do you not think that the present system of leasing might be improved by letting the whole bank of

of a river or a tributary to one man? Yes. Curiously enough I was asked my opinion with reference to this matter when I was at Auckland the other day. I was asked how the Oyster Act was worked in New South Wales. I made a recommendation in accordance with what you have just suggested. For instance, there is a place called Whangarei, about 80 miles north of Auckland, from which a great many oysters are brought to Auckland and thence sent on to Sydney. I recommended that they should divide that place into four or six sections, giving one section to one individual. That would be by far the better plan to adopt here. The great evil of the present system is this: There are two or three long reaches on a river. A man will take up 100 yards at the top, another in the centre, and another down below. When I would be on the look-out for oyster-thieving, going up the river, I would see a man coming down with oysters, and I knew it to be a fact that on some of those beds there were no oysters at all. If I pulled the man up he would say, "I got the oysters from my bed up at the top of the river," and I could not contradict him. No one can swear to an oyster.

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1354. Do you think it would be better to do away with the provision which allows a man to take up indiscriminately leases for 100 yards here, there, and everywhere? Yes, it would be far better, and I should certainly advocate the system which you have suggested. For instance, there is the north arm at Port Stephens, which is a sheet of water between 2 and 3 miles long, with oyster-beds all round it. If that were divided into two parts, one man might take up the east side and another man the west side, and it would then be worth while for the lessee to employ a person to look after his oyster-beds.

1355. How do you account for the disease in the oysters? When I was the assistant inspector I sent a report to the Commission about it, and no doubt it could be found in the office now. My opinion is that this disease exists only in the black mud. One of the most prolific beds in Port Stephens belongs to a man named Joss. That man, I suppose, has made about £1,000 from his beds, but latterly his oysters are all diseased. A little red worm attacks the oyster. It does not get into the oyster itself, but it burrows through the shell, and lies between the shell and the pearly part inside. When you open that with a penknife the smell is horrible.

1356. Do you think the seasons have a great deal to do with the state of the oyster-beds? I do not think so. All you have to do is to allow your oysters to get old enough—say two to three years. I do not think the seasons have anything to do with it. Fresh water has.

1357. That is what I mean? The rain affects them to a degree, but you seldom see floods up there. Another great thing against oyster-breeding properly in this country is the facility which exists for introducing the New Zealand oysters. When I came across a few weeks ago, in the steamer "Manapouri," there were 300 bags of oysters on deck. When I examined a few of them I found that they were not worth anything. They were perfectly useless as eating-oysters. They are selling in Sydney for half-a-crown a bag. Now you can get them for 15s. a bag of 3 bushels, while my son's oysters have been selling at 45s. per bag.

1358. Are there many lessees of oyster-beds at Port Stephens? A great many. I think the term is for fifteen years, but at the time the beds were taken up originally I do not think it was known what period of lease would be granted, and I know that several of the parties stripped their beds after the first year, and then threw up their leases. Whether they can be made to pay or not now I do not know.

1359. Is there any improvement which you can suggest in the working of the Fisheries Act? I think there is a great deal of red tape about the administration. If you make a suggestion about anything you cannot get a reply for a very long time. I know that in one case there were three abortive sittings of the Commission before I could get a reply to any of them. I think it would be better if the work were vested in one trusty man.

1360. Do you think it would be desirable to abolish the Commission altogether? Yes. As far as I can see, Dr. Cox is about the principal man in the present Commission.

1361. *Mr. Stephen.*] Did you say that the disease in oysters was confined to the mud-oysters? No; to oysters deposited on the mud-beds. They are quite different from the mud-oyster, which we do not eat. The mud-oyster is very large. There are beds in the river which are from 12 to 15 feet deep. The deposit on those beds generally is of gravel. Occasionally mud is brought down, and it covers over the gravel, and that is the time when the oysters get diseased. They are splendid before they are covered with a coating of mud.

1362. Is there any distinction between the oysters got in the beds of that description and those got on the rocks? The rock-oysters are quite different. These are what we call drift-oysters. The spat is brought down, and it lodges on the loose stones, not rocks. They propagate among the stones. The rock-oysters cluster one on top of the other, and are quite different.

1363. You think that this disease does not affect the rock-oysters at all? I know that it does not, because I tried it myself on my son's beds. There is an island in front of Tahlee, and he has got the whole of that. It is 600 or 700 yards in circumference, with rock-oysters all round. There is just about 18 inches of water at low-water, and the oysters are quite good on that sand-bank, until they drop on to the mud.

1364. Are they shifted from the sandy deposits during floods? They are shifted when the water is very rough.

1365. Can you suggest any remedy for this disease? No.

1366. Do you think there is no possibility of discovering any remedy for this worm disease? I am afraid not. If it appeared among any of my oysters I would shift them and put them on drift-beds.

1367. Are you aware that when nets have been seized they have been sold again to fishermen? No; I have never heard of that.

1368. Have you any knowledge of what becomes of the nets after they are seized? I saw several of them in the office, and I recommended that they should give one or two of them to the blackfellows at Port Stephens, who have no means of getting a living.

1369. Do you know if they cut up the nets so as to make them legal for some other purpose? I do not know that that can be done, because the nets are all woven together in a piece.

1370. Do you think that an illegal net could not be made legal for any other sort of fishing? Nets are seized because the mesh is very small, and I do not see how you could make a big mesh out of a small one.

1371. Have you had much experience of net-fishing at Port Stephens? I have seen a good deal of it.

1372. Are you aware that the mesh will shrink a great deal, for instance, after tanning? In tanning a net will shrink, but it expands afterwards when in constant use.

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1373. Then the shrinkage caused by tanning is not permanent? No; in my opinion it will stretch to its natural size afterwards.
1374. Do you think that nets will shrink to some extent after they are first used? I am quite sure of it. Everything will shrink in tanning. I have travelled a good deal throughout the country, and I always tanned my tents to prevent the blackfellows from seeing them, and I found that they always shrank a good deal.
1375. If a net has been passed as legal, and through tanning it has become smaller than the legal size, do you think that it should always be considered legal after having been once pronounced to be legal? Yes, certainly; provided it has been passed as legal originally.
1376. *Mr. O'Sullivan.*] Is oyster-culture carried on at Port Stephens or any other place where you have had jurisdiction with the most modern means? No; I think there is very little culture at all. It is left more to its natural course.
1377. I suppose you have heard of the way in which the French carry out their oyster-farms? Yes.
1378. Have you anything like those oyster farms out here? Nothing at all.
1379. Everything is carried on in a primitive fashion? Everything is left to nature. I think a great deal might be done in the way you suggest.
1380. Do you think that by the importation of a few experts we could encourage or establish scientific oyster-culture? Yes; I think that ought to be done.
1381. Do you think it would be worth while for the Government to undertake to get out a few experts from France? Yes; provided the matter was carried out as the Chairman has suggested—that is, that large areas should be granted to the lessees. It would then be worth a man's while to go into oyster-culture.

Mr. Frederick William Smithers called in, sworn, and examined:—

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1382. *Chairman.*] What position do you occupy? Travelling Inspector in the Fisheries Department.
1383. What do you mean by that? I am outside supervising officer for the Commissioners.
1384. How long have you held that position? Twelve months.
1385. Did you hold any position under the Commission previously? Yes. Since 1882 I have been Assistant Inspector of Fisheries.
1386. Where were your duties confined to during that period? To Twofold Bay and Port Stephens. I had charge from Cape Howe to Tuross River.
1387. I suppose you are aware of the object of this Committee? Yes—to elicit information.
1388. In connection with the working of the Fisheries Act? Yes.
1389. In your position have you come into contact with a great many fishermen and oyster lessees? Yes.
1390. Where are your duties confined to now? Anywhere in the Colony.
1391. Do you visit at any time wherever you are required to go at the instance of the Commission? Yes.
1392. Can you explain the nature of your duties? At the present time, if there is anything wrong as reported by an inspector, I have to go and make inquiries. If there is supposed to be any breach of the Fisheries Act, I am sent to see if the report is true or not.
1393. You are not sent as any special advocate or agent on the part of the Commission to prosecute in any case at the Police Courts? No.
1394. Have you taken any particular interest in the fishing industry? Yes.
1395. Do you consider that the provisions of the Fisheries Act have applied justly, and have given satisfaction to the people that carry on their callings as fishermen and oystermen? I do not think the Fisheries Act has worked at all.
1396. In what respects has the Act worked disadvantageously or unsatisfactorily? As it is at the present time the fishermen have the best of it if they only knew it, because the Act is so loose in so many sections.
1397. But at the same time there are provisions in the Fisheries Act which do operate very unjustly with regard to the fishermen? I can hardly say that, but they would be if they were carried out in full vigour by the inspectors.
1398. But inspectors are not charged with any special powers, are they? No; I am sorry to say they are not.
1399. Do you think that it would be much better to charge the inspectors with more power, instead of its being a matter of necessity to refer cases which come under their notice to the Commission before any action is taken? I think that would be very much to the advantage of the whole community.
1400. Would it be better, in your opinion, with regard to the closing of certain portions of rivers and tributaries, and also as to the leasing of oyster-beds, that the matter should be left under the control and to the discretion of the local inspectors? I do, most decidedly. Licenses are not issued under the inspectors.
1401. Have you had many complaints brought under your notice by the fishermen or oyster lessees? By oyster lessees I have.
1402. What were their complaints? That the Act treated them very badly—that they got no protection from it.
1403. How do you account for their complaints—was it on account of the administration of the Act, or on account of the provisions of the Act, which give people power to take up indiscriminately 100 yards of a river here, there, and everywhere? It is on account of the Act itself in many respects. Under sections 9 and 11 people can go and rob one another with impunity. If you are an applicant for an oyster lease you may pay down £10 for 1,000 yards, and I, as a private individual, can go and take every oyster on the land you have applied for, whereas if you take one oyster off that ground you can be fined £50. Of course the lessees do not like that. The Act is to blame for that.
1404. With regard to the leasing system in connection with oyster-culture, do you not think it would be better to have a provision so that one side of a river, or a large portion of it, might be given to one lessee, instead of allowing people to take up 100 yards here and there indiscriminately? Certainly.
1405. Has not a great deal of pilfering taken place owing to the present system? Yes. Pilfering has been one of the greatest curses of the Colony.
1406. Have you at any time brought under the notice of the Commissioners proposals to remedy any defects or grievances alleged to exist in connection with the Fisheries Act or the Oyster Fisheries Act? Yes; I have drawn the Secretary's attention to them.
- 1407.

1407. In those cases to which you have drawn the attention of the Secretary, have they been remedied, or have your recommendations been carried out? They have been carried out so far as that the Secretary drew up a new Bill, which he very kindly showed to me, and asked me to look through, which I did. I have not seen it since then.

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1408. Do you know the members of the Commission? Yes.

1409. Do you ever come into contact with them? Yes, frequently.

1410. You come into contact more directly with Mr. Thompson, and through him you make your recommendations? Yes; but he will not do anything until he sees the Commissioners. He refers me to the Commissioners if I want anything.

1411. There is a provision in the Fisheries Act giving an inspector power to seize nets of an unlawful mesh;—have you had many of those cases brought under your notice? Not many; but I have had some.

1412. What is done with the nets after they are seized? They are brought down to the office, and after remaining there among the rats they are cut up and sold.

1413. Is it not a fact that some nets seized have, in some instances, been sold at the Commissioners' will, while in other cases they have been allowed to rot? They are always kept for sixty days; then they are sold.

1414. Would they not be likely to rot during that time? Yes. Sometimes they are kept more than sixty days—it might be 120 days.

1415. When a net has once been passed as legal under the provisions of the Fisheries Act, do you not think that it should always be considered legal? No.

1416. Is it not a fact that a net after being used shrinks? Yes.

1417. Do you think it would not be rather hard on a fisherman if, after he had used a net for a certain time, to punish him for being in possession of a net which had been passed as legal? No. He should first get a net somewhat larger than the legal mesh, so as to allow for shrinkage, otherwise the destruction of fish would be very great. A man would always say that his net had been passed as legal, and we could not identify the net afterwards.

1418. Do you not think it would be better to have a provision to punish people for bringing under-sized fish to market, rather than be so particular as to the mesh of the net? No; because there would be great destruction of small fish, although the provision might be carried out very strictly at the market. At Tuggerah Lakes, where nets have been hauled ashore, I have seen thousands of small fish thrown on the beach to rot.

1419. Do you come into contact with everyone of the officers of the department? Yes.

1420. Do you think they are all required? No—that is if each inspector had to do his own work.

1421. Do not you think it would be better to locate those men on the particular rivers over which they have control;—for instance, in Sydney, do you not think that the inspectors, who have control over the Parramatta and Lane Cove Rivers, should be located on these rivers? Certainly.

1422. Do you think it would be better to apply that rule in all cases? Yes, in all cases the inspectors should be right upon their work.

1423. How long has the Hawkesbury River been closed? I know it was closed when I came to Sydney two years ago.

1424. Are you aware of any complaint having been made as to the limited space given to the fishermen on that river to carry on their avocation? Yes; complaints were made about the beginning of this year.

1425. I think a complaint was made by myself? Yes.

1426. In response to that complaint did you and the Secretary visit the Hawkesbury River? I went up there.

1427. What was the result of your visit? I reported that a certain portion should be opened to the fishermen.

1428. Was your recommendation carried out? Not that I am aware of. I reported, and I saw nothing of it afterwards.

1429. Do you know the Hawkesbury well? Yes.

1430. Do you think that the main river might be opened, while the tributaries might be closed, for fish-breeding; and do you think that that might apply to all other rivers? Not in all cases. In the Hawkesbury, for instance, there is a very small area of breeding-ground in the main river, but Mangrove Creek is a good breeding-place; and on the right, between Bar Point and Mangrove, there is a stretch of 4 miles which is a very good place for the production of young fish. I should not like to see that bit opened.

1431. Do not you think that much more space could be given to fishermen without any injury being done to the fish or to the public? Yes.

1432. Do you know the Parramatta River well? Yes.

1433. Is it now closed from the vehicular bridge to its source—do you not think that those waters could be well extended to the railway-bridge at Ryde? I see no objection to opening it as far as Ryde.

1434. The breeding-grounds are entirely above the railway-bridge? Yes; at the same time opening the railway-bridge to Ryde would open a very good nursery at Hen and Chicken Bay. That is almost as good a nursery as the Homebush Flats.

1435. But there is not much flat in Hen and Chicken Bay? There is a good deal of breeding-ground around the sides of that bay, but at the same time I would not object to opening the river to the bridge at Ryde.

1436. Do you not think that the Gascoynes, on the Parramatta River, have been rather harshly treated? I do not think so. You are probably not aware of the circumstances, which are that those fishermen located themselves on the river twenty-five years ago. They have been carrying on their avocations over that period, and for the last four or five years they have been confined to certain waters, whereas a few years ago they had the whole of the river open to them, so that they could supply with fresh fish the residents of the northern side of the river, as well as those on the southern side and at Parramatta. Now, owing to the closing of the waters, these people are debarred from enjoying the luxury of fresh fish in the morning.

1437. Do you not think, in order to supply those people in the places I have mentioned with fresh fish, the area of open waters ought to be extended as far as the railway-bridge at Ryde? Yes; I do not object to the river being opened as far as the railway-bridge at Ryde.

1438. Do you think that the fish-market at Woolloomooloo is adequate for the requirements of fishermen? Very far from it.

1439.

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1439. Do you believe that the supervision is good? No; I have had experience of that market, carrying fish with Dalton from 1879 to 1882, and I saw the way the fish were treated there.
1440. Of course you are aware of the mode of transmitting fish from the different rivers? Yes.
1441. Does it come principally by steamer? Yes; but a good deal comes by train now—from the Northern Districts.
1442. In what condition does the fish arrive? It arrives in good order just at present, but in summer the fish arrives in muggy condition. For that a good deal of blame rests with the fishermen.
1443. Have you ever heard the fishermen complain that their original consignments have considerably decreased by the time they reached the Sydney market? Certainly. I saw that years ago, and it is the same now. Pilfering goes on in the carts and in the markets every morning. Here is an instance that has come to my knowledge: A fortnight ago a man at Broken Bay sent up twelve baskets of fish, and when his empty baskets came back to him he found half a basketful of his own fine whiting. It is done in this way: A man takes up a basket in the market and throws down a few fish here and a few fish there, leaving a few nice whiting at the bottom of the basket. Some people help themselves to these whiting that are left and the fishermen are the sufferers.
1444. Do you think that this is due to improper supervision? Yes. I hold that the Government ought to have an officer in the market to see that the fishermen are not robbed. It is no good for the fishermen trying to protect themselves. I think that some protection might be obtained if the following plan were adopted:—The fishermen might put tape round their baskets and seal the tape with wax, or they might lock up their baskets and they should not be opened in Sydney until just before the sale.
1445. I suppose it would not pay a fisherman to come down with his own fish? No, because a man might sometimes have twelve baskets of fish but at other times only two baskets. There is no doubt he is robbed at present, and the public also suffer, because in the market every morning the fish are positively spat upon by half the larrikins of the city. A crowd of people walk all over the fish and spit on it.
1446. Have they not raised tables there? Nothing at all. The fish is sold on the floor.
1447. So that if Inspectors Seymour and Mulhall say that the market is adequate for the requirements of the public, that the interests of the public are protected with regard to cleanliness and health, they are not correct in their statements? No, very far from it. Half of the market ought to be railed off, so as to keep the public outside and away from the fish.
1448. What is the floor composed of? Stone or concrete.
1449. Are there no marble slab tables? There are some tables on which the fish are cleaned.
1450. Do they permit the cleaning of fish at the market? Yes; the fish-dealers are allowed to do so by paying so much for the use of a small table with the water laid on.
1451. Can you give the Committee an idea as to the mode of disposing of the fish, from the time it leaves the fishermen until it gets into the hands of the public? The fish, for instance, comes from Broken Bay, where it is put on board a steamer and brought to Sydney in good order. Then it is handed over to the carter, in whose tender mercies it remains for 5 or 10 minutes. It is brought up to the market, put out on the floor, a few choice fish being left at the bottom of the baskets, which go as pickings. Some of the fish may be left there all night, whilst some may be there only a few minutes before the sale. Then the fish is put up for sale by auction. The people crowd all round knocking each other over the heaps. Any morning you go there you will find a couple of hundred people treading on the fish. They are then put into dirty baskets, with a dirty bag thrown over them, and very frequently they are taken down and washed in the dirty waters of Woolloomooloo Bay. There are cases in which the fisherman only get 1s. 6d. a heap for their fish, but the public do not get the advantage of that. The fisherman gets nothing, and only the dealer gains anything by it. Here is a case which has come to my knowledge: A man went to the market at 4 o'clock instead of 5, and when he got there one of the carters said to him, "I have got a basket of fish, will you take it?"
1452. Where did he get those fish? Of course from some poor unfortunate fisherman.
1453. Do many schnapper come into the market? No.
1454. Are the schnapper caught by a line? Not all of them. I have frequently seen them caught with nets at Lake Macquarie.
1455. Is fish which is caught by net likely to remain fresh longer than fish caught with bait? Yes; if the bait is fresh the fish will keep, but if the bait is bad it will turn the fish immediately. Fish caught in water that is not very salt will not last so long as fish caught in salt water.
1456. In 1886 an Act was passed prohibiting net-fishing in Port Hacking;—do you think that that was a wise provision? No; they might have opened it up as far as the Spit.
1457. As far as oyster-culture in Port Hacking is concerned the law is inoperative? Yes.
1458. An Act was passed by the last Parliament to protect fish in inland waters;—have you directed your attention to the application of that Act? Not as yet.
1459. Have the Commission directed you to take any steps? No; the only thing I have done has been to put trout in some of the waters.
1460. Are you aware that tons of fish are caught in the Murray River and sent to Melbourne? Yes; and they are caught with dynamite too.
1461. Do you not think it would be wise on the part of the Government to establish another fish-market, say on the Darling Harbour side? I think it would be advisable to do so near the railway station. That would also be a great advantage when the fish from Wollongong are sent down by rail.
1462. Would that be more convenient to the public, and at the same time give more security to fishermen in protecting their fish? Yes; it would be a very great benefit to the public.
1463. Have you taken any interest in trawling for fish? Yes.
1464. Do you think that that could be carried on on our coasts? Yes; I am certain of it.
1465. Are you aware of its having been tried at any time? It was tried once in Botany about three months ago. I tried it down at Green Cape about six weeks ago, but I was unfortunate in getting bad weather, and therefore I was not successful, but I am going away again in a fortnight to trawl in Disaster Bay.
1466. With regard to the oyster-beds, do you think it would be a good idea to close all the rivers and beds, say, for three years, in order to resuscitate the oysters? No. I think it would be far better if we let the oyster-beds at reduced rentals, so as to have them all taken up and the grounds worked.

1467. Are you aware that there is a disease at present amongst the oysters? Yes; in some of the rivers.
1468. Do you know the nature of it? Yes; the worm disease.
1469. Can you suggest any remedy? The only way is to clear the oyster-beds. The mud has got into the oysters; the eggs of the worm have got in with the mud, and they have bred inside the oyster. There is none of the worm disease in the southern district. The oysters there are all off the mud on a rubble bottom.
1470. Do you know George's River? Yes.
1471. Do you not think that might be opened up so as to give the fishermen more room? I hardly think so.
1472. Are you aware that ten or twelve years ago you could catch as many fish as you liked with a line up the Parramatta River? Yes. I have been told that you could catch them with a line many years ago.
1473. Are you aware that at present it would be very difficult to catch one fish there in a day, and perhaps you might not even catch one? Yes; but at the same time there are plenty of net-fish there. Before I left here in 1882 I went up the river, and the fish were rather scarce, but when I came back two years ago to this district I was surprised to see the quantity of fish up the river. There is any quantity of net fish there. I think too much feed comes down to allow fishing with a line.
1474. Do you know the Moruya District? Yes; the fish are plentiful along the coast there.
1475. Do many fish come from there to Sydney? No, very few.
1476. Fish come in different ways, fresh, dried, and smoked? Yes.
1477. Are you aware that an industry is carried on there by drying the fish and sending them to market and that it pays very well? Yes; I was down at Molagoota, in Victoria, and I found that they had a very fine fish-preserving industry there. They can the fish.
1478. You say you know the Commissioners;—do you know of their having made any special visits to the different grounds throughout the Colony? No; I made one visit, I think, about two months ago, out to Botany, and once I went out with Dr. Cox to Port Hacking, to look into the salmon disease, or what is supposed to be the trout disease out there.
1479. Who recommends the closing of the waters—the inspectors or the persons in the office? Persons in the office I think.
1480. Just by looking at the plans without consulting the inspectors? Yes, that is it.
1481. Why was Middle Harbour opened? I know it was closed and it was opened the next week.
1482. I suppose you do not know anything about the appointment of inspectors, as to how their appointments are brought about, on whose recommendation, and so on? No.
1483. Are all the inspectors practical men? No.
1484. Do you think that it would be much better for the department if all the men employed were practical men? Yes; but you would not want to get the fishermen themselves as inspectors.
1485. Do you not think it would be better for the inspectors themselves to issue licenses instead of that being done at the head office? Certainly; the inspector would then know what is going on. The same should be done with regard to the oyster leases.
1486. Do you know Mr. Woodward? Yes.
1487. Has he a large number of oyster leases? Yes.
1488. Has he fulfilled the conditions of every one of them? I do not know; I have had very little to do with the leases.
1489. At the same time do you know that he is one of the largest oyster lessees? Yes.
1490. Is there a steam-launch at the disposal of the Fisheries Department? They call it a steam-launch.
1491. Do you ever use it? Yes, we went round to Broken Bay in her once, but that is the last trip I shall make in her outside the heads.
1492. Is she a proper boat for that kind of work? No; she is unsafe. With regard to oyster-culture, I would suggest that the rent should be reduced, and that the lessees should be compelled to have spat collectors. At present we have no way of preserving spat. The spat is allowed to drift away, to be washed away, or to be destroyed by fish.
1493. How long does it take an oyster to be eatable from the time of the spat? In some places it may be two years. I have known an oyster to be fit for the market in that time. It all depends upon the water. In some places it takes four year.
1494. Can you give the Committee a statement of your views as to what should be done with regard to oyster-culture? Yes; I beg leave to submit the following statement which I have prepared:—“I first point out that there is no inducement given to persons to take up and keep leases, and the most fatal part of it is the rental of £1 for 100 yards, as must be seen by any ordinary or disinterested observer. £1 per 100 yards is the rental claimed for all places, whether good or bad ground—that is, oyster-bearing or not. The consequence is that A takes up 2,000 yards in a first-class oyster-bearing ground, from which he obtains (say) 150 bags of oysters per annum—his rent is £20 per year. B has 2,000 yards at the same rent in another river where there are less oysters growing—he gets, say forty bags from this area. C has 2,000 yards at the same rent, upon which there are but few oysters—he gets fifteen bags per year. D would take up 2,000 yards in a place where there are no oysters to try and cultivate, but the rent being the same, £20—therefore, on the face of this, why charge the same rental throughout? Whilst granting that some of the leases are fully worth £1, or perhaps more, per 100 yards, whilst others are really not worth more than 2s. 6d. per 1,000 yards, it might be that C would take up the 2,000 yards, and have to buy his oysters to lay down for spawning purposes; hence it will be, under very favourable circumstances, four years before he could get a return—this means £80 for rent already. Would a person take a lease of orchard properties and as I describe below at equal rents. One orchard, already with fruit-bearing to large extent, on splendid land; another of equal area, but less trees, and ground not as good; another same size area, with no trees at all. Could the poor man afford this outlay? I assert that it is to the small man we must eventually look to for our supply of oysters. If inducement were given we might hope for farmers and others who have their homes on the banks of rivers or lakes, who might then combine agriculture with oyster-culture, and be a benefit to their families, besides to the benefit of our revenue, as all lands would then be taken up, and not left to the mercy of the man of means. But let us trust to the poor man to take up the areas the same as the selector populates the Colony. The remedy is, the introduction of a nominal rent—say 2s. 6d. or 5s. per 100 yards all round, whether good or bad land;

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land; then charge a royalty of 2s. per bag upon oysters removed from the lease. This would be payment by result, and the only just way of treating fairly with all parties, making them pay according to the production of their ground, as I have clearly shown in the holdings of A, B, C, and D, which prove unequal rights for the same rent—a loss to the Revenue, and injustice to those who were not fortunate enough to get the choice beds already well stocked with oysters, from which returns could be obtained at once—whilst his less fortunate companion has to wait for years for even a small result. How then can the rent be found? Only by taking oysters off his bed where they are but few already, and selling them, thus impoverishing his bed still more. And further than this—he must take the parent oyster from which he should look for the supply of spat. This cannot be called inducement to persons to go in for oyster-culture. Considering the large amount of foreshore which would be taken up at reduced rents, and the benefit it would be to a large number of families, is it not worth trying? As a matter of fact what have we done? Have we increased our supply under the present Act? If not, after eight years, is it not time to change our Act? Before going further I must not omit to draw attention to a very important matter, viz.: in oyster-culturing—the salinity of the water. To give some of our lakes the salinity required, large pipes might be used to let the salt water into the lakes already closed up from the sea. Another suggestion which must not be overlooked is that applicants for oyster-culture should have two bondsmen. This would help to have the oyster-beds worked more honestly. The next step, besides the reduced rent, is of an important nature. It is that every lessee should be compelled to have upon his lease a spat collector, the kind to be approved of by the Commissioners and inspectors. My suggestion is that it should be made in proportion to the size of the lease—say 20 square yards to every 100 yards leased, up to 500 yards, then at the rate of 10 square yards to every additional 100 yards leased, except in cases wherein lessees may have a very large number of leases, or extra large areas, or in cases wherein the salinity of the water may not be considered suitable for spawning purposes; then if sufficient reason be shown it would be advisable to omit the spat collector. Within this spat collector there should be at the rate of 3 bushels for every 100 yards to 500 or part thereof, and 2 bushels for every 100 yards above that, and that such quantity should be kept within such collector. This done we should accomplish the most essential thing concerning our spat supply thereby helping to make our oyster-beds source of the most profitable in the world. For years past lessees and their servants have with but few exceptions been taking all oysters off their areas as soon as marketable or coming to maturity. Is this not destruction of the parent oyster? Thus exterminating the spat supply. If a poultry farmer sold all the adult fowls he had and sold the chickens as they come to maturity, then where could he look for his future supply of eggs to increase his stock? Let lessees in some places scrub the stones with a broom upon their areas before the spawning season to admit of spat attaching itself, as there is but little chance of spat attaching to the rocks covered with accumulation of slime, mud, and sand—upon sand-flats and other places stick in numbers of small branches which have been previously dipped into cement; one part cement, three parts sand, the whole of the area could then be utilized in helping to collect spat.

1495. Are there any other remarks which you wish to make to the Committee? I wish to draw attention to the destruction of fish by dynamite. I have brought the only cases which have been heard of this kind in the Colony. The public give no assistance in this matter, and even the fishermen do not. They will tell you that dynamiting is carried on, but they will not tell you where.

1496. Are you aware that fish are dynamited at Port Hacking? Yes, I have been out there frequently, Sunday after Sunday, but I could never find out who did it, and nobody would give me any information.

1497. Have you known it to take place anywhere else? Yes, at Middle Harbour, but I never succeeded in stopping it.

1498. Did you ever succeed in catching any one? Yes, I caught Peter Jackson, the fighting man, and Dunlop.

1499. Did you take proceedings against them? Yes; they were fined £30.

1500. *Mr. Stephen.*] Do you say that your jurisdiction over the fisheries extends all along the coast? Yes.

1501. Have you ever had any experience in practical fishing? Yes. Before I joined the department I was for four years with Dalton. Although I was a clerk in the Colonial Secretary's Department, I spent all my holidays and did night work with Dalton in the fish trade.

1502. That is in the disposal of fish brought up to the market? No; I used to be on the Hawkesbury River and at the Tuggerah Lakes with Dalton.

1503. As a fisherman? He used to carry the fish to market in the "Kate" and the "St. Albans."

1504. Have you had any experience as a practical fisherman earning your living by it? No.

1505. Consequently you are not thoroughly conversant with every little complaint that the fishermen make? Yes.

1506. You do not thoroughly understand the nature of the complaints that the fishermen make as to being hardly used under the Act? Yes; because I have been associated with the fishermen ever since 1879.

1507. But not as a practical fisherman? No; but I have been with them hauling and with them in their boats.

1508. Do you think that the working of the Fisheries Act bears rather harshly on the fisherman? No; I do not see where it comes hard on the fishermen.

1509. Then you think that if they complain of harsh treatment they have no real grounds for their complaints? No; unless somebody has gone so far as to seize a net when he should not, or it may be that the complaints are made with regard to the closed waters.

1510. What are the real duties of the Fisheries inspectors? They are supposed to go out and see that no one is fishing in closed waters and they have to send in weekly reports as to the quantities of fish and oysters sent away.

1511. Have they any power to seize fishing utensils if found to be illegal? Yes, the Act gives them that power.

1512. Can they do this under the Act independently or have they to wait for instructions from headquarters? No; an inspector or sub-inspector can seize a net and then he reports the matter to the head office.

1513. Then I am to understand that the inspectors are to see that the Act is properly worked and that the work of the fishermen is carried out properly and legally? Yes.

1514. Do you think that the local inspectors have sufficient powers? No.

1515. What way do you think that their powers are too limited? In the first place they should be allowed

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allowed to issue licenses—then they would know who had licenses and who had not. Secondly the rents for oyster leases ought to be paid through them. They would then know who had paid their rents and who had not. All correspondence should go through them instead of through the head office. Then they would know all that is going on in their districts.

1516. Then you think that if the fishermen had any complaints to make they should make them not through the head office but through the inspectors? Yes; let them forward the complaints to the head office. The local inspector is the best one to judge.

1517. Do you think that the fishermen in that case would have any guarantee that their complaints would go to the head office in exactly the same way that they were made to the inspector? They would have to go to the head office in the same way. He would send off the documents to the head office with his own minute written upon them.

1518. You do not think the Fisheries Act is perfect? No.

1519. Can you suggest any amendment or improvement in the Act in the event of a new Bill being passed? I think that the hauling-net might be kept at the same length that it is now, but I think there should be 50 fathoms of $2\frac{1}{2}$ inch mesh in the bunt and on each side of the bunt there should be 25 fathoms of $2\frac{1}{2}$ -inch mesh and on the outside 25 fathoms each of 3-inch mesh. That would assist the fishermen. I would restrict the use of the gar-fish net, which is one of our most destructive nets for small fish. I would only allow it to be used in the months of March, April, May, June, July and August. I would not allow it to be used up the rivers.

1520. I suppose you have no desire yourself to be in any way harsh upon the working fishermen? No; I have had a great number of cases and in none of those cases have I ever pressed for a penalty. I have never acted harshly with anyone.

1521. Have you simply tried to do what was fair between the public and the Commissioners? Yes. The Commissioners never said a word to me when I reported that I only asked for a shilling penalty or some small penalty of that kind.

1522. When nets are seized are they dried carefully before they are stacked for 60 or 120 days? I think so. I generally dry my nets, but they get the dry rot at the office.

1523. Is there sufficient care taken to preserve the nets from damage? No.

1524. Does the Act give the Commission power to sell those nets when seized? Yes.

1525. Is there any restriction as to what they are to be sold for? No; they are sold, I think, under the discretion of the Commissioners.

1526. Has it come to your knowledge that nets which have been seized have been sold again for fishing and that the purchaser has been fined? I have never heard of it. They are cut so as to make them legal.

1527. When the nets are cut down before they are sold to the fishermen are they put together so as to make them legal? Yes; a net may be cut into a dozen pieces.

1528. By the employees of the Fisheries Commission? Yes.

1529. And sold after being put together again? They are sold in pieces, and the purchaser is allowed to put them together himself.

1530. Are you aware whether the supply of fish has increased or diminished since the closing of Port Hacking? I think it has increased. I know it has been worked pretty frequently.

1531. Are you aware that reports have been circulated that the fish have decreased? Yes; but it is not correct. The fish have decreased since the last heavy rains.

1532. When the fish are driven out by floods do the same fish return? Yes; I am of opinion that they only go down to the deeper water, and that they come in again.

1533. Have you a practical knowledge of George's River and its tributaries? Yes; that is, I have been backwards and forwards amongst the fishermen there.

1534. What do you consider would be the best seasons for keeping George's River open for net-fishing? As it is now the river is open all the year up to the railway bridge.

1535. Do you think it would be desirable to open up George's River to Salt-pan Creek without including the creek? I think myself that they have sufficient water open there at present.

1536. I have a report from the fishermen with regard to the Woniora River. They say that the greater portion of it is a natural breeding-ground, but owing to its great depth and rough bottom it could not be worked by fishermen, and they think that it might be left open to the crossing. Do you think that it would be advisable to open it as far as the crossing? No; I would not open the Woniora at all. I should say that if it were closed it should be closed altogether.

1537. Do you think it would be desirable to open George's River as far as Salt-pan Creek? No.

1538. Have you a practical knowledge of the habits of migratory fish? Yes.

1539. What kind of fish do you think belong to that class? Mullet, whiting, black-bream, silver-bream, yellow-tail, tailor, king-fish, salmon. I think we might also include schnapper, because I have seen them travelling up and down the coast.

1540. What I mean by migratory fish are school fish? Yes; I thoroughly understand that.

1541. Do you think that those fish generally return to the same waters? Yes; they travel north. When I was in the southern district I have been miles up the coast and I have seen the fish working their way up north. I have seen immense shoals of them working their way north as far as Montagu Island. They seemed then to ease off and in the latter part of the season they work their way south with the whales.

1542. Do all those kinds of migratory fish which you have named migrate in the same season or have they their own seasons? They have their own seasons. The sea gar-fish and the bream come along at one time, the mullet come along at another time, and the whiting come in just about the same time.

1543. Are you aware of the times when the fish migrate? Yes; the mullet come along the coast up to May. They pass the Southern District about March or April, and sometimes we get them here in May. Then the bream, schnapper, and whiting, come along the coast at Christmas, and what we call the hard-gutted mullet come in about the same time. The gar-fish always come along at that time. A great deal of migration takes place when the fish are driven out by heavy rains at one port, and they then go to the next port.

1544. But with respect to schnapper, and most of the fish you have mentioned, can they not be caught along the coast at any season of the year? Yes, but not in large quantities. I have seen them in tremendous shoals, 12 miles off Twofold Bay.

1545.

1545. What means of conveyance have you, seeing that your steam-launch is not very safe? I take the trains where I can get them; I travel by steam-boat and I sometimes take a horse.
1546. What is your salary? £150 a-year.
1547. You get travelling expenses? Yes; 12s. per day.
1548. Do you think that there should be a practical fisherman on the Fisheries Commission as a representative of the fishermen? No, that would not do at all.
1549. Do you think that the fishermen should not have a say in the matter at all? I look at it in this way. A report would come in from one of the fishermen themselves, and I would have to go out and attend to that report, which might affect the Fisheries Commissioner himself, and he would not love me after that. I would not like to have to do my work under those circumstances.
1550. You must not be impressed with the idea that this Committee has met to condemn the Commission or any of its employees? No; but one of the fishermen themselves would only be human.
1551. What we wish you to understand is, that the Committee have not met for the purpose of condemning anyone in connection with the working of the Fisheries Act or to advocate the claims or complaints of any particular class. We simply wish to find out all we possibly can with respect to the fisheries, so that we may be able to make some suggestion as to applying remedies where they are necessary. The fishermen themselves think that they ought to be represented on the Commission, and I wish to find out if it is the opinion of any of the Commissioners or their employees that that should be done. Do you think it ought to be done? No.
1552. *Mr. Stevenson.*] What were you before you were appointed travelling inspector? Assistant inspector at Twofold Bay.
1553. Whom did you succeed at Eden? Mr. Oliver.
1554. Did he resign, or what were the grounds for his removal? Some misconduct on his part. There was a Police Court case against him.
1555. I presume all the papers in connection with that matter would be with the Commissioners? Yes.
1556. Could they be produced? Yes.
1557. When you are travelling I presume you get assistance from the other inspectors in the discharge of your duties? Not in all cases.
1558. Have you ever pointed out any defects in the Act to the Commissioners? Yes, to the Secretary.
1559. What has been the result? I do not know; the Secretary has submitted a new Bill, and that is all that I know of it.
1560. Have you ever heard that the Italian fishermen destroy a large quantity of small fish in their nets? Yes, they are the greatest curse we have in the harbour.
1561. Has nothing been devised to remedy that? No; the only way to do it is to close Sydney Harbour against prawn-netting for so many months in the year.
1562. Who supervises the cutting up of the nets which have been seized? I do not know. One of the boatmen cuts up the nets; but I never saw anyone supervise him.
1563. Do you think it would be a benefit in the working of the Act if inspectors were allowed to have experimental oyster-beds so as to be able to furnish information to the public? Yes; I asked for permission to have one four years ago; but the Commission had no power to sanction it.
1564. As travelling inspector do you approve of the inspectors being removed from one district to another? No; a man would never get to understand his own district.
1565. Is the Southern District a great place for fish? Yes; a great industry could be carried on there.
1566. Do you think that trawling could be carried on with advantage? Yes; all along that coast.
1567. Do you think that it could be done without a survey being first made? I have fished all along the coast between Cape Howe and Green Cape with a line, and I always found a very fair bottom.
1568. Can you suggest any improvement in the working of the Fisheries Act? Yes; I would cut it up and start a fresh one.
1569. *Mr. Howe.*] What is the object of keeping the nets for sixty days before they are disposed of. Is that in conformity with the Act? It is in conformity with the regulations passed by the Commissioners.
1570. Is there any necessity for it? None whatever.
1571. Do you say that they are sometimes kept for 120 days? They generally wait till they have a sufficient number of nets to hold a sale.
1572. You say that the fishermen have the best of it under the Act if they only knew it. How is that the case? Under section 18, of course, we are supposed to prosecute if fishermen are found fishing in closed waters; but the fishermen can go there and use their nets for the purpose of catching prawns with impunity. We have no power to stop that. Then again, if a man is caught fishing in closed waters he can say, "This is my first offence, give me back my net." He then passes on his net to his mate, who can do the same thing, and in that way it can be passed on to eternity.
1573. *Chairman.*] But, as a matter of fact, that has not been done? I am not aware of its having been done. If they knew what they were about they could get the best of it.
1574. They are honest people and do not care about evading the law? Some of them are honest.
1575. *Mr. Howe.*] I heard you make a serious charge with respect to the fish market at Woolloomooloo, namely, that people are allowed to walk over the fish and spit on them. Do you think it would be advisable to rail off a certain space in which the fish could be offered for sale in lots? Most certainly.
1576. Then the whole of the dealers and the public would be excluded? Yes; I would let nobody but the agents and the auctioneer inside.
1577. Has the Government no authority there? They appear to have no authority. We are supposed to protect the fish; but the Corporation get the money for selling what we protect.
1578. Are you aware that a large quantity of saltwater fish is sent into the country? Yes.
1579. Do you think that a fish market should be established at the southern end of the city? Yes; near the Railway Station.
1580. What is your objection to a fisherman being appointed to the Commission? The fisherman who might be appointed to the Commission might be a fisherman living at Botany. I might be sent out to Botany to report, and I might have to seize a net there, and it is not likely that that Commissioner would look on me with loving eyes. Then he might not be well disposed towards fishermen living in another place. There is a certain amount of ill-feeling between the fishermen of Botany and the fishermen of Broken Bay, and I think difficulties might arise in that way.

1581. Where there is taxation ought there not to be representation? That may be so; but it would be very hard to carry on the work under the circumstances I have mentioned.

1582. *Chairman.*] Do you advocate the abolition of the Commission altogether, and the administration of the Fisheries Act by a separate department under a responsible Minister? Some people say that would be better.

1583. *Mr. Howe.*] What is the cause of the dissatisfaction existing amongst the fishermen at Broken Bay? They want more water open.

1584. Is not that the cause of general dissatisfaction? Yes. I would like to point out to the Committee that a large number of whales come up to the Southern District every year. They are caught in Twofold Bay every year. I think that ought to be brought under the Fisheries Act, and also the mutton fishing. The Chinamen make a great living out of the mutton fish down there. When the whales come up they bring a lot of calves with them. Twenty whales were killed there last year. Of course they only pollute the place with carcasses and offal, and they have all the best of it.

1585. You say that you decidedly object to George's River being opened up to Salt-pan Creek? I do not see why they should want any more water open there. They have got a very large quantity of water open at present. If you open up the river to Salt-pan Creek they will then want to have it opened up to the dam at Liverpool.

1586. Do not the fish breed in the estuaries? Yes. If you open up the river as far as you suggested you will want an inspector with half a dozen assistants to watch the fishermen. I do not speak disparagingly of the whole of the fishermen, but I say that some of them want watching.

1587. When you sent in reports and recommendations to Mr. Thompson, have you heard anything more of them? No.

1588. *Mr. Stevenson.*] What is your opinion about opening the Hawkesbury River above Bar Point? I would suggest the opening of Berowra; that would give them a nice bit of meshing and hauling.

1589. Would you object to the river being opened as far as Mangrove Creek? That would destroy a lot of the nurseries of the fish up as far as Mangrove Creek.

1590. Are you aware that there is a great deal of water above Mangrove Creek? Yes; I fell in with the Secretary's views, that it should be opened from Colo up to Windsor.

1591. What is the distance between Mangrove and Colo? About 32 miles.

1592. Would you close that portion? I would leave that portion closed, and I would open the other parts so as to give the people up the river a supply of fresh fish.

1593. Do you not think that it would be better to open the whole of the river? No; because if you opened the river from Berowra up to Mangrove Creek, you would destroy the nurseries for fish, and you would have to incur the expense of an additional man to watch Mangrove Creek all the time, watching the people who live up there. They would have the best of it, while the fishermen, who have to make a living would have the worst of it, because the people up there would fish in the closed waters.

1594. Would you be in favour of opening the river from Wiseman's Ferry to Windsor? Yes; but I would close the Macdonald and Webb's Creek.

1595. *Chairman.*] Have you had a complaint brought under your notice that the contractors for the Hawkesbury Railway Bridge drove piles into the mud, which prevent the fishermen from using one of their best hauling-grounds? Yes; I attended to that matter. The contractors sent a man round with me, and they used dynamite to blow up the only piles I could find.

1596. *Mr. Howe.*] When you went trawling did you do so under instructions from the Commission, or was it an experiment of your own? The first time it was done with some of the Commissioners, Dr. Cox, Messrs. Hyam, and Hill; the second time it was done under myself.

1597. Are those the only occasions on which any attempt has been made in that direction? Some five or six years ago I believe they made one trip outside, but that is the only one I know of.

1598. Was that when the "Kate" was here? No; I think they went out in the "Ajax" or "Thetis."

1599. *Chairman.*] Have they still got those trawling-nets? Yes; I have got one, and I am going to take it south under instructions.

THURSDAY, 11 JULY, 1889.

Present:—

MR. FRANK FARNELL,

MR. STEVENSON,

MR. WILLIAM STEPHEN.

FRANK FARNELL, Esq., IN THE CHAIR.

Mr. Henry Woodward called in and examined:—

1600. *Chairman.*] What is your occupation? I am everything in the oyster-line. I am a grower, lessee, retailer, and dealer.

1601. Have you had considerable experience in the fisheries of this Colony? For thirty years.

1602. Not alone in the fishing industry, but also in oyster-culture? Yes; a great deal within the last eight or nine years. It is eight or nine years ago since I began to try and cultivate oysters.

1603. During this time have you come into contact with a great number of fishermen? I know nothing whatever about fish and fishermen. My men have been buying fish for me for thirteen years, but I know nothing more about it.

1604. Where are the fish bought for you? At the Woolloomooloo market.

1605. Do you think the market is in the most suitable place? No; I think it would be much better on the Darling Harbour side. There it would be more central and more convenient.

1606. I suppose you know the fish-market well? I have been there three times.

1607. Have you ever been there in the morning when they have been selling fish? Yes.

1608. Do you think that the arrangements are satisfactory for the sale of fish? I do not think it is satisfactory, but I could not tell you how it could be improved. Unless they had stalls or flat tables, like they have at the Billingsgate Market.

1609. If, as stated to the Committee, the fish are thrown on the floor, that they are spat upon and trodden upon,

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Smithers.

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Woodward.

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upon, do you not think that state of things could be remedied by having elevated tables at the market?

Yes; that is what I say. The present method of selling fish is a very rough way in a town like this.

1610. Do you pay any commission to the auctioneer who sells the fish? No; only the sellers pay commission.

1611. As a rule do you obtain the best fish procurable in the market? Yes; nothing else would suit me. I only get them for the shops in King-street.

1612. Do you only sell fish at your shops? Yes; I do not sell fresh fish at all, only cooked fish.

1613. Have you had considerable experience in oyster-culture? Yes.

1614. Are you a very large lessee? Yes.

1615. How many thousand yards do you lease? I pay £600 a year as rent. In fact, I think I pay a little more, and the rent is £1 per 100 yards.

1616. Where are your leases situated? On six different rivers—the Clarence, the Manning, Wallis Lake, Port Stephens, Shoalhaven, the Clyde, and Moruya.

1617. Which do you consider to be the best river for oyster-culture? Wallis Lake. I believe that is the best in Australia, and I do not believe there is any better in the world.

1618. Have you obtained sufficient supplies from your oyster-beds for your shops in Sydney? No; not even for the shops.

1619. Have you had to import oysters? Yes.

1620. From New Zealand? Yes.

1621. Are the New Zealand oysters superior to ours? No. They bring 15s. as against £3 in Victoria, and 15s. for their best oysters as against £2 for our best in Sydney. That is at the present prices and with the present scarcity. There is no comparison between our oysters and theirs. I have some of our oysters now from the deep waters of Port Stephens, which are as good as I ever saw in this Colony. I am getting eight or nine bags per week from there.

1622. Has there not been a considerable decrease in the oysters on the beds of our rivers during the last three or four years, and how do you account for that? We have had no spawn. That is not an unusual thing. All over the world they go without spawning for some years—for ten or twelve years at a time. It is a common case in Europe that there is next to no spawn at all for years. Many Commissions have inquired into this very question. I have read a great deal lately on this question of the scarcity of oysters.

1623. Can you account for this want of spat? Nobody in the world can. All the great naturalists and zoologists say that there is no accounting for it.

1624. Have you been troubled with any disease in your oyster-beds? Yes, it has been very bad at Port Stephens.

1625. What is the nature of the disease? We have termed it the mud disease. A worm bores into the inner part of the shell and fills it up with black mud. Whether the worm makes the mud, or whether it comes in after the worm, I cannot state.

1626. Will not the late floods be the means of resuscitating the beds to some extent? It cannot do any good to the oysters who are touched with the disease already, but the fresh water has killed the worms. I know that fresh water is fatal to the worms. I have seen the worms taken out of the shell and put into fresh water and they have died instantly. I know that the fresh water now has penetrated to the deep water at the bottom of the rivers, and the oysters have become quite fresh.

1627. Do you not know of any other disease? No; this is the only disease I have heard of.

1628. Have you ever heard of an insect called the borer? This is it. It is called the Leucodore.

1629. Mr. Lindsay Thompson in giving his evidence described the worm disease and the borer as two distinct things. Have you never heard of the disease which is called the borer? There is what is called the boring sponge. That is a little bit of a sponge, and it appears that there is something inside of it or attached to it which bores into the oyster. Fresh water kills the sponges as well as the worms. I had some splendid beds at the Clarence River which were covered with the sponge till 1887, but that was cleared away altogether by the fresh water. A great naturalist was out here some time ago, and the Government asked him what should be done. He recommended that the Government should turn on a lot of fresh water. That was during the time of the worst drought, and he did not say where they were to get the water from.

1630. Do you think there could be any improvement made in the leasing system? I do not see how it could be done.

1631. Do you lease in large areas? They are not all large areas. In some places I have leases only 100 yards in length. Plenty of them are 2,000 yards in length.

1632. Do you find that you get as many oysters, comparatively speaking, from a lease of 100 yards as you do from a lease of 1,000 yards? We have got nothing at all from the leases. It has been a dead loss to us for the last five years since we took up the leases.

1633. Are the oysters pilfered from your beds? I do not think there is so much pilfering as people say. A lot of people cry out about their oysters being stolen, but I do not think they are stolen. A great many people deceive themselves as to the quantity they put down, and then they die off wholesale in the water. I read the other day that in Europe they reckoned that they lose six millions out of every seven millions they lay down.

1634. At the present time there is a royalty charged of 2s. for every bag of spat taken by lessees to be laid down. Does that encumber the lessee in any way? No; I wish I had as many as I could get at 2s. a bag. I paid the department a good deal of money last summer for collecting spat and putting it on some of the beds. 2s. would be nothing to pay for a sack of oysters, especially in places where, if they lived, they would grow into many bags. I think the Government ought to receive a large revenue by selling the spat at 2s. a sack off the Crown lands.

1635. Have you visited any other parts of the world where oyster-culture is carried on? No; I have been to Queensland, but there is nothing there but what we have here.

1636. You have visited the Parramatta River;—have you noticed that it is very difficult now to get a single oyster on that river? Yes; but it was just the same twelve years ago. It is owing to the fact that the river is given up to the public that there are no oysters there. You are aware that before an oyster is fit to eat the public will take it off, and they are allowed to do so.

1637. Do you think it would be a good provision to close the Parramatta River and the Hawkesbury River for three years? I do not think you could ever manage to do so with the large population. There was a time when the river was closed many years ago, but the oysters were taken just the same as they are now.

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1638. Do you suffer from people pilfering your oysters on the different rivers? I do not think I lose many. There are some rivers where there is nothing to lose; they could not rob me. That is the case on the Manning River.

1639. What is the most suitable ground for oyster-culture? Clean stones, jack-stones, or any hard substance. At Cape Hawke the ground is all composed of cockle-shells. That is a very good place.

1640. How long does it take an oyster to be eatable from the time of spat? If it is a nice rainy season oysters will be of full marketable size in twelve months. If there are dry seasons such as we have had of late years they will hang on and neither grow, breed, nor do anything else for any length of time. It is wonderful how they grow when the conditions are favourable. We had all the oysters in the Clarence River destroyed two years ago last February, and none of us have had any oysters from the river since, but they are now becoming marketable.

1641. What was the cause of that? The floods, beyond all doubt. There came first of all a very heavy flood. I am sure they would have lived through that only two or three weeks. Afterwards there came another tremendous flood. Soon afterwards the Government tested the river all over in the most sensible way. They dredged right across the river and took up the oysters. You could easily see the oysters which had recently died and those which were alive; 84 per cent. were dead, and I really believe that the remaining 16 per cent. died afterwards. I have known the floods to frequently kill the oysters in the rivers.

1642. At the same time, if the floods are moderate, they resuscitate the beds? Yes; it does them a world of good. I got a letter from one of my men at Shoalhaven this morning in which he tells me that the young oysters are getting on first rate this season. I suppose that is since the rain came on. Oysters never do any good unless we have had plenty of rain. All I got off that river last year were fifty-eight sacks of oysters, and they cost me over £200 for rent and wages. I lost £300 on this river last year. I put down 300 sacks of oysters from Sydney to lay them on the beds, and I got about one back.

1643. Have you ever tried to cultivate the New Zealand oysters? Yes, plenty of them.

1644. Did you do so successfully? No. The most successful place was on some very shallow rocky places at the Manning River. I sent out seventy sacks there last year, and I got forty-seven bags out of them. I sent 298 bags to Cape Hawke, and I got back seventy-five. I sent 300 to Shoalhaven, and I got 100 from there.

1645. What was the size of the oysters when you sent them? A very fair size—larger than we are allowed to take them by law.

1646. I suppose the object was to give them the opportunity of spawning and increasing? Yes. I have a few now at Shoalhaven. I have sent a lot down to the Clarence this year. I got one of my men to send up a bag a few weeks ago, but they were nothing but black skin and water. A man named Comino has a lease opposite to mine on the Manning River, and he put down 1,480 sacks of oysters, and he only got a little over 400 out of the lot. The rest died.

1647. *Mr. Stephen.* To whom do you pay your oyster-rents? To the Treasury.

1648. Then it is not paid to the Fisheries Commission? No.

1649. Has the Fisheries Commission anything to do with the supervision of the oyster-fisheries? Yes; they have to supervise the fisheries. The worst of it is that they do not supervise them. They seem to have thrown us up.

1650. And the revenue derived from the oyster-culture is not received by the Fisheries Commission? It is counted to their credit.

1651. To all intents and purposes it is part of their income? Certainly.

1652. How long will oysters remain good for eating after they have been taken from the bed? In winter-time, or when it is cold, six or eight weeks, or even longer. In summer-time, at the longest, it might be a fortnight.

1653. Have you to feed them by artificial means during that time? Nobody can feed an oyster. They talk about doing so in Europe, but I do not believe it is possible.

1654. After you take the oysters from your premises will they remain fresh and eatable without deterioration for the number of days you have mentioned? No; they cannot be as good as when they are fresh. The liquor inside of them tastes stagnant, and I am sure would eventually kill them.

1655. Have you heard of people attempting to feed oysters by putting oatmeal in the water? Yes; but I feel certain that is impossible. When they are in season they want no fattening; and when they are out of season I do not think that anything on the face of the earth could fatten an oyster.

1656. What is the best season of the year for oysters? The bulk of our oysters come at the end of September, earlier or later, according to rainfall, and they go out about April. We have one purely winter fishery in this country, that is at the Koruya River, Port Stephens. That is the only real winter fishery. They come into season in May, and they go out of season in November.

1657. Are there various kinds of oysters on the coast and in the rivers? Yes. I am quite certain that the oysters in this country have yet to be classified. They are nothing like the European or American oysters. If they are found outside I am certain they will be found to be different altogether, and I think I could describe the kind of oyster that would be found. All the deep-water oysters that we have in the rivers are rounder than those taken off the shores in shallow water. They approach more in shape to the European oyster; but they are thicker, and ours have hard shells. In America they are similar to ours; they are longer than they are broad, and they have hard shells.

1658. Are the oysters known by any particular names for the different kinds? No; I believe they will have to be classified and named.

1659. Is any particular kind of oyster more liable to disease than the others? All the oysters in Port Stephens have been touched with the disease from the shore down to the deep-water. I have had oysters obtained from 40 feet of water. I have a diving apparatus there, and the divers get oysters regularly.

1660. Which oysters are the most liable to worm disease? All kinds are liable to it. We have had the disease in the Hawkesbury, and in the Hunter it is dreadful.

1661. Are rock-oysters liable to it the same as the drift-oysters? Yes.

1662. You say that you have never been in Europe, that you have never visited any of the European oyster-culture grounds; in that case, how did you obtain the information in your pamphlet on the subject? I had a magnificent work to read and quote from. I was able to take the scientific knowledge and apply it to my practical knowledge.

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1663. *Mr. Stevenson.*] Do you know the Commissioners pretty well? I have spoken perhaps fifty times to Dr. Cox, and the same to Mr. Oliver. I think I have spoken twice to Mr. Hill, and I think twice to Dr. Ramsay.
1664. Did you ever recommend anyone for employment to the Commissioners? No.
1665. Do you know whether there is anyone employed by the Commissioners who was formerly in your employ? Yes; there is a man named Curran, at Newcastle, who worked for me at one time by the day, but he was not my servant. A. Gylser, at the Manning, worked for a company I was a partner in.
1666. Did you recommend him for employment? No.
1667. Was he employed on any ground where you have leases? No; I have no lease on the Hunter River, where he is.
1668. I understand that you are not a practical oysterman, but that you obtained your information by reading? I have had more practice at it than any man in Australia. I left Sydney for thirteen months and lived at Wallis Lake cultivating oysters. I left my business in Sydney to look after itself in order to do so.
1669. Do you think that the present Fisheries Commission is the best way of carrying out the Fisheries Act? I think it would be better to carry out the work under one head. I believe that anything of that description would be better managed by one man.
1670. Do any of the Commissioners ever visit your leases? Yes; Mr. Oliver visited three of the rivers this time twelve months.
1671. He is the man who interests himself most in the fisheries. What places did he visit? Wallis Lake, Manning River, and Camden Haven.
- 1671½. Can you say who paid his expenses on that occasion? I do not know anything about that, but I suppose the Government did. I now remember what he went there for. I wrote a long letter about opening some of the old mouths of the lakes so as to let the sea water in. The Commissioners I suppose thought it was possible to do so. I wrote specially about Wallis Lake. Mr. Oliver went down there and took a surveyor with him to see if it was possible to open it to the sea. They measured off the ground, and they came to the conclusion that it was not possible.*
1672. *Mr. Stephen.*] Is the lake closed at any season of the year? It is never open. It is totally closed up, and there is bush growing between it and the sea. I think there is about 120 yards of land between it and the sea.
1673. *Mr. Stevenson.*] Do you know of your own knowledge that Mr. Oliver or any of the other Commissioners has visited the oyster leases besides those you have named? Mr. Oliver goes away in his yacht and knocks about many of the rivers. I do not think that any of the other Commissioners have ever been away. Mr. Oliver really has a practical knowledge of it. He has been pottering over oysters for any number of years on his own foreshore at Shell Cove. He has got a large foreshore there, and he has bought oysters from me several times to lay down there to see if they would do any good.
1674. *Mr. Stephen.*] You believe that the Oyster Fisheries Commission would be much better managed under one head? Yes; I think it would be better managed if it were under one man who could take something on himself, being responsible at the same time to the Minister of the department.
1675. *Chairman.*] Do you think that the present system of leasing is a very good one? Yes. I do not see that it could be improved.†
1676. Do you remember the time when you wrote condemning the system of leasing the oyster-beds? Never in my life. I was one of the old lessees.
1677. Do you remember the time when my late father brought in a Bill dealing with the oyster-culture? Yes, very well. I was examined before him.
1678. A royalty was then imposed on oysters of 3s. a bag? We had nothing to do with that.
1679. Do you remember writing at that time? Yes; I was always writing, and before I knew what I was writing about.
1680. *Mr. Stephen.*] You think that the imposition of a royalty was not fair? Yes; we pay an enormous rent, and as far as I am concerned I have been paying it for nothing for years. I have lost over £5,000 since this Act came into force in paying rent and wages and in endeavouring to cultivate oysters. Another lessee on the Hunter River has lost over £2,000 on that one river.
1681. Do you think that the abolition of royalty on our own oysters is much better for the cultivation of oysters here than to impose a duty on imported oysters? I am a protectionist. I am a great believer in protection. If we ever pass protection here I shall do my best to have a duty imposed upon oysters. At the present time, however, I would not propose that, because we really require imported oysters in the country. Our beds are not sufficiently productive at present, and it is a blessing to the people that these oysters do come in from New Zealand.
1682. *Chairman.*] Suppose we had a dearth of oysters such as we have now, would you advocate the imposition of a duty on imported oysters? No; I would not put a penny on them. That would be putting it on our own people.
1683. *Mr. Stephen.*] That is not answering what I want to find out. I want to know if it would be more beneficial for the cultivation of oysters in New South Wales to have a royalty charged in connection with a duty, or to have no duty and no royalty, so as to have free trade in all ways? I would sooner have it free trade at present until our rivers get properly stocked, as I believe they will. If I did not believe that that was the case, I would not pay £300 in rent which I will have to do in a day or so. I am sure the rivers will all come round again, and then we will have no reason to fear opposition from New Zealand. The oysters from there will not fetch a penny against our oysters.
1684. That is provided you are not handicapped with a royalty? Yes; it would not be fair to put on a royalty. One half of our oysters will go to Victoria, and then we will be handicapped at the rate of 3s. a bag, because there is no royalty charged on oysters in Victoria.
1685. *Chairman.*] Then it has been a saving to you to have the royalty abolished? I have had no oysters for a long time, and if I did get a few it would be very hard to charge me 3s. for a bag.
1686. But the abolition of the royalty would be a saving to you in the future? Yes. 1687.

* NOTE (on revision):—Mr. Oliver went to Wallis Lake to see was it possible to open a passage to the sea. He took his own boat there, boatman, and a surveyor. He inspected that fishery and two others thoroughly. I suppose he reported on them, but I never saw the report, nor did he ever tell me what it was. I do not know what his expenses were, nor who paid them.

† NOTE (on revision):—It would be better for the country to lease the whole of the beds in a river to one man.

1687. *Mr. Stevenson.*] Where are your principal oyster-beds on the Clarence? I have four-fifths of the Clarence River beds. I have the whole of the lake beds, and I have never made a penny out of them. I pay £43 a year for them. When I was up there last October and November, one of my men gave me an oyster from one of the lake beds, and it was as bitter as gall. I am certain that the water about the lake is more salty than it is in the ocean. There was no rainfall for a great length of time and the lake was like an evaporating pan. The vapour goes up in the air, and the brine sinks to the bottom of the lake. The Manning River has had no oysters since we took up the lease. It is too salty.

1688. What is the Shoalhaven like? All those rivers when we got them were cleared out under what is known as the licensing system. That was especially the case with the good rivers where the licensees went.

1689. *Mr. Stephen.*] Which do you consider is the best for oyster-culture—where the tide ebbs and flows, or where there is no ebb and flow? No oysters will grow where there is no current. Culture has been a dead failure in Europe. They have opened up all the places they made to the ocean water.

1690. Then you consider where there is an ebb and flow that is the best place for oyster-culture? Yes, if there is a current.

Mr. Richard Hellings called in, sworn, and examined:—

1691. *Chairman.*] What position do you hold under the Fisheries Commission? Boatman.

1692. How long have you been in the service? Seven years last month.

1693. Are you the chief boatman? Yes.

1694. What are your duties? I have general charge of the boats, and I assist Inspector Mulhall.

1695. Have you a good deal to do with the arrangements in the fish-market in the morning? We have nothing to do with the arrangements. We only look after the small fish.

1696. How many boats have you in Sydney? Only one.

1697. Were you in the department in any other capacity before you took your present position? No.

1698. What were you before you joined the service? I had charge of yachts for twenty-five or twenty-six years.

1699. Have you had experience of fishing? Not a great deal in this country; but I had in England.

1700. Have you heard the fishermen on many occasions complain? Yes, very often.

1701. Have you heard them complain of the bad arrangements for the disposal and sale of their fish at the market? Yes.

1702. Have you ever heard them complain of their consignments of fish having reached the market much less in quantity than when they were originally sent? Yes, repeatedly.

1703. How do you account for the pilfering? I can scarcely tell you that; but I can give you an instance which shows how difficult it is to find out: For three or four months I was down at Lake Macquarie doing duty for Inspector Boyd, who was sick. When I was coming back to Sydney I got a nice lot of fish from one of the fishermen, which were put on a string and placed in one of the fishermen's baskets. I went round with the fish in a small steamer to Newcastle. I saw the whole of the fish taken out of the small steamer and put into the Newcastle boat. I came up in the steamer to Sydney, and I marked the basket in which my fish were with a string tied to the handle. I saw the fish taken out of the steamer and put into the carts which took them to the fish-market, and I travelled in one of the carts in which my fish were. When we arrived at the market we opened the basket so that I could get my fish, but my string of fish was gone, and one-third of the fish that were in the basket was also gone. They must have been taken on board of the steamer.

1704. Do you think the markets are unsuitable for the public as well as the fishermen? I think it is rather on one side of the town for the general public.

1705. Do you think it would be a good idea to have a depôt for the fish at Darling Harbour as well as at Woolloomooloo? I think it would be more central to have it somewhere about the Redfern Railway Station. You could not use the Darling Harbour water for the fish, although water might be laid on there.

1706. Have they no elevated tables at the Woolloomooloo fish-markets such as they have at other places? No.

1707. Are the fish simply thrown on the floor? Yes.

1708. Is there any protection such as a railing to protect the fish from damage and to keep the public off? No.

1709. Then it is quite possible, as has been stated to this Committee, that the fish are often trodden on and spat upon? Yes, that is the fact. I think that Mr. Seymour and his assistants do all that they can to avoid that, but of course they cannot watch everyone.

1710. I suppose that the persons who go to the market are rather of a rough class? Yes. The majority of them are.

1711. I suppose that there is not the slightest doubt that a lot of the bruised fish which are spat upon are sold to the people in the suburbs and the city? Yes.

1712. Have you ever heard any of the fishermen complain that the provisions of the Fishery Act bear harshly upon them? Yes, frequently.

1713. In what respect? Generally in respect to the closed waters.

1714. Do you ever hear them complain as to the mesh of the net? Not so much as to the mesh as to the length of the net.

1715. Do they think that the length of the net is not sufficient? Yes.

1716. How do you account for the decrease in the amount of fish in the Parramatta River of late years? I do not know that there is a decrease in the fish. Until the very heavy rain of a few weeks ago all the bays were teeming with fish.

1717. *Mr. Stephen.*] Who has charge of the arrangements for the sale of fish in the market? Mr. Seymour has full charge.

1718. Does he make what arrangements he thinks fit? Yes.

1719. Do you think that the arrangements are satisfactory? As far as the sale of fish is concerned, I think they are.

1720. Do you think that the accommodation is sufficient for the sale of the fish as human food? No. If the fish could be put away from where the people walk it would be a great deal better than at present.

Mr.
R. Heilings.
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1721. Do you think it would be an improvement to have a sufficient number of elevated slab tables? Yes, it would be a great improvement.
1722. Do you think that the cost of making the necessary improvements would be very great? Yes.
1723. Are the arrangements at the market satisfactory generally to the fishermen and the purchasers? Yes, but I have heard them complain.
1724. Would the market which you suggest should be established at Redfern be in addition to the present market? Yes. The fish could then be disposed of in a fresher condition. At present a very large quantity of fish come by rail, and, of course, if there was a market at Redfern there would not be so much cartage.
1725. Do you think that a market at Redfern would be in the best position for the fish coming to town from north and south? Yes.
1726. Why? Because there is a great quantity of fish coming in by rail now, and there would be still more in future.
1727. *Chairman.*] Are there not a great quantity of fish brought in by small steamers which heave to at the wharves at Darling Harbour, and would it not be desirable to have a fish-market at Darling Harbour, where those fish could be sent? The most of the fish that come to Darling Harbour are brought by the Newcastle steamers, and I do not think it will be long before they all come by rail. Most of the fish that is brought by the Newcastle steamers come from Port Stephens and Lake Macquarie. A great deal of the Lake Macquarie fish comes by rail, and I believe that a great deal more of it will come in future.
1728. *Mr. Stephen.*] Does the fish that is brought by fishermen in their own boats go to Woolloomooloo? Yes.
1729. *Mr. Stevenson.*] In speaking of establishing a fish-market at Redfern, where would you propose to put it? I only mean that it would be desirable to have it in that vicinity.
1730. Do you mean in the vicinity of Redfern or in the vicinity of the railway? Near the railway.
1731. Are you aware that the trains go right down to Darling Harbour? I know that wood and that sort of thing is taken down there.
1732. If there was a fish-market there, could not the trains be taken right down? No trains do come down the Sydney side where the steamers land their fish.
1733. I am not asking about that. You say that the fish comes by rail. Would it not be more convenient than putting the fish out at Redfern to take it to some depôt at Darling Harbour? I do not know much about the locality. What made me suggest Redfern was because I thought it would be more central, and because Redfern is the terminus.
1734. *Mr. Stephen.*] In the event of a market being established at Redfern, would that prevent a second handling or a carting of the fish? Yes, if the fish-market were placed close to the railway.
1735. *Mr. Stevenson.*] What do you call Redfern? I am referring to the Redfern Railway Station.
1736. If you had a second depôt would you refer to have it in the neighbourhood and not in Redfern itself? No; I mean close to the railway.
1737. *Mr. Stephen.*] Would you have it where a siding could go into the market, so that the fish might be deposited there? Yes; the great thing would be to save handling the fish.
1738. If the fish were brought down to Darling Harbour would they have to be carted to a market? Yes; at present they would.
1739. *Mr. Stevenson.*] When your fish was stolen from the steamer when coming from Newcastle to the market, did you make representations to anyone? No; it is too common an occurrence.
1740. Has any action been taken by the Commissioners to prevent this wholesale pilfering? Not that I am aware of.
1741. Can you suggest any means of stopping it? Not unless there was an inspector or someone of that kind to take charge of the fish, who would never lose sight of it from the time it left the fishermen till it arrived at the market.
1742. *Chairman.*] Could there not be a system adopted by which the baskets could be locked or sealed? The present system of sending open baskets to the market is a very loose one. In England the baskets are packed up, they are covered with straw, the lid goes over that, and they are properly fastened. Here they only put a little bit of string on each side of the basket. The string can be easily loosened and tied up again.
1743. *Mr. Stevenson.*] Do you attend the market every morning? Yes.
1744. How often does Mr. Mulhall buy fish at the market? There was one time when he used to buy fish every morning. That was the time when he used to get fish for the Exhibition.
1745. Do you sometimes buy fish? Very seldom.
1746. *Mr. Stephen.*] Do you ever buy fish on commission for people who use it? No.
1747. *Mr. Stevenson.*] Does Mr. Mulhall buy fish at auction? Yes; I have seen him purchase fish.
1748. Do you know what he does with that fish? No, I do not, but I think he takes it home.
1749. Do you or Mr. Mulhall ever purchase fish and take it to the Commissioners? I do not purchase any; Mr. Mulhall does; that is for the president, Dr. Cox.
1750. Who pays for that fish? Mr. Mulhall pays for it in the market.
1751. Does he buy it at auction or from the baskets? Sometimes he buys it one way and sometimes the other. Sometimes there is such a crush there that you have to be very smart to get in to buy fish. Sometimes Mr. Mulhall arranges with an agent and says he will take a certain heap of fish at whatever price the same sort of fish is sold for at auction.
1752. Does the auctioneer sell the fish in lots, with the right to take one or more lots? That is not always the case. Very often there are ten or twelve heaps in a row of the same sort of fish. Sometimes the auctioneer says you can have one of the lots; at other times he will sell several heaps in one lot. As a rule the heaps of fish are sold separately.
1753. Do you or Mulhall ever get fish free at the market? Yes.
1754. How do you manage it;—do the fishermen make a present of it to you? Yes.
1755. What do you do with that fish;—do you take it to the Commissioners? No. I do not know what Mr. Mulhall does with his, but I take mine home and eat it.
1756. Do you remember an illegal net being seized which was being used by one of the Commissioners? No.
1757. Do you remember a net having been seized while it was in the possession of Mr. Hill, one of the Commissioners? No.

1758. Were you not present when that net was seized? I never knew that Mr. Hill had a net seized.
1759. *Chairman.*] Did Mr. Knox have a net seized? Yes.
1760. Were you present when that was seized? No.
1761. Do you recollect the circumstance of the seizure? I know that the net was seized by Inspector Quinan.
1762. *Mr. Stevenson.*] Have you ever had any practical experience in fishing? I have done very little fishing here, but I had practical experience in England.
1763. Do you know whether Mr. Mulhall ever made his living by fishing? I do not know, but he has not since I have known him.
1764. With reference to prosecutions which have taken place in the Sydney District, which of the inspectors have brought most cases—generally speaking? I cannot say for certain, but my opinion is that for twelve months or so Inspector Smithers had the most cases.
1765. Is he not a district inspector? He is not located in Sydney. I believe they call him travelling inspector.
1766. Do you think he has had more prosecutions in and about Sydney than Mr. Mulhall has had? Not, taking them altogether; I was referring to a certain time extending over twelve or eighteen months after Mr. Smithers first came up to Sydney. Of late he has not been in Sydney.
1767. But since he has been here he has had a great many prosecutions? Yes.
1768. How do you account for that being the case, seeing that Mr. Mulhall has had full control over the whole of the Sydney waters? I account for it in this way: Mr. Mulhall is a man who is well known. Mr. Smithers, when he came here was a perfect stranger. Even in the day-time he could go up to a man who was doing wrong, and he would not know anything about Mr. Smithers until he told him whom he was.
1769. Is not most of the illegal fishing carried on at night? Yes.
1770. How could they know one man more readily than another at night? Even at night you could see a man and know him at a considerable distance.
1771. Is it not more likely that the difference can be accounted for by the fact that one man's eyesight is better than another's? Mr. Mulhall's eyesight is not so good as it used to be, but he very seldom trusts to his own sight. It is a rare thing for him to be out in a boat without me if he has nobody else with him.
1772. Have you had any experience in trawling? Yes; I served my time at it.
1773. Have you any certificate? No; there were no certificates in those days. It is many years ago.
1774. *Chairman.*] How old are you? 59 years.
1775. How many men are there assisting with the boats? One besides myself and the engineer of the launch.
1776. Do you ever use the launch? Yes.
1777. How often? She was laid up for twelve months, and we only got her out during the last three or four months.
1778. Is she safe to go to Port Hacking, Broken Bay, or any of those places? She would be in fine weather.

TUESDAY, 16 JULY, 1889.

Present:—

Mr. FRANK FARNELL,	Mr. O'SULLIVAN,
Mr. HOWE,	Mr. SEAVER,
Mr. RITCHIE,	Mr. STEVENSON.
Mr. WILLIAM STEPHEN.	

FRANK FARNELL, ESQ., IN THE CHAIR.

Frederick Nelson called in, sworn, and examined:—

1779. *Chairman.*] What position do you hold? Acting assistant inspector under the Fisheries Act.
1780. Do you hold any other position in the Government Service? I am Senior-constable of Police at Bungendore.
1781. Are your duties confined to the waters of Lake George? Yes.
1782. How long have you held that position? Since 12th June, 1885.
1783. Are you the only officer in the Fisheries Department there? Yes.
1784. Had you any previous experience in connection with the fisheries of the Colony? Not previous to my appointment, except practical knowledge of the fresh water fish.
1785. Do you know Lake Bathurst? Yes.
1786. Are there any fish there? Yes.
1787. When did it become known to you that there were fish there? About 1865. I knew of my own knowledge that they were put in there.
1788. Are you sure that there are any fish there now? Not of my own knowledge, but I do from hearsay.
1789. Do you know any reason why they should not be there as well as in Lake George? No.
1790. What sort of fish are in Lake George? Codfish.
1791. Are there any other sort? Yes; I believe there are a few perch, but it is a very rare thing to catch any. During last summer, I think, there were two perch caught.
1792. Do you often visit Lake George? Yes; sometimes two or three times a week.
1793. What is the nature of your duties? To see that breaches of the Fisheries Act are not committed, to see that proper nets are used, to report on breaches of the Act to the Commission, and so on.
1794. Have you any power to prosecute without reference to the Commission? No; I first report to the Commission, and on receipt of authority I prosecute.
1795. What is the area of the waters? About 20 miles by 11; that is, at present. When the lake is full to its usual level it is a great deal more. I suppose it is then about 25 miles in length.
1796. Are the fish very plentiful there? During last season I think there were less fish caught than there were during several years previously, but that was owing to the people not regularly fishing.

Mr.
F. HELLINGS.
11 July, 1889.

Mr.
F. NELSON.
6 July, 1889.

Mr.
F. Nelson.
18 July, 1889.

1797. Is there much fish taken out of Lake George? During last summer there was about 1,386 lb. weight taken out.
1798. Where does that fish go to? It is principally sold about Bungendore, Queanbeyan, and Braidwood.
1799. Is any of it sent to Sydney? Yes; some is sent to Sydney, some to Goulburn, and in fact all parts of the Colony. It seems to be rather a choice thing for people to get fish of that kind in Sydney.
1800. *Mr. O'Sullivan.*] How long have there been fish in Lake George? I think it is about eighteen years since they were first discovered.
1801. Were they not put in by Sir Terence Aubrey Murray? He first stocked the ponds on the Windereeden Estate; that was before my time.
1802. Did he not also stock Lake George? The ponds of the Windereeden Estate flow into Lake George, and that is how the lake got stocked.
1803. Is not that about thirty-five years ago? Yes, about that time.
1804. I suppose the supply of fish there never fails? No, it was reported that through net-fishing the lake was becoming exhausted of fish, but from inquiries I made I found that such was not the case, and that net-fishing was not detrimental to the supply. However the lake does not appear to be so plentifully stocked with fish during the last year as it was two or three years previously.
1805. To what cause do you attribute the decline? The lake is very boisterous, the wind has a very great effect on it, and consequently I think the spawn is destroyed. During the last two or three years the lake has dried up, and the fish were not able to get up from the lake to the Deep Creek. That is a very fine creek, but at the mouth it is shallow, and owing to the dry season the fish could not get up there.
1806. Is that known as Butmaroo Creek? Yes, it is known by that name higher up.
1807. Do you think that the law as it stands at present is sufficient to protect the fish from anything like indiscriminate destruction? So far as the Act is concerned I think it affords protection enough, but I think fish might be cultivated there. I think the fish might be increased by closing the lake for twelve months, and other kinds of fish might be put into Deep Creek.
1808. What would then become of the occupation of the fishermen? Of course that would be affected.
1809. Would you close a portion of the lake? No, I do not think it would be desirable to close any portion. The whole should be closed.
1810. Are there many fishermen up there? There is only one fisherman there at present who devotes the whole of his time to it.
1811. Do you think that the lake ought to be closed for a period of at least twelve months? I represented that to the Commissioners on one or two occasions, but they did not agree to my recommendation.
1812. What other kinds of fish do you think would flourish there? I think that if perch and bream were put in the creeks they would supply the lake.
1813. What sort of fish are caught in the Molonglo and Queanbeyan River? Perch and Murray cod.
1814. Do they not catch a kind of fresh water bream there? I believe some has been caught there. Bream was put in the Queanbeyan River and in other parts of the district by Mr. Gale, who brought them from Melbourne, but I do not know that any of them have been caught.
1815. Did he not also bring over some salmon? Yes.
1816. Have you any idea whether they are flourishing or not? I have heard that they are. So far as the other fish are concerned in the Murrumbidgee, the Queanbeyan, and the Molonglo Rivers a great deal of fish have appeared during the last twelve months.
1817. Do you think that if Lake George were stocked with Murray cod and other fish it is likely that they could be brought down to Sydney and anything like a trade could be created? Yes; provided that men who understood the business undertook the fishing. I do not think that proper appliances are used at present for fishing.
1818. How do they fish? They use nets, but they do not seem to fish properly out on the lake. The principal fish are caught by placing the nets partly across Deep Creek or wholly across it when they get the chance.
1819. You say that about 1,300 lb. weight of fish was caught last year—what was the size of those fish? From 8 lb. up to 50 lb.
1820. Has it ever come under your notice that the public are obstructed in fishing around the shores of the lake? The owners of the land around the lake have objected to fishermen landing there.
1821. Do they interfere with them at all on the Crown lands around the lake? Not that I am aware of.
1822. Have they quite recently stopped parties from fishing off some of the points on the Crown reserves there? Not that I am aware of. Mr. P. H. Osborne owns Currandooley.
1823. Is he not represented by Mr. Atkinson? Yes.
1824. Has he ever interfered with people on Crown lands? I am not in a position to say that he has turned people off Crown lands, but he claims the land on behalf of Mr. Osborne.
1825. Did he not turn off Mr. Carruthers, the present Minister for Education? Yes.
1826. What area above high water-mark do you consider is Crown land around Lake George? I am not in a position to say. It seems to be a matter of dispute whether the Currandooley Estate runs below high water-mark or not. Ten years ago when I first went to Bungendore the lake extended for half a mile or three-quarters of a mile higher up on the land than it does now.
1827. What do you consider to be the high water-mark on Lake George? I consider that it should extend to the high water-mark of ten years ago. I do not think that even that was the highest mark.
1828. Do the proprietors of Currandooley Estate contend that they go below that? Yes. The water has receded for a quarter of a mile or half a mile, and they claim that their estate goes to the edge of the water. I remember a time when the lake was partly dry, and they claimed it just the same then.
1829. Do they persist in claiming that their estates run out to high water-mark, no matter where it is? Yes; so far as I know.
1830. Is that the reason why they turn people off the Crown lands? I think so. Of course I do not know that they have turned people off Crown lands, but they have turned people off land which they claim.
1831. Have you ever heard of their turning people off the reserve at Deep Creek? There is a large reserve of about 400 or 600 acres there, but the public have no access to it.
1832. Why not? There is no access except by boat up Deep Creek, and that is not navigable.
1833. Is there no road to it? No; the old road which used to lead on to it is closed, and a new road has been made in lieu of it.

William Nicholas Cain called in, sworn, and examined :—

1834. *Ochairman.*] What position do you hold in connection with the Fisheries Act? Assistant inspector. I have to look after Tuggerah Lakes and Brisbane Water.

1835. How long have you held that position? Five years in December.

1836. Had you any experience of Fisheries before you joined the Service? Yes; I was a fisherman at home, and in this country.

1837. Have you taken a great interest in Fisheries? Yes.

1838. Do you consider that the provisions of the Fisheries Act have applied justly, and have given satisfaction to the people who carry on their callings as fishermen? No; there is plenty of room for improvement.

1839. Have you at any time made any recommendations to the Commission with a view to remedying alleged defects in the Fisheries Act? Yes; I represented to Dr. Cox that the fishermen complained that the length of 300 yards for the nets they used on Tuggerah Lakes was not sufficient. I represented to him that it would be just as well to let them use nets of 400 or 500 yards in length, provided they were of the lawful mesh. It is just as well to let them make one haul as two or three.

1840. Have you had many cases brought under your notice where nets of an unlawful mesh were used? Yes, several; and I have also detected them using nets of an unlawful length. That has given rise to many rows with the men.

1841. In carrying out your duties have you been obliged to seize those nets? Yes; but since then I have got a tell-tale which tells the weight of the fish. If when the boats arrive I see that there are a great many small fish, I weigh them. That saves a lot of trouble in chasing about after the men. All my duty is to see that the fishermen do not destroy small fish, and I believe that the men do not intend to destroy more small fish than they can possibly help.

1842. When a net has once been passed as being of the legal mesh, do you not think that it should always be considered legal? No; when it is tanned it gets smaller. They make an allowance for that when they obtain the nets first.

1843. Do you think that as a rule it would be better to have a provision for punishing people who catch small fish, instead of being so particular as to the mesh of the net? Yes. When I first visited Tuggerah Lakes I found fifteen baskets of small fish covered up with sea-weed. Those were caught with unlawful nets. The men who used those nets said, "When old Cain and the policeman comes we will give them a piece of lead." I seized their net and took it to Gosford.

1844. Then the main source of complaint by the fishermen is that the net is not of sufficient length? Yes; in some places they would not want more than 300 yards, but in Tuggerah Lakes 300 yards is of no use.

1845. What did you do with the nets which you seized? I forwarded them to the head office in Sydney.

1846. What was done with them? They were sold. I got my compensation for my work, and the rest of the money went to the Treasury.

1847. Do you get a certain percentage for seizing? Yes.

1848. Do you know whether it is likely that any of the nets sold went back to be used again in the Tuggerah Lakes? The men who owned the net at the top of the Lake asked me to intercede so that they might get their net back. I said that I should recommend that every man should have his lawful length of 300 yards returned to him, but that anything over that ought to be confiscated.

1849. Was this particular net of an unlawful length? Yes.

1850. Do you know whether any portion of the net was returned to the man? He got 300 yards back.

1851. Did the Commission retain the other part? Yes; I believe they did.

1852. What was the length of the net? Over 600 yards.

1853. Have you any assistant down there? No. At first my son used to help me, but he got no allowance so I could not keep him. I now have to pull my boat about myself.

1854. What salary do they give you? £150 a year. I get no allowance for house-rent, and no travelling expenses are allowed to me except a railway pass. I have to look after two boats. I have to look after the oyster leases at Brisbane Water. I have to measure the leases and do the principal work.

1855. Are there many fishermen's licenses issued there? During the last six or seven weeks there are thirty at Tuggerah Lakes. I carry the application forms in my pocket. When I come across three or four men I ask them for their licenses. They may say that they have been to the office and that they could not get the license. I supply them with a form of application and get them to sign it. I take the money to the Police Magistrate, at Gosford. He forwards the money on to the head office and gets the license down.

1856. Do you not think that it would facilitate matters and be more convenient for the fishermen if you had power to issue those licenses without sending on to Sydney? Yes. It is no good for me to take out a police constable to give those men in charge. By speaking to them softly I can get many of them to sign an application and the license will be sent out to them. If the license were not sent to them they could easily complain to the head office, so that there would be sufficient check on the receipt of the money.

1857. Have you had any complaints made as to the unnecessary closing of waters? No.

1858. Have the waters which you have control over been closed? Part of them have. The Wyong Creek at the entrance has been closed, but it is open now for a width of $\frac{1}{2}$ mile. Seven weeks ago the fishermen wanted to have the entrance to the Lakes opened; but that would have cost £50 or £60, and I told them to wait a little longer. The last gale took all the sand away, and the entrance is now $\frac{1}{2}$ mile wide. The water is 3 feet deep at the entrance, and it was only 10 inches deep in summer time. Before this happened the fish used to lie on each side of the shallow parts trying to get in.

1859. Would it not be better to give the local inspectors power to determine which waters should be closed and which waters should be left open, rather than leave it to the decision of the Commissioners? Yes.

1860. Have any of the Commissioners visited the Tuggerah Lakes? None, except Dr. Cox. He was there once last November, I think.

1861. Where did Dr. Cox go to? He went to the entrance of the Lake. He went 4 miles from Wyong right across.

1862. What sort of fish do they catch at Tuggerah Lakes? All kinds of fish since it has been opened. A lot of strange fish have come in: mullet, gar-fish, and bream are the chief fish.

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1863. How is the fish sent to Sydney? It is carried from Wyong to the railway station, and from there to Sydney.
1864. Did it previously come by water? Yes.
1865. Does much fish come from there? The last account I think was over 1,000 baskets. On an average there are thirty-four men working there. They require six baskets each per week to make it pay, so that would give 204 baskets a week.
1866. Are you aware that it is a source of complaint on the part of the fishermen that the fish-market at Woolloomooloo is not worked satisfactorily? I have often heard complaints on that subject by the fishermen.
1867. Do they complain that their consignments are very much reduced when they reach Sydney? Yes; it is a great shame and it ought to be stopped. I have heard several complaints about that.
1868. Have you had any experience with regard to oyster-culture? Yes.
1869. Are there many oyster leases in your district? The oyster leases in Brisbane water want improving very much. A man may have an oyster lease and his next neighbour, who takes up 100 yards, may have a family of seven or eight children. The Act says plainly that anyone can take a peck of oysters. This man's family can go on to Crown land and take as many oysters as they please and put them on their own lease. That cannot be stopped.
1870. Do you think that the Act is defective in that respect? Yes; it wants a great deal of improving. If it is not soon stopped there will not be any oysters in New South Wales. About 60 bags of New Zealand oysters were put down in different parts of Brisbane Water, and if we get a supply from them it will be a very good thing.
1871. Has there been a dearth of oysters in your district for some considerable time? The only oyster in deep water is the cross oyster; the oystermen get them with nets. As for the other oysters there are none fit to eat except on the lessees' ground.
1872. Have you heard anything of a disease amongst the oysters? There is no disease amongst the oysters there.
1873. With reference to the leasing system, do you not think it would be better for the side of a river, or a creek, or a tributary to be leased to one man instead of allowing a man to take up a lease of 100 yards or several leases of that area? I do not approve of the present system at all.
1874. Have you ever heard of any cases of oysters being stolen? A lessee named Brown, who held a lease for ten years, sold his place. He wrote a letter to me stating that he had four bags of oysters ready to be sent to Sydney, but next morning they were all gone and he could not find out who had taken them.
1875. Do you know how many oyster leases there are in your district? About forty or sixty.
1876. Do you know anything about the habits of the fish? The small fish in Tuggerah Lakes want a great deal of looking after. It is a great place for young fish. The Commissioners did one good thing in closing all the rivers. Whenever there is a flood they come down with a rush. They go right up to the fresh water in the creeks, which are great nurseries for them.
1877. Do you know anything of the migratory fish, such as the sea-mullet? Yes.
1878. At what time of the year do they go into the lakes? Generally about March. There have been very few this year, because the lakes have not been opened. Now, all kinds of fish are coming in: fish that were never seen in the lake before.
1879. *Mr. Stephen.*] Is there a great portion of the lake closed against fishing? Yes.
1880. Is there a close season at any particular time of the year? I do not see why they want to close the Tuggerah Lakes at all. In any of the creeks they cannot use a hauling-net; they must use a meshing-net from one side of the creek to the other. I do not see that it would require to be closed at all.
1881. Then you believe it is unnecessary to close any portion of Tuggerah Lakes? Yes; while the entrance is half a mile wide the fish can go in and out as they like.
1882. Is the entrance closed during some portion of the year? It has not been closed since we had a gale of wind lately. Sometimes it is closed.
1883. Can the spring tides flow in at any time? Yes; if a boat comes close to the entrance there is such a strong tide that they cannot fish there.
1884. If the small fish are hauled up on shore does it not do them a great deal of damage even if they are put back into the water? Yes; if they are hauled on shore not one half of them will live even if they are put back in the water.
1885. What is your reason for believing that nets 450 or 500 yards in length should be used on Tuggerah Lakes? The men would not then have to make so many hauls as they have to make at present. They might just as well be allowed to make one haul as to make three or four hauls. With nets only 300 yards long they require to have very long lines.
1886. Do you believe that the same length of net should be allowed on all fishing-grounds as you recommend for the Tuggerah Lakes? No. I think that 300 yards is rather too long for Brisbane Water.
1887. Why do you think that 300 yards is long enough for Brisbane Water? The tide is very strong there and the fishermen have not got such long places to haul as they have at the Tuggerah Lakes.
1888. Can you suggest any remedy for the stealing of fish while in transit to the market? I am afraid that the remedy I would suggest would not pay. I think that every fisherman should have his fish-baskets locked; then when they arrive at the market they could be unlocked by the agents.
1889. Why would it not pay to lock the baskets? I do not know whether or not it would pay. I think it would be better for the fishermen to try it. I think if two or three of the people who steal the fish were caught and an example made of them they would soon drop it.
1890. Why do you think it would not pay to lock the baskets? The fishermen themselves say it would not pay according to the prices they get.
1891. They would not have to provide a new lock every time they sent a basket down to Sydney? They would want brass locks and keys.
1892. Would it not pay them in the long run? Yes.
1893. Is there any worm disease among the oysters in Tuggerah Lakes? There are no oysters in Tuggerah Lakes except at the entrance. There is no disease among the oysters in Brisbane Water.
1894. *Mr. Stevenson.*] You have spoken of an oyster lessee named Brown. Did you ever hear of his applying to the Commissioners for leave to prosecute persons who were destroying his lease? Yes.

1895. Do you know whether they refused permission? They sent word to the Police Magistrate to issue no summons. Of course that was quite sufficient.
1896. Then virtually they did refuse permission to prosecute? Yes.
1897. Do you not consider that that was a very great injustice to Brown? I do not see what harm the fishermen were doing him because they hauled their nets at low water, and his oysters were on higher ground and they did not interfere with his oysters.
1898. Then it was against the fishermen that he applied? Yes.
1899. And those fishermen had licenses? Yes.
1900. Did you ever apply for a residence or a tent at Tuggerah? Yes.
1901. What was the result of your application? I never got an answer. I have no cover at night.
1902. Are you supplied with any means of protecting yourself from the weather? No; I have to bring up at an hotel.
1903. Are you supposed to be supplied with a macintosh? Yes.
1904. Are the Government supposed to supply you with that? Yes, and a coat.
1905. Have they issued them for this year? No. They ought to be issued at the beginning of every winter, but they have not been issued yet.
1906. Did you recommend the closing of the lakes? No.
1907. Then the Commissioners closed them without consulting you? Yes.
1908. Is that wise? I do not see that it requires closing at all.
1909. What is the object of tanning the nets? It preserves the net.
1910. Does it reduce the mesh? Yes.
1911. Are the nets tanned for the purpose of preservation and not with the object of reducing the mesh? Yes.
1912. Do you not consider it is a very great hardship when a man is compelled to tan his net in order to preserve it that that net should be seized? Yes; but when he buys it he should make allowance for the tanning.
1913. If the net is tanned and it gets below the legal mesh it is liable to be seized? Yes.
1914. Have you any idea whether the pilfering of the fish takes place when it is being sent to market? I have heard that it takes place on the railway as well as in other places.
1915. Are the baskets generally tied with a piece of loose string? Yes.
1916. Do you not think that the pilfering would be prevented if the fishermen put twine tight round their baskets? A man could easily cut off the twine.
1917. Do you not think that the fish would be better protected if every man sewed his basket round with twine? Yes.
1918. As the baskets are tied now, is it not easy for a man to untie the twine and take out as many fish as he likes? Yes.
1919. Have you any assistant? No.
1920. How far have you to pull? On an average I used to walk 30 miles, from Gosford to Salt Water Creek, every week when I was first appointed. I used to go to the top of the Lake.
1921. How far would you have to pull then? 16 or 18 miles. Then I came to Brisbane Water, and I pulled all round there. There is a lot of pulling to do, and I have to do it all by myself.
1922. On Brisbane Water alone what do you think is the average distance you have to pull? From Webb's Reef to the township, which is 7 or 8 miles at the very least. Then I have to go to Cockle Creek. That is about $3\frac{1}{2}$ miles. From Cockle Creek up to Broadwater is $3\frac{1}{2}$ or 4 miles. Wye Wye is about 7 miles from the township. I sometimes go by train, and then I get a boat to go round.

Thomas Temperley called in, sworn, and examined:—

1923. *Chairman.*] What position do you hold? Inspector of the Northern Fisheries.
1924. How long have you held that position? During the continuance of the present Fisheries Act—that is since 1881.
1925. Were you engaged in the Public Service previously? Not during the previous seven or eight years. I had been teaching up to 1875.
1926. So you had no experience previous to your appointment in connection with fisheries? No practical experience.
1927. What knowledge you have gained is theoretical? As a native of the Colony I was thoroughly conversant with fish and their habits, and I had interested myself much with the oyster question long before I ever dreamt of taking office as Inspector of Fisheries. In fact I had written to the press on the oyster question.
1928. What area does your district embrace? From Cape Hawke to the Tweed River—that is more than one-third of the entire coast.
1929. So it is a very important district? Yes.
1930. Do you consider that the provisions of the Fisheries Act have applied justly to fishermen? In my district the fishermen do not complain so much of the Act as of the difficulties they have to contend with in getting their fish to market. Fish are abundant, and there is no necessity there for any closed waters, nor is there any inducement for fishermen to work with small mesh nets.
1931. Have you any closed waters there? No.
1932. How many fishermen's licenses have been issued? On the Clarence River there were 56 fishermen licensed in 1888.
1933. Are there any licenses issued on the other rivers? No; the fishing industry on the north coast was nothing until 1887.* The principal industry in connection with the northern division up to that time was the oyster production. In 1887 the fisheries began to be developed, and they have assumed large proportions since.
1934. So that your duties were pretty well confined to the oyster culture up to 1887? Yes, in connection with oyster leases.
1935. Have any of the Commissioners visited your district at any time? Yes, Mr. Oliver visited the district on one occasion.

Mr.
W. N. Cain.

16 July, 1899.

Mr.
T. Temperley.

16 July, 1899.

* NOTE (on revision):—A few fishermen are located at Cape Hawke, and on the Manning and Richmond Rivers.

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1936. Have any of the other Commissioners visited it? No.
1937. How long did Mr. Oliver remain there? I happened to be away in another part of my district at the time, but I understand that he was on the Manning River for about a week.
1938. Have not the fishermen complained of the unjust operation of the law in any respect? There is abundance of fish on the north coast and the fishing industry has developed itself during the last two or three years in consequence of the introduction of the mode of transmitting fish in ice-chests. The fishermen do not make any complaints about their nets or about any of the regulations, but they are loud in their complaints about the manner in which the fish are treated on their arrival in Sydney.
1939. Have you never had occasion to take action in prosecuting people for infringement of the Fisheries Act? I have prosecuted for the theft of oysters, for the removal of undersized oysters. Also in one or two test cases where attempts were made to test the validity of oyster leases. I have prosecuted fishermen for fishing without licenses, but I have not had occasion to prosecute fishermen for taking undersized fish or working with undersized nets.
1940. Are you aware that after a net has been passed as being of the legal mesh when it has been tanned once or twice it shrinks below the legal size? Yes.
1941. Do you not think it would be only just that when once a net has been passed as legal it should always be considered to be legal? Yes; but there would always be a difficulty in determining whether it was the same net. You cannot very well mark a net so as to render its identification a matter of certainty.
1942. Have you at any time brought under the notice of the Commissioners or the Government proposals to remedy any alleged defects in the Fisheries Act? Not latterly.
1943. Did you at any time with reference to oyster leases or the fisheries generally? I cannot say that I have.
1944. Have the Commissioners at any time acted with reference to prosecutions, the leasing of oyster-beds, or the granting of fishermen's licenses without consulting you? As far as prosecutions are concerned inspectors are required to procure the permission of the Commissioners before prosecuting. In one case of pilfering I am sorry to say no prosecution ensued.
1945. Therefore it takes some time before a prosecution is initiated if you have to report to the Commissioners first and await their instructions? Yes.
1946. Would it not be much better if the power were vested in you as inspector to prosecute there and then? I think that the inspectors of fisheries in charge of districts should be empowered to prosecute when cases arise. I may mention that the Commissioners have given me a general power recently authorizing me to prosecute in any cases of infringement of the Act.
1947. Do you not think it would be more convenient to give you power also to issue licenses and oyster leases? I think with regard to the issue of licenses that local inspectors should be allowed to receive the money, and that immediately on receipt they should transmit it to Sydney. By that means a fisherman would be allowed at once to proceed to fish pending the arrival of his license. It would be practically issued as soon as he paid the money.
1948. As a matter of fact a fisherman might apply for a license to the Commissioners here and have it granted to him without your knowledge? Yes.
1949. You would have no knowledge of the existence of that license unless you asked him to produce it? Yes.
1950. Then it would be more convenient for the local inspector if he could issue the license? Yes; or even if he were allowed to receive the money.
1951. Have the rents for the oyster leases been paid in your district? No; in many, but not in all cases.
1952. I suppose it is only in cases of default of payment of the rents that the matter comes under your notice? The inspectors know nothing whatever with regard to default in the payment of rent.
1953. Do not the Commissioners at any time ask you to cause inquiry to be made? Not with regard to the payment of rent.
1954. Do they ask you with regard to the condition of the leases and the oyster-beds? Yes.
1955. Is there any system with regard to sending reports to the Commission? Yes, we send monthly reports.
1956. What salary do you get? £240 a year.
1957. Are you allowed an assistant? I have a boatman who also does duty as assistant inspector.
1958. Where? At Palmer's Island, Clarence River.
1959. Do they allow you house-rent? No.
1960. Have you had occasion to seize nets at any time? No.
1961. Do you not think it would be better to have a provision embodied in the Act to punish persons severely for bringing undersized fish to market rather than be so particular as to the mesh of the nets? I certainly think that the restrictions should continue as at present with regard to the size of the nets, and also with regard to the size of the fish when brought into market.
1962. Have you ever heard any fishermen complain that the length of the net is insufficient? Not in my district; but I have elsewhere.
1963. Has Mr. Thompson ever visited your district? Yes.
1964. On many occasions? Only on one occasion.
1965. How long did he stop? About a week.
1966. Are you aware that it is a source of complaint on the part of fishermen that the fish-market at Woolloomooloo is worked unsatisfactorily? Yes, it is the cause of great complaint.
1967. Is it the principal complaint that their consignments arrive at the fish-markets very much reduced? Yes. I find that we shipped from the Clarence River in 1888 10,453 baskets of fish, and the returns from the fish-market only showed 8,580 baskets.
1968. How do you account for that deficiency? Partly through a portion of the fish being bad on arrival, but of course there are causes for that.
1969. *Mr. Stephen.*] Did it arise from thieving? I believe part of it would be caused by that, but I cannot say of my own knowledge.
1970. Can you give the Committee any information with regard to the mode in which fish is sent from the Northern District to Sydney? The fish are placed in large chests with large quantities of ice. The boxes are so large that they are packed on the steamers' wharves. On the Clarence River alone last year the weekly consumption of ice in summer amounted to about 4 tons. The ice-chests on arrival in Sydney are

are landed on the steamers' wharves and are opened there. The steamers arrive in Sydney usually in the afternoon. The shipments are bi-weekly, but the most important arrives on Thursday afternoon at different times, varying from perhaps noon until 9 or 10 o'clock at night. The chests are so large that they are not removed to the fish-market. They are opened on the wharves in Sydney by the fishermen's agents, and the fish are carried in baskets to the fish-market. They are thawed during this transit. When the steamers arrive in the day the ice-chests are left on the steamers' wharves in the broiling sun, and it is only reasonable to suppose that the fish which arrive during the afternoon of one day which have to be unpacked and carried to the fish-market and sold the next morning, are found to be bad in many instances. The fishermen are loud in their complaints as to the mode of treatment the fish receive on their arrival in Sydney. There is no doubt that the proper remedy would be to have the fish sold at Darling Harbour on the afternoon of their arrival, and then they could be distributed over the city and suburbs, and along the railway line on the Thursday night long before the time at which they are now sold.

1971. So that you would advocate the establishment of a depôt at Darling Harbour? Yes; I think it is only necessary to abolish the municipal restrictions with regard to the sale of fish. Private enterprise would then step in, and the fish would be sold on their arrival in the afternoon. All that would be necessary would be to have an assistant inspector of Fisheries on the spot to pass the fish.

1972. What sort of fish are consigned from the Northern Districts to Sydney? Only the more valuable kinds, such as whiting, bream, and the flat-tailed mullet.

1973. Do you get any schnapper there? Yes; there are fine schnapper-grounds, but the schnapper is not sent to market.

1974. With reference to oyster leases, how many are there in your district? There are 222 leases in sixteen inlets, including a total of 77,300 yards.

1975. Are those leases let to several people? Yes; they are let in large and small areas.

1976. With respect to the issue of those leases to small people, do you not think it would be better to have some provision, whereby leases would be issued only to people in large areas instead of allowing men to take up 100 yards here and there indiscriminately? Yes.

1977. Have you ever heard complaints that the smaller men have been in the habit of pilfering from the larger beds? Yes, in some cases.

1978. Is Mr. Woodward a large lessee in your district? Yes.

1979. What quantity of oysters is sent from your district? From the Northern Division we shipped in 1883, 6,190 bags of oysters; in 1884, 3,186 bags; in 1885, 3,177 bags; in 1886, 3,962 bags; in 1887, 1,226 bags; in 1888, 1,864 bags. It will be seen that there has been a great falling off in the last few years.

1980. How do you account for the decrease? In 1883 there was a very large production as the result of the licensed boat system which was in force in that year. There is no doubt that the oyster-beds were very much damaged by that system. There was a large number of licensed boatmen who went from river to river as the beds were thrown open, and they dredged the beds as long as they could get anything from them. Then they went on to the next place. They did nothing whatever in the way of improving the beds, and they took no interest in them. They took large and small oysters, although they were under the supervision of inspectors. There is no doubt they seriously injured the oyster-beds. The Manning River has never recovered from the severe dredging it received in 1883. The system was abolished in 1884. With regard to the deficiency during the last two years I attribute it to the extremes of rainfall which the Colony has experienced. The floods of 1887 did an immense deal of damage to the oysters, especially on the Clarence River. I made a careful examination of the Clarence River after the flood of 1887, and I found that 84 per cent. of the oysters had been destroyed by the flood.

1981. Have you ever heard of the existence of a disease in the oysters? There is no disease in my division on the Northern Coast. The worm or mud disease does not extend beyond Port Stephens.

1982. So that excessive rainfall is just as likely to affect the oyster-beds injuriously as is the want of rain? Yes, the drought of 1888 was just as disastrous. It prevented the beds from recovering.

1983. Do you not think it would be a good idea to close the different rivers from oyster-getters, for say a period of two or three years, so as to resuscitate the beds? The lessees have done that. No oysters have been taken from the Clarence River since 1887 up to the present time. No oysters have been taken from Camden Haven since November, 1886, and only some eighty-six bags have been taken during the last five years; so that both these rivers have been practically closed by the lessees for a period of nearly three years.

1984. Has any quantity of spat from New Zealand oysters been laid down on the oyster-beds there? Mr. Woodward and Mr. Comino laid down on the Clarence and Manning Rivers and Cape Hawke last year 2,250 bags of oysters which was a larger number of oysters than were raised again from the division during the whole of that time.

1985. Can you suggest any way by which oyster-culture might be more successfully carried on in the rivers? I think the present mode of giving long leases—that is security of tenure—is about the best thing that can be adopted to get the beds properly cared for; but to give a lessee 100 or 200 yards in a river where other lessees have large areas would be in some cases to give the small lessee opportunities to rob the others.

1986. *Mr. Stephen.*] What are the principal rivers or inlets embraced in your district? The Clarence, the Manning, the Richmond, the Tweed, the Hastings, and Bellinger Rivers, Camden Haven, Cape Hawke, and the Macleay.

1987. Had you any experience as a fisherman previous to your appointment as inspector? No, except as an amateur.

1988. You are not acquainted with the real hardships that fishermen have to undergo? I know something of them.

1989. Are you aware that the life of a fisherman is a very hard one? Yes.

1990. Do you think that it is desirable to throw any obstacles in their way? No. On the contrary I consider that the industry should be furthered in every possible way.

1991. Do you consider that the present Act bears heavily and unfairly on the fishermen? I believe that the Act has perhaps been harshly administered in some cases as a result of the system of giving inspectors a share of the fines.

1992. Do you think that it is desirable that inspectors should have a share of the fines? No.

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- Mr. T. Temperley, 16 July, 1889.
1993. Do you think that it is an incentive to the inspectors to be rather harsh? I think an inspector should have sufficient salary to remunerate him for his work without his having a share of the fines. While it has the effect of giving an incentive to a man to do his duty, it also tends to cause the regulations to be strained and prosecutions to be undertaken where they otherwise would not be.
1994. Are those fines awarded only to the inspector who may happen to seize? The prosecuting party is entitled to half the fines. Moreover the clerks of petty sessions almost insist that the inspector shall take it.
1995. Are the fines divided *pro rata* amongst all the inspectors? No; the prosecuting party in each case receives a moiety of the fine.
1996. Are there any distinctions between the fisheries inspectors as to position or grade? The Act provides for three inspectors and a number of assistant inspectors and acting inspectors—that is an inspector for each of the three divisions with sundry assistants and acting assistants who are generally pilots on the coast and who receive small salaries.
1997. There are three grades? Yes.
1998. To which of the three do you belong? To the inspectors of divisions.
1999. Then you have assistant inspectors under you? Yes.
2000. Do those assistant inspectors report directly to you or to the Commissioners? To the Department.
2001. Then they may send reports to the Department which you know nothing of? Yes; they often do so.
2002. Are the fish which are sent to Sydney in ice-chests frozen? They are chilled.
2003. When they are sent down in that way, after they are taken out of the ice-chests, are they liable to go bad quicker than if they were brought down without being placed in ice-chests? They will not keep for a very great length of time after thawing.
2004. Do you think that it would be desirable to establish trawl-fishing on our coasts? I think it is very desirable that the experiment should be made, and that the coast should be surveyed for trawl-fishing.
2005. At the present time is there sufficient knowledge of the coast to establish that mode of fishing? No, it would be rather a risky experiment to run a trawl over the ground till we ascertain the nature of the bottom.
2006. Are there different kinds of oysters in the northern rivers? I think they have only one kind of oyster—that is the ordinary drift-oyster. Some people make a distinction between the rock-oyster and the drift-oyster, but I do not think there is any difference between them. I think that they are both the same. The mud-oyster is a different oyster, but that is not known in the northern division.
2007. Mr. Stevenson.] How many assistants have you under you? I have one assistant at the Manning River; one boatman, who is also acting-assistant on the Clarence River, and five acting-assistant pilots.
2008. Do you take the pilots on each of the rivers? Yes.
2009. When you want to do anything, before you take any action have you first to report to the Commissioners? Yes.
2010. Do you find that any delay occurs? Sometimes.
2011. From whom do you receive your instructions when the Chief Inspector is absent from Sydney? From the Acting Secretary, Mr. Ellis.
2012. Do you think he is competent to give you instructions on practical matters relating to fisheries? I do not know anything of Mr. Ellis' qualifications. I have seldom received any instructions from him.
2013. Would it not be better to receive instructions from a gentleman whose duties were not merely clerical? Yes, certainly.
2014. Would it not be better for the oyster lease rents and the fees for fishermen's licenses to be paid to the inspector in each district so that he might have some knowledge as to who held the leases and what fishermen paid for licenses? I do not think it would be desirable that the rents should be paid to the inspectors, but I think that they should be notified.
2015. Do you think that if the Commission were abolished and the fisheries placed under Ministerial control it would be an improvement? I do. I think that it is advisable that the fisheries should be under the control of one person, whether that person be a single Commissioner, inspector, or secretary, as long as he is a responsible officer and has power to deal with matters of urgency as they arise.
2016. Are you aware how often the Commissioners meet? Once a week.
2017. Have you ever heard of business being delayed through there not being a quorum? Yes.
2018. Frequently? Not frequently.
2019. When there is no quorum no matter how important the business may be, what becomes of it. Has it to stand over for another week? In extremely urgent cases I understand that the Secretary visits the members of the Commission.
2020. Does the pilot at the Tweed act for you? Yes, but not at the Richmond.
2021. Who is at the Richmond River? I supervise the Richmond River myself.
2022. There are not many fishermen on the Richmond? Not just now.
2023. When you go to the Bellinger and the Macleay do the pilots act? We generally get the assistance of the police.
2024. Do they give their assistance without salary? Yes.
2025. Is that the only control you have? Yes; but I do not often visit those outlying places. It would be as easy to visit the Manning from Sydney as it is to visit it from the Clarence.

THURSDAY, 17 JULY, 1889.

Present:—

MR. FRANK FARNELL,
MR. HOWE,

MR. RITCHIE,
MR. WILLIAM STEPHEN,

MR. STEVENSON.

FRANK FARNELL, ESQ., IN THE CHAIR.

Frederick Nelson recalled and further examined:—

- Mr. F. Nelson, 17 July, 1889.
2026. Chairman.] Do you know anything about the boundaries of Lake George? No.
2027. Do you remember any occasion on which persons have been prevented from using the lake or going upon the land above the lake, which is supposed to be a reserve? I know for a fact that they have been prevented from going on the eastern side of the lake.
- 2028.

2028. Do you know Lake Bathurst? Yes.
2029. Do you know whether Crown lands adjoin that lake? I am not thoroughly acquainted with Lake Bathurst.
2030. Have you said that you could not state positively whether or not there are any fish in Lake Bathurst? I have heard that there are. I know for a fact that fish were put in there many years ago. The reason why I am not well acquainted with Lake Bathurst is that it is in the Argyle District. My duties as inspector of Fisheries do not extend there.
2031. Do you think that fish-breeding could be satisfactorily carried on in Lake Bathurst as well as in Lake George? Yes.
2032. You have spoken of two creeks running into Lake George as good breeding-grounds for fish. Would you advise that those creeks should be closed from fishing? If it was intended to go in for fish-breeding I would strongly recommend that. Butmaroo or Deep Creek and Toralla Creek should be closed.
2033. Have you any knowledge of any other inland fisheries? Yes; the Murrumbidgee, the Queanbeyan, and the Molonglo Rivers. Those are all in the Queanbeyan District, of which I have supervision.
2034. Do you receive any salary from the Fisheries Commission? Yes, £20 per annum.
2035. *Mr. Stephen.*] You said something about high-water mark at Lake George. Do you refer to flood water mark? Yes. Lake George is not influenced by the tide.
2036. What is the quality of the water in Lake George? It is not salt, but it is very brackish. In dry weather it is very much so.
2037. Do you think that the quality of the water is favorable to the production of Murray cod? Yes, because they grow there to such a large size, and are in such good condition.
2038. With respect to high-water mark, is there any defined line showing where the frontages of private properties should cease? It appears that many years ago there were grants on the borders of the lake; but there is no defined boundary as to high-water mark.
2039. Is it the practice of the private owners to say that their properties are bounded by the water of the lake, no matter what height the water may be? Yes.
2040. Do you think that the Government should define a certain line there or let matters remain as they are? I think that there ought to be a defined boundary. That is, certain lands around the lake should be defined for public purposes.
2041. Do you think that the boundaries of private properties around the lake ought to be defined? Yes; it is very necessary.
2042. *Chairman.*] Have you any statement to make to the Committee? With reference to the evidence I gave the other day, a question was asked by Mr. O'Sullivan as to whether if Murray cod and perch were placed in Lake George a market could be got in Sydney for the fish. I think he must have meant Lake Bathurst, because there are perch and Murray cod in Lake George now. Then Mr. O'Sullivan asked if I knew that Mr. Carruthers was turned off Government land. I am not aware that he was turned off Government land, but he was prevented from passing over private property, in order to get to a reserve fronting Deep Creek. That is the reserve which I mentioned in my previous evidence.
2043. *Mr. Stephen.*] Are you aware on what grounds he was prevented from passing over the property? Yes; he was passing over private property. The reserve fronts Deep Creek, but there is no road to it, and no person can travel to it. The road that originally passed over a corner of it is closed and a new road has been made in lieu of it. Therefore there is no access to this creek except by Deep Creek which is not navigable.
2044. Do the private owners of the land fronting Deep Creek claim it as their property? Yes. The land is measured on either side, and I know they claim Deep Creek.
2045. As their private property? Yes.
2046. What kind of fish were placed in Lake Bathurst? Murray cod.
2047. What is the quality of the water in Lake Bathurst? It is rather inclined to be brackish, but it is not so salt as the water of Lake George.
2048. Do you think that the fish that would thrive in Lake George would also thrive in Lake Bathurst? Yes.
2049. What is the extent of Lake Bathurst? I have no practical knowledge of it, but it is 12 miles round.
2050. Is it subject to the rise and fall according to the season like Lake George? Yes; many years ago there was an island in the centre of it which was stocked with rabbits. The late wet seasons, however, have caused that island to be covered with water.

Mr. Thomas Temperley recalled and further examined:—

2051. *Mr. Ritchie.*] In your previous evidence you said that you had no previous experience of fishing before you were appointed inspector;—what do you mean by practical experience? I did not ever earn my living as a fisherman or oysterman.
2052. You do not admit that you had no experience of fisheries or oyster-culture? No; I consider that I had a very good knowledge of them. I had done a lot of fishing from my childhood in Port Jackson, and in deep water, and in the Manning River. I had ample opportunities of becoming acquainted with the fisheries there.
2053. You said that previously you were a teacher;—what classification had you as a teacher? I had the certificate of class II, section A, which I obtained by examination. This classification would entitle me, under the Department of Public Instruction, to a salary of £250 a year and an allowance of £80 for house-rent.
2054. What was your occupation after you left the Education Department? I was the proprietor of a large saw-mill on the Manning River for some years.
2055. Did you then study oyster-culture? Yes; I interested myself in the question during that time.
2056. Did you gain any practical or scientific experience? I gained a lot of experience as to the working of the oyster-beds. The Manning River was a very important oyster district. I also have the benefit of eight years' experience as an inspector of fisheries.
2057. Did large quantities of oysters leave the Manning River for Sydney? Yes, the Manning River was then leased for £1,000 per year.
2058. Were you appointed inspector for the Northern Division when the Act first came into force? Yes; and I am the only one remaining in the department of the inspectors originally appointed. I am senior inspector by length of service.

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Mr.
T. Temperley.
17 July, 1889.

Mr.
T. Temperley,
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2059. In your opinion what qualifications are necessary for an inspector? The inspector of a division should be a good all-round man. He should have general ability, good clerical attainments, certainly a good knowledge of fish and oysters, of oyster-culture and net fishing. He should be competent to measure oyster leases and make accurate tracings of them. I have had a great deal of that work to do. The inspector must necessarily be a good boatman, also a good horseman and bushman, so that he may be able to travel by compass over the country. I have had to travel where there are no roads and I have frequently camped out, sometimes with a saddle for a pillow, and have swam rivers and creeks where there were no residents to ferry a stranger across. He should also be competent to interpret the Act and the Regulations, and to conduct prosecutions. He should be thoroughly able to report on the various matters referred to him and he should be a good correspondent.

2060. Do you think that the present Commission works well and that the administration is effective? I think that the Commission did good valuable work in organizing the department and in obtaining information, especially the information on which Parliament abolished the licensed oyster-boat system in 1884, but in administration I think that the gentlemen who form the Commission and whose time is valuable should not be required to deal with matters of detail, such as the passing of accounts and the approval of the expenditure of small sums of money. For example: I have a compass which cost 7s. 6d.; when I applied for authority to purchase it the question had to be submitted to the Board.

2061. Whom do you think that should be vested in? In one of the superior officers.

2062. In the inspectors? No; in the head of the department.

2063. That would be the Secretary? Yes, or the chief inspector. I think that important matters of urgency should be dealt with at once, without keeping them till there is a meeting of the Board. I refer to prosecutions and other important matters that often arise, and which require to be dealt with without delay.

2064. You mentioned something about the detection of some person stealing oysters;—did you prosecute in that case? No.

2065. What were the reasons for not prosecuting? The facts were these: I caught a family stealing oysters from a lease belonging to Mr. Gibbins. This occurred on the Evans River. They had a quantity of oysters and they were actually taking them from Mr. Gibbins' lease and loading a cart at daylight when I discovered them. I reported the matter to the department and notified my intention of prosecuting, but the Commissioners declined to allow me. They decided that the lessee should protect his own interests. I had seized the oysters and I wished to prosecute. The lessee who resided in Sydney did not consider that he had time to go so far to prosecute and the matter was left to his agent on the Evans River to carry out the prosecution; but the agent declined to prosecute. The consequence was that the prosecution fell through.

2066. Then the Commissioners did not consider it was their business to instruct you to carry out the prosecution? Not in that case; afterwards they gave me general power to prosecute in all cases.

2067. Did you believe at the time that you had power to prosecute under the Act? No, I have no power to prosecute unless the Commissioners authorize me. The family when caught stealing alleged that the stolen oysters had been procured from a small lease of 100 yards which had been applied for but for which the lease had not been issued.

2068. Then this man, the head of the family, was not actually a lessee at the time? No, but his lease was ready for issue.

2069. He had no legal authority to go on the ground and collect oysters? No.

2070. Was it a clear case of taking oysters off another man's ground? Yes, it was a very clear case.

2071. *Mr. Stevenson.*] What did you do with the lease of this man who you allege stole the oysters? It was cancelled by the Governor on the advice of the Commissioners.

2072. Upon what grounds? I do not know. I had recommended that the lease should be withheld pending the result of the prosecution for stealing the oysters. I presume that it was in connection with the case of stealing the oysters that the lease was cancelled.

2073. But if he had been prosecuted might it not have been shown that the man was taking oysters from his own ground? I do not think there was any possibility of that.

2074. Still there was no case brought against the man? He was not prosecuted but his lease was cancelled.

2075. *Mr. Ritchie.*] In your former evidence you said that the fishermen made great complaints about the means of transporting fish to Sydney. Of course it is no part of your duty to make provision of that kind? It is not.

2076. That rests entirely with private enterprise? Yes.

2077. Do you think it is possible to increase the supply of fresh fish from the northern rivers if some better provisions were made for conveying the fish? Yes, the fishermen have lost so much by the treatment the fish have received in Sydney that numbers of them have actually discontinued fishing. On the Clarence River the number of fishermen has decreased from twenty boats during last year to three or four during the early part of this year. This was owing almost entirely to the fact that the men could not get fair remuneration, and they would have been satisfied to work on for low returns. The fishermen have to purchase the ice in Sydney, pay freight for it to the Clarence River, freight on the ice-packed fish to Sydney, cartage of the fish from Darling Harbour to Woolloomooloo, and then not only pay 5 per cent. to their agents for looking after the sale of the fish, but have to pay the corporation salemen commission as well.

2078. Can you make any better suggestion for the means of conveying the fish to market? The conveyance of them generally speaking is right enough. The important question is the disposal of the fish after their arrival in Sydney. I am satisfied that if the fish were sold at Darling Harbour in the afternoon or evening of arrival there would be a very large increase in the supply of fish for the city and suburbs, and in many instances the fish would be retailed and consumed long before the time at which it is now sold at the Woolloomooloo fish-market.

2079. Are you well acquainted with the habits of fish generally? Yes.

2080. What is your opinion about the migratory fish? We have several kinds of migratory fish. The large whiting comes in on the north coast in November to spawn. The salmon move along the coast in October. I have taken particular interest in the habits of the sea-mullet. One year, 1883, also in 1884, I instructed my assistant inspectors along the coast to carefully note the time when they entered the inlets. It is the general opinion that this fish works from the south towards the north.* I found on these occasions

*NOTE (on revision):—Monthly reports—April, 1883; also April, 1884.

occasions that the mullet entered first the Tweed River about the early part of March; later on they entered the Richmond, then the Clarence, then, the Macleay, the Hastings, and so on down the coast, showing conclusively that they worked southwards. A current sets along the coast southwards, and whenever the fish began to move, their heads would be turned to the north against the current, and they would appear to be working their way northwards, but I believe that they really work their way from north to south instead of from south to north as is generally supposed.

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2081. In what months of the year does this migration take place? In March, April, and May. They enter down south towards May, but they are found entering the rivers in the north in March and April.
2082. Do you know anything about the natural enemies of fish? There are birds and of course there are the sharks. There is provision in the Fisheries Act for the destruction of cormorants.
2083. Are those birds very destructive in your district? Yes. They are found in some places in flocks, and they destroy the young fish. They are called divers. There is a reward of 4d. a head for the smaller kinds and 6d. for the larger.
2084. Are there many killed? Recently a number have been killed. Twenty-two were paid for on the Clarence River during the month of June, but long periods have elapsed when no claims were made for their destruction.
2085. Are there any rewards given for shark-killing? No, that is not provided for by the Act.
2086. Then I suppose there is no shark-catching? There is not.
2087. Is there any action taken to cure fish in your district? Attempts have been made from time to time by different parties to salt and dry fish, but they have nearly always died out. That work is generally carried on by Chinamen.
2088. Do they cure many fish? A moderate quantity for their countrymen. There was one fisherman, a European on the Clarence River, who used to cure fish and send them to Fiji by the Colonial Sugar Company's steamers.
2089. Is there any canning of fish carried on? Yes, a fish-canning company has been established within the last two years at Iluka on the Clarence River.
2090. Are they successful in their operations? Yes, I find that they consume about 175 baskets of fish in the month; that is the return for last month. They shipped 220 cases of canned fish in June.
2091. Where does it go to? To Sydney. I produce two tins of fish cured by this company; one is bream and the other whiting. The tins are well got up and the fish is of good quality. Each case contains five dozen of 1-lb. tins.
2092. Does it pay? I believe so. They are carrying on their work in a small way.
2093. Is it a co-operative company? The proprietors are working people. They state that they cannot supply the demand.
2094. *Chairman.*] Then if there was another industry of the kind established up there it would flourish? I think it would.
2095. *Mr. Stevenson.*] Would it not be more suitable if the business were carried on at Yamba? I dare say it would, but I suppose it is a question of securing a building. The proprietors state that the great drawback is the difficulty of obtaining a supply of fish regularly.
2096. *Mr. Ritchie.*] Do they dry fish? No.
2097. *Mr. Stevenson.*] Is the industry confined to bream and whiting? No; it includes other kinds; the sea-mullet is exceptionally good.
2098. *Mr. Ritchie.*] When the fishermen want a license do they apply to the Commission and not to you? The inspector is not authorized to take money for licenses, but wherever fishermen are located near the Courts of Petty Sessions they pay their money to the Clerks of Petty Sessions. It is one of the anomalies of the Act that an inspector is authorized to collect money for spat but not for licenses.
2099. Does the Clerk of Petty Sessions issue the license? No; he receives the money and transmits it to Sydney.
2100. Then the license comes from Sydney? Yes; it is sent through the Clerk of Petty Sessions and not through the inspector.
2101. Has the fishermen to wait till the license comes through from Sydney? If the inspectors were to confine themselves to the regulations the fishermen would have to wait, but they invariably allow the fishermen to work, on ascertaining that they have paid the money.
2102. But strictly speaking that is not in accordance with the Act? It is not in accordance with the regulations.
2103. How long does an oyster take to mature? About two years and sometimes three years. It depends upon the locality. There has been a large amount of what I call semi-oyster culture carried on in the northern division. The lessees have taken the small immature oysters from the rocks and twigs on the foreshores, and placed them in deep water, thus stocking their beds with immature oysters. These take about twelve months to develop after being removed to deep water. The time that an oyster takes to grow to maturity depends very much upon the nature of the water. They require a good running tide, and to be placed where there is a good current to bring food to them.
2104. *Chairman.*] At what price does this canning company sell the preserved fish? 4s. 6d. a dozen wholesale. They supply them to one firm in Sydney.
2105. *Mr. Ritchie.*] Are the assistant inspectors under your immediate supervision? Only those whose districts I visit.
2106. Are you responsible for the performance of their duties? No.
2107. *Chairman.*] With reference to oyster-culture do you know the enemies of oysters? Yes; the star-fish is an enemy of the oyster, but whether he eats it or not is a matter of opinion. You will find that star-fish on an oyster-bed collect a great number of oysters together. You will see a mound of oysters collected together and at first sight you would imagine that some person had placed them there. Whether the star-fish collects them to form a home for himself and thus destroys the oysters which are placed underneath and worked into the mud by the weight of the upper ones or by his actions, or whether he destroys them to live upon them is another question. There is no doubt that they are collected and destroyed by the star-fish. Then crabs will destroy oysters, especially small ones, in places where there are muddy foreshores.
2108. Have you ever heard of the stinging-ray as an enemy of oysters? I do not think that they destroy oysters; in fact I never heard it even suggested. Of course there are borers, and then there is the worm that

Mr. T. Temperley. that gets into the oysters and causes the mud disease. I have known immense damage to be done to oysters by the influx of weeds. On one occasion, January, 1886, a large quantity of oysters was destroyed on the Evans River by a heavy deposit of fine red seaweed which was blown in by a north-east wind. Tons of fish were destroyed at the same time. When there has been an absence of rain for any length of time marine vegetation collects on the oyster-beds and smothers the oysters. Sponges cover the oysters, and frequently large portions of the oyster-beds.

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2109. *Chairman.*] How many hands are employed at this canning establishment at Iluka? Four or five.

2110. How is the canned fish disposed of? It is sold to one wholesale firm, Robert Harper & Co., who take the whole of it. The men employed in it say that they could give work to a larger number of men if they had some means of keeping the fish in a cool chamber till they clean them. The fish are caught in quantities, but before they have time to clean them and work them up they go bad. They require to be worked up soon after they are caught for this purpose, and the great difficulty is to procure a regular supply.

2111. Is the canned fish always found to be in good condition when opened? Yes; each tin is tested before it is packed by giving it a slight tap with a mallet. If it is bad it can be detected by the sound.

2112. Do you think that if proper appliances were used and if there were means of canning the fish at once a great industry could be developed? Yes, they require a cooling room to put the fish in until they are worked up.

2113. *Mr. Stephen.*] Is there no means of ascertaining whether the star-fish destroy the oysters? It is a very difficult question to determine.

2114. Are there not empty shells found in those mounds? Yes. The oyster probably dies by being forced into the mud or star-fish's hole by the overlying oysters and the movements of the star-fish. When the mound is moved the shells are lying about.

2115. But are not the shells completely empty with no remains of an oyster? Yes; but that is always the case with dead oysters after a time. The small fish are on the look out to eat the oyster the moment the shell opens.

2116. *Mr. Stevenson.*] You state that the fishermen in order to obtain a license have to go to the Clerk of Petty Sessions? Yes, to the nearest Clerk of Petty Sessions.

2117. That would be at Maclean? Yes; on the Clarence River.

2118. How far would that be? From Iluka, where most of the fishermen are, it would be a distance of about 15 miles.

2119. Not only have they to go there to pay the money but they have to go there to get the license afterwards? Yes; generally.

2120. Is that not a great hardship? Yes, I have already said that I think the local inspector should be allowed to receive the money.

2121. A few years ago there was no Clerk of Petty Sessions at Maclean? Yes. If there is no Clerk of Petty Sessions the fishermen send the money to Sydney.

Mr. George Gordon Benson called in, sworn, and examined:—

Mr. G. G. Benson. 2122. *Chairman.*] What position do you hold under the Fisheries Commission? Inspector of Southern Fisheries.

17 July, 1889. 2123. What area does your district embrace? I should like to explain that when I was first appointed Inspector of the Southern Fisheries they were supposed to extend from St. George's Basin to the boundaries of Victoria. Mr. Smithers and I were both appointed at the same time. After being there for some time I wrote to the Commissioners and told them that there was no necessity for me to visit Mr. Smithers' district as it only caused expense, so they gave me the district to a place called Bermagui. Mr. Smithers had to go from Eden to Bermagui and my district was from Bermagui down to St. George's Basin. We have the work to do between us. The district which I have to look after personally is about 100 miles in length.

2124. What are the particular fisheries over which you have control? Tuross Lake, the Clyde River, Narrowwilla Creek, Wagonga River, and several other little creeks: Berara Creek, Tomakin Creek, and the Moruya River.

2125. How long have you held the position of inspector? I was appointed on the 18th December, 1882.

2126. Had you any practical experience of fisheries before your appointment? Only as an amateur.

2127. So that whatever you knew of the habits of fish and the culture of oysters before you were appointed, you simply knew it as an ordinary gentleman going to fish for pleasure? Yes.

2128. Since your appointment have you made it a study to acquire a theoretical as well as practical knowledge in the culture of oysters and the development of the fisheries of the Colony? I have read a little—everything that I could pick up in the papers. I have read Professor Huxley's work, but they tell me that the oysters in this country are very different from the oysters at home.

2129. Since your appointment as inspector have you taken a deep interest in the industry? There is very little fishing in our district. I have taken a great interest in oyster-culture.

2130. Is there much net-fishing carried on in your district? Very little.

2131. Is the work more confined to oyster-culture? Yes.

2132. Have you ever heard any complaints from the fishermen as to the unjust operation of the Fisheries Act? No; there are no closed waters in our district, and that is the principal cause of complaint. When I first went to the district they used to complain, but since the garfish-net has been altered I have not heard any complaints from them.

2133. Have any complaints been brought under your notice by fishermen, oyster lessees, or any one in your district? I have heard complaints from the oyster lessees.

2134. What was the nature of those complaints? They complained of the rents being too high for the leases.

2135. Have you at any time brought under the notice of the Government or the Commission any recommendations or proposals to remedy any alleged defects in the law or the complaints which those people have made? About a fortnight ago I wrote to the Commissioners recommending certain alterations in the Act.

2136. What were those alterations? On several of the rivers there are lessees who hold thousands of yards for oyster-culture and they pay heavy rents. At the same time leases are granted to men for 100 or 200 yards. Those small lessees take advantage of that and steal oysters wherever they can get them, on the other leases or on Government land. They simply pay £1 or £2 a year, whereas the other lessees pay hundreds per annum. I recommended that the Government lands which are at present unleased should be let at a reduced rental.
2137. With reference to the leasing system, has it come to your knowledge that pilfering has taken place by the small lessees both from the Crown lands and from the larger lessees? Yes.
2138. Do you not think it would be better under those circumstances to lease the whole side of a river or half the side of a river or tributary instead of allowing those people to take up 100 yards here and there indiscriminately? Yes; that would be a very good remedy.
2139. How many oyster-leases are there in your district? On the Clyde River there are 20,686 yards leased. 1,200 yards have been applied for, and are now under consideration. At Tuross there are 7,200 yards leased. At Wagongo there are 5,000 yards leased; 300 yards have been applied for, but that is not yet settled. At Narrowwilla Creek there are 2,200 leased; at Tomakin River 800 yards are leased. At Berara Creek 100 yards are leased, and another 100 yards have been applied for, but that is not yet granted. At Cullendulla Creek 1,700 yards are leased. That is all.
2140. What is the total number of lessees in the district? Ten men hold all the Clyde River. That is the principal fishery. At Tuross there are eight or nine; Moruya, six; Narrowwilla Creek, four; Tomakin River, one; Berara Creek, one; Cullundulla, one.
2141. Do you know whether all the rents have been paid on those leases? They are not.
2142. Are several in arrears? Yes; I have a list of those on the Clyde River, which are in arrear. I sent for a list the other day which has just been sent back to me. There are not many that have not been paid.
2143. Are they long overdue? Some of them have not been paid for over three years.
2144. Have the applications for oyster-leases to come through you? No; they are sent to the head office.
2145. Are you informed after the Commission has dealt with an application? They send up the application to me to report on and to measure the ground.
2146. While those lessees neglect to pay their rent any person who desires to engage in oyster-culture is prevented from taking up the land through those people holding it? Certainly.
2147. Is there no provision by which you could compel those persons to pay their rents? I wrote to the Commissioners some time ago on the subject, but they said they could do nothing. They cannot compel the lessees to pay.
2148. Do you not think it would be much better to give the local inspectors some power with regard to the issue of fishermen's licenses, and with reference to the oyster-leases? Yes.
2149. Would that save a lot of inconvenience to the fishermen and the oyster-lessees, as well as a lot of red-tapeism in the department? Yes.
2150. In your correspondence with the Commissioners have you always found that they dealt expeditiously with matters, or have you found that they are dilatory, or that they have allowed matters to remain in abeyance? In some cases they have been dilatory.
2151. To whom are the lessees supposed to pay the rents for oyster leases? They are supposed to pay them into the Treasury.
2152. The people themselves? Yes.
2153. Is that also done with fishermen's licenses? They are paid to the nearest Clerk of Petty Sessions.
2154. But in some cases may not the Clerk of Petty Sessions be 30 or 40 miles away from the fishermen's home? Yes.
2155. Would that necessitate the fishermen travelling that distance? Yes, but in a case of that sort I think they often send the money direct to Sydney.
2156. It does not go through you at all? No.
2157. When do you hear of the license being issued? In my district I hear it from the Clerk of Petty Sessions who sends me the license and I deliver it to the fisherman.
2158. Would it not be better to give you, as the local inspector, power to issue the licenses? Certainly.
2159. Have any cases of the seizure of nets come under your notice? No.
2160. Have any of the Commissioners ever visited the fisheries under your control? None of them.
2161. Was Mr. Lindsay Thompson ever there? He was down there once. He visited the Clyde River, the Moruya River, and Tuross Lake, in 1883.
2162. Are there very few fish sent to market from your district? Yes, very few.
2163. Can you suggest any way by which the fisheries might be developed there? There is plenty of fish there, but there is no proper steam communication. There is one steamer per week; but she is a slow old boat; she generally gets into Sydney about 10 o'clock in the morning, and the fish have to be put into a cool chamber. They have to pay freight, they have to pay the agents, also cartage, and when the returns come back they find that there is nothing left.
2164. Have you ever heard them complain that the market accommodation in Sydney is not satisfactory? No; but I have heard them complain of the agents—the middlemen. They say the middlemen take all the profit.
2165. Have you heard them complain that their consignments have been tampered with on the road? Yes.
2166. Where does the steamer run from? The Clyde River.
2167. Where are your head quarters? At Bateman's Bay.
2168. Where are the most prolific grounds for oysters? The Clyde River.
2169. Do the fine oysters come from there? Yes.
2170. Are you aware that a great number of oysters are imported from New Zealand? Yes.
2171. Has any oyster-spat imported from New Zealand been taken down to your district? Yes, about 300 bags have been taken to Wagonga.
2172. How have they got on? They have shown good growth; but there is no sign of spat where they are.
2173. What has been the general state of the oyster-beds in your district for the last twelve months? They are very much improved on the Clyde River. About the Tuross River they have been all destroyed.

- Mr. G. G. Benson. 2174. How did that occur? The lake and the mouth of the river have been closed. At Durras Lake they have all been destroyed except the mud-oysters. They seem to thrive in the fresh.
- 17 July, 1889. 2175. Has there been any disease in the oysters in your district? No.
2176. Do you know of any natural enemies of the oyster? Yes, I think the bream are as great an enemy as any.
2177. Have you heard of the worm disease? Yes, in the northern rivers.
2178. Have you heard that the stinging-rays injure the oyster-beds by crunching the small oysters? Yes.
2179. In the event of your detecting any one pilfering oysters from the Crown lands, or from lessees' beds, have you any power to prosecute without reference to the Commission? No.
2180. Do you think it would be better to vest that power in the local inspectors? Yes.
2181. Have you any assistance at Bateman's Bay? Yes, a boatman named John Hesp.
2182. Do you do a great deal of rowing and sailing about? Yes.
2183. Does this man assist you? Yes, and he takes charge of the river in my absence when I am travelling.
2184. How long has he been with you? Since 1884.
2185. What salary does he get? £108 a year.
2186. Has he lately received an increase? No.
2187. If it has been stated that Hesp has nothing do do but engages himself in ringleading the larrikins, and that he also indulges in gambling at Bateman's Bay—is that true or not? It is untrue.
2188. Do you always find him plenty of work to do? I do not; he has not enough to do.
2189. Then he might indulge in larrikinism and gambling in his spare time after his day's labour is done without your knowing anything about it? I think I should know of it if he did. I have never heard about it. He is respected and liked by everyone in the district as far as I know.
2190. Is the fishing industry carried on in any other way than by oyster-culture and by sending a small supply of fresh fish to market? Yes, fish is salted and smoked.
2191. What particular kind of fish do they smoke there? Generally the black-fish, gar-fish, and bream.
2192. Black-bream? Yes; they also generally smoke whiting.
2193. Is the drying process a good one;—do they dry the fish in the sun? Some of them dry the fish in the sun.
2194. Is there a great quantity of dried or salt fish sent to the market? No, very little.
2195. Are there plenty of fish there? Yes, but there is no sale for them.
2196. Have you any fish-preserving establishments down there? No.
2197. *Mr. Stephen.*] Is there a stated rent charged for oyster leases? Yes, £1 for every 100 yards per annum.
2198. Is there any difference in the quality of the ground leased? Yes, there is a great deal of difference, and the lessees have to pay the same for the bad as the good.
2199. Is that fair? No.
2200. Do you think it would be possible to have different rates? I think the grounds ought to be classified. Of course there would be a difficulty because the pick of the rivers have already been leased and there is only the refuse now left. That would grow spawn, but there is very little of it fit for cultivation. I think the land now unleased should be let at a reduced rental. There is no revenue derived from that land at present but I think it would pay to take it up at a reduced rental.
2201. Would you have a reduced rental on an improving lease? Yes.
2202. Can oyster leases be forfeited for non-compliance with the regulations? Yes, after three years.
2203. Would that apply to the non-payment of rent? Yes; or to not paying proper attention to the lease; that is not keeping it properly stocked with oysters.
2204. You do not know that there is any remedy for non-payment of rent? No, except forfeiture.
2205. *Mr. Stevenson.*] Upon whose recommendation were you appointed inspector? Mr. Want's.
2206. What previous practical experience had you in fisheries and where? In Tasmania and New Zealand, but only as an amateur.
2207. Were you not connected with mining before your appointment? Yes, for a time.
2208. In New Zealand and Tasmania? Yes.
2209. Were you not engaged in mining pursuits in New Zealand and Tasmania before your appointment? Yes.
2210. Were you selected, although you had no previous knowledge of the worm disease, to go up north and report on the worm disease in another inspector's district? Yes.
2211. Why were you specially selected for that duty, seeing that you had no worm disease in your district? I do not know.
2212. Had you any practical experience in the worm disease before? No.
2213. Who accompanied you on that occasion? Mr. Gyler, of the Manning River.
2214. Had he any great experience in oyster-culture? Yes, he had been an oysterer for the last twenty years. I do not know whether he ever had any experience of the oyster disease.
2215. What was the object of sending two of you up there to make a report? I have no idea.
2216. Do you think it was done to afford you the assistance of practical knowledge to enable you to make the report; who made the report, you or Mr. Gyler? I did.
2217. Then you were assisted by the practical knowledge that Mr. Gyler was able to afford you? Yes.
2218. What were you paid for that report? £1 per day.
2219. How long were you away? Thirty-seven or thirty-eight days.
2220. Then you got about £37 to £40? Yes.
2221. Do you get house-rent? I do; office-rent.
2222. Are you aware whether any of the other inspectors get house-rent? I am not aware whether they get it or not.
2223. You also have a boatman? Yes.
2224. Have you any relative on the Fisheries Commission? I have a brother-in-law.
2225. What position does he occupy? President.
2226. When you report on any case to the Fisheries Commission is there any delay in getting an answer? I have found delays occur at times.
2227. Do you ever hear of the Commissioners not having a quorum at their weekly meetings? Yes; often.
- 2228.

2228. Do you think that if the department were under direct Ministerial control and under one head a great deal of time would be saved? I think it is scarcely a fair question to ask me.
2229. You can have an opinion? If I give my opinion straightforwardly it would be that I believe that under one head the department would be managed a great deal better than at present.
2230. Do you consider that the present Fisheries Act is a good one? In some respects I do not. I think there is room for a great deal of improvement.
2231. Do you think it would be an improvement if the rents for oyster leases were reduced and it was rendered compulsory to construct a spat collector? Yes.
2232. With regard to the defaulting oyster lessees have you no means of knowing that there are defaulters except by applying to the head office? That is the case.
2233. They do not furnish you voluntarily with the list? No; the list which I have now I sent for shortly before I came down here.
2234. Are we to understand that the Act makes no provision for compelling oyster lessees to pay their rent? I understand not. I can see nothing in the Act to compel them.
2235. Then anyone can go on with an oyster lease if he likes? Yes; and pay nothing.
2236. Anyone can take up a lease and not pay for it, and still it requires an inspector to look after him? Yes.
2237. Then, what are the duties of an inspector in this case. What is the use of an inspector travelling about if he has no power under the Act? The applications are sent to me; I have to measure the ground for the lease, and every three months I go round the district and report on the leases, as to whether the lessees are making any improvements, and what they are doing.
2238. What becomes of the reports? They are in the office.
2239. Can you give us any idea of the revenue derived from the leases in your district? From the oyster leases about £320 a-year is derived. There are not more than twenty fishing licenses; 10s. a-year is paid for the license, and £1 a-year for each boat.
2240. What is your salary? £240 a-year.
2241. And your boatman's salary? £100 a-year.
2242. That makes £340 a-year, so that by the time the salaries are paid there would be very little left for the Crown? There would not be anything left when the travelling expenses were paid.
2243. What do the travelling expenses come to on an average? I am paid actual expenses, and they amounted to under £40 last year.
2244. So that the whole of the revenue would be absorbed in paying for the inspector? I think so.
2245. And rather more if some of the lessees do not pay? Yes.
2246. *Mr. Ritchie.*] You said you had reason to believe that there was not a quorum at many meetings of the Commissioners. Do you know if any business was ever transacted at meetings where no quorum was present? No.
2247. *Chairman.*] Is there any other information which you would like to tender the Committee? There is one suggestion which I might make, and which I think would save a lot of unnecessary inspection. That would be to increase the size of the oyster ring, and if a man is caught selling illegal oysters, that is under a certain size, make him pay a heavy fine. I would suggest that the ring should be 2 inches in diameter, instead of 1½ inch, as at present.
2248. *Mr. Stephen.*] That would increase the legal size of the oyster very materially? Yes.
2249. *Chairman.*] Have you any idea of the quantity of oysters which are sent from your district to Sydney for sale? Yes; from the Clyde River in 1884, 346 bags; in 1885, 1,240 bags; in 1886, 1,274 bags; in 1887, 597 bags; in 1888, 441 bags. From Tuross in 1886, 335 bags; 1887, 272 bags; in 1888, 44 bags; Moruya in 1887, 96 bags; in 1888, 47 bags. Tomago River in 1887, 35 bags; in 1888, 11 bags. From the other rivers, the Wagonga and the Narrowwilla, they sent their returns direct to the office, and I do not know what they send.
2250. *Mr. Stephen.*] How did you arrive at those quantities? They have to report to the inspector before they ship the oysters.
2251. *Chairman.*] Was that provision made so that the royalty could be charged on the oysters? Yes.
2252. Who used to collect the royalty? The Customs department.
2253. In Sydney? Yes.
2254. Was it not possible that the Customs' duty was evaded? We had to send a telegram to the inspector in Sydney, Mr. Mulhall, and another telegram to the Customs department, stating that oysters were being shipped, and the number from our district.
2255. *Mr. Stephen.*] Did that cause additional expense in the working of the Act? Yes, the cost of the telegrams.
2256. Could you suggest any amendment in the Act? There are a lot of useless regulations under the present Act. It is almost impossible for any man to carry them out.
2257. Are all those regulations authorised by the Act? Yes.
2258. Are they framed by the Commission first? Yes.

TUESDAY, 23 JULY, 1889.

Present:—

MR. NOBBS,
MR. O'SULLIVAN,
MR. RITCHIE,

MR. WILLIAM STEPHEN,
MR. STEVENSON,
MR. FRANK FARNELL.

FRANK FARNELL, ESQ., IN THE CHAIR.

Mr. Thomas Temperley called in and further examined:—

2259. *Chairman.*] The Committee desire to obtain from you a verification of the additions which you have made to the evidence submitted to you for your revision. Have you made those additions for the purpose of making your answers more intelligible and explicit? Yes, giving facts and data.

2260. *Mr. Nobbs.*] Have you omitted anything from your evidence? No; I have simply supplemented my answers by giving facts.

Mr.
G. G. Benson.

17 July, 1889.

Mr. T.
Temperley.

23 July, 1889.

Mr.

Mr. F. W. Smithers called in and further examined:—

- r. F. W. Smithers.
July, 1889.
2261. *Mr. O'Sullivan.*] I find that you have dealt pretty exhaustively with the question of oyster-culture. In what position is New South Wales to-day in regard to that question? In a very backward position.
2262. What is the ordinary method by which oyster-culture is carried on here at present? A man takes up 100 yards, and he takes everything from it. He leaves it absolutely bare of oysters; he does nothing to stop the spat from getting away; he never takes the trouble of putting anything down for the spat to adhere to,—that is what we call oyster-culture at the present time here. Others take up the same sized area of land, and they take oysters from the Crown lands which are not under lease, and they put those oysters on the land they have under lease and take them up again.
2263. Is that the only process by which they promote the culture of oysters? Yes; robbing Peter to pay Paul.
2264. Have you made a study of the way in which the French and Italians have carried on oyster-culture? Yes.
2265. Do you know the great revolution which was made in oyster-culture in France about 1858, by Monsieur Costé and others? Yes.
2266. The process is simply to clean the bottom of the ground? Yes, they clear it of mud and slime.
2267. And place tiles or fascines or any other rough substance in the beds for the spat to adhere to? Yes.
2268. That system has been very successful in France—have you heard of any marked successes in France? I cannot particularise any case; they are all successful.
2269. Did you hear of the case of Aurary, in France, in which a man planted 2,000 tiles in his oyster-beds, and in one year succeeded in getting 6,000,000 oysters? Yes.
2270. Has the method by which they cultivate the oyster in Lake Fusaro, in Italy, come under your notice? Yes.
2271. Is that a very ancient method? Yes, but it is very efficacious.
2272. They artificially plant pyramids of stones surrounded by stakes to intercept the spawn? Yes.
2273. Faggots and fascines are also used? Yes, all to catch the spat.
2274. Do you know the method by which they cultivate the oyster in Ireland? No.
2275. They plant hurdles and fascines there? It is the same in any part of the world.
2276. These are simple methods? Yes.
2277. And very successful? Yes.
2278. Would it be possible to induce our oystermen to take up those methods in New South Wales? Yes, but by compulsion only.
2279. Do you think it would be assisted by the importation of French or Italian experts? I do not think so.
2280. Do you think that those methods are so simple that our oystermen could learn them themselves? Yes.
2281. As a matter of fact this method was first discovered by a simple stonemason named Bœuf, who hit upon it accidentally? Yes.
2282. By planting little parks in the water he succeeded in establishing the industry? Yes.
2283. Was it then taken up by the French Government under the management of Costé, and it then became a great success? Yes.
2284. Do you think our oystermen could be induced to carry out oyster-culture by those methods, and if so by what means could they be induced? My suggestion is to compel every man to take up 500 yards. At the present time he does nothing to stop the spat from going away. I hold that he should be compelled to have a spat collector, which is a wall of wood covered with cement, or it might be made of stone—it would be a permanent improvement upon the land. Inside the space, enclosed by this wall, there would be a lot of sticks, fascines, and other things, to which the spat could adhere. When it was mature it could be taken off and laid all over the bed.
2285. *Mr. Ritchie.*] Would that wall be up to low-water mark outside? It would be started from high-water mark, and it would be run out according to the size of the bed.
2286. *Mr. O'Sullivan.*] I suppose this would be a very cheap method of catching the spat? It would be cheap enough, because I recommend a large reduction in the rents.
2287. Is there any danger of the oyster supply giving out within a reasonable distance of Sydney? Yes, if there is nothing done I hold that we shall have no oysters at all in five years.
2288. Then it is essential that some steps should be taken to cultivate the oysters? Yes.
2289. Do you recommend that a close season should be established to allow the oysters to breed? I cannot recommend that—the only thing I can recommend is what I have already stated.
2290. Have you ever read the works of Mr. Eyton on oyster-culture? Yes.
2291. Does he not recommend close seasons? Yes.
2292. You think it is not absolutely essential to have a close season? Yes.
2293. Do you recommend that the rents should be reduced only on condition that the lessee carries out the improvements which you recommend for promoting oyster-culture? Yes.
2294. Are you aware that there is no restriction whatever in New South Wales with respect to the sale of oysters in the market? There is inspection.
2295. Is that the case in the market? I do not know about the market, but I go amongst the shops myself, in order to see that the oysters are of proper size, but I have no authority to deal with oysters which are unfit for human food.
2296. That is what I mean—is there no inspection in order to protect the public against oysters which are not fit for food? That is the case. As I was passing an oyster-shop the other night I found that there was rather a heavy smell proceeding from the shop. I walked in to examine the oysters, and I found that about 75 per cent. of the oysters were dead and the remaining 25 per cent. were unfit for human food.
2297. What do you do in such a case? I report to the Commissioners, but they can do nothing.
2298. Could not the Inspector of Nuisances of Sydney interfere? Yes, but what I am speaking of occurred at 10 o'clock at night.
2299. Those oysters might have been sold? Yes, goodness knows how many were sold before I appeared on the scene.

2300. Would you suggest that some power should be given to allow of an inspection and condemnation if necessary? Yes, the only power we have got at present is the oyster ring, and that should be a quarter of an inch larger.

2301. Any oyster that will not pass through a ring of an inch and a-half is condemned? Such an oyster is too small for the market, although sometimes it is an old oyster.

2302. How do you manage if there is a clump of oysters stuck together? We do not always interfere unless the case is too glaring.

2303. Are you aware that there are bushels of those small oysters in clumps stolen off Crown lands and sold in the suburbs? Yes, and I have prosecuted in some of those cases myself. We have no law at all to prohibit the stealing of oysters from Crown lands.

2304. *Mr. O'Sullivan.*] Is there wholesale robbery of oysters from Crown lands going on at present? Yes, and it has been going on ever since 1884.

2305. What steps would you suggest to stop that? The first thing would be to issue new leases, as I have suggested, and secondly to bring in a penalty for oyster-stealing off Crown lands. There is no penalty at the present time.

2306. *Mr. Stephen.*] Is there no means of telling the age of oysters from their appearance? No, you might form an opinion from the roughness of the shell, but that is a mistaken notion.

2307. An oyster might pass through the ring, and although it might be an old one, you would have no means of determining that it was? No. If the oyster is deep and cuppy we let it pass.

2308. Do you measure them as much for the protection of the public as for the protection of the oysters? Yes.

Mr. Peter Richardson called in, sworn, and examined:—

2309. *Chairman.*] What are you? A fisherman.

2310. For how long? Twenty-six years.

2311. Where have you been principally working? Sydney Harbour, Broken Bay, and Brisbane Water, all over Parramatta River, and Hawkesbury River.

2312. Within the last ten years where have your operations been carried on? In the three places.

2313. Are you an oyster-lessee? No.

2314. Have you been simply engaged in fishing? Yes.

2315. Where are your head-quarters? I used to work the Hawkesbury River most, but now that so much of the river has been closed I have knocked it off. I have not been up there now for eighteen months.

2316. Did you leave on account of the closing of the river? Yes.

2317. Did you find that the field was not open enough for you on account of the Commissioners closing certain waters, and on account of so many people coming into competition with you? Yes; and the railway on the lower part inside the bridge injured the fishing a great deal. There is a place called Dangar's Island, and it was as good a place as any in the Hawkesbury River, but it is spoiled.

2318. Have you got a good knowledge of the hauling-grounds in the Hawkesbury River? Yes; as high as Mangrove Creek.

2319. Do you know whether the waters were closed in accordance with the wish of the fishermen at the Hawkesbury? I do not think so.

2320. Have you ever heard the fishermen complain of the limited space in which they are allowed to haul? Yes. That is a frequent cause of complaint with them.

2321. Do you know whether the local inspector was asked to make a report on the matter before the Commissioners closed those waters? I cannot say.

2322. How has the hauling-ground at Dangar's Island been destroyed? By a wharf, which has been built on it.

2323. Has it been spoilt in any other way? No.

2324. Was that considered to be one of the best hauling-grounds in the Hawkesbury? Yes.

2325. Could you, or any of those engaged with you in fishing, ever tell why the Commission closed the waters of the Hawkesbury in the way they did? No.

2326. Do you think that any serious result would accrue from opening the river so far as the main channel is concerned, up to Wiseman's Ferry? I do not know about Wiseman's Ferry; but I do not know that any harm would be done if it were opened up to Mangrove Creek. I do not believe that there are any hauling-grounds worth speaking of above Mangrove Creek.

2327. Do you remember that at one time it was closed to the railway bridge? Yes.

2328. It was extended on application by myself, I believe, on behalf of the fishermen, to Bar Point. Do you not think that it might have been reasonably extended further? Yes; because by extending it to Bar Point they did not give us much extra work; we only had the channel work.

2329. In carrying out your avocation as a fisherman, have you had to buy boats and nets, and to employ men? Yes.

2330. Have you ever had any of your nets seized? No.

2331. Did you ever know of any nets having been seized? Yes.

2332. For what reason? For being unlawful nets, and for being in closed waters.

2333. Do nets after being tanned once or twice shrink considerably? Yes.

2334. On their first submission to the Commission or inspectors for approval, as to the nets being of a legal mesh, is there any allowance made for shrinkage? Yes? I believe they do allow a little. The nets shrink very much. Hardly six months ago I was fitting out a garfish-net, and it was $1\frac{1}{2}$ inch in the mesh; it has now shrunk to $1\frac{1}{4}$ inch.

2335. Do you not think it would remove a lot of complaints if there was a law to punish people for bringing fish under a certain weight to market, rather than to be so particular as to the mesh of the net? Yes; that would be a great deal better.

2336. Do you remember Crossland's net being seized? Yes. I was there at the time.

2337. Can you tell the Committee some of the circumstances connected with that case? I do not know whether the man told me the truth or not, but he said that he caught the fish, only a basketful, at Dangar's Island. He went home for some purpose and he was coming down on the ebb tide when the inspector

Mr. F. W. Smithers.

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inspector followed him; he did not know that it was the inspector. As soon as he got opposite the bridge he stopped, and the inspector came up to him. He had his boots on and dry trousers—and the inspector seized his nets.

2338. Because I suppose he found the man with his net in closed waters? Yes, he saw him coming down.

2339. Do you know whether that net was ever restored to Crossland? I asked, and I heard that it was not.

2340. You do not know what became of it? No.

2341. For all you know it may be rotting in the stores? I asked Inspector Smith, and he said it was not restored.

2342. Do you know what is generally done with the nets when they are seized? They are sold.

2343. Are they sold in the state in which they are seized? I believe they are cut up in some way.

2344. Do you not think it would be much better to give the local inspector more power with regard to regulating the fishing-grounds for the fishermen? I cannot say that there is a competent inspector to do so except one. There is only one practical fisherman amongst the inspectors, and that is Smith, at the Hawkesbury.

2345. Do you not think it would be much better to let Smith have charge of the Hawkesbury district, so that he might recommend on his own responsibility the opening or closing of certain waters? I do not think there could be a better one to do so.

2346. When making application for renewal of a license have you ever had cause for complaint for delay in getting a license? No. I never went for any license until this year. I used to send for it and get it. This year I had to go myself, and the license was given to me.

2347. Do you not think that if the inspector had power to issue licenses it would save the fishermen a great deal of trouble? Yes.

2348. During the time you have been fishing at the Hawkesbury River have you sent many fish to market? Yes.

2349. What sort of fish? Black-bream, garfish, whiting, mullet, and jew-fish.

2350. I suppose the fish generally arrive in very good condition? Yes.

2351. Had you ever had reason to complain of the shortness of the quantity which arrive at the fish-market at Woolloomooloo, as compared with the original shipment? I do not know about their arrival at the fish-market; I think the fish disappear after their arrival at the market. I am almost sure of it.

2352. Is it entirely in connection with the sale of the fish that they go? Yes.

2353. You never get returns from your agent for the same quantity of fish that you send down? You get returns for the same number of baskets, but of course you cannot tell the quantity of fish that have been sold. They make two heaps for every basket, but after the fish are put into those heaps the basket is taken away a quarter full of fish. Any private individual going down to the market of a morning, and especially of a Friday morning, can see this done regularly.

2354. You know the fish-market pretty well? Yes; I was the first to put fish into it.

2355. Do you think that the accommodation is sufficient for the requirements of the fishermen and the public? I think there might be a lot of improvement.

2356. Have you been in the habit of sending your fish to market by steamer? Yes.

2357. Where was the steamer generally moored? In Darling Harbour, at Lime-street.

2358. Do you not think that it would be a good idea to have another depôt established for the sale of fish at Darling Harbour, as well as at Woolloomooloo? I think it would be a very good idea; somewhere near where the trains come.

2359. I suppose a great quantity of fish, which is caught in the Hawkesbury River, comes by rail? It ought all to come by rail, as it is by far the cheapest way.

2360. Have you heard other fishermen complain of the shortness of their consignments when sent to market? Yes; all of them.

2361. Have they never arrived at a conclusion as to the best remedy for this state of affairs? I have been trying to make them take some steps, but they do not like to go to the expense. I wanted to employ a detective last winter, but they would not have anything to do with it. The reason is this: I do not think they like to offend Mr. Seymour, or anybody in the market. Last winter, in July, I made a haul of nineteen baskets of fish. A fisherman was coming up with the fish to Sydney, and I asked him if he would put out my fish in the morning at the market. He accompanied the fish up to the quay, and put them on a cart, and he said that up to that time no fish had been interfered with. He went up to the market in the morning at 20 minutes to 5 o'clock to put out my fish, but they were already put out, and he found that there were not half of them there. There were 6 dozen whiting in one basket, and 2 dozen in another basket. The whiting were very large. He said that 2 dozen of the large whiting were not put out in the market at all; the heaps were simply arranged so as to make up a sufficient number of them.

2362. So that the pilfering must have taken place between Circular Quay and the market? Yes; and after their arrival at the market.

2363. Do you not think it would be a good idea to have brass locks and keys on the baskets? Yes. I daresay that it could be done in that way.

2364. It has been stated here that there is no proper provision made for the show of the fish, and that it is quite possible for the people to trample and spit upon them? That is done regularly.

2365. In the interests of the public is it not necessary that some steps should be taken to provide better accommodation? Yes.

2366. Do you know how long the Hawkesbury River has been closed? I think it was closed for two or three years the first time, and for twelve months the last time.

2367. So that it has been closed permanently for three years? Yes.

2368. Might it not be left open for six or three months in each year? My opinion is that if you worked with a lawful net in the Hawkesbury River, and kept it open as far as Mangrove Creek, you would do no harm. From Mangrove Creek up to Windsor there would be 50 miles of ground that could not be worked. In summer-time the Hawkesbury River almost closes itself on account of the blubber.

2369. Do you come into contact with people engaged in the oyster industry? Yes.

2370. Have you ever heard them complain of people stealing their oysters? Yes.

2371. Which do you think are the best fishing-grounds? The Hawkesbury River.

2372. When are the fish most prolific in the Hawkesbury River? In the summer-time they are very thick.
2373. Do you understand anything about the migratory habits of fish? Yes.
2374. Which are the particular fish that travel? The sea-garfish, mullet, travally, black-bream, and black-fish.
2375. In which direction do they travel? From south to north.
2376. Do you catch many schnapper in the Hawkesbury? No; but there is a place called Cowan Creek where they are very plentiful. I have heard that as many as twenty baskets have been caught in a haul there, but I never caught them myself.
2377. Do you know the coast very well? Yes.
2378. Do you think that trawling could be carried on successfully here? I do not think so. The bottom is too rocky.
2379. Have you had an opportunity of speaking with all the fishermen, and can the views which you have given be pretty well borne out by other fishermen? Yes.
2380. Do you know a man named Izard at the Hawkesbury? Yes.
2381. Has he had a pretty good experience of fishing? Middling. He lives at Brooklyn.
2382. Do you think that there is sufficient length of net permitted to be used? Of course a net that will suit Sydney harbour will not suit everywhere else. In the Hawkesbury River a net 200 fathoms long would not do any harm at any time.
2383. Do you think it would be better not to be so particular about the mesh of the net as about the size of the fish? I think that the mesh of the sinking net does a great deal of harm.
2384. Have you ever fished in the Parramatta River? Yes, a great deal.
2385. How long has that river been closed? For three years, with the exception of a fortnight.
2386. Do you not think that the open waters might be extended to the railway bridge at Ryde? Yes.
2387. Have you noticed any decrease in the number of fish in the Parramatta River of late years? Yes; I do not believe you would find any fish in it at all now worth speaking of. They were very plentiful, but the fresh which came on so suddenly drove them all out, and now you cannot find them anywhere. I think that the mouth of a harbour wants closing instead of the head of the harbour. I think it would do more good to close Sydney harbour for a mile from the entrance.
2388. Are there any good fishing-grounds in Middle Harbour? No.
2389. *Mr. O'Sullivan.*] With regard to the stealing of fish, do you imagine it takes place at the fish-market—are you aware that they deny it down there? They deny it, I daresay, but anybody can see it who goes down there. They can see the stealing done.
2390. Are you aware that some time ago they had detectives to watch the fish from the boat to the market, and that they discovered some men stealing? I did not know that they put on detectives, but I knew that a couple of persons were discovered stealing fish. They were tried at the Water Police Court, but they got off somehow.
2391. Did they not get off on account of the fishermen stating that they had given those persons permission to take the fish? I did not give permission; they wanted me to go up, but I did not go.
2392. Were your fish part of those which were stolen? No.
2393. Is it a fact that they discovered that the fish were given away, or rather that they were handed over to different parties on the way to market? Yes; I think that was the way they were found; but I could bring any amount of witnesses to prove that the fish were also taken in the market.
2394. By whom do you suspect the fish are taken? By a great many.
2395. By the hawkers? By the hawkers, and plenty of others. They go round with their little baskets or bags; they go to one man's heap and to another man's heap, and they take a few here and there, until they get a bagful. You can see the inspectors doing it themselves.
2396. Whereabouts is Bar Point on the Hawkesbury? About 19 miles from the mouth, and about 7 miles higher up the river than the bridge.
2397. Do you think that if the waters were opened as far as Mangrove Creek that would offer great inducements to fishermen? Yes. They would be able to make a living then, whereas they cannot do so now.
2398. What is your reason for thinking that trawling cannot be carried on on this coast? As far as I have seen the bottom is too rocky.
2399. Is not trawling carried on off Great Britain and Ireland where the bottom is rocky? I do not know what sort of bottom they have there.
2400. You have been fishing for 26 years and I suppose your appliances and experience are pretty much the same as those of most of the other fishermen? Yes.
2401. How old were you when you began fishing? Seventeen years.
2402. Do you not think that the fishermen of New South Wales are somewhat behind the times with their appliances? I do not know. Trawling was tried here thirty years ago by a man named Malcolm.
2403. If the fishing-grounds were surveyed, and you had something like fair charts to show the nature of the bottom, do you not think that trawling could be carried out? I do not see why it should not be carried out if we get a suitable bottom; but I do not see how a trawl could go on a rocky bottom.
2404. Is there any reason why it should not be carried out by the fishermen of New South Wales as well as the fishermen of Great Britain? I should think not.
2405. If the coast were surveyed they might be able to carry out trawling? Yes, I think if there are any trawling places at all they will be found in Queensland. There is a beautiful bottom there.
2406. But the whole of the bottom along this coast is not rocky? I do not suppose it is.
2407. Do you know that there are many places, such as that opposite Port Hacking, where trawling could be carried on? Yes, with short trawls.
2408. What was the cause of the failure of trawling thirty years ago? They could not get any fish. I noticed in the paper the other day that they also failed in a trawling experiment made in Victoria.
2409. Are you much troubled with sharks in the Hawkesbury? Yes, they are very plentiful.
2410. Are they dangerous to fishermen? No.
2411. Are they sea sharks? No, they are what they call nurses.
2412. They are nothing like the sharks that come into Port Jackson? No.
2413. Do you think that if a bonus were offered for the destruction of sea-sharks in Port Jackson it would lead to their destruction? It might be the case.

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2414. I suppose it would pay the fishermen to destroy sharks if they were paid 10s. per head? Yes, they will not catch them otherwise.
2415. Do the sharks interfere with the fishermen's nets and boats? They interfere with the nets. If you have a shoal of mullet they generally come and bite the net at the back. They do not interfere with the boats.
2416. *Chairman.*] Do you think that the closing of the river has anything to do with inducing sharks to go up after the fish, owing to the fish becoming plentiful through the closing of the river? No. I do not think that the fish are plentiful. I do not think there is a man in Sydney harbour who would say that he could go up Parramatta River and catch three baskets of fish at a haul.
2417. *Mr. O'Sullivan.*] You suggested just now that instead of closing the heads of harbours the mouths should be closed? Yes, at the heads.
2418. What would be the good of that, if the men were allowed to catch the fish inside? At present the fishermen will not allow the fish to enter the harbour; for instance, when a lot of fish are coming in at the south reef at the entrance to Port Jackson the fishermen will go out night or day and shoot their nets to catch them. The fishermen will try to make a haul with sea-garfish at night-time when they can perhaps only get five baskets, whereas if they shot their nets in the day-time they would get a boat-load. This drives the fish back again from the entrance, and they do not come in again at all. I have spoken to the fishermen about it, but they say, "If we can get three or four baskets of the garfish nobody else will get any so that it will pay us," but they forget that it only pays them for one morning.
2419. *Mr. Stephen.*] Do you think that it is desirable to have some closed waters in the harbour? From the railway bridge upwards it would do no harm.
2420. Would that apply to any river? Yes; in any place I think there ought to be some closed waters. When I speak about closing the entrance to the harbour, I refer to garfish, bream, and whiting. They come in about Christmas time. If the sea-garfish are shot at for two nights running they will never come inside the heads the same year again.
2421. Are you aware of the objects in closing portions of the waters? Yes; for the protection of fish in breeding.
2422. Do you not consider that the heads of rivers are better for spawning than the entrance to harbours? Yes; but how are the fish to get up there unless you let them in at the heads?
2423. Then it would be desirable to have the heads closed as well as the head waters? Yes, for a short distance. If Sydney harbour were closed for a mile from the entrance it would interfere with hardly any work at all.
2424. Does the mesh of the nets shrink a great deal? Yes.
2425. When the nets shrink below the legal size what do you do with them? They are pretty nearly worn out by that time if you buy the net a little larger than the size mentioned in the Act.
2426. Did you say you think it would be better to provide against fish of an illegal size being sold than to prevent nets of a small mesh being used? I would not have the mesh smaller than $1\frac{1}{4}$ and $2\frac{1}{2}$ inches.
2427. If you were allowed to fish with a net which had shrunk below the legal size, and there was only a provision for fining fishermen who brought fish of an illegal size to the market, what would you do with the fish below a legal size which was caught with the net—would you leave them to die on the beach? We do not do that. I know many fishermen who do not do it, but there are others who do.
2428. What do you do with the very small fish which you catch? Throw them back into the water.
2429. Under such circumstances would they live? Sometimes they do. It depends upon the size of the net. Once they are meshed in the net they will not live.
2430. If fishermen were allowed to work with nets below the legal size of mesh would it not tend to destroy large quantities of small fish? Yes. I do not believe in working an unlawful net. I was never caught fishing in closed waters nor fishing with an unlawful net.
2431. Is Inspector Smith, at the Hawkesbury, a practical fisherman? Yes. He is a good schnapper-man, and a good net fisherman.
2432. Has he been a long time resident on the Hawkesbury River? Yes; when he was doing the principal part of his fishing he was living at Watson's Bay.
2433. What do the fishermen complain of with regard to the working of the Fisheries Act? They complain that they have not got enough places to work.
2434. Do they complain as to the size of their nets? No.
2435. Do you think it would be any benefit to the fishermen if the Hawkesbury River were opened as far as Wiseman's Ferry, and all the tributaries were closed? I would not say Wiseman's Ferry, but it would be a benefit if it were opened as far as Mangrove Creek.
2436. In which way would the fish best arrive at the market if sent by rail or if sent by steamer? I should say by rail. They would arrive quicker by that means.
2437. Do you say that the migratory fish always travel from south to north? That is the way we have always seen them travel.
2438. Do they never go in an opposite direction? We have never seen them do so.
2439. Can you suggest any amendments in the Fisheries Act which would not be detrimental to the supply of fish, but which would give a better livelihood to the fishermen? I can only suggest the opening up of the rivers.
2440. *Mr. Ritchie.*] How do you know that the fish travel from south to north? We watch for them.
2441. How can you tell? We can see them when they are coming. If we are watching for the mullet we will first hear of them from the south. First from Shoalhaven, then from Port Hacking, Botany, Sydney, and then they enter Broken Bay. When we are looking out for them they always come from the south.
2442. When they are coming from Shoalhaven how do you ascertain that? We get telegrams from different places.
2443. From fishermen? Yes.
2444. Can you tell that the fish are travelling up from the south when you are on the coast yourself? Yes. You can see them—they make a great deal of work in the water; you can see them on a dark night better than in the day-time.
2445. If another person has given evidence that the fish travel from north to south would you think that that is correct? No one about Sydney harbour would say that and tell the truth; he could not say that he had seen them travel that way.

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2446. To whom do you apply for your license every year? I go to Phillip-street, I think.
2447. Do you have to come to Sydney for it? I live in Sydney.
2448. Do the fishermen on the Hawkesbury have to come to Sydney for their licenses? I heard that every man had to come to Sydney to get his own license, and I therefore asked the inspector at Brisbane Water if that was the case, he said no, that the fishermen give him the money there and he gets the licenses for them.
2449. He receives the money? Yes.
2450. No inconvenience arises at any time about obtaining those licenses? The only complaint I have heard was made this year, and that was by the Sydney fishermen. Every Sydney fisherman was compelled to go and get his license himself.
2451. Do you know of any instance where fishermen were delayed for any length of time in getting their licenses? No.
2452. They can always go to fish at once? Yes, I always knew that my license was always forthcoming whenever I wanted it.
2453. Have you not mentioned that you have seen inspectors stealing the fish? I do not know what you would call it, but I have seen them with bags and handkerchiefs going from one heap to another and taking the fish away.
2454. Have you ever seen them do that with your fish? No; the reason is that I had a mate at one time who stopped them from doing it when I was not there.
2455. Whom do those inspectors belong to—to the City Council or the Commissioners? To the Commissioners I think.
2456. They are inspectors of the Fisheries Commission? Yes.
2457. Are you sure? They are a boating crew.
2458. Connected with the Fisheries Commission? Yes.
2459. Not with the market only? No, not with the market.
2460. Who are the other people who steal fish? The carters and those around them. There are six agents in the market, and each agent has four or five men around him. The whole of the commission they get will not give over £30 or £35, and how could they pay those twenty-four or thirty men unless they took the fish?
2461. *Mr. O'Sullivan.*] Is that their only means of livelihood? Pretty well. They can go to the races and spend as much money as any man.
2462. *Mr. Stevenson.*] How long have you been fishing? Twenty-six years.
2463. Do you know of a fact that large quantities of fish have been lost at the markets? Yes.
2464. Do the fish from Brisbane Water mostly disappear? Yes; I suppose that is because they happen to be the freshest fish that come to market.
2465. Are the men who are in the habit of helping themselves from the fish at the market connected with the Fisheries Commission? Yes; there are never more than three inspectors connected with the Fisheries Commission at the market.
2466. You say that the fish are taken from the heaps—can you say whether the parties who take the fish are in the habit of paying for them? I do not think that they do pay for them.
2467. Can you say that they do not? I believe that they do not pay for them. They may have been doing so lately, within the last week or so; but they did not do it before.
2468. Do you attend the market very often? Yes.
2469. Have you ever seen fish sent away by anyone connected with the markets? Yes.
2470. Very often? Yes.
2471. More particularly on Fridays? Yes.
2472. Then, in your opinion, the fish-market is not properly conducted? I am sure it is not.
2473. Do you know at whose request Middle Harbour was opened? No; I cannot say for certain, but I think it was opened just for the sake of one man. If all the fishermen in Sydney were asked I think everyone of them, except one or two, would say that they did not care whether Middle Harbour was closed or not.
2474. Then you think that Middle Harbour was not opened at the request of the fishermen? I am sure it was not.
2475. Have you ever seen any of the officials connected with the Commission fishing on the fishing-grounds either in Sydney or outside? No.
2476. What is your opinion about prawn-nets? I think it is a very bad net when it is used as a sinking net. When it is used in that manner it kills a tremendous lot of small fish of all sorts. I do not know why the prawn-nets should not be used as floating nets. I have caught a lot of prawns, but I have always done it with floating nets.
2477. *Mr. O'Sullivan.*] You have spoken about getting information from Shoalhaven and other places along the coast when the fish are coming up;—do you get that information from friends? Yes.
2478. Will it be better for the fishermen if the Government establish signal-stations from which information could be sent with regard to the movements of the fish? They would not know any sooner.
2479. Suppose the men at the light-house at Twofold Bay or Green Cape telegraphed that the fish were coming up the coast, would not the fishermen in Sydney know it in proper time? Yes.
2480. Would not that be to their advantage? Not much, because they know pretty well at present.
2481. You say that the Woolloomooloo market is not properly conducted;—in what respects do you mean? In different ways; you do not get the returns from the fish that are put into the market that you ought to get, because the fish are not properly sold.
2482. Do they not give you every accommodation—have they not electric lighting and refrigerating apparatus and other conveniences? Yes; but we pay for all that. We pay 2s. in the £—1s. for sale and 1s. for agency.
2483. If you bring fish to the market in the evening can you not keep it in the refrigerating room until next morning? No; unless we pay 1s. in the £.
2484. You are a native, and you have only got experience here? Yes.
2485. Then how can you compare this market with any other markets? I have not compared it with other markets.
2486. How can you tell that it is not properly conducted? When you are robbed you know that things are not being conducted properly.

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2487. Do you think that any improvements can be suggested? Yes; a fisherman must not offend Mr. Seymour. If he does he suffers for about three months afterwards.
2488. In what way? Because when he comes to sell your fish he knocks them down as fast as the dealers can pick them up.
2489. Does he know your fish? The fisherman's name is always sung out.
2490. Could you not number them so as to avoid that? You have to put your name down in full, so that the inspectors can see that you have a license.
2491. Could not that be done irrespective of Mr. Seymour—could you not have some number or token so as to identify your fish, and you could then have protection against Mr. Seymour or anybody else? Yes, that could be done.
2492. *Mr. Ritchie.*] Can you not call in your own auctioneer? No.
2493. *Chairman.*] Do you not think it would be better if there were proper tables, such as they have in other parts of the world, on which the fish could be placed and offered for sale? Yes; that might do. At present, on Friday especially, the fish are packed on to the floor, as they do not want to have a second sale if they can help it, and when a dealer buys a heap of fish in one place he has to tread on another heap of fish to get to it.
2494. So that they are sold to the public in very bad condition, having been trodden and spat upon? Yes, in very bad condition.
2495. Have you noticed whether many people chew tobacco in the fish-markets? You will always see that going on, but smoking has been stopped within the last month.
2496. *Mr. Stephen.*] Would it not be possible to prevent chewing too? It would take a lot of watching to do that.
2497. Are your real complaints directed more against the treatment that the fish get in the market than against the Fisheries Act itself? The Fisheries Act is bad, because we have not got enough water to work in.
2498. But you have greater complaints against the management of the market? Yes.
2499. *Mr. Stevenson.*] What is your objection to the Hawkesbury being opened as far as Wiseman's Ferry? Because I do not know the river about Mangrove Creek. If anyone recommends that the river should be opened above Mangrove Creek they might be right. I know there are very few hauling-grounds above Mangrove Creek.

Mr. James Edwards called in, sworn, and examined:—

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2500. *Chairman.*] What are you? A fisherman.
2501. How long have you been so engaged? Twenty-six or twenty-seven years.
2502. Where? George's River chiefly. I was at Port Stephens for a very short time.
2503. Where are you located at the present time? George's River.
2504. Do you belong to the Botany Fishermen's Association? I am a member of it.
2505. Have you at any time had reason to complain of the operation of the Fisheries Act? Yes; we have had reason to complain of the closing of waters, of the length of the nets, and the size of the mesh.
2506. Are there good fishing-grounds in George's River? There are some good grounds, but the chief part of George's River is very rough.
2507. Where is the river closed? To the railway bridge at Como.
2508. Do you think it could be opened up higher without doing injury to the public? Yes.
2509. To where would you suggest it should be opened? To Salt-pan Creek, on George's River, and to the crossing-place on the Woniara River, that is the sand-bar where they used to cross the cattle from Liverpool on to the Southern Estate.
2510. How high up is that? About 2½ miles from the bridge. Salt-pan Creek is about 5 miles to 5½ miles from the railway bridge.
2511. Are you what is called a master fisherman? Yes.
2512. You have boats and nets, and you employ men? Yes.
2513. Do you send large quantities of fish to market? I have not been in the habit of sending large quantities lately. I have been retailing them myself. I have been hiring men to sell fish, and I sell them myself.
2514. I suppose that pays you better than sending fish to market? Yes; because lately the fish have been bringing very low prices.
2515. How used you to transmit the fish which you caught in George's River to the Woolloomooloo market? By a cart from George's River. I have sometimes driven it myself, and sometimes I employed a man to do so.
2516. So that you are not one of those fishermen who have suffered by pilfering on the part of carters? No.
2517. So that you have no reason to complain of your fish having been stolen? No.
2518. Have you a knowledge of the fish-markets? Yes.
2519. Do you think the accommodation there is adequate? No.
2520. Do you think it could be much improved? Yes; I think a more central place in the town would be a great improvement.
2521. Can you suggest any place which would be convenient for another depôt? Where Mr. Hudson has his timber-yard at Eveleigh would be a convenient place. The fish could be brought in by train, delivered there, and sent straight away without handling. That would save pilfering, and the handling of fish, which turns it bad. At present fish that is sent by train has to be taken down to Woolloomooloo, and it is then sent back to the train to be sent into the country. That does great injury to the fish. I think that if we had a market in a more central place we would have a superior class of dealers. Many respectable men would not care to go down to Woolloomooloo market to deal in fish.
2522. Have you frequently witnessed the sale of fish at the Woolloomooloo market? Yes.
2523. Is the fish thrown in heaps on the floor, and is it open to inspection by everyone there? Yes.
2524. People inspecting the fish, and others who have no interest except to pilfer fish, can spit and tread upon them? Yes; I have seen them do so repeatedly. Any one can handle the fish.
2525. Are any people who desire to buy fish permitted to handle them? Yes; I have not seen any objection made. I have seen dozens of people take them up, smell their gills, and drop them down again.
2526. So that the fish are injured in that way also? Yes, I have often thought it a great shame.

2527. Do you think it would be better to have proper tables—marble slab tables—for the display of fish, instead of their being indiscriminately thrown over the floor? Yes, something of that sort would be a great improvement. I hear that in Melbourne they show the fish in half-baskets, and dealers in that way know what kind of fish they are buying.
2528. They are sold according to sample? Yes.
2529. Have you dealt directly with the auctioneer or through an agent? Through an agent.
2530. Have you to pay the agent a commission? Yes.
2531. Have you also to pay a commission to the auctioneer? I do not know whether it is paid to the auctioneer or to the Corporation; but we have to pay 5 per cent. for the use of the market. I understand that the auctioneer is paid so much per morning.
2532. I suppose you always send your fish in time for the first sale? I try to, but others are doing the same. I have often been there between 2 and 3 o'clock in the morning, and yet I was not in time for the first sale.
2533. What is the time of the first sale? About half-past 5 o'clock.
2534. *Mr. Ritchie.*] What is the meaning of the first sale? The first lot of fish that is sold. The market will only hold so many heaps of fish at a time, and after the first lot is sold another lot is put down, and so on until all the fish are sold.
2535. *Chairman.*] Have you ever availed yourself of the refrigerating process? No.
2536. Have you never had any necessity to do so? Yes, I have had a necessity, but I have always thought it better to throw the fish away than to put them in the refrigerating chamber.
2537. Why? Because they are handled so much, and because they are always looked upon as stale fish by the dealers, and they bring the price down. The dealers bid 1s. a-heap, or 2s. a heap for them, and the fresh fish which are sold afterwards, and which ought to bring 5s. or 10s. a heap, only bring the same price. Everyone is rushing to see the fish, and the buyers at the back do not know whether the fish have come out of the freezing-room or not.
2538. *Mr. O'Sullivan.*] Those fish give a start to the price? Yes, they bring down the market.
2539. *Chairman.*] Have you seen any people pilfering fish at the market? I would not like to say.
2540. This is a very important matter; we do not want you to give names? I have no objection to that. I have.
2541. By what means are they pilfered? I have seen fish tipped out of the baskets, and there might be one-quarter of a basket, or one-half basket which was not tipped out. The fish that are left in the baskets are generally put in the carts afterwards. When I have gone away I have seen them still in the baskets.
2542. It is quite possible that those pilfered fish are sent out and sold to the public? I do not think there is any doubt about that.
2543. Have you ever seen people with small bags going round to the different heaps and taking fish from them? No. I have seen them walking round with bags, but I have kept my eye specially on my own heap.
2544. Have you ever caught anyone stealing your fish? Yes.
2545. Did you prosecute them? No.
2546. Are the people whom you spoke of as emptying the baskets and leaving some in the bottoms connected with the fish-markets at all? Yes.
2547. Not with the Fisheries Commission? No.
2548. Are the fishing-grounds in George's River very prolific? Not in the open waters.
2549. What sort of fish do you catch there? Chiefly mullet; there is very little of anything else.
2550. Do you think that you would be in a much better position, and that you would be able to earn a better livelihood if there were more open waters? Yes, I am certain of it.
2551. Have you any complaints to make as to the size of the mesh or the nets? Yes. Our nets are too short—that is a very great evil. Through having a short net we have to cast it very often, and that drives the fish away. If we had longer nets we might make only one or two hauls a day and get a full freight. At present we do not get a full freight perhaps more than once in twelve months.
2552. Do you ever hear people complain of the unjust seizure of their nets? No.
2553. Have you ever heard complaints as to regulations made by the Fisheries Commission? Yes. There is a complaint as to the shortness of the nets.
2554. Have the fishermen of the Association ever made any recommendations to the Commission? Yes. We had a deputation to the Commission.
2555. Has nothing come of that? No. They promised us that they would give us a month's notice before they closed any waters.
2556. Do you apply personally at the office for your license? Yes.
2557. Would it not be better if power were given to the local inspector to issue licenses? Yes; I have always spoken in favour of that. I could never see the reason why we should not get the licenses from them without having to go to Sydney.
2558. Was George's River closed on the recommendation of the local inspector? No.
2559. It was closed without his recommendation? Yes, he says so.
2560. Do you think it would be a good thing to give the inspector power to decide upon the closing of certain waters and the closing of others? No.
2561. Do you know if any of the Fisheries Commissioners have visited George's River in connection with the Fisheries? I believe they have done so, but I have never seen them.
2562. Do you know anything of oyster culture? No, I am not an oyster lessee.
2563. *Mr. O'Sullivan.*] Is your association composed of master fishermen or of all fishermen? Of masters and labouring men too.
2564. Is it an organization to protect your interests? Yes.
2565. Have you as a body made any recommendations to the Fisheries Commission? Yes.
2566. Have they been acted upon? No. They never acted upon them further than that they said that they would give us an answer to the deputation as early as possible. They sent us an answer within, I think, a day or two of twelve months from the time we waited upon them.
2567. Was it a favourable answer then? No. They said they would do nothing at all for us in favour of lengthening our nets or opening any waters. The only thing they would do would be to give 25 fathoms in the wings on lakes such as Illawarra, but for the home fisheries they would do nothing.

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J. Edwards.
23 July, 1889.

Mr.
J. Edwards.
23 July, 1889.

2568. Do you think that the members of the Fisheries Commission understand the business? I do not think so. Their actions do not show that they have knowledge. I do not think that they would fix the lengths of nets which we have if they understood it. Any man should know that such a short net would drive the fish away.

2569. *Mr. Stephen.*] Have you any real grievances to complain of under the Fisheries Act? We have to complain of the closing of so much water and of the shortness of our nets.

2570. Those are the greatest grievances? Yes; and the size of the mesh.

2571. Would you be satisfied if more waters were open as hauling ground, and if you were allowed to use longer nets than you have at present? Yes; they allow us to use a garfish-net of 1¼ inch; that is the largest size with which we can catch a garfish. If we use a mesh anything larger than that it is impossible to catch garfish, and if the mesh goes below that it is illegal.

2572. When the fish are taken into the market are they sorted? Not that I know of.

2573. Are they thrown out promiscuously on the floor and sold? Yes; sometimes the bream and whiting are sorted out, but that is done by the fishermen before they are sent to market.

2574. What is the total reduction that fishermen are subjected to for fees, charges, and everything of that sort in the market? 10 per cent.

2575. Does that include everything? Yes.

2576. Does that include payment to the fisherman's agent? Yes.

2577. You spoke of the pilfering in emptying the baskets. Is that done by officials who are paid to attend to the work of the markets? Yes.

2578. Are those men employed by the Corporation or by the Fisheries Commission? That is more than I can say. I believe they are employed by the agents, but I cannot say.

2579. Then they are not officials? I mean the six agents.

2580. Are they the servants of the Corporation or of the Fisheries Commission, or are they men employed by the various agents on behalf of the fishermen? I believe they are employed by the agents on behalf of the fishermen.

2581. Then you do not think that it is done by the servants of the Corporation or the servants of the Fisheries Commission? No.

2582. Do you think it would be a benefit for the fishermen to have a practical fisherman to represent them on the Commission? Yes.

2583. Is that the general desire of the fishermen of the Association? Yes.

2584. *Mr. Stevenson.*] Are the agents whom you speak of sent to the market by the Corporation or the Fisheries Commission, or how do they get there? I think anyone can get an office in the market as an agent.

2585. *Mr. O'Sullivan.*] Who pays the agents? The fishermen pay them 1s. in the £.

2586. They pay 5 per cent. to the market and 5 per cent. to the agents? Yes.

2587. Then I presume those men are engaged by the fishermen? Yes.

2588. They have the appointing of them? Yes.

2589. If you wanted a man to act as agent for you what step would you take? I would ask him to take the situation as agent in the market, and I suppose he would have to apply to the Corporation.

2590. They have to be sanctioned by the Corporation? I think so, but I am not certain of it. The agents are in the market, and I understand that what they get is 5 per cent. for selling.

2591. *Mr. Stevenson.*] Are we to understand that when you spoke of officials in connection with the market pilfering the fish, you mean to say it is always done by the agents? Not by the agents, but by their servants.

2592. Did you ever have a dispute with anyone with reference to your fish being taken? No; I saw a few of my fish taken away, but I did not think it worth while to speak about it. I went up to one man and asked him why he took my fish. He said he took only one, that he knew me, and that he did not think it would matter.

2593. Was that an official connected with the Fisheries Commission? No; it was a man dealing in the market.

2594. Do you think that reduced oyster rents would help oyster culture by small men? I have worked a great deal amongst oysters, and I am of opinion that if the rent were lower than it is at present a great many poor men would take up leases.

2595. Do you think that fish which have been stored in the ice-house at the markets should be sold separately from the fresh fish? Yes.

2596. And should not be mixed up with the fresh fish? Yes.

2597. *Chairman.*] From your experience as a fisherman and your knowledge of the coast, do you think that trawling could be carried out successfully here? I cannot answer that question. I do not understand anything about the bottom outside, and I never saw a trawling-net used. I have heard that there are trawling-grounds that would pay.

2598. *Mr. Stevenson.*] Would it not be an advantage to the fishermen if the auctioneer at the fish-market were under the control of the fishermen instead of being under the control of the Corporation, that is supposing that he sold for the fishermen at so much per cent.? Yes, I think that would be a great advantage.

THURSDAY, 25 JULY, 1889.

Present:—

MR. FRANK FARNELL,
MR. HOWE,
MR. RITCHIE,

MR. WILLIAM STEPHEN,
MR. STEVENSON,
MR. THOMPSON.

FRANK FARNELL, Esq., IN THE CHAIR.

Mr. James Richard Hill called in, sworn, and examined:—

2599. *Chairman.*] What position do you hold in connection with the Fisheries Commission? I am one of the Commissioners.

2600. How long have you held that position? About five years.

2601. Are there four other gentlemen associated with you? Yes.

2602.

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2602. Have you taken any particular interest in the fishing industry of this Colony? If my being one of the most regular attendants at the board meetings is an evidence of it, I may say yes.
2603. How often do the board hold their meetings? Once a week.
2604. Have they lapsed at any time? Very rarely.
2605. How many generally attend the meetings? It is a rare thing for me to be absent unless I am away from town. It has happened on occasions that only two members have attended, but not for a long time past. Three have generally attended. The time when there was not a quorum present on various occasions was about twelve months ago. The terms of office of Mr. Ramsay and Dr. Cox had expired, they had not been reappointed, and they very properly refused to sit until they were officially gazetted. Otherwise we have had a fair number of meetings. As a rule whenever two were in attendance they have gone through the work, and the book has been afterwards taken to one other member, Mr. Oliver or Dr. Ramsay, who would go through what we had done, and confirm it.
2606. How many members constitute a quorum? Three.
2607. Do you not think that the plan of taking the book to a third member was very objectionable? It was the only way of conducting the business. There were only three Commissioners then in existence. Mr. Oliver, being the Parliamentary Draftsman, had his time so fully occupied that he could not always attend, and Dr. Cox and Mr. Ramsay were out of office.
2608. Do you consider that the provisions of the Fisheries Act have applied justly and have given satisfaction to those who carry on their calling as fishermen and oystermen? I think the Act is a fairly good one, but it has not given satisfaction in many respects, because where you have to close waters you will not give satisfaction to those who have been fishing in the vicinity of the closure. It is impossible to get an Act that will give unbounded satisfaction to everyone.
2609. Have the Commissioners worked together harmoniously? Yes, from beginning to end.
2610. Have you any reason to doubt the advisability of continuing the existence of the present Commission? I do not think that matters would be improved by altering the present system. Changes might take place with regard to the staff which might perhaps lessen the expense, but I think the system is a fairly good one, and I do not think that it entails unnecessary expense on the Government.
2611. Have you at any time brought under the notice of the Government proposals to remedy alleged defects in the Act? I was informed when I came into office that a draft Bill had been submitted, and that draft Bill was shown to me showing modifications and alterations. I was informed that that had been submitted to the Government, but that nothing had been done with regard to it. I was of opinion that that Bill contained a number of valuable provisions.
2612. As a Commissioner sitting in Court as it were, have you had any complaints brought under your notice by fishermen or others, as to the unjust operation of the Fisheries Act? Yes, many have objected to the closings. Others to the sale of nets.
2613. Have you taken any steps to remedy those alleged defects? We have always taken them into consideration.
2614. What time has generally been occupied in the sittings of the Commission? We meet at 3 o'clock, and we have been there till 6 o'clock. As a rule we are never away till 5 o'clock.
2615. Have the officers who are charged with carrying out the provisions of the Act power to seize nets of an unlawful mesh? Yes.
2616. Have many cases of that character come under your notice? I cannot recollect particular cases, but such cases have certainly come under our notice.
- 2617-8. Is it not a fact that some nets have been sold after seizure at the Commissioners' will, while at other times they have been allowed to rot? I never heard of a case where they were allowed to rot, or of their having been sold where they have not been made legal. If the net which is seized is partly legal and partly illegal, it is cut up and sold in legal portions. There is one style of net which is legal for one particular sort of fishing which is illegal for another style. A man might be fishing with an illegal bunt, which illegal bunt might, if it were of proper length, be legal, say, for a prawn-net. The Department has always cut the net so as to make it legal. When nets are sold there is a little hand-bill printed containing the auctioneer's name, the number and style of the net, its length, stating whether it is a legal hauling-net, prawn-net, or gar-fish net, or that it is not legal for anything, but suitable only for fruit trees.
2619. Have the officers of the Commission power to seize nets in closed waters? Yes.
2620. Whether they are in use or not? Yes; if they are being or have just been used there.
2621. Do you not think that that is a very harsh provision? I think it is rather the opposite. If a man fishes in closed waters he knows that his net will be seized.
2622. I refer to a case of this kind: If a man has his net in his boat and is pulling through closed waters, and if he happens to have caught fish in the open waters, but is discovered with his net in the closed waters, do you not think that it is a hard case that these nets should be confiscated? I am satisfied that no such case has arisen.
2623. Do you recollect the case of Crossland at the Hawkesbury? I do not remember any particular case, but I am satisfied that no magistrate would convict a man upon insufficient evidence. If a man were inside closed waters, as many of them have to be, because they live there, it would certainly be an unfair and unjust thing because a man had to go to and from his home to seize his net. I have never heard of a case of such injustice, but I have heard of cases where men were caught in the act of hauling, or where they had the fish alive in their boat, and when it would have been impossible for them to have caught fish outside closed waters. It is a matter of evidence before a magistrate, and unless a man is convicted a magistrate cannot confiscate his nets.
2624. The case of Crossland to which I have referred was brought by myself under the notice of the Government some time ago, and they promised to refer the matter to the Fisheries Commission. The circumstances of the case were these: Crossland had gone fishing in open water, and had made a haul. He kept the fish and returned to his home, which was in closed waters. The fish were alive, and the inspector came up to him and caught him with the fish in his boat. He seized the fish and swore that the man had been fishing in closed waters, whereas the man had actually been fishing in open waters. That was a case of hardship that came under my notice? I would like to know what the magistrate said.
2625. I think the case was given against the man? Where evidence had been given on oath, and where the witnesses were subjected to an examination, is it not rather unreasonable to say that this man caught the fish in the open waters. I conclude that before a magistrate would convict a man he would have sufficient evidence to justify him in doing so.

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2626. The man had been fishing in open waters and several men had seen him. When he was summoned he thought that his case was so good that he did not deem it necessary to take witnesses with him to court; however the case went against him, and I am informed that he represented to the Commission that his statements could be borne out by the fishermen associating with him. Do you not think under those circumstances, which were represented to the Commission, the Commission would be justified in investigating that man's case? I do not think the Commissioners would in any degree be justified in going outside sworn evidence before a magistrate. It would be a slur on the administration of justice if the Commission in any way interfered with a case that had been before a magistrate or a justice, where the accused would have every opportunity of being heard.

2626½. Are you not aware of cases in other departments where actions have been taken against men and they have been committed, but through evidence having been brought before the Minister of Justice he has released the persons imprisoned or has remitted the fine imposed by the magistrates? I cannot tell you what the individual cases are.

2627. Has a man a right of appeal on these convictions and his net being ordered to be confiscated? No, he has not.

2628. In the face of all these circumstances do you not think that the Commission as the body charged with the administration of the Act would be perfectly justified in investigating that man's case? No, after the case was once before the court I do not think the Commission should investigate it.

2629. Are you aware of any special or particular knowledge possessed by your fellow Commissioners—are they scientific men or men of practical experience? There are men on the Commission who are thoroughly practical fishermen and others who are scientific men. Within my personal knowledge there are practical men on the Commission who know more about fish than any fishermen I knew in my life, and I am thoroughly acquainted with a large number of fishermen. Fishermen as a rule are not of an inquiring turn of mind, and many of them know very little about the habits of fish.

2630. Have you anyone on the Board who has ever earned his livelihood by fishing? Certainly not.

2631. Would you have any objection to have a man placed on the Commission who has had experience as a practical fisherman? It would not be for me to object or otherwise, but I should think that it would be an inadvisable step if a fisherman who was earning his living as such were placed on the Commission.

2632. If the man placed on the Commission as the representative of the fishermen were a master fisherman, owning a lot of boats and nets, would you see any objection to his being a member of the Commission? I do not see that there would be the slightest harm in it.

2633. Have you visited any of the oyster-grounds or fishing-beds? I know well the Harbour, Botany, Port Hacking, Shoalhaven, and various other places; I do not know Broken Bay, but I know the Hunter.

2634. Is it not a fact that nets which have been passed as legal shrink very much, and the mesh becomes smaller than the legal size? Yes.

2635. Have any proceedings been taken against men who have used nets under those circumstances? I am not aware of any particular cases. It is as likely as not that they have taken place, but a fisherman with any sense would allow for the shrinkage when he was buying the net.

2636. Do you not think that when a net has once been pronounced as being of a legal mesh it should always be considered legal? Certainly not; a garfish-net by a process of severe tanning would soon be brought down to half its legal size.

2637. As there have been several complaints as to the alleged unjust application of the provision which enacts a punishment to fishermen who use nets of an unlawful mesh, do you not think it would be much better to provide for a very severe punishment to those people who may bring undersized fish to market rather than be so particular as to the size of the nets? It is a debatable question whether that course should not be adopted. I cannot say myself which is the best course to adopt. The Act already provides a punishment for killing undersized fish.

2638. Has the Commission anything to do with the appointment of inspectors? We do not appoint them directly, but we appoint them subject to confirmation by the Colonial Secretary.

2639. *Mr. Stevenson.*] You simply recommend? Probably that is what it is in effect.

2640. *Chairman.*] Do you know whether all the inspectors are practical men? I cannot say; I only know a few of them.

2641. Do you think that there are too many officers employed by the Commission? I have always held the opinion that the police department might be asked to take charge of some of the places, so as to relieve us of some of the expense that appears to be too large as compared with the number of fish and oysters that come from the various places.

2642. You would not have any objection to police magistrates undertaking the duties of inspectors? Not the slightest; only I do not think that police magistrates would take the same care that sergeants of police would.

2643. Is it customary for Mr. Thompson, the Secretary, to visit the various fisheries and oyster-grounds? We have sent him to view various places, but I do not think it is his practice to go periodically.

2644. Have any of the inspectors been reported to you for dereliction of duty? Yes, one or two; Smith, at the Hawkesbury, was reported once or twice. I do not recollect the other cases.

2645. Were the charges made against Smith proved? I think not. Smith subjected himself to reprehension for one or two trifling things, but the chief charges were not proved. The case was one of his having become executor in an estate where some oyster leases were involved.

2646. Is it a matter of complaint amongst fishermen that the fish-market at Woolloomooloo is not worked satisfactorily? I think that is quite likely. I have visited the market on several occasions.

2647. Have you watched the conduct of the sales in the morning? It is a long time since I was there at a sale; but it struck me that it was a necessarily hurried affair, but that the best was made of the circumstances. There are a great number of fish to be sold, and of course they must be got rid of at a certain hour to be in a fit condition to be retailed.

2648. Have you ever heard of pilfering being very common? Yes; that was reported to me on two or three occasions. I took very strong action on the Commission about it, which resulted in the head of the police being requested to put on a policeman there to search out the matter. One or two convictions took place afterwards.

2649. It has been stated here that the fish are thrown on to the floor of the market, and that they are liable to be trodden and spat upon by the people who are in attendance? I should think they are liable to that; but I think it is less the case now since the Council have built larger premises. 2650.

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2650. Do you know, as a matter of fact, that the accommodation now afforded is adequate to the fishermen's requirements? I should think it is, because it has been very largely increased. It may not be if the number of fish goes on increasing as it has been. I have always held that there ought to be little shops attached to the market, where people could go and buy their fish. That, however, is a matter within the province of the Municipal Council.

2651. Do you not think that there might be some improvements made by constructing raised tables with marble tops, so that the fish might be properly shown to purchasers? Yes; and the Municipal Council would be justified in having a second market to meet the requirements as the city extends. I think there should be another market established somewhere in Sussex-street.

2652. It has been stated here that if fishermen come into collision with Mr. Seymour, who, I believe, receives a salary from the Commission of £75 a-year, he is likely to have a down on them, and will knock down their fish when selling them for next to nothing. Do you think there is any truth in that? I do not know Mr. Seymour personally, but from what I hear of him I should think that he is the very opposite. He has a very difficult part to play. He has to dispose of a very large quantity of fish in a very small space of time, and he has a very curious class of people to deal with.

2653. Are you aware that many complaints have been made by fishermen that the rivers have been closed unnecessarily? Yes.

2654. In some cases they have been closed for twelve months, according to the Act;—then they have been closed for a further period of twelve months; and in some cases the rivers have been closed for four years permanently? I do not recollect the time for which the rivers have been closed; but I do not think that any closure has been made which is not in accordance with law. If the closure were made outside the law the fishermen would not respect it; it would be *ultra vires*, and the fishermen are quite well up in the law.

2655. Do you remember any complaints against the Commission closing the Hawkesbury River unnecessarily? I do not recollect any special complaints.

2656. Have the Commissioners done anything with regard to administering the Inland Fisheries Act? We have got an inspector near Deniliquin, another was appointed last fortnight on the recommendation of Mr. Chanter, that is Mr. Manton. The head of the police at Lake George has taken a great deal of interest in the matter, and he has reported to us on several occasions with regard to cod-fish and, I think, perch.

2657. Have you two trawls in the possession of the Commission? Yes; we have two, and I am not sure that we have not three.

2658. Have they ever been used? One was used before I was a member of the Commission, but unsuccessfully I understood. I think it got caught in the rocks two or three times and was injured. We made an attempt during the last few months to use a trawl at Botany, we had only one haul and it was unsuccessful. We instructed our men to use it again, but they were unsuccessful also. I initiated the movement because I heard that the place was alive with flounders and flathead; but the experiment did not give hope that fishermen might go on with the industry with success.

2659. Is the steam-launch in the possession of the Commission seaworthy? No, it is perfectly useless.

2660. Do you keep an engineer for her? Yes; I consider that it is absolutely a waste of money.

2661. Mr. Howe.] Do you think that the Act is better administered under the Commission than it would be under a responsible Minister? Yes.

2662. Are you prepared to recommend as one of the Commissioners that Port Hacking should be thrown open to the fishermen? The Commission were never consulted about the closing of Port Hacking. My opinion is that it would be wise to keep Port Hacking closed from the spit upwards. I have always thought that it should be open from the spit to Jibben Beach.

2663. Do you know that when the fishermen are using the garfish-net when they catch fish no matter of what weight, they are compelled to throw them into the water again? No; I do not read the Act in that way. If they are undersized fish they have to be thrown into the water. I am sure that no fisherman throws back fish which are above the legal weight.

2664. What is your objection to the length of the net provided the mesh is of a legal size? I think that on several of the flats, especially at the Hawkesbury and Lake Macquarie, there might be no objection to increasing the length of the net so long as the mesh remained the same, and so long as there was decent supervision to see that the small-sized fish were thrown back. In ordinary places, like Sydney harbour and Botany, I think that the present length of the net is quite sufficient for all practical purposes. I think that very few of the old recognized fishermen ever use as great a length of net as the law allows them.

2665. Is the present length 60 fathoms for 2½-inch mesh? No. 90 fathoms for a garfish-net and 150 fathoms for hauling-nets. I think on big flats an extension of 50 fathoms might be allowed for a hauling-net.

2666. Of course the shorter the net the more frequent the hauls? Not necessarily I think.

2667. In a river if there are frequent hauls do they not disturb the fish? No doubt; but the old fishermen of the country do not as a rule haul unless they see fish. It is only since the advent of the Italians who have made a practice of hauling on all occasions and in all places that many of our men have been tempted to do the same.

2668. Have you ever heard objections raised against the use of sinking nets? Yes.

2669. On account of disturbing the bottom? Yes. I think that has been more prompted by jealousy of the Italians than by a knowledge of fish-culture. I am satisfied by a very lengthy experience of fresh water fish in New Zealand, where I had a great deal to do with salmon and trout that very few people in this country know anything as to the hatching of salt water fish. I do not think it has been demonstrated scientifically so as to make certain about it, excepting in the case of the mullet. We know perhaps more about the habits of the mullet than any other fish. We know that they go on to the flats and scrape a hole like that made by the furrow of a plough, only shallow, in which they deposit their eggs, but with regard to schnapper, garfish, bream, and all other kinds of fish the knowledge with regard to their reproduction is in its infancy. Last year I noticed that the schnapper had ova in the month of November up to the end of May, and many of them in the month of November had ova so mature that it was on the point of being deposited. That extended right up to the end of May, and I think as late as July, but during the present year it was altogether different. They had their ova about the month of December,
but

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- but I never found a fish up to the end of March with ova in it. This shows that we cannot count on one season following another in regard to salt water fish. I never met anyone who could give me any information on this subject.
2670. Do you think that it would be advisable to close the entrance to the harbour of Port Jackson, say a mile one side and a mile the other? I think it would be a very serious mistake.
2671. Fishermen living inside the mouth of the harbour when they see a school of fish come in shoot their nets at them and the probability is that the fish turn round and do not come into the harbour again? As a rule they do not go out again. They go across to the other side or they go deep. I have noticed this, that the fishermen who live about the opening of a harbour are anxious that the rivers should be closed, while the fishermen who live up the river are anxious that the other portions should be closed.
2672. Are you aware that in the summer months it is impossible to haul in the rivers on account of the blubber? I have seen that in Botany and in the Parramatta River. It is impossible to haul for all practical purposes.
2673. Does it burn the nets? I do not know that that is the fact, but it is a terrible job for the fishermen to clean their nets, and it causes a great strain on the nets.
2674. What are the present license fees? I think that the fee for a boat is £1, and for each man 10s. or £1, I am not sure which.
2675. Would you be prepared to recommend a reduction of those fees? I do not think it presses hardly on the men. I have never heard them complain of it.
2676. If a fisherman sells his boat and purchases a new one, is he compelled to take out a new license? I do not know; but I think the license ought to be transferable to the new boat.
2677. Would you have any objection to the erection of a fish-market at the southern portion of the city, say at the Redfern end? I think it would be a great boon.
2678. I suppose there would be a large transport of fish to the country districts by rail? There is no doubt that in future there is likely to be an increased traffic in fish by rail. A great deal of that might be intercepted and sold at a market somewhere near the Railway station. The Parramatta River men ought to have a market somewhere about Sussex-street.
2679. Are not many of the places where fishing is carried on connected with the city by rail? Yes; and steamers are going more actively into the business of bringing the fish to market in a decent state. The railway is undoubtedly bringing the fish now from places where it was never brought from before; for instance, Lake Macquarie, the Hawkesbury, and probably a great deal of fish will be brought from Kiama and other places. It would be of very great service to the public if the Council could be prevailed upon to open a market there.
2680. *Mr. Ritchie.*] Does the Commission frequently transact business without a quorum? No. Very rarely. It occurred during the time that Dr. Cox and Mr. Ramsay ceased to be members through their term of office having expired.
2681. Has it ever occurred that business has been transacted with one member being present only? Never that I heard of.
2682. Do you admit that when the meetings were transacted without a quorum they were invalid? No doubt they were illegal.
2683. Do you also admit that the members who were absent would not have a full opportunity to arrive at a proper conclusion by seeing all the papers? They would have the papers sent to them. There would be only one absent member; that would be, perhaps, Mr. Oliver.
2684. Have any of the Commissioners ever acted after their appointments lapsed through effluxion of time? I cannot speak with certainty. I know that Dr. Cox was very particular about refusing to act.
2685. Are the Commissioners appointed for five years? Yes.
2686. You do not know of any case where a Commissioner acted after five years had elapsed? I cannot speak with certainty.
2687. If anyone said that meetings frequently lapsed for want of a quorum would that be true? Yes, we have had many lapsed meetings in five years.
2688. Has business been frequently transacted in the illegal manner you describe? In almost all cases where two attended they did the business and the book was taken to the third.
2689. Is it your opinion that the mode of conveying the fish from the steamer to the market is imperfect? Yes, very imperfect.
2690. Are many fish lost or destroyed in this way? Yes; the fishermen are subjected to great loss by pilfering. It is a very loose, bad system, but fishermen trouble themselves very little about their own affairs, and they do not seem to have enough energy to remedy the evils which exist.
2691. Are large numbers of fish often allowed to be destroyed and become bad through neglect in allowing it to lie about the wharves? I never heard of that.
2692. Do you know that fish from the Clarence and other northern rivers are brought to Sydney in ice-chests? Yes; a certain quantity of ice is put into the boxes in which the fish is carried.
2693. Is it not a fact that those boxes with fish in them are allowed to remain on the wharves all night, and in this warm climate the fish often goes bad? I never heard that. I always understood from the fishermen that as soon as the vessel came in the carts came to take the fish away to market.
2694. Have you ever heard of any inconvenience arising through delay in issuing licenses to fishermen? Never within my recollection. I think we are always ready to issue licenses at all times.
2695. Do you find that by closing the various waters there is a great increase in the fish? Yes; in a marked degree I think they have done an immense amount of good.
2696. Do you know anything about the habits of migratory fish, such as mullet? Yes; nearly all our fish are migratory. I hardly know a local fish except the rock fish.
2697. Which way do they travel? The whole of the fish that I know, especially of the mullet tribe, travel from south to north. I have never found anyone who has observed a mullet to travel south. We never hear of fish in the fry state or the mature state going from north to south.
2698. But it would be possible for them to do so? They might go deep under water. Mullet is a fish intended by nature not to go away from the shores. Schnapper go out to sea.
2699. During what months do they generally travel? The mullet generally commence to travel during March and April. They go right on to the middle of May. When discussing this matter yesterday with the Commissioners, the conclusion they came to was, that after the migrations there are always a certain number of fish left which breed and provide a store of migrating fish for next year. 2700.

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2700. I suppose it is generally found by the fishermen that when the fish are travelling that way they keep filling the various rivers and ports as they go on? No; they are somewhat curious in their habits in that respect. Sometimes some will go into Port Hacking, for instance; whilst others will go right past it. The weather has a great deal to do with it. In fine weather they often stay outside the Heads on the rocks for days and days. If it is very rough, especially when the wind is from the south or the west, they will take it into their heads to go straight on. Some will go on to Botany, and some will go right past. They do not always go in and out. Some go into the ports, some go right on, and some remain.

2701. Have you any knowledge of the natural enemies of the fish? Yes; sharks and porpoises are great enemies of the mullet.

2702. Are birds? I do not think so. I never regarded the birds as great enemies, except the cormorants and shags.

2703. Can you recommend anything for the destruction of those enemies? I do not think you can do anything for the destruction of sharks. The offer of head-money for sharks might produce some beneficial results. That was tried in Melbourne for the protection of bathers, and many thousands were killed in twelve months.

2704. I suppose when fishermen catch them they generally destroy them? I think so in every case.

2705. Do you think that any improvement could be made in the present system of oyster-leasing? Yes; I think it would be wise to take rivers and divide them into sections, and then let them by public auction.

2706. Would you lease a whole river? I would not let the whole of a big river to one man. I would divide a river into two or three, according to the number of oyster-beds. The present system is a bad one.

2707. Do you think it would be any advantage to charge less as rent for the land, and to charge a royalty on the oysters gathered? I think that 1s. per hundred yards is a very small rent, and I think that a very serious mistake was made in taking off the royalty on oysters.

2708. On our home oysters? Yes; I think that if a duty had been placed on foreign oysters it would have met the case in a better way.

2709. By putting up the oyster leases to auction they would sell according to their productiveness? Yes; I think it would be much better in every way. It would lead to oyster culture being carried on in a better and more scientific way than at present.

2710. Do you think it would be within the scope of the Fisheries Commission to take means to prevent the worm disease which affects the oysters? I think that nature is the only means of curing that. Floods in the rivers are the only means of preventing the disease. It is found that the disease is only prevalent during droughty seasons. So soon as there is a succession of floods the worm disease is never heard of, and the oysters increase.

2711. Can you suggest any better method of conveying fish from the steamer to the market? As the Municipal Council has charge of the market it is possible that they might consider it within their functions to deal with that matter.

2712. Do you not think it would be within the province of the Fisheries Commission to recommend the City Council to adopt some means of conveying fish to the market in a more expeditious way? I think it ought to be done by a memorial from the fishermen to the Council, because they are the people most interested.

2713. Do you not think that it would be better to have the carts which convey the fish from the steamers to the market under the supervision and control of the Inspector of Nuisances or some other official appointed by the Council? I think that if one man appointed by the Council had full charge of it the fishermen would benefit very largely. I cannot say which is the proper functionary to take charge.

2714. *Chairman.*] You have stated that it is to be regretted that the royalty on oysters is abolished? Yes.

2715. You are aware that the Act was passed in 1887? I recollect its having been passed.

2716. Was there any request made by the oyster-getters or lessees to have the royalty abolished? I believe there was.

2717. Do you remember my taking any action in the House to obtain the abolition of the royalty? No.

2718. It was at the request of the oyster-getters and the oyster lessees that that was done. How do you substantiate your statement that it was a pity that the royalty was not left on oysters and a duty imposed on imported oysters. Do you look on oysters as a luxury? I do not know whether you would call them a necessity or a luxury. Personally I do not care anything for them.

2719. Do you look at the question from a revenue point of view in the interests of the Commission? I was not thinking of it in that light, but I thought it a great pity that those oysters should be allowed to come in from other countries to interfere with our industry.

2720. Do you not think that it was an encouragement to the oyster lessees and an incentive to them to improve the industry to remove this royalty? I think that it is a reasonable thing that a duty should be imposed on oysters. In every young country people are allowed to gather oysters with the growing of which they had nothing to do. The Crown is as much entitled to obtain a royalty on the gathering of oysters as it is to obtain a revenue for a license to cut trees on Crown lands.

2721. Would you apply the same principle to everything coming into the Colony? I am a mild protectionist.

2722. With reference to spat or brood which people are allowed to take off Crown lands to lay down on the oyster-beds, the people are charged so much a bag for this;—do you not think that that tax on oyster culture might be abolished? Practically there is nothing much in it, because the income derived is very trifling.

2723. *Mr. Stevenson.*] You told us that on the representation of the Commission a detective was sent to the market;—why was he removed? I cannot tell you. I think he succeeded in getting two or three cases. He may be there still for all I know.

2724. You are not aware if there is any police supervision at the market at present? No, I am not aware.

2725. Who were the persons who were convicted? I do not know. I think they were hangers-on about the market. They were not I think people attached to the market as employees of the Council.

2725½. On whose recommendation was Middle Harbour opened? I think it was on the recommendation of Mr. Mulhall.

2726. Was it done on the representation of the fishermen? No, not a single fisherman.

2727.

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2727. On what ground did Mr. Mulhall make the suggestion to the Board? I forget whether the Commissioners themselves referred the matter to Mulhall. It was considered that Middle Harbour had been closed for a sufficient time, and that there was a very large number of fishermen in Port Jackson, probably far and away more than the water would support, and we thought we should increase the area.

2728. Did you ever hear that the fishermen are opposed to Middle Harbour being opened? No; but it is quite likely that the river men would be opposed to its being opened, because they are extremely jealous of the fishermen at the mouth.

2729. Do you think that Middle Harbour was opened at the suggestion of one man? I do not recollect who initiated it or brought about the discussion. I think I had something to do with it myself.

2730. Do you ever use a net? Not for the last eighteen months or two years.

2731. Did you ever have a net seized? Never, certainly not.

2732. Did you ever hear of a net being seized which was supposed to be in the possession of Mr. Knox, and which was said to belong to you? Never, directly or indirectly.

2733. We have heard in evidence of a net being seized which was said to belong to one of the Commissioners? I never heard of it, directly or indirectly.

2734. Was ever an inquiry held by the Commissioners with regard to a net being seized, and are the papers in the office? I never heard anything of the sort, directly or indirectly. I never heard of a net belonging to a Commissioner having been seized.

2735. You said that some members of the Commission had more practical knowledge than real fishermen;—can you name them? I do not know that I should be called on to name them, but there is one who has practical and theoretical knowledge in a very high degree.

2736. I think an answer should be given to the question? I would prefer not to particularise my fellow-Commissioners, but I think there are very few men in this country who know so much about fish as Mr. Oliver does, both theoretically and practically.

2737. Have you any idea what it costs the Commission to keep up the steam-launch you spoke of? I have always looked on that launch as being useless for the purpose for which it was designed, and I think that she unnecessarily costs a lot of money. She must be a charge on the Commission outside the matter of repairs, and she has been subjected to a great deal of repairs through what we think was the bungling of the Public Works Department or the Harbours and Rivers Department. I think the engineer gets £3 a week. There is only one employed.

2738. *Mr. Thompson.*] Was the launch built for the purpose, or was it purchased second-hand? I believe she was built for the purpose before I was a member of the Commission, and then she was lengthened. She is nothing but a useless incumbrance.

2739. What use is made of the launch? Her chief use during the last year has perhaps been to take Mr. Mulhall and the other men from place to place to see that people were not fishing in closed waters or with illegal nets, except when she was taken by Mr. Oliver to the Hawkesbury to see if there were any places there suitable to trout out in.

2740. Is the launch fit to go to the Hawkesbury from here? They chose their own time and go in fine weather.

2741. To be of real service to the Commission ought it not to be possible to go in the launch in safety to all the rivers? Yes. Mr. Oliver and I have had a good many conversations on the subject, and we have come to the conclusion that the Commission ought to have at its disposal a steamer which could be used by the Government for towing and that kind of thing, and the Commission would only require it for a short period to go to the various rivers or to make experiments in trawling. The launch is useless even for the experiment with a small trawl. She is only about 6 tons burden.

2742. Do you think that the fish on the coast, especially schnapper, have diminished during the past fifteen or twenty years? Yes, very considerably; but they have increased unmistakably during the last year or two. I attribute that to the closing of the breeding-grounds. Within the last year there have been more red bream in the harbour than there has been for the last fifteen years.

2743. Have the harbours and the estuaries been fished so very much more during the last fifteen years than they were previously? Yes, undoubtedly. There must be 100 Italians fishing now, and they are persistently at work at Woolloomooloo Bay, Garden Island, and Shark Island, and other places.

2744. Do they use nearly all sunken nets? Yes. As a rule very small sunken nets with great length of line and a great purse.

2745. Do you know whether there are oysters here of different species—one adhering to the rocks, and the other around the foreshores and deposited in the mouths of the rivers and harbours? From what Dr. Cox and Mr. Ramsay, both scientists, say on the subject, I think the oysters are the same, but I am not an authority on that subject.

2746. With regard to the old mud-oyster, is not that almost extinct about here? Yes. It is an oyster that will not live out of water like the ordinary rock-oyster. With a view of testing the adaptability of the streams here to other species, we imported the magnificent Stewart Island oyster, of New Zealand, and put some of them out on George's River and a few at Shoalhaven.

2747. How long ago was that? About eighteen months ago. Unfortunately most of them died.

2748. *Chairman.*] In what part of George's River were they placed? I think it was not far from Tom Ugly's Point.

2749. Have you ever noticed that the water there is contaminated with deleterious matter from the paper-mills and other places? Yes. I do not know whether it would extend so far as we have put in the oysters, but I have noticed it higher up.

2750. Have you ever taken action against those people? We submitted the matter to the Crown Solicitor, but we found that we had no case.

2751. Regulation 38 says: "Any person who shall discharge any refuse from any saw-mill, paper-mill, gas-works, or any rubbish or blood or offal, or any filth or other thing deleterious to the growth and development of oysters in any tidal waters, or into any watercourse, whether dry or not, leading into the same, or discharge such matter elsewhere in such a manner that it is or is likely to be carried into such tidal waters, shall on conviction thereof forfeit and pay a penalty of not less than £50";—have you taken no action under that? We have taken action to see if we could stop it, but we found that we could not. I think that we submitted it to the Crown Solicitor.

2752. Do you see any objection to opening the waters of the Parramatta River to the railway bridge at Ryde? I think it would be a great mistake. I think there is enough water open below that. What is wanted is a good sized breeding ground, and if the water were opened to the railway bridge it would require considerable watching to see that the men did not go on to the Homebush flats. The matter was fully gone into, and we came to the conclusion that the vehicular bridge was the best place.

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2753. Was the matter brought under your notice by a request for the opening of more waters? I think so, but I am not sure.

2754. Do you know the Gascoignes? I have heard of them.

2755. Are you aware that the residents on the north and south side of the Parramatta River are unable to get a supply of fresh fish? I do not; I think they are in the same condition as people at Randwick, Redfern, and all those places.

2756. Are you aware that when two or three years ago the Gascoignes and other fishermen were allowed to use more water they used to vend the fish they then got to the residents on the north and south sides of the Parramatta River? I think they could do so now by coming into the open waters.

2757. They complain of not having sufficient water? The cause of that is that there are too many people for the water. In the waters of Port Jackson there are double the number of men that there should be.

2758. *Mr. Thompson.*] With regard to mullet, when they are travelling is it not a fact that they are followed as rule by schools of sharks and porpoises which cut them up very much? I do not think so. They are followed now and again by sharks, but it is a very rare thing for a fisherman to catch a shark in a net when hauling mullet. They are now and again hemmed in on the coast by porpoises and sharks, particularly by porpoises in fine weather.

2759. *Mr. Stephen.*] Are the Commissioners entitled to keep nets and to fish with them? Undoubtedly the same as the rest of the world.

2760. Are there any unlicensed persons holding nets? Yes, as long as they do not sell the fish. I think that everyone that uses a net should pay a license.

2761. Are the settlers on the Hawkesbury and the Macdonald rivers allowed to catch fish for their own use with nets without taking out a license? Yes, while they do not sell the fish and do not fish in closed waters.

2762. Would it not be desirable for them to catch fish for their own use even in closed waters? That would open the doors to evils which you could not put a stop to.

2763. Is it not a great hardship to those people to be prevented from getting fresh fish when they cannot get fresh meat more than once or twice a week? I think if it were permitted the breeding-grounds would be interfered with and a large number of the public would be injured.

2764. Might they not be allowed to use nets of a certain size for meshing purposes only, and not for hauling? It would be equally a mistake.

2765. Then it is your opinion, and probably the opinion of the Commission, that those people should be prohibited from catching any fish? I cannot speak of the Commission, but I think it would be a mistake to allow any persons to fish with nets in closed waters.

2766. To what do you attribute the plentifulness of the bream? To the closing of the breeding grounds.

2767. How far do you think George's River should be closed? I think that the present arrangement is fair, as it gives a large area. There are, probably, not one-sixth the number fishing in Botany that there are in Port Jackson.

2768. Are you well acquainted with George's River? No; not more than 5 miles beyond Tom Ugly's Point. I have never been up Salt-pan Creek, or Woniara River.

2769. Are you aware whether any of the Commissioners have been up there? Dr. Cox, I think, has been right up to Liverpool two or three times.

2770. Have you any objection to opening George's River as far as Salt-pan Creek? I should like to have the matter discussed thoroughly by the Commissioners, and I should like to have a report from the officer in the district.

2771. If the officer in the district gave a favourable report would you have no objection to the proposal? Such a report would have very great weight.

2772. *Chairman.*] Does the Commission always consult the local inspectors before it closes any waters? I do not think there has ever been an occasion when waters have been closed without a report from the local inspector, but I would not speak positively.

2773. You would not say that there have not been cases where the inspectors recommended the opening of waters, and where the Commissioners have refused to recognize their recommendation at all? I do not think there is such a case; there may have been cases where the Commissioners may have gone in opposition to the inspectors' reports, but in those cases perhaps the Commissioners may have had greater knowledge than the inspector.

2774. Might it not have been done in your absence? It might have been done in my presence, and I would not have knowledge of it.

2775. It has been stated here in evidence that the Commissioners had closed waters without referring to the inspectors at all; and that in other cases the inspectors, recognizing hardships which exist, have asked the Commissioners to relieve the fishermen by opening certain waters, but their recommendations have not been taken notice of;—will you say that that is not a fact? I will not say that it is not the fact. If it has been sworn to, no doubt it is true.

2776. *Mr. Stevenson.*] Can you charge your memory with any case where the Commissioners closed waters without referring to the inspectors? I cannot.

2777. Whenever the Commissioners close waters do they have a report from the Commissioners in charge? Yes; I believe that is the case.

2778. Then what they swear is untrue? No; I say that I believe that that is the case, but I do not say it is so positively.

2779. *Chairman.*] May not the report you refer to come from Mr. Thompson? It may. It certainly comes from the Department.

2779½. *Mr. Stevenson.*] In the case of closing waters as a rule, does the Commissioner always ask for a report from the inspector in charge of the district? My opinion is that we always ask for report. It is just within the bounds of possibility that Mr. Thompson may have made a special recommendation where he is very competent to offer an opinion. He is thoroughly well posted up in many matters connected with the rivers, and he is thoroughly acquainted with them. He has probably a better knowledge of them than some of the inspectors themselves.

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2780. Should the inspectors in charge of the districts be consulted with respect to the closing of waters? Undoubtedly; but as to always accepting their dictum is another matter. They certainly should be consulted, and a report from them sent in.
2781. It ought to be asked for in every case? Yes.
2782. *Chairman.*] Are the fishermen's licenses generally issued by the Commissioners? I think the practice is this: They pay the money into the Treasury, they get a receipt, and come on to our office where the license is issued there and then.
2783. Would it not be much more convenient for the fishermen, and save trouble and expense, if the local inspector could issue the license? If the Treasury has no objection, I should say that it would save a lot of trouble. The course followed now is the one laid down by the Treasury, I believe.
2784. *Mr. Thompson.*] With regard to the length of the nets, was that regulation made during your term of office? No; years before.
2785. Can you see what object is served by diminishing the length of the net, or what harm could be done to the fish or the public if any length of net were allowed? For the reasons I have stated I think that in such places as Lake Macquarie there would be no harm in allowing an extra 50 fathoms.
2786. Putting Lake Macquarie aside and taking such a place as Port Jackson, what harm would be done by using a net say a mile long? I do not see that there would be any greater harm in having one net 300 fathoms long than in having two nets 150 fathoms long each.

TUESDAY, 30 JULY, 1889.

Present:—

MR. HOWE,

MR. STEVENSON.

MR. FRANK FARNELL,

FRANK FARNELL, Esq., IN THE CHAIR.

Mr. James J. Macfadyen called in, sworn, and examined:—

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2787. *Chairman.*] What position do you hold? Commission agent.
2788. Are you Mayor of Botany? Yes.
2789. Are you president of the Fishermen's Association of New South Wales? Yes.
2790. Where does this Association hold its meetings? At the Protestant Hall, Sydney.
2791. Are all the fishing-grounds represented in the Association? Yes.
2792. How long has it been in existence? About two years.
2793. What is the reason for the establishment of this Association? On account of the men finding a difficulty in making their grievances felt. Many of them expressed an opinion to me that they were afraid to make their grievances known on account of being spotted as individuals. The origin of the Association was a deputation of Botany fishermen who waited upon myself, and asked me if I would help them in forming such an Association; they knew that I had taken considerable interest in the business.
2794. Is there a considerable number of fishermen in the locality of Botany? Yes.
2795. Has your Association ever appointed a deputation to wait on the Colonial Secretary, or other members of the Government, in reference to their grievances? Yes, on one occasion we waited upon Sir Henry Parkes, and he told us it would be better for us to reduce our grievances to writing, and he would then attend to them. I hand into the Committee a printed copy of the document which we drew up, stating those grievances, and which was presented to Sir Henry Parkes. [*Appendix D1.*]
2796. Has any good resulted from your submitting your statement in writing to the Government? None whatever, unless we can say that we may have helped forward the appointment of the present Committee.
2797. As President of the Fishermen's Association, will you be conveying to this Committee pretty well the alterations which the fishermen desire to have made in the Fisheries Act in order to protect themselves, and at the same time to protect the public? Yes; I may say that the paper of grievances which I have handed in was very seriously considered by the fishermen, including representatives from all the different parts of the Colony. Before the matter was entered into at all, the fishermen were instructed that nothing was to be put down in the document except what could be sustained, and it was only after about two months consideration that the matter was completed. The last expression of opinion which I had from the fishermen in the Association, was that that paper of grievances still remained their grievances, and that although there might be some small additions which they might desire to make because they said that at that time they were almost afraid to give vent to everything they desired, yet they would be satisfied if they got all the grievances remedied that were mentioned in that paper.
2798. Where do the complaints come from principally? They come from fishermen in all localities.
2799. Is not your membership confined pretty well to people in and around Sydney, Port Hacking, and the Hawkesbury? We have endeavoured to establish branches in different places, but the principal hindrance to that has been the cold way in which the late Commission have received the Association.
2800. When you say the late Commission I suppose you mean the present Commission? Yes; I refer more particularly to the late interview we had with them.
2801. Have you ever made any recommendations on behalf of the fishermen to the Fisheries Commission in order to remedy alleged defects? Perhaps the best way to answer that will be to say that having waited on Sir Henry Parkes with the document he desired us to draw up, he told us that he had placed the matter in the hands of the Fisheries Commission, and that the best thing for us to do would be to have an interview with the Commissioners to see if we could come to an amicable arrangement. That was a considerable time after the paper had been left with Sir Henry Parkes, and after we had sent two letters, asking what had become of the document. We then waited on the Fisheries Commission, Sir Henry Parkes having arranged with them for a certain day and hour. The Commissioners received us very courteously. I handed in a copy of the paper I have just given the Committee, and said that Sir Henry Parkes told us that he had laid the matter before the Commissioners, and that we had come to them for a reply. Sir Henry Parkes repudiated having any power in the matter, and said that the Commissioners had the power to deal with it. We were met at once with the reply from the Commissioners that

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that they knew nothing at all about it; that they had never received such a communication; and therefore they were not in a position to reply to it. On behalf of the association I immediately accepted that reply as I could not expect a reply to such an important document at a moment's notice, they (the Commissioners) not having yet seen it. Some conversation took place, and the Commissioners endeavoured to impress upon us that it was their anxious desire to help the fishermen, but I may say that the members of the deputation felt that there were more words than good deeds in the matter.

2802. What is the nature of the business transacted at your meetings? Very much the same as at all other society meetings. When we read the correspondence there is generally something in the nature of a grievance or complaint or some matter to be considered by the whole association.

2802½. How many members are there in the association? About 250 or 300.

2803. What is the nature of the more serious complaints which the fishermen have made against the Fisheries Commission, or the provisions of the Act? That too much water has been closed, and that water has been closed unnecessarily where it was detrimental to the interests of the fishermen, and not helpful to the preservation of the fish.

2804. Do they ever make any complaint about the mesh of their nets? There has been a good deal of talk about the different meshes, but that has not been so fully brought out as the want of waters and the shortness of the nets. Then there are the unfortunate circumstances attending the distribution of fish after they leave the fishermen, and the little consideration that the fishermen think that the Commission, which ought to help them as a body, has given them.

2805. Do you know the fish-markets at Woolloomooloo? Yes.

2806. Have you ever seen them selling fish there in the morning? Frequently.

2807. Do you think the arrangements are adequate for the convenience and protection of the fishermen? I have always held an opinion opposed to that.

2808. It has been stated here that the fish when sent from the fishermen to the markets are liable to be pilfered;—have you ever heard of any case of that kind? Very frequently.

2809. It has also been stated that the fish are thrown on to the floor of the market where they are liable to be spat upon and walked upon owing to the bad arrangements made for the distribution of the fish? Yes; the fish are lying on the floor, and people walk on the same place. I believe the argument used by those who consider that that method is the best, is that they can sell a very large quantity of fish in a short time, and that it is an improvement on any method at present in vogue in any other part of the world. I am not of that opinion.

2810. While protecting the interests of the fishermen by having an expeditious sale, do you not think it is necessary to also protect the interests of the public, so that they may get fish in a fresh and uninjured condition? Yes; I have interested myself in this question for a great many years, because I have been most intimately connected with it from my early youth.

2811. What is your opinion as to the establishment of another fish depôt, say at Darling Harbour or somewhere where there are railway facilities? I have agitated that question for a considerable time, and if I had had opportunities I certainly would have tried to form a company. I had a portion of Hudson's works under offer to me for a certain time with that object, but as it required a great deal of time and more capital than I had at my disposal I had to let the matter drop for a time at any rate.

2812. Do you think it would meet with the approval of the fishermen if they had a practical man, one of their own number, appointed as a member of the Fisheries Commission? I am quite certain, from my knowledge and conversation with fishermen, that it is their earnest desire to have one or more practical men as their representatives on the Commission, should it exist as at present.

2813. Are you aware if, at any time when portions of a river have been closed, the inspectors have upon every occasion been asked to report as to the necessity or otherwise for closing those waters? No, I know nothing about what instructions they may have received, but I certainly have heard that the Commissioners have acted in these matters entirely on their own understanding without any practical knowledge that they might have been able to get.

2814. As President of the Association have you had the means of knowing what particular waters the fishermen would like to have opened which are at present closed; for instance, do you think that Port Hacking should be opened to some extent? Yes. I do not know that locality, but fishermen who are conversant with it have told me that they believe it was an entire mistake to close Port Hacking; that it was not done in the interests of the public nor of the fishermen, but in the interests of a company who had land in that district. They have always held that the creeks and tributaries running into that harbour were altogether sufficient for any breeding purposes, and that Port Hacking itself is not a breeding place, inasmuch as they are prepared to prove that the fish come in at one side and go out at the other. They named two points, I think the Limekilns and the Spit, up to which they think the waters might be opened for net-fishing.

2815. Do you know anything about the closing of George's River? The fishermen desire to have the river opened up as far as Salt-pan Creek. They maintain that there is no breeding carried on below that, and that in any waters below that, even if they are breeding places, the fishermen could not do any damage on account of the nature of the bottom and the depth of the water.

2816. In connection with the closed waters in Hawkesbury River, have the fishermen there made any complaints about the opened waters being insufficient? Yes, very considerable complaints have been made, not only with regard to the closed waters, but also with regard to the very great delay and annoyance caused to the fishermen with regard to piles and other things left there by the contractors for the Hawkesbury Bridge. I myself called upon the contractors, who said that the Commissioners had seen them on the matter, and they promised me that all the piles should be withdrawn, but I believe that they have only been cut off at the top and that they are still there.

2817. Has oyster culture come under your consideration as an association? Not much. We have received several inquiries lately notifying that if we made proper arrangements the oyster-men throughout the Colony would be desirous of identifying themselves with us so as to strengthen the association.

2818. Have the fishermen complained at any time of the arrangements made to obtain their licenses? Yes. They agree that 10s. is sufficient for a boat license, and that a less sum than 10s. is sufficient for a fisherman's license, and that they should be able to get a license without being put to the serious inconvenience of leaving their work and proceeding to the Fisheries Commissioners' office to sign their names.

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2819. Would it relieve them to a very great extent if the local inspectors were empowered to issue licenses in each locality? Yes. When a proclamation was read in the fish-markets one morning from the Commissioners, stating that none of the fish agents would in future be allowed to secure licenses for fishermen who might be clients of theirs, I pointed out to the sub-inspector who read the proclamation that it would be a very hard thing to oblige a fisherman to come (say) from Cape Hawke to Sydney to get his license. I think the proclamation was somewhat in error in that respect, because they told us afterwards that we were in error in supposing that it had such a meaning; that it was only intended that the nearest police magistrate or clerk of petty sessions should issue licenses to the fishermen, and I believe that is the case now. With regard to another site for the market, I have always looked upon the Redfern site as the very best site that could be procured, because every day the railway traffic is increasing, and the steam-boat traffic decreasing. Fish should be handled as little as possible. At present fish from Port Stephens are put into a little steamer, from which they are transhipped to the steamer at Newcastle, thence they are taken to Sydney, and from the place where they are stowed near the paddle-boxes, when the steamer arrives in Sydney, the baskets are swept down a plank which is almost at right angles to the quay, so that the fish come down with great violence. Sometimes the fish-baskets are broken open, and in any case the fish are considerably damaged. Then they have to be handled again by being placed in carts which take them to the market, where they are deposited on the floor in the way I have already mentioned. There would be a great improvement if there was a market at Hudson Bros. place where there is a siding already in existence. All the handling which takes place at present between Newcastle and Sydney would then be saved, and the cost of cartage from Darling Harbour to Woolloomooloo market would be saved. I believe it would also do away to a considerable extent with pilfering. With regard to the railway, it is a very common thing in the old country to use wire to close the lid of the box or basket, and to put on the wire a lead tag pressed with pliers, with an impression on it. That makes a seal which, if broken, could be detected.

2820. Something of the same nature is done in trucking cattle? Yes. The railway company weighs all goods which pass over the line, and the same thing could be done with baskets of fish which are sent by rail, so that any pilfering which might take place on the railway could be detected.

2821. *Mr. Howe.*] According to your experience of the working of the Fisheries Act has it had a beneficial effect? My experience of the Act as far as I have seen it is that it has been an association got up for the purpose of watching and hunting the fishermen, and in no way trying to help them.

2822. Do you think that the Act would be better administered by a Government department than by the Commission? I think so; but if proper representation were allowed on the Commission I do not know that I would be in favour of its being managed by a Ministerial department. I mean a practical representation of the fishermen.

2823. Have you in your capacity as president ever heard that the Commissioners disseminated any knowledge of a practical character among fishermen to improve the industry? None whatever. I may say that in the communication that I have just handed in to the committee, which the Fisheries Commission had under their notice for some time afterwards, and ultimately gave us a reply, I think a year after we had sent it to Sir Henry Parkes we mentioned something about persons digging holes and spoiling the fishing hauls at George's River. That is a matter in which the Act empowers them to take action, but hitherto we have never heard that they have done anything to relieve the fishermen even in that small matter.

2824. Do the fishermen complain of not receiving notices of proclamations closing waters so that they might lodge a caveat or objection? Yes, they make serious complaints on that score. When we waited upon the Commissioners they promised that they would close no waters without giving us I think a month's notice. However, when we shortly afterwards informed them that that was our understanding of their reply they said they did not mean anything of the kind; that they could not have said that, because they had to do everything by notice in the *Gazette*, and that we could receive the *Gazette* the same as any other person.

2825. Is it a fact that the fishermen earn large sums of money and that they could earn considerably more if they liked to work harder? Certainly not, as I shall show from the following particulars which I have obtained:—Knowing that I would have to give evidence here, I added up the earnings of two or three different fishermen, and the wages earned by two British fishermen working here are as follows:—Two men earned £78 14s. 3d. in 35 weeks, or at the rate of £1 2s. 6d. per week each. I have also the wages earned in Sydney harbour by three Italians and part of the time four Italians. It amounts to £111 17s. for 27 weeks, or at the rate of about £1 7s. 6d. per week. I have here the wages of two Botany men and a lad, and they earned £30 11s. for eight weeks, which was at the rate of something like 20s. for the lad and £1 7s. 2d. for each man per week. The wages earned by the captain of a boat at Botany for 35 weeks, employing sometimes two and sometimes four and five men, amounted on an average to £7 3s. per week amongst them. I would like to point out that those figures do not show the earnings in any case. The actual earnings being lower on account of one share having to go to replace and repair boats, nets, and gear. I have taken out these figures because I have heard that certain people say that fishermen earn big money. The figures may not be correct to a penny or two, but they are correct enough for all practical purposes.

2826. Have those figures been selected promiscuously? Yes.

2827. What are the chief grounds of complaint by the fishermen against the Italians? As far as I know the complaints are not against the men, but against the system they use in working. They use certain nets that sink in the water and trawl along the ground; the British and Colonial fishermen maintain that the feed which is upon the ground, and any spawn that may be there, are destroyed by those fishermen continually pulling their nets in this manner.

2828. Do you think that the closing of the rivers has preserved the fish? I do not know that I am a good authority on such matters; but from what I do know I should say that it has not preserved the fish. For instance, Port Hacking, which has been closed for a long time, contains less fish, according to the fishermen, since it has been closed, than were to be found there before.

2829. Is it a fact that the fishermen are compelled to return to the water edible fish, which are above the legal weight, if they catch them in a gar-fish net? I have heard complaints that if an inspector finds that a man with a gar-fish net has other fish in his boat besides gar-fish, the inspector will seize those fish, no matter what size they may be.

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2830. What is your opinion with regard to the fish-market at Woolloomooloo? I am not only personally opposed to the present system, because I believe it is not the best, but I also object very strongly to the system of administering the affairs of the market. I maintain that, as a matter of principle, this business ought to be in private hands, rather than in the hands of a City Corporation. I think no officer of the Corporation should have the administration of the affairs of the market. I know, from my own experience, that it hinders anyone from using the enterprise which might be used in improving the distribution of the fish. There is not one-fifth of the fish consumed in New South Wales that ought to be consumed according to the population.

2831. Under the present system at the market do the fishermen get their value for their fish? Under existing circumstances I think they get a fair value, but I think the value is curtailed and crippled very much by the existing system.

2832. When the fish arrive late by train or steamer, what is done with them? If they arrive too late for the sale on the day of arrival, the fish have either to be sold at any price that people choose to give, or they must be put into the cooling-chamber to be kept until another market day. Certain fishermen, with whom I am connected, have given instructions that none of their fish shall at any time be put into the ice-house, as they consider it is of no use, seeing that they have put fish in there on one day and it has been taken out on the next day unfit for food.

2833. Do you think that if a space were raised above the floor, and railed off, and the fish were put out in lots there, that it would be an improvement? Yes; I have always thought that that would be a better system. I am not prepared to say that that is the best system, because I think the fish are sold in the market here too much in a retail way. I have suggested that fish should be sold in larger quantities.

2834. If stalls were erected and rented by fisherman, or by agents, in the same way as market gardeners do in the Belmore markets, would that be an improvement? The situation, to my mind, would make a very great difference. I think the proposed arrangement would be a total failure at Woolloomooloo, whilst in a centre of population it would be a great benefit. Where the market is at present, you must sell the fish in a certain time. For instance, last Good Friday, after the sale was over, there were tons of fish left in the market unsold, and by that time it was too late to distribute the fish anywhere else. It then struck me that a great quantity of that fish might have been distributed in the interior of the colony if it had been sent away by rail on the Thursday evening.

2835. From your experience as a commission agent do you know whether much fish is sent away for consumption in the country districts? There is comparatively little fish sent away in that manner. There is no proper system.

2836. Do you think that method of disposing of the fish might be greatly encouraged? I have no doubt that a market could be created in almost all the principal towns in the interior.

2837. *Mr. Stevenson.*] Do you still represent the Fishermen's Association? Yes; I am still the president of the association.

2838. Have you had any personal experience in fishing? Yes, at home.

2839. You have stated that the fishermen were afraid of making known their grievances. What do you mean by that? They were afraid, as individuals, to make known their grievances for fear that those in power and authority over them might make them suffer.

2840. Since your interview with the Fisheries Commission have you received any communication or reply as to the fishermen's grievances? We received a reply, but it was almost a formal one, intimating that they had received our communication, but saying that nothing could be done in the matter.

2841. On receipt of that reply did the association take any further action? I believe that, as an association, we communicated with the Secretary to the Commission, informing him that the reply was unsatisfactory. I myself waited upon him, and told him that the reply was altogether unsatisfactory.

2842. Did you receive any further communication? No.

2843. Did the fishermen get no redress whatever? No; there was only one matter referred to in the letter, and that was with regard to the length of the nets. They said they had no objection to allowing an extra length of 25 fathoms in such places as the lakes.

2844. If a suitable site could be found at the head of Darling harbour, which could be reached both by trains and steamers, would not that be a more desirable place for another fish-market than the place you have mentioned? There is one reason which influenced me in suggesting a site at Redfern. If you look at the map and take a compass you will find that that is almost the centre for all the suburbs.

2845. Would not that equally apply to Darling harbour, if the fish was dispatched by train? I was referring to the people who would go to the market to take away the fish.

2846. Do you still think that Redfern would be better than Darling harbour? Yes; but I think Darling harbour would be altogether preferable to what we have now.

2847. Where did you obtain the information as to the earnings of fishermen? From my own books; I cannot give names.

2848. *Mr. Howe.*] A question was asked in the House the other evening by Mr. Lyne, with reference to herrings appearing on our coast for two months in every year. Have you ever heard anything about that from fishermen? Yes; I have heard fishermen say that there are herrings on the coast at certain times and in large shoals. Ultimately I saw some of the herrings, and took them home to try them, but I was very much disappointed with them. They are not like the home herring, and I am almost sure they would not cure like the home herring. They are smaller.

2849. *Chairman.*] Is there anything else which you wish to state? No; except that the association that I have the honour to represent has been formed with the sole view of endeavouring to get some pressure brought to bear upon anyone in authority to frame laws such as the fishermen think they should do. I believe that the fishermen are inclined to be entirely fair in this matter and want nothing but what would be fair to the public as well as themselves. It is felt by all the members that the Fisheries Commission have in no way endeavoured to obtain knowledge as to the fishing industry in other parts of the world so as to instruct the fishermen here. Although the fishermen here have to contribute to a large and expensive department they have received nothing from that department but have only been harassed in their labours. There are several matters in the present Fisheries Act that want attending to. For instance, a police constable or any officer is at liberty to go into any person's domicile or shed at any time and search the premises.

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2850. *Mr. Stevenson.*] What for? For nets or anything he chooses. I have heard fishermen complain that an officer has actually been in their wives' bedroom searching for nets whilst they were in bed. In the paper of grievances it will be found that the fishermen regard it as very unjust that they should lose the tools of their trade if they happen to break the laws. That is not done in any other business and they believe they should not be injured in that way more than any other people. They complain that until this association was formed the Commissioners actually sold the nets which they seized, and which were illegal, in the same state, or nearly the same state, as they were seized, to anyone who would buy them. I believe it was only after the paper which I handed in was put forth that the Commissioners commenced to sell on a restrictive principle, stating that the nets when sold were only to be used for certain purposes.

2851. Do you think that trawling could be instituted here? I have spoken to a considerable number of fishermen on that subject, because I hold a very strong opinion that trawling could be and ought to be instituted here, and that if the coast were properly surveyed we would find many fishing-banks on the coast that might be utilized by fishermen. Until a survey is made it would not be safe for the fishermen to attempt anything of the sort, especially for the fishermen on this coast, because, whatever they may have been in the past, they are now certainly a poor class of men, as far as money is concerned.

2852. If we gave a bonus for the encouragement of the fishing industry do you think that would be an incentive to fishermen, and that it would bring out new fishermen here? I certainly think so, and I think the request we made as an association to Sir Henry Parkes, and, through him, to the Fisheries Commissioners, was a very fair one, and that it would help the industry. That was that any information which could be distributed among the fishermen to raise them in their profession should be given to the association, so that it might be distributed among the fishermen. For instance, information might be obtained as to the latest appliances used all over the world. I do not think that would have caused much expense, and it would raise the tone of the fishing industry all over the colony.

2853. Have you received no information from the Government or the Commission to enable you to carry out your objects in disseminating information? No. When we made application to the Commissioners, they said they would grant us any books that they might have in their possession. In fact Sir Henry Parkes promised that, and he sent some books; but we require more than that. We would require to have maps and such things, so that the fishermen might know where the closed waters were. At present they have to go by some placard which may be posted up in the bush 200 yards away when they want to know where the waters are closed or open. Another very serious matter the fishermen talk about, is that as they have to pay for a license they ought to be protected in bringing their fish to market for sale, as it is their means of living; but they say that private persons go fishing for pleasure and catch a great many fish, schnapper particularly, and those fish are resold to the detriment of the ordinary market for fish. The Act of course says that no person shall be allowed to sell fish unless he is a licensed fisherman, but the fishermen say that those private persons do not sell the fish, but they give them away and receive payment afterwards.

William Neal called in, sworn, and examined:—

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2854. *Chairman.*] What are you? A fisherman.

2855. Where are you located? Balmain, or rather Iron Cove, one of the tributaries of the Parramatta.

2856. Is that opened? No; it is closed.

2857. From what point? From the Iron Cove bridge upwards.

2858. What waters have you open to you to fish in? From the Iron Cove bridge downwards to the heads, from the Parramatta bridge at Gladesville downwards, and from the telegraph wire at Onyon's Point in Lane Cove downwards. All those places above have been closed for something like five years; that is from the time that the present Fisheries Act has been in force.

2859. Not closed for five years by one proclamation, but from time to time? Yes; six months at a time, for the first three or four years, and then it was closed for two years, and then there was an extended proclamation for twelve months, that is the present twelve months, which will expire about the 9th of next November.

2860. So that when you originally settled on the Parramatta River to carry out your calling as a fisherman you did not mind so much the rivers being closed for six months if the Commissioners carried out what was supposed to be the intention of the law, and opened the river after the six months had expired? Yes; we did not mind that so much. On one occasion, when I was on a deputation to the Fisheries Commission, that was what we asked for, but they seemed to think that those fisheries were exhausted, and that it would be better to close them for two years, not knowing at the same time whether they were really exhausted or not. It is all very well for those gentlemen to say that a fishery is exhausted, but they do not actually know whether that is the case or not, because they do not go at the right time to know whether or not there are any fish there. I believe that the greatest trouble we have to contend with is the net at present in use amongst the Italians. It is a 15-fathom net, which is legal for prawns, but they work it at all times, both day and night. They work the channel of the river both night and day, and they destroy the best species of fish, namely, bream, black bream, red bream, sand-whiting, trumpeter, whiting, and flathead. They also kill flounder and sole, but they were never very plentiful here as far as my experience goes, and I have been fishing here for twenty-five years. If the Italians are to continue dredging with prawn-nets in this manner, I do not know where the fish are to come from in future. I consider that those nets should be abolished altogether. The only sort of sunken net used amongst the old fishermen belonging to the place was the regular seine net. If they knew any place where they could get a freight of whiting, bream, or ground fish they would take a few corks off the net and sink it. I am sure that all our best fishermen are in favour of doing away with prawn nets altogether. There are a great many of the grounds closed which the Commissioners consider are very important breeding-grounds, but in my opinion there are more important breeding-grounds outside the places which are closed. Then the feeding-grounds are being destroyed, and they are of just as much importance as the breeding-grounds. In the shallow part of the river where there is much steamer traffic, fish cannot be expected to be as numerous as they were. I think that the only fish that actually do spawn and live in the river, unless driven out by floods, are the river garfish and the sand-mullet.

2861. Have you very many good hauling-grounds in the open waters? No; very few. They have been mostly taken up in the last four or five years by reclamations, sea-walls, moorings, old hulks, and other obstacles. The Italians are not particular where they haul. They will shoot their nets amongst ships and steamers, as the nets only come about 2 feet above the ground. The net is only really a dredge, and brings in everything before it.

2862. With regard to the waters of the Parramatta River, do you not think that the open waters might be extended as far as the railway bridge at Ryde? Yes; I think that might be done without any detriment to the breeding-grounds and without decreasing the supply. The waters might also be opened above the Lane Cove Bridge.

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2863. Would you close the river above Lane Cove Bridge? Yes, I would close it during the winter months and open it in summer. There is very little work to be done above the Lane Cove Bridge. Fully three parts of the Lane Cove River consists of natural reservations which are unworkable with any class of net owing to sunken rocks, snags, and the tide.

2864. Can you see any great object to be achieved by closing the Iron Cove Bay? No; I do not see that there is any great object whatever to be gained. It might have been a very good place at one time, but not now, because there is too much steam-boat traffic and too much sewerage. There is a deposit of black mud which covers all the former feeding-grounds and the fish do not inhabit those waters in such great abundance as they used to. The only fish that comes in in the winter time is the mullet. The hard-gut mullet is migratory and come and go in their seasons. We have been told by our inspectors that when the mullet are all schooled in the river they are there for spawning purposes, but I am of opinion that not one of those fish spawn in the river. They stay in the river until they are full roed and then they go down below. I am of opinion that they all spawn along the deep water shores, the kelpy shores or that they spawn as they go.

2865. Do you say that you have been thirty-five years engaged at this industry? Yes.

2866. Have you any reason to complain of the provisions of the Fisheries Act? Yes; one particular reason is that if we buy a bit of net of the size mentioned in the Act or if we get it one-eighth of an inch above that size by the time it is tanned twice it is under the prescribed legal size. I have now on hand several pieces of good sound net which have not been used for six years for that very reason. It is too small and is liable to be seized at any time if used.

2867. Have you ever had a net seized? No; once in Mr. Quinan's time a garfish-net was taken off a pole where it was hanging up to dry. He took it off and put it in his boat and went on his way down to Sydney. It would appear that the inspectors were talking over the matter in the boat, at any rate they brought back the net and hung it up again. I was not there at the time, but some persons living in the neighbourhood told me about it. I then went over to the Fisheries Commissioners' Office to know the reason why the net was illegal. The inspector told me it was illegal as to the size, mesh, and construction. I took that for granted and cut up the net and never used it any more. In fact, all our nets from the garfish nets upwards, are liable to seizure after being tanned twice.

2868. Would it not be better to have a provision in the Act whereby people could be punished very severely if they brought undersized fish to market, or fish below the legal weight, rather than be so particular as to the mesh of the net? Yes; that would be a most important improvement. The Fisheries Act could then be worked with less men than at present, so many inspectors would not be required, and if a man brought undersized fish to market he should be punished.

2869. Do you take the fish you catch to market in your own boat? Yes; sometimes I bring them down in my boat, or in a cart by way of Pyrmont.

2870. Then you never trust any agents in Sydney to bring your fish to market? No; I have always brought them to market myself, or sent my sons with them.

2871. Then you have no reason to complain personally of your fish being pilfered? No.

2872. It would be impracticable, I suppose, for the fishermen at the Hawkesbury and Port Stephens to do as you do? Yes; they have to trust to agents.

2873. Have you ever heard complaints made by the fishermen living at a distance as to their having been robbed of fish? Yes; I have heard several complaints of baskets coming to the market half empty. I believe the principal part of that happens on board the steamboats.

2874. Have you never heard of the fish being pilfered between the steamers and the market, and even at the market? I have heard of it, but I have never seen it done.

2875. Have you a good knowledge of the fish-market in Woolloomooloo? Yes; I have been attending there pretty regularly for the last sixteen years.

2876. Do you think that the market is in a convenient position? No; I think the market is not central, nor is it adapted for the purpose at all. I would say that some place nearer the railway station, or at the head of Darling Harbour, would be more central. In a few years the great bulk of the fish will come by rail, and the less handling they have the better.

2877. Have the sales been satisfactorily conducted at the market? No; I think Mr. Seymour, in selling the fish, does not treat the fishermen as he ought to. Often fish are sold there which are not fit for food; at other times he will condemn fish that are even better than those he sold the day before. I think there is too much of the Corporation business about the market. I think that if the Government built a market, and the agents had more control over the fish, it would be better. A great quantity of fish comes in in the evening, and they remain in the baskets until the following morning. I think arrangements might be made through the agents by which a great quantity of fish might be sent away into the country over night, and it would then be disposed of advantageously for the agents and the catchers.

2878. *Mr. Howe.*] You mean that the fish would be sold in the country? Yes, for a great many years I did not bring any fish to the market, I could always dispose of it about Ashfield, Petersham, and other suburban towns at very good prices so that I could get fair wages. Since the present Fisheries Act has been in force I have not been able to do that, because I could not get enough fish. I have had to resort to prawning, and I have sometimes had to work at other things; in fact anything I could get.

2879. *Chairman.*] Whereas if you had more water at your disposal you could go on supplying those people with fresh fish as you used to do? Yes.

2880. And those people that you used to supply previously now have to do without fresh fish? Yes; they have either to buy market fish or to do without it. If you take iced fish to them as the majority of the fish is they will tell you they do not want it as it is no good. The Gascoignes and other people up there know what fresh fish is.

2881. Do you know the Gascoignes? Yes.

2882. Have they at any time complained of having insufficient water? Yes; the Gascoignes have been on several deputations with myself and others. The Commissioners told us on several occasions that they could do nothing in the matter. That if we required any alteration we would have to apply to our different Members of Parliament to get it made. They told us moreover that if they had their way they would shut up the whole place altogether.

2883.

- Mr. W. Neal. 2883. *Mr. Stevenson.*] What did they mean by telling you to apply to Members of Parliament? They told us they could do nothing with our grievances and that we would have to state our grievances to the Members for the different districts, and see if anything could be done in that way. The fishermen are rather bad hands to go about any business of that kind.
2884. *Chairman.*] So I suppose the appointment of this Committee would give satisfaction to the whole of the fishermen? Yes. There is another thing I would like to mention, that is the desirableness of closing the mouth of the harbour for a mile in and a mile out. Schools of fish come in from the sea and there are always three or four boats with nets at Camp Cove Beach, just inside the reef. As soon as the school of fish show round the reef there is a net shot in front of them and there are perhaps a few boat loads taken.
2885. *Mr. Stevenson.*] Whom by? By the fisherman living at the mouth of the harbour. The rest of the school take fright and they go away to sea again, and perhaps they never come back. If those fish had been allowed to come inside they might have settled there for a few days or a few weeks, and have drawn off a few at a time into the channels of the various inlets. Then the hard-gut mullet commonly known as the sea-mullet stop in the river all the summer. But they all leave the rivers and go down below if a gale of wind comes on about March or April, from the southward or south-west. They are all fully-roed or in full bloom, as the fishermen say, and they are caught in such quantities that they become a drug in the market, whereas, if they were allowed to be caught in the rivers in the autumn months, the catcher would be well repaid. They would catch a few baskets at a time and the public would have fresh fish.
2886. *Mr. Howe.*] Is there much of the Parramatta River unworkable owing to tides, snags, and rocks? Yes, fully one-third is unworkable.
2887. Do you know whether it is true that edible fish above the legal weight, if caught in a garfish-net, have to be put back in the water? I have heard it stated, but it has never been done to me. I heard a man named Pat. Sheedy say that he was hauling on Hunter's beach one day in Mr. Quinan's time for sea garfish, and he caught some bream and whiting, and other edible fish, and he had to throw them overboard in the presence of Mr. Quinan, who said that he could take garfish only in a garfish-net.
2888. I suppose that fishermen, for the protection of their own interests, would put back undersized fish? Yes. I do not believe that any fisherman here would destroy edible fish which are under the legal size. They may kill a lot of little hardy-heads which are no good, and because some people who know nothing about it see these fish killed they make a great noise about the destruction of small fish.
2889. What is the season for catching garfish? I should say that the season for river garfish is from the 1st March until the latter end of August.
2890. When does the spawning season commence? Between the beginning of September and the latter end of November, or the beginning of December. That is when I find them full-roed. They do not all spawn at one time; there may be a month or two months' difference in spawning. Sand whiting and trumpeter whiting spawn from March until July.
2891. Do you think that the legal weight of sea garfish, and river garfish and mullet should be reduced? I think the weight of garfish should be reduced. One oz. is a very good size for a river garfish, and 1½ oz. for sea garfish. Not one-third of what has been sold during the last two years would go beyond the weights I have mentioned.
2892. As a fisherman, do you think that there should be no objection to any length of net, provided that the mesh is of the legal size? Yes; I do not think that a fisherman should be bound to any length of net, but that he should be allowed to use his own discretion in the matter.
2893. Does a net shrink in the tanning? Yes; that is one of the severest clauses we have to work under.
2894. If meshing-nets were 3½ inches, would that allow for shrinkage? I do not think anybody would object to work a meshing-net until it came to 3 inches, because it could not destroy any small fish. A fish that will stick in a 3-inch mesh, that is ½ an inch below the size prescribed, will weigh 1 lb.
2895. Is it a fact that the shorter the net the more frequent the hauls, and does that disturb the bottom and hunt the fish? Yes.
2896. If a garfish-net were 150 fathoms, would that be an improvement? It would do no harm; the present garfish-net is a mere toy; even were garfish are plentiful, a man has to make three or four hauls to make ordinary wages. The more hauls that are made with a garfish-net the more destruction there is to the small fish.
2897. Can small garfish be caught with a net of 1½-inch mesh? Yes, but nothing more.*
2898. Have you known nets to be seized because they were the 1-16th of an inch under 1½ inch? Yes, I have heard of it.
2899. Was that on account of shrinkage? Yes; the nets were of the legal size when they were bought, and in many cases they were ½ of an inch larger. We went to different ship chandlers and told them that when they were sending their orders home they should get the nets made ½ of an inch larger than was prescribed by law, but when those nets are tanned three times they are seizable.
2900. Do the fishermen object to stalling? Yes; it is all very well for a week or a month or two, but eventually it would clear out the fish.
2901. Describe the process of stalling? It means going into any of the bays at high water. Of course the fishermen know low-water mark, and if they carried out stalling they would shoot their nets across exactly at low-water mark; they would fasten both ends on shore, and put a stake every 20 yards in the cork line. Everything inside of that which could not go through the mesh would have to stop inside, and at low water the fisherman would gather all the fish up.
2902. You do not know many fishermen who practise that? No; I have not seen any one stalling in Sydney harbour for the last ten years.
2903. Is it prohibited in the Fisheries Act? Yes.
2904. Would the fishermen co-operate with the inspectors to obtain convictions against those who would practise this mode of fishing? Yes, everyone of them would.
2905. Do you experience any difficulty in hauling in the summer months on account of the blubber? Yes; the summer months are of very little use to us. For five months the Parramatta River is of very little use.
2906. Then you are not able to haul at all in summer? Yes. An experienced fisherman by watching the blubber could get a haul occasionally.

2907.

* NOTE (on revision) :—The net ought to be not less than 1 inch, and not more than 1½ inch.

2907. What action has the blubber upon the nets? If a fisherman is not particular in washing the nets clean the blubber burns the nets. The next time the net is hauled it will fall off the ropes in pieces. I have seen that happen with inexperienced fishermen.
2908. Are you satisfied with the fees charged for boats and men? I am very well satisfied myself; it suits us here. I would be even satisfied to pay more in Sydney harbour, because it would keep inexperienced fishermen out of the waters; but I do not think the fees should be increased in other places where they are not bothered with Italian fishermen and boys. Any boy with 10 yards of net can get a license.
2909. If you dispose of one of your boats and you get a new boat, would not the license be transferable? I believe not, but I cannot say for certain; it says on the license "not transferable."
2910. *Mr. Stevenson.*] Would it be an advantage to the fishermen if they were allowed to have an auctioneer responsible to them instead of to the Corporation? Yes, a very great advantage.
2911. Are the nets used by the Italians legal? Yes; but they are not legal for catching fish; they are only prawn-nets, and they are not supposed to catch fish with them, but they do.
2912. Do you think that the inspectors are not doing their duty in allowing the Italians to use those nets? It is very hard to get at them, because the net is legal, and they shoot from 150 to 200 yards with rope at each end of those nets.
2913. Would you close all the tributaries from prawn-net fishing? Yes; I would close all parts of the harbour from sunken prawn-net fishing. I believe every fisherman in Sydney harbour would endorse that.
2914. *Mr. Howe.*] Are they allowed to fish for prawns in closed waters? No.

Mr. W. Neal.
30 July, 1889.

THURSDAY, 1 AUGUST, 1889.

Present:—

MR. WILLIAM STEPHEN, | MR. FRANK FARNELL,
MR. STEVENSON.

FRANK FARNELL, Esq., IN THE CHAIR.

J. M. Chanter, Esq., M.P., called in, sworn, and examined:—

2915. *Chairman.*] Are you one of the Members for the Murray District? Yes.
2916. Have you taken a very great interest in the fishing industry in this Colony? Yes, so far as the rivers of the southern portions of the Colony are concerned.
2917. Do you represent a constituency through which two or three navigable rivers run, in which there are a lot of fresh-water fish? Yes.
2918. A Bill was passed in 1887 to protect the fish in the inland waters;—have you directed attention to its application? As far as the Murray and its tributaries are concerned the Act is a dead letter.
2919. Are large quantities of fish caught in the Murray and transmitted to Melbourne? Yes.
2920. What kind of fish? Murray cod, bream, and perch. Some hundreds of tons per annum are sent to Melbourne.
2921. Are they caught by Victorian or New South Wales fishermen? Principally Victorian fishermen, and only one or two New South Wales fishermen.
2922. What is the mode of fishing? Netting principally.
2923. Do they place a net across the river and catch the fish by stalling? They do not across the river Murray itself, because it is too wide, but the Moira Lakes, between the Murray River and one of its ana-branches, the Edwards River, are the great breeding-grounds for the fish. When the river rises the water flows into those lakes; the fish go into the lakes and return as the waters recede. Their return is interrupted by nearly the whole of these creeks being netted right across from one side to the other.
2924. Do you think that the present system which is carried out by those fishermen interferes with the breeding of the fish? Yes, very largely. I have on several occasions seen tons of fish lying rotting on the banks. The supply for the Melbourne market is so regulated that any excess of fish is thrown on one side.
2925. Is there no provision in the Act I have mentioned to punish people who destroy the fish in this way? I think so, but there is no officer appointed to carry out the provisions of the Act.
2926. Would it not be advisable to get the Government to appoint an officer to superintend the fisheries there? Yes. I have repeatedly forwarded communications to the Fisheries Commissioners, pointing out the state of affairs, and asking them to appoint an assistant inspector to control the river. On the score of saving expense, I have advised them to appoint the chief forest ranger at Moama as assistant inspector. He is already an officer of the Government, and he is constantly traversing the streams in a steamer. However, on the score of expense, the Commission have refused to appoint him.
2927. Do you know whether your communication to the Commissioners went any farther? No. I verbally called the attention of the Colonial Secretary on one or two occasions to the matter, and intimated to him that I communicated with the Fisheries Commission without any effect.
2928. Do you think that if netting were confined only to the main river it would be very destructive? I think that during certain periods of the year the current in the main river is too strong to admit of netting.
2929. In order to encourage fish-breeding, do you think it would be advisable to close the lakes and tributaries during a certain period of the year? Yes. I am not sufficiently acquainted with the question to recommend the particular months when the fisheries should be closed. I would like to point out for the consideration of the Committee another question in connection with the fisheries on the Murray. There is supposed to be a control over the river by the Victorian authorities. Whether they have any right to it or not I do not know. Their control does not extend beyond the southern bank. Any netting or illegality that takes place on that side of the bank they interfere with; but this is defeated by the fishermen simply crossing over the river into New South Wales, and carrying on their operations there.
2930. Are they not amenable to the laws here as in Victoria? They have their special laws. I raise the question so that you may deal with the point as to what right the Victorians have to control the river.
2931. Owing to there being no officer appointed to look after these matters the fishermen are allowed to fish indiscriminately, and do what they like, but if an officer were appointed you would be able to take proceedings? Yes, I presume over the whole river. The river belongs to us, and I think we should control it.

J. M.
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2932.

J. M. Chanter, 2932. Do you think that if we had proper regulations with regard to fishing in the Murray we would be able to supply our own markets or the inland towns with fresh fish? Yes. At present there is means of communication from Albury. Certainly Albury is some distance from the lakes, but there is every probability that in a very short time there will be direct communication with the lakes from Sydney. There are only 40 miles required to connect Jerilderie with Deniliquin, which would open up the whole of that country, which would enable our own people to obtain the fish and send them to the Sydney market. There is no more valuable fish than Murray cod in Australia.

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2933. The system at present carried out tends to destroy the fish? Yes, unless it is carried on under proper regulations.

2934. How is the fish transmitted to the Melbourne market? By rail. There is a direct line communicating with Melbourne.

2935. Have you a knowledge of any other of the fresh-water rivers where fish are in abundance? There are a great number of rivers leading into the Murray. There are the Edwards and the Darling Rivers, a number of creeks, and so-called rivers which are filled with fish. It is those rivers that are affected by the question I have raised. The Fisheries Commission have dealt with this question by appointing an assistant inspector at Deniliquin, a forest ranger, named Wilshire, but as his duties are subordinate to those of the gentleman I have already mentioned, he is confined to a very limited space, so that his supervision will not extend to the Murray River or the lakes, and other rivers; whereas the chief forest ranger, Mr. Manton, if he had been appointed, would have had supervision over the whole of those places. The cost of that appointment would not exceed, I think, £50 or £60 per annum. I believe that that is about the salary now paid to the assistant inspector at Deniliquin.

2936. To what district are the operations of Mr. Wilshire confined? To a radius of something like 30 miles around Deniliquin. Fish caught in the lake, which is situated 28 or 30 miles from Deniliquin, are outside his boundary. Those fish are driven in carts, and put on the railway at Echuca railway station, in Victoria. He could only take cognisance of fish taken from the lake near Mathoura station, in New South Wales.

2937. Do you know if the Commissioners have ever visited the inland waters? No.

2938. Do you know any waters which might be stocked with fish? No. I think the whole of the rivers in that part of the Colony are naturally supplied with fish.

2939. *Mr. Stephen.*] What kind of nets do they use on the Murray River? They use several kinds of nets. I have seen one particular net used, which is, I believe, forbidden by law, that is the bag-net. There is a series of couplets in the net, running from one space into another, until they form a circular or semi-circular space, where the fish are captured. To show how ruthlessly the fish are destroyed in those rivers, I may state that on one occasion a party of friends and myself took a trip up the river, and seeing one of those nets strung across one of the creeks leading into the river, we lifted the net to see what kind of fish were caught. There were about 6 cwt. of fish in the net, and I should say that most of the fish had been there for two or three weeks. Some of them were putrid. The fisherman who owned the net had evidently got sufficient fish elsewhere, and he left these where they were.

2940. Is there any particular name for those nets? They are called bag-nets. With them there is no escape for the fish.

2941. What style of net would you recommend to be allowed? What they call the straight net. I have not studied the question sufficiently to recommend the mesh that should be allowed. I think the fish in those rivers above 5lb. weight should be captured, because when they are that size they are very voracious and destroy the young fish. They also get coarse. When the fish is from 2lb. to 4lb. weight it is very marketable. 2lb. weight should be the minimum weight for Murray cod.

2942-4. What size mesh for the net do you think would be desirable? From 3 to 4 inches.

2945. Do the fishermen return the small-sized fish to the water? No; they take no care whatever about that.

2946. Do you think that if the smaller fish were returned to the water they would live? If they were not too long captured they would.

2947. What is the area of the lakes? Several thousand acres; they are very large; they are plentifully supplied with fish and game.

2948. *Mr. Stevenson.*] Have you any idea how many men are engaged in fishing on the Murray and its tributaries? In the district of Moama I know that there are something like twelve. I do not know how many there are on the whole river.

2949. Are there fifty? Yes.

2950. Where do they obtain their licenses? From the Victorian Government, I think.

2951. Do you think that is right? No; I object to it.

2952. Are you sure that they do not obtain licenses from New South Wales also? In some cases I believe they do, but in many cases I believe that the fish are caught without any license from New South Wales.

2953. Could not fishermen net the tributaries without blocking up the mouth? Yes.

2954. Do you not think that should be prohibited? Yes. I think the law intended it should be prohibited by making provision that the nets should not be stretched from one side of the watercourse to the other; but that is defeated by putting two nets in such a way that they overlap, and so completely close the creek.

2955. Do you think that if the license fees were looked after they would cover the expense of appointing an inspector? Yes, and it would preserve the fish for our own people. I am satisfied that if fish are conserved until railway communication is completed between Sydney and those parts of the country it would be of immense value.

2956. Are there any large populations in New South Wales which could be supplied with those fish instead of sending them to Melbourne? Yes, Goulburn and various other towns.

2957. *Chairman.*] Have you heard of any other means than netting being employed for catching fish? Not in the Murray; but I believe that on two or three occasions dynamite has been used in some of the lakes in Victoria. That is not the only means of capturing fish. Along the banks thousands of lines are put into the river and fastened to rods stuck in the bank. To those rods a little bell is attached, and when the fishermen go along at night they can tell when a fish is hooked by the ringing of the bell.

The

The river from one end to the other is covered with those lines. There is another system which they call cross lines. They stretch lines right across the river; they sink them from 18 inches to 2 feet below the surface with hooks fixed on the lines. A great many fish are caught in this way in the Murray River. J. M. Chanter,
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2958. Would it be a good thing to do away with that system? Yes.

2959. *Mr. Stephen.*] They are not likely to catch small fish in that way? No, that is done principally to catch the large fish. I do not object to the large fish being caught but a very small cod can be caught with a very large hook.

2960. Do they use any hauling nets such as are used on the coast? No, the snags are too numerous. They use plain nets with stakes in which the fish are meshed.

2961. Do you consider that the Victorian Government have no right to grant licenses to catch fish in the river? That is my impression.

2962. But there are tributaries running into the Murray over which they would have control? Yes.

2963. Do you think that the Government should take steps to have full control of the fish in the river? Yes, because it is very valuable.

2964. *Mr. Stevenson.*] Is it too far to send the fish to Sydney? No. It is only a question of railway communication; and there is only a break of 40 miles. The lakes are the great fishing grounds, but the distance from the lakes to Albury is so great that the fish would not arrive there in good condition. In Sydney we only get the fish in the river which are caught about Albury.

2965. *Mr. Stephen.*] What is the largest size fish that you have seen? 119 lb., but it was a very coarse fish. I have been living near the river since 1865, and during the last few years I have been living on the river. In 1865 the fish were plentiful in the various rivers. If you put in a line anywhere you could get a fish in a few minutes, and repeat the operation. Now it is a most difficult thing to catch a fish with a line in the river. I do not know whether that arises from the fish being captured in such numbers that the river is being denuded of them. Further down than where I live they are more plentiful. It is not from the parts of the river that I describe that the fish are taken exclusively for the Melbourne market. There is a point down the river about 100 miles distant from Echuca where there are other means of railway communication with Melbourne. There are a very large number of creeks there which are breeding grounds like the lakes. I am informed that there is a very large amount of netting going on there. If Mr. Manton were appointed assistant inspector of fisheries he would supervise this part of the river as well as the lakes. The red-gum timber grows in that flat country, so he has to visit that part of the river in any case.

2966. *Mr. Stevenson.*] Do the lakes you refer to traverse the Victorian boundary? No; they are all on this side.

2967. Did the Fisheries Commission ever give any reason why they would not appoint Mr. Manton? No sufficient reason. I think I have reason to complain of the want of attention paid by the Commission to the communications I made. The only reason they gave was on the score of expense.

2968. Did you ever point out what would be the cost? Yes; I said the salary need not exceed that paid to the assistant inspector at Deniliquin. I think that is £60 or £70 per annum.

2969. You must be of opinion that the Fisheries Commission have not acted in the public interest in appointing a gentleman who cannot discharge the duties so efficiently as the gentleman you recommended? That is my opinion, and I gave it to the Fisheries Commission.

2970. *Mr. Stephen.*] Do you think that a Commission such as we have at present, or a department administered by a single head, would be a better way of preserving the fish? Judging by the facts I have stated, I have no hesitation in saying that the Fisheries Commission is a farce.

2971. Do you think it would be much better to administer it by the head of a department? Yes; then he could control the officers appointed in the different parts of the country.

Mr. Phillip Cohen called in, sworn, and examined:—

2972. *Chairman.*] What is your occupation? I am not in business at present.

2973. Were you at one time actively engaged in the fishing industry? I have made it a study for a great number of years. Mr.
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2974. More particularly in connection with oyster-leases? Yes, in latter years. I have had a practical knowledge of fishing for a great number of years and have made it a study. I endeavoured to resuscitate the oyster-beds on the Hastings River, but, unfortunately, I failed. I commenced it about five years ago, but I gave it up twelve months since.

2975. Do you think that the provisions of the Fisheries Act have applied justly? No.

2976. Have you any reason to doubt the advisability of continuing the existence of the present Commission? It has done a vast deal of harm, and has retarded the fishing industry.

2977. In what way? In the first place, the great majority of the members never had any practical knowledge of the fisheries; they never made themselves acquainted with them, nor did their officers. Some of their by-laws have been stupidly absurd. They have closed waters which were of no benefit to the fisheries, and they have kept waters open which ought to have been closed.

2978. Have you at any time brought under the notice of the Commission any proposals to remedy alleged defects? I have written a great deal to the public press, but I have never suggested anything to the Commission, because I knew it would be useless.

2979. Did you ever communicate with the Colonial Secretary as head of the Department? Yes; when Sir Alexander Stuart was Premier.

2980. Have you ever had any complaints made to you by the fishermen as to the injurious operations of the Fisheries Act? Yes; on various occasions.

2981. What were the grounds for those complaints? The regulations having reference to the mesh of the nets are very absurd, and very hard on the fishermen. Then the unnecessary and unjust closing of waters where there is no benefit to be derived, has been a great hardship to the fishermen.

2982. Have any of the Commissioners been to the principal fishing-grounds? Not to my knowledge.

2983. Is there any member of the Commission who possesses practical knowledge? Yes; Mr. Oliver is pretty well acquainted with some of the fisheries along the coast. I know he has been out on fishing excursions, but whether he has any knowledge of the various distant habitats of the fish or of their habits I cannot say. I know he has interested himself a good deal in the fishing industry. 2984.

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2984. If the fishermen had a representative on the Commission in the shape of a practical man who would be associated with the four other members, do you think that that would be the means of bringing about a better state of affairs? I do not think so; I do not think that the other Commissioners would listen to anything that the practical man brought under their notice. I consider that the Fisheries Commission is unnecessarily cumbrous, and that it is spending the funds of the country to no useful purpose.

2985. Do you think that the Commission should be abolished, and that better means should be devised to administer the Act? Yes.

2986. If it were placed under one responsible Minister or department, do you think that would accomplish the object? I have been advocating that through the press for six years.

2987. In what respect do you think that the Commission is too expensive? In the first place there is no necessity for all those outside inspectors. Under the Victorian Act water bailiffs are appointed in the coastal and Riverine districts. The police are appointed to those positions. They only get about £5 or £10 a year for performing those duties. The outside inspectors here who are appointed along the coast have nothing to do commensurate with the salaries they receive.

2988. Have you had communication with the Fisheries Department? Yes.

2989. Has there been any delay in attending to your communications? Yes.

2990. Have you ever noticed that those delays were caused through the want of a quorum? Yes, often.

2991. Have you ever heard other people complain of delays and red-tapeism? Yes; I will give an instance: If I am an oyster-bed lessee, and I detect a man stealing my oysters, I cannot prosecute him without first obtaining permission from the Commission.

2992. In the meantime the man would have time to escape? Yes.

2993. Would it be better to have the power vested in the local inspector? Yes.

2994. Are there too many officers in the department? Yes.

2995. Do you think that the local police magistrates would be able to perform the duties of inspectors in some cases? I think it would be better to appoint a senior police officer in each district.

2996. Do you think that would save expense? Yes; and it would be a more effectual way of carrying out the law.

2997. Do you know if any of the Commissioners have visited the fishing grounds? I think there have been one or two junkettings. I believe a party went down south one time, taking with them a trawl. As to visiting any of the stations, and visiting and examining any of the fisheries or taking bearings of the various deep-sea schnapper grounds, I am certain that they never did it.

2998. Do you think that Mr. Lindsay Thompson has any practical knowledge of the fisheries? I should not like to say with certainty.

2999. Has he ever visited any of the fishing grounds? Yes; he once came and settled a dispute for me on the Hastings River. I know that he has been at other places; but I cannot say whether any material good resulted from his visits.

3000. Where did you have oyster leases? On the Hastings River, at Port Macquarie. I had altogether about 8,000 yards, for which I paid rent, somewhere about £80 a year.

3001. Did you find it remunerative? No; I lost a lot of money.

3002. How? In one instance the Commissioners granted a man 200 or 300 yards next to my oyster-beds, in opposition to my entreaties and interests, for the paltry sum of £2 10s. a year. This man was a perfect vexation to me, and I am certain he took my oysters. Then when the floods occurred eighteen months or two years ago, the fresh water was in the river for three months, and destroyed a great quantity of oysters. After trying it for three or four years I determined to give it up. The oyster-beds, as they are under the present system in this country, are not utilized as breeding beds. The old drift oyster-beds, which were grand indeed, have not an oyster upon them. On the Hastings River some twenty years ago the oyster-beds were some of the grandest in the Colony. There was no oyster in the world superior to the drift oyster of New South Wales, and I doubt if any were equal to it; but the rivers have been dredged to death. The oysters now coming to market are merely a bastard oyster, grown upon the mangroves and the stones upon the foreshores. The oyster-getters or lessees take them away at once, and put them down till they are old enough to fatten. The moment they fatten they are sent to market, and they have no chance of breeding. In my opinion, the only way to restore the oyster-beds of the Colony is to close them entirely from one end of the coast to the other for three years.

3003. Had the people special licenses to dredge? Yes. In those days the Government foolishly granted dredging licenses, and leased rivers to those men. To my knowledge in less than eighteen months 30,000 or 40,000 bags were removed from the Hastings River. There were very few steamers then running on the coast, and the oysters used to be taken to Sydney by the timber vessels. The men employed on the oyster-beds used to take up more oysters than they could send to market, and the finest oysters were retailed in Sydney at 5s. a bag of 3 bushels. Hundreds of bags used to be left on the banks of the rivers to rot, and they were ultimately burned for lime. In this way the deep river oyster-beds were completely annihilated years before the present Act came in force.

3004. Instead of indiscriminately leasing 200 and 300 yards for oyster culture, would it not be better to adopt a system whereby the whole side of a river might be leased to one man? I think that even that suggestion might be improved upon. I think that if the Government were to lease each river there would be a chance of bringing back the oyster-beds to their former state. Then one man or a syndicate might have a chance of taking up a river and resuscitating the beds. That will never be done under the present system.

3005. Do you say that oyster culture has not been carried on properly on the Hastings River? It has not been on any of the rivers. I have been on others. All are worked somewhat similarly.

3006. Would it not be possible to carry it on by artificial means? I tried all that. I put up walls along the shores, I sank hurdles, I tried every method, but did not succeed. The spat would not cling, and what I did save were destroyed about two years ago.

3007. Have you ever heard of any disease among the oysters? There are many diseases spoken of. There is a spiral worm, for instance, which is destructive at times. There are a great many enemies of the oyster, for instance the octopus, which is very numerous in the coastal rivers.

3008. Have you ever heard of the stinging-ray as an enemy of the oyster? I have heard of it, but do not believe it.

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3009. Have you ever heard of an enemy called the borer? Yes; but if the small spiral whelk is meant, I think it is an absurdity.

3010. Did you ever send any of the oysters from your oyster-beds to market? Yes.

3011. It did not pay? No. I would not have sent them at all; but if I had not sent them someone else would have sent them for me.

3012. What was the result of the trawling experiments of which you have spoken? Some sea-weed, I think, and a couple of sting-ray, or something like that, with the further result of a partially destroyed net.

3013. Do you think that trawling could be successfully carried on on our coast? No. I know of only one bank on which I think it might be successfully carried out. It is about 12 miles off the North Head, with the depth of about 45 fathoms of water. It has never been trawled. As for trawling along the coast it would be absurd, because the bottoms are mostly foul. The trawling expeditions in Victoria proved that. Like Scotland, we have an abundance of fish, but this is not a trawling coast.

3014. Do you know whether or not it was carried on successfully on the Victorian coast? It was unsuccessful. I was down there lately during the last trip of the "Lady Loch." On the former trip, when they trawled in shallow water off Port Albert Bight, they caught some fish there the water in that locality being very shallow; there are any quantities of fish on the coast, and we do not want any improved method of net fishing. What we do want is proper transit to market. The home fisheries are fished out, and if the market is to be effectually supplied with fish it must come from a distance, where it exists in great abundance.

3015. Do you think that all the inspectors of the department are practical men? I know some of them who are not. Others I cannot speak of, because I never had an opportunity of judging their capabilities.

3016. If we continue under the present system, should practical men be appointed inspectors or sub-inspectors? No doubt about that. In Melbourne there is only one inspector of fisheries, and the whole department consists of him and two or three subordinates and a clerk; so I am informed. He does the work effectually.

3017. But they have not got the same extent of fisheries as we have? What is the good of having extensive fisheries if they are not properly developed and worked?

3018. Do you think that if the same system were adopted here the department could be worked more economically? Yes, I certainly do.

3019. Have you heard any complaints from the fishermen? Yes; especially in regard to the action of the Commission in closing certain open waters; and also with reference to the mesh and length of the nets.

3020. What would they like with regard to the nets? I think that 150 fathoms is the legal length of a seine net. I do not see what difference it would make if the length of the seine were unlimited. Instead of having to shoot three times with a net of 150 fathoms it would do no harm if they were allowed to shoot once with a net 450 fathoms long if the fishermen desired it. The length of the net ought to be left to the discretion of the fishermen, but the mesh ought to be limited. I would certainly restrict the fishermen from fishing in the lagoons at certain periods, they being the natural breeding-grounds of the fish.

3021. Have the Hawkesbury fishermen complained of the want of open water there? I am not aware, but there is plenty of available water in that locality. I agree with the Fisheries Commission in closing the upper waters of all costal rivers against netting.

3022. When the Fisheries Commissioners close waters should they in the first instance consult the local inspector as to the advisability of doing so? No doubt a report should come from him if he is competent to advise.

3023. Has it been the case that some waters have been closed against the recommendations of the local inspector? I believe so.

3024. Should not more authority be given to the local inspector so that he could issue licenses? Yes, if he is a practical man, but not otherwise.

3025. Have you ever seen sales conducted at the present fish market? Yes.

3026. Is it suitable for the requirements of the public? They have increased the size of the market, but it is not satisfactory. It is not a market; it is an auction-room.

3027. Have fishermen complained of their fish being pilfered? Yes; I have heard so.

3028. Where does that take place? In the market, unquestionably.

3029. Do you know of any such cases of your own knowledge? Yes, but the perpetrators were never detected. I have heard fishermen complain that, in certain baskets, they have put in very prime fish, and when they were opened for sale in the market, after being in the market all night, those fish were gone.

3030. Have you heard fishermen complain of their fish being pilfered from the steamer or in the transit from the steamer to the market? No; but such may be the case at times.

3031. Do you not think it would be more convenient to have a market established on the western side of the city? No doubt the Woolloomooloo market is out of the way, and in the early mornings it is a perfect pandemonium. No respectable person would think of going there to buy fish, because for an hour or so in the morning the scum of the lazy vagabonds of Sydney collect there. It is a huge monopoly, and the public must get their fish from the retail vendors. If anyone gets a good haul of fish and brings it to the city during the day he dare not sell it until next morning at the market, and in the meantime it may become putrid in his boat.

3032. Have you visited the Melbourne markets? Yes; the public go there and buy fish.

3033. If that system were adopted would it be satisfactory? Yes. In Melbourne fish is brought to the market at any time of the day, and the market is open to the public all day long.

3034. Are not the fish thrown out in heaps on the floor of the market here, and are they not liable to be trodden and spat upon? Yes, if the people are inclined to do so. The people who go there are not allowed to smoke, but they are not prevented from chewing tobacco, and furthermore some of the dealers wash the fish in the dirty waters of Woolloomooloo Bay.

3035. Have you directed your attention to the Inland Fisheries Act 1887? No; but I have fished in inland waters; I know that they are being denuded, and that many tons of fish go to Melbourne every week from New South Wales waters.

3036. *Mr. Stevenson.* Where? From the Murray and the Murrumbidgee and their tributaries. The fish are netted scandalously, and that ought to be put a stop to.

3037.

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P. Cohen.
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3037. *Chairman.*] What sort of nets are used? Graballs, I think. They are most destructive.
3038. Are they bag nets? Some of them may be, but the nets I allude to are stretched across the river from bank to bank at night time. It is a mosh net and nothing can get away. They destroy large quantities of small fish in the same way as the Italians and Greeks are now doing in the home fisheries. Those fishermen are destroying all the little fish we have in the upper harbour and rivers.
3039. Do they haul the ground both day and night? Yes; they are destroying the breeding grounds. I would prohibit them altogether from fishing in this way. They use a sort of bastard trawl. They sink the nets and drag the bottoms. The other day I watched some of them at Lavender Bay, and they must at various times have killed millions of young fish. I spoke to them about it. They were very impudent, and I thought they would knife me. That is done repeatedly in the upper waters of Port Jackson, and I think it ought to be prohibited.
3040. *Mr. Stevenson.*] Did you think it desirable to bring that under the notice of the Commissioners? What was the use of doing that. I wrote to the *Herald* about it.
3041. Was any action taken in consequence? No; the nets are still allowed to be used. If an unfortunate British fisherman is found using a net the mesh of which is a quarter of an inch smaller than is allowed by law his nets are seized and sold. When those nets are taken from the fishermen as being of an illegal size, they ought to be destroyed, instead of being allowed to go into use and to be seized again.
3042. *Chairman.*] There was an association formed not long ago called the Fishermen's Association of New South Wales. Have you had any communication with them? I have been requested to attend some of their meetings, but I never did so.
3043. Do you think that association will be productive of any good? I suppose it will be like all other unions. You must not take for gospel all that the men say. No doubt they have many grievances, but some of them are never satisfied.
3044. In writing to the *Herald* on April 25th of this year, you described the nets used by the Greeks as infernal machines;—are those the same nets that you have just referred to? Yes.
3045. Do you think that the whole Commission should be remodelled or that a new system should be introduced placing the whole department under a separate or one responsible head? Yes, I think that would effect a great deal of good.
3046. *Mr. Stephen.*] Are you in any way concerned in the Fisheries? Not in any way.
3047. I suppose you are not employed as an officer of the Fisheries Commission under any circumstances? No.
3048. Do you think that the Act might be worked to greater advantage to the fishermen without being detrimental to the supply of fish? I think the Act requires a great deal of amendment.
3049. Do you think that the Act is worked more to the disadvantage of the fishermen than it should be? Yes.
3050. Are there any seasons of the year when the breeding-grounds might be opened? In the Australian waters there are no deep sea banks like there are in the European waters, as far as I have read, but nature has supplied us with a number of lagoons along the coast wherein the fish go to breed. The young fish remain in the lagoons and are to be found there in vast numbers all the year through. I would not like to close up places like Lake Macquarie or Tuggera Lake, but I think the small lagoons along the coast should be protected. I would prohibit fishing in the smaller lagoons altogether, and in the others at stated periods.
3051. What is the legal size of the different classes of nets? For the seine, 2½ inch in the bunt and 3 inches in the wings. The gar-fish net is 1½ or 1¼ inch in the bunt and 2½ inches in the wings. That is another foolish affair. The fishermen lose the best part of their haul from such a net. The supply of garfish is diminishing in local waters year after year, although I have seen them in immense schools away along the coast.
3052. Do you think that if a net is once declared legal it should always be considered to be legal, even though it might have shrunk? Yes.
3053. Are you aware that nets which have been declared legal and which have shrunk through tanning have been seized? Yes, and I consider that is cruel.
3054. Can you point out anything respecting which the fishermen might be relieved in the working of the present Act? The injustice in closing open waters is that the greater portion of the fish along the coast are migratory. For instance, sea-mullet make their appearance sometimes as early as the middle of March, and they move around the coast up to the middle of May. Small bodies detach themselves from the principal school and go into every river and estuary to spawn. By closing the lower waters our fishermen are debarred from taking the fish as they travel along the coast and they lose their opportunity altogether.
3055. Do you know how many members compose the Fisheries Commission? Five, I think.
3056. Do you consider that number to be necessary to the proper working of the Act? No; I think it is quite unnecessary.
3057. Have you had any experience of oyster-culture in other countries? No; I made a great mistake when I first entered into the oyster industry. I read a great deal about oyster-culture in other countries, and I worked up to that as far as I could. That is where I made a mistake, because I found to my cost that what was suitable in other countries was not suitable here. If I had stuck to usual practice and my own experience, I would have done better. In the same way the late Mr. Holt lost a great deal of money at Cook's River by adopting the French process.
3058. *Mr. Stevenson.*] Do you consider that the present Fisheries Act is not at all satisfactory? It is very unsatisfactory, and it retards the development of the Fisheries, for the want of practical knowledge.
3059. *Mr. Stephen.*] Can you suggest any amendments in the present Act? Yes; but it would take some time. It would be necessary to have the Act before me, so that I might suggest improvements in the present provisions.
3060. *Chairman.*] Do you think that industries might be established at some of the prolific Fisheries in the Colony in the way of fish preserving, and so on? Yes. There is no coast in the world where there are larger quantities of fish than there are here. Three months ago I went out with a fishing party of seven, and in six hours we got over 400 schnapper. We might have filled the ship. Parts of the coast is alive with them, but the great want is better means of transit. The fishermen have no means. The industry is not developed as it should be, they cannot go out to sea, and go on the schnapper grounds which exist for 2 miles to 10 miles off the coast.

3061. *Mr. Stevenson.*] Do you mean to take the schnapper with nets? No, that would be impossible; the bottoms are too foul.

3062. Do you propose to use well-boats? No; small fast steamers, fitted with cooling chambers, and a market here with cool chamber, where the fish may be kept without being frozen. Well-boats have been superseded in Europe by fast collecting boats fitted up with those chambers. The only fish that you can put in a well-boat are deep sea fish, such as schnapper, but they are always nearly dead when they are hauled up. Some years ago a well-boat came here from Tasmania and I went out in her. We caught 400 or 500 fish, but we only brought in twenty or thirty alive in the well.

3063. Do you think it advisable to close the mouth of Port Jackson to net-fishing owing to the fishermen at the Heads using their nets and frightening them away when they wish to enter? People talk about that sort of thing, but they do not understand it. When a school of mullet goes along the coast they do not all enter the harbours and rivers, only small detachments come in. The sea-mullet have millions of ova, and it is not necessary that all those mullet should breed. The fish go up the rivers, and why should not the fishermen be allowed to take them. The fishermen should not be prohibited from taking them in any quantity from the open waters.

3064. But it is said that when nets are shot across the Heads the fish are frightened and do not come into the harbour, so that they do not go into the inlets and bays, where they would go if they were left undisturbed? They cannot be taken, and do not spawn at the Heads, or in inlets or bays, but in the rivers.

3065. Do you not think it would be a good thing to give them the means of breeding up the river? I proposed this two or three years ago: that Port Jackson should not be fished from Bradley's Head upwards. That would close the whole of the Parramatta River and the whole of the harbour from Bradley's Head across the harbour to the east end of Double Bay.

3066. With what object? Because that would prevent all the young fish being destroyed by the Italians and the Greeks up Lane Cove and Parramatta Rivers, and would tend ultimately to increase the supply of matured fish in the lower waters of the harbour.

TUESDAY, 6 AUGUST, 1889.

Present:—

MR. FRANK FARNELL,
MR. HOWE,
MR. NOBBS,

MR. O'SULLIVAN,
MR. RITCHIE,
MR. WILLIAM STEPHEN,

MR. STEVENSON.

FRANK FARNELL, ESQ., IN THE CHAIR.

Mr. Lindsay G. Thompson recalled and further examined:—

3067. *Chairman.*] The Committee are anxious to elicit some information with reference to the conduct of your proceedings when the Commission are sitting or supposed to sit. You stated that they hold meetings or are supposed to hold meetings once a week? Yes.

3068. Have there been occasions when there was no quorum? Yes.

3068½. How have you proceeded when you had no quorum? Two of the Commissioners present have agreed to certain action on the papers, such being recorded in the minute-book which is sent round to one or more of the Commissioners who were not present to get their concurrence, and the proceedings are then taken as formal.

3069. In every case where the book was sent round were the papers in connection with the different matters under consideration placed before the other Commissioners who were asked to sign? No, that would not be done unless asked for specially.

3070. So that they actually signed that book in some instances without having any knowledge of the facts of the case? Without a knowledge of the details, not the facts.

3071. Do you not think that that was rather a bad proceeding? The difficulty was that if this had not been done the business would have been at a standstill. When there was no quorum the business had perhaps been already delayed, so that if this course had not been adopted it would have been delayed still longer. If papers were required they would have been supplied.

3072. Do you remember a Bill being passed closing Port Hacking altogether from net-fishing? Yes.

3073. Do you say that that suggestion never emanated from the Commission at all? Yes.

3074. Are you perfectly willing to recommend that Port Hacking should be open to a certain point? Yes, up to the Spit.

3075. So that it would be necessary to amend the Bill to a certain extent in order to open those waters? Yes.

3076. With reference to oysters on Crown lands, is there any provision in the Act whereby people could be punished for taking those oysters? No; the Act is defective on that point.

3077. So that it would be also necessary to bring in a Bill to provide punishment for people who take oysters from Crown lands? It is necessary to bring in a Bill to amend the Act in very many ways; the draft Bill which I submitted to the Committee on my last examination would, I think, cure all the defects of the present Act. It is based on the lines of experience; and I am not aware of any point that has been omitted in the Bill. I have endeavoured to make it complete and as fair as possible, as between the lessees and the public. There is a provision in that Bill to punish persons who take oysters unlawfully from Crown lands.

3078. Are you aware of the existence of a fishermen's association in New South Wales? Yes.

3079. Have you at any time had any communications from them? Yes.

3080. Of what nature? We had, I think, a letter setting out what they call their grievances; and a deputation from the Association interviewed the Commissioners on one occasion. The matter was discussed by the Commissioners, who promised that they would give it full consideration, and communicate further with the Association, which they did. A letter was sent embodying the views of the Commissioners as to the various grievances set out in their paper.

3081. Do you know whether the fishermen were placed in any better position than they were before they made the application? No; it was not considered that their grievances were real grievances; matters were stated which we were able to refute.

3082.

Mr.
P. Cohen.

1 Aug., 1889.

Mr. L. G.
Thompson.

6 Aug., 1889.

Mr. L. G. Thompson.

6 Aug., 1889.

3082. The text of the reply was that the Commissioners could not recognise the grievances of the fishermen, or their alleged grievances, and that the Commissioners did not see grounds for making any alteration? That was practically the reply.
3083. Are you aware that at the present time in the harbour there are men fishing with sunken nets? Yes; that has been the case for some time past; there is nothing in the law to prevent it.
3084. Would it require a law to be passed to stop that? Yes; I have suggested a sunken net that would be less destructive in its effects than the one now in use. I made that suggestion in deference to the wishes of certain fishermen, but for myself I would oppose the use of sunken nets altogether; they must necessarily be very destructive to fish food and spawning-grounds, modify them as you may.
3085. It has been stated to the Committee that when migratory fish such as sca-mullet are about to enter the harbour fishermen shoot at them with their nets, making a large haul probably, but frightening the greater portion of the fish out to sea again;—do you think that is a fact? I think the instinct of the fish is so strong that although they might be frightened away for a time they would come back again to spawn.
3086. It has been suggested that the harbour might be closed at the Heads, as well as at the sources of the rivers;—do you think that is a good suggestion? I have heard it stated that the fishermen suffer a great deal from certain fishermen at the Heads who, immediately they see a shoal of fish coming in run out their nets and shoot them in the way stated. It might be desirable possibly to close the harbour, not from the Heads right up, but a portion near the Heads, in the same way as at Lake Macquarie; the waters there are closed for half a mile on either side of the entrance, and half a mile into deep water. We might do the same here in Port Jackson, but I am afraid there would be a very great outcry amongst the fishermen who think that their privileges are already too much curtailed.
3087. In connection with the Inland Fisheries Act I believe you have an inspector stationed at Deniliquin? Yes.
3088. What is the area of his district? Principally the Edwards River, and a portion of the Murray River, in the vicinity of the Edwards River. His district corresponds with his forest ranging district. Very little attention has been given to the inland waters so far, and I wish more could be given. I am very much interested in them myself.
3089. Do you remember a communication having been received by the Commission from Mr. Chanter M.P., urging upon the Commission the appointment of a gentleman as Assistant Inspector of Fisheries, who is at present forest ranger in the Murray River district? Yes; his appointment has been recommended.
3090. How long ago? Quite recently. Mr. Chanter made several applications to the Commissioners, who did not see their way to grant them on account of the want of funds, I think. Eventually his appointment was recommended, and I believe it will be shortly gazetted.
3091. *Mr. Stephen.*] With regard to the replies sent to the Fishermen's Association with respect to their grievances, can you tell us the nature of it? I can supply a copy; it is a very lengthy document, and it applies to each of the grievances *seriatim*. The one great point of complaint was the closure of waters, and I think we endeavoured to show that the closures were beneficial, and did not operate harshly against the fishermen; that none of the actions of the Commissioners were intended to operate harshly, but were simply taken for the public good, and in the fishermen's interest.
3092. I presume you are a member of the Fisheries Commission? No; I am Secretary.
3093. What constitutes a quorum? Three.
3094. Have the meetings lapsed very frequently for want of a quorum? Not frequently of late. Some time ago it used to happen pretty frequently, but of late it has not been nearly so frequent.
3095. Do you think it would be an advantage to have the Commission abolished, and to have the Act administered under one official head? I do not know that in my position as secretary I ought to have an opinion in a matter of that kind.
3096. *Mr. O'Sullivan.*] In what direction would you suggest that the Fisheries Act should be amended in order to make it more workable? In very many particulars it requires amending. I set out all those points on the Bills which form appendices to my last evidence. I should be very pleased, indeed, if this Committee could give them consideration. I took great trouble with the Bills, and having for years past made it a business to note down defects as they became apparent, I am able to say that these Bills are the outcome of practical experience in the working of the Act.
3097. I presume you would suggest that that Bill should be passed without delay? Yes, I should like it to have been passed last year.
3098. Does not the present Fisheries Act conflict with the inland Fisheries Act? Yes, in one particular; the Fisheries Act specifies the mesh of inland nets to be 3 inches, while the Inland Fisheries Act makes it 4 inches. There are other matters in the Inland Fisheries Act which require amendment; for instance, it gives the Commissioners power to recommend closing of rivers only after they have been exhausted. I think the Commissioners should have power to close those waters, and other waters also, when circumstances seem to warrant it. In the Bill which I submitted I embodied all the provisions of the Inland Fisheries Act, with these and such other amendments as I thought desirable.
3099. Have you any inspector at Port Stephens? Not yet.
3100. Why? We had an inspector there but the Commissioners are contemplating other arrangements. What those arrangements will be I do not know. Only for my summons to attend this meeting I should have been at Port Stephens now, in order to propose some arrangements.
3101. Then you have no supervision over the fisheries or oyster leases at Port Stephens? Not at present, but we shall have in a week or so.
3102. Are you making any fresh appointment? I do not know whether it will be a fresh appointment or whether another inspector will be moved there. I do not know what the Commissioners are going to do.
3103. Do you keep a record of all the oyster leases taken up? Yes.
3104. Have all the rents for oyster leases been paid up? No, I suppose that there are about £2,000 at the present moment owing to the department.
3105. What percentage do the unpaid leases bear to the whole number? I should say the unpaid leases would form two-thirds of the whole.
3106. Then that leaves you without sufficient revenue? Certainly.
3107. Does it considerably hamper you in your operations? It hampers us in this direction that we are not getting the revenue which we ought to have; the matter has been referred to the Crown Law Officers with

with a view of instituting a test prosecution against one of the defaulters, but nothing has been done yet. I am expecting a reply every day.

3108. What you really would like would be power to sue for those rents? Yes.

3109. If you had those powers would they very materially aid your revenue and increase the usefulness of the Commission? Yes.

3110. Do you approve of the suggestion that the inspectors should issue licenses and receive the money? No. I do not think there is very much hardship in requiring the fishermen to come up once a year to Sydney to obtain their licenses. I mean those fishermen living adjacent to Sydney. It is provided that fishermen who live at Port Stephens for instance can obtain their licenses from the nearest Clerk of Petty Sessions. At Newcastle licenses can be obtained from the Clerk of Petty Sessions there. Wherever there is a Clerk of Petty Sessions, a fisherman can take out his license. I do not see that there is any hardship in requiring a fisherman who lives say at Botany to come to Sydney to take out his license once a year. Some of our inspectors are not literate men and might not be able to keep accounts. It is not considered desirable that they should be entrusted with accounts, as not being literate they might make some blunder in connection with the money. I know that one inspector made a great blunder in connection with his accounts. There was no guilt about it; it was simply and purely a blunder; he thought that he had neglected to pay £47, which he erroneously believed to be due to the Government, so he sent up his cheque for the amount, but the cheque was returned by the Treasury, it having been found that there was nothing whatever owing. We have other inspectors who are worse than he is so far as literacy is concerned, very good men so far as regards their duties proper, but I do not think it would be fair to burden them with the responsibility of collecting and accounting for public moneys.

3111. *Mr. Ritchie.*] What is the name of that inspector? He is an inspector in the southern division.

3112. *Mr. O'Sullivan.*] It has been shown in evidence that a great deal of inconvenience and more or less evasion of the law may result through the inspectors not having power to issue licenses, and that if they had power to issue licenses themselves they would know in a moment whom the parties were to whom the licenses were issued? I do not think a single case of the kind could be proved against us. What we do is to issue a list of licenses which is sent round to every inspector; by reference to that list he would know exactly to whom licenses have or have not been issued.

3113. Does it not seem a hardship to compel men to come away from Botany or Broken Bay to take out licenses in Sydney? I do not think so.

3114. May they not possibly have to wait for a day to get their licenses? These men are constantly in Sydney, they do not live in one place. Many Botany fishermen go down to Broken Bay. They migrate very much; besides they have a whole month, January, during which they can take out the license. Fishermen do not fish every day; they only fish occasionally.

3115. Is your office always accessible to them? Yes.

3116. Some inspectors seem to hold a very strong opinion that it would be better to give them power to issue licenses, as it would save a great deal of trouble and possibly hardship? There are some inspectors to whom the power might be given; for instance, I see no reason why Inspector Temperley might not have the power given to him. He is an educated and competent man. The same might be done with respect to Inspector Benson and others; but there are others again whom I would not like to entrust with the power. I do not, however, encourage the idea at all.*

3117. Are they not as fit to be trusted with the license fees as the clerk is? It is not a matter of trust at all; besides a clerk does not receive the money; the money is paid into the Treasury; the fisherman brings to the office a receipt from the Treasury for the money. As little money as possible is collected in the Fisheries Department, and the Treasury is used as the collecting medium to the largest possible extent. That is the principle which has governed the department since it has been in existence.

3118. Do you correspond largely with the fishermen? Whenever they write we always reply to them.

3119. Do you give proper attention to their complaints? Yes.

3120. Have you had any complaints made about want of attention? No; sometimes they do not think they are replied to quite quick enough and they write again. They forget that the matter has to go through several hands, and that there are references to the inspector and other departments which cause delay that is really unavoidable.

3121. Do you not think it was an illegal proceeding to send the book round for signature when there was no quorum? The law certainly requires that the affairs of the fisheries shall be administered by a commission, three of whom are a quorum, so I suppose that anything short of that would not in a strict sense be legal.

3122. Do you not run the risk of having many of your proceedings vitiated through not having a quorum present? We have a very convenient clause in the Act which says that the production of certain papers and the production of the *Government Gazette* shall be valid evidence; therefore, unless any case were taken to a higher Court, we would be pretty safe.

3123. *Mr. Ritchie.*] You have said that frequently there was no quorum. In that case how did you confirm the minutes? They were confirmed on the authority of a third signature.

3124. Then you went through the form of confirming the minutes without a quorum being present? No, they would not be confirmed until the quorum was present; if there were no quorum for three successive meetings, at the fourth meeting the minutes of the previous meetings, at which only two Commissioners were present and three had signed, would be confirmed.

3125. On some occasions was some very important business transacted under these circumstances? The business of the department was always brought before the Commissioners; if there was a very important case it was deferred until we got a quorum.

3126. Was the business transacted not of great importance? It was formal business as a rule, about which there could be no doubt as to the directions that should be given.

3127. Do you find from your experience that it is difficult to get a quorum? Of late we have had a quorum pretty generally; that is to say during the last six months.

3128. Is that likely to continue? I do not know.

3129.

*NOTE (on revision):—Fishing licenses entitle the holder to fish in any tidal waters. If, therefore, a person took a license, say from the inspector at Botany, and afterwards migrated to Tuggerah or Macquarie Lakes—not at all an unusual practice—how could the inspectors there possibly know of his having a license? I am strongly of opinion that the Department or the local Court of Petty Sessions are the places from which licenses should issue. The alleged hardship to fishermen is one in name only, and is by no means comparable with the inconvenience which conditional purchasers residing remote from a lands office have to undergo in attending there to fulfil the requirements of the Crown Lands Act.

Mr. L. G. Thompson.

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3129. Judging by circumstances do you think so? I suppose so, but I cannot judge what may come.
3130. *Mr. Stevenson.*] Can you tell how many meetings there were at which there was no quorum prior to the last six months? I think a considerable proportion.
3131. Have you any return showing the number? I can supply it.*
3132. Does it not strike you that through your not having a quorum considerable annoyance must have been occasioned to the fishermen? Of course any irregularity in the conduct of business is inconvenient to somebody.
3133. Is it not notorious that complaints have been very numerous amongst the fishermen as to delay and inconvenience, that men are frequently prosecuted and summonses are taken out against them for not having licenses, and every obstacle is thrown in their way unless they come to Sydney, which involves great hardship on them? As a matter of fact they are not always compelled to come, for sometimes the inspector will send the application and the man's money to the head office, and we issue the license and send it up for him. It used to be the practice to do that, but the Greeks about Sydney took to exchanging licenses, so that two or three men would go out one night and fish, who would then hand their licenses to two or three other men who would go out and fish on another night. As their names were Greek names and very much alike, the inspectors could neither read them nor pronounce them; that was the reason why we required people near Sydney to come up to the office and take out licenses here.
3134. What check was instituted in that case. Even though the inspectors may not be very intellectual according to your account, would they not recollect the faces of the men to whom they issued licenses personally? The inspectors know some of the men, but they do not know the Greeks. A little while ago we had a great deal of trouble in that direction, and that is the reason why we required fishermen to come up and take out their licenses instead of allowing agents to take out licenses for them. An agent would take out a number of licenses for very similar names, and those licenses were used by the Greeks in the manner I have described. I think that every fisherman should be made to have a metal license in the same way that railway metal tickets are issued.
3135. Could they not exchange them just the same? Yes, we have a great deal of trouble in this matter, and we are trying to check it.
3136. Every fisherman is supposed on demand to produce his license. Do you not know that the very nature of the fisherman's occupation is such that his license is likely to be destroyed? That is why I say that he should have a metal ticket which would not be destroyed.
3137. When does the fisherman apply for a renewal of his license? From year to year, and it begins on the 1st of January.
3138. You told us just now that a list was furnished to the inspectors by which they could know to whom licenses were issued; yet I find that this list which you produce was issued three months after the first of January. How on earth would it be possible during those three months for an inspector to know to whom licenses had been issued? By reference to the department, unless he questioned the fishermen and demanded to see their licenses. It was in order to give the fishermen as much time as possible to get the licenses issued that the issue of the list was delayed, but if I mistake not there was a previous list issued up to a previous date, and this list which I have now furnished the committee with was issued afterwards.
3139. If an inspector swears that he did not get this list until four or five months after the year had begun, or several months afterwards, is not that a fact? Being only three months it would not be true.
3140. You do not seem to attach any importance to three months? The fisherman does not get into trouble about that; an inspector has to report to the department, so that it is ascertained immediately whether or not a man has a license. If he has a license information to that effect is sent to the inspector.
3141. How long does it take the department to look it up? I suppose an hour; the answer is sent back the same day usually. An inspector cannot prosecute a fisherman for not having a license unless he gets authority from the department; and before the department issue any authority we ascertain if the man has a license or not.
3142. Are we to infer that you do not approve of the inspectors issuing licenses? Yes; decidedly.
3143. Is it not a fact that the reason why the Commission does not approve of the inspectors issuing licenses is that the whole of the returns shall be sent to the head office in order to provide a lot of clerical work which does not aid the protection of the fisheries. Have you not a large staff? We have a clerical staff of three.
3144. Had you not a larger staff some time ago? Yes, we had a larger staff because we were issuing the oyster leases; but the preparation of the licenses is entrusted to a clerk who has a salary I think of about £140 a year. The issue of the licenses only occupies his time completely for the first month or six weeks of the year; at other times he is able to do it with other work, so that it is out of the question to suppose that we want the licenses issued at the head office in order to get clerical work. We do nothing of the kind. We endeavour to keep down the clerical work as much as possible. We should have more clerical work to do if the licenses were issued by the inspectors, because we should have to check all their work and to correct possible errors. We should have to make returns, and it would involve more work than the issue of licenses from the head office.
3145. Have the inspectors to furnish monthly or weekly reports? Yes; weekly reports.
3146. Are they able to do that? Yes.
3147. You tell us that they are not able to issue licenses, and yet that they are able to write weekly reports. How do you reconcile those statements? I do not think they are irreconcilable; the reports are just what they have done, and are a sort of diary.
3148. Would not the other be something of the same kind of thing? No; the other thing is money.
3149. I presume these men are honest? Certainly; but if they made mistakes they would soon be head over ears in trouble with the Audit Department. If there were a penny more in their receipts than there should be there would be as much trouble about it as if there were pounds less.
3150. Has Mr. Oliver always been a member of the Commission? No.
3151. Are the causes of his resignation disclosed in the papers produced before this Committee? Yes.
3152. How did he come to be appointed to the Commission after this strong minute having been written by the Colonial Secretary? I recollect it; it is a very strong minute.

313.

* NOTE (on revision) :—During the period from 1st January, 1888, to 30th June, 1889, 74 meetings were called; 13 of such meetings lapsed, and at 17 the business was conducted with less than a quorum present.

3153. Yet we find a gentleman of that class put on the Commission a second time? He was appointed by Mr. Dalley, I believe, the second time. He only came to the Commission. I did not know anything of the arrangements anterior to his appointment.

3154-5. Do you remember Mr. Macleay resigning? Yes.

3156. Had he anything to do with this? I do not know; I never saw the papers connected with his resignation.

3157. Is it possible to obtain those papers? Yes—in the Colonial Secretary's office, I think.

3158. Was an inquiry held with respect to Inspector Smith holding an interest in oyster leases? Yes; I held an inquiry, as desired. I produce the papers in connection with it.

3159. What was the result of that inquiry? I summarized all those charges, and I furnish the summary.

3160. Were there several cases? Yes; they were all on one charge made by a man named Jordan.

3161. Have you no power to recover the arrears of rents for oyster leases? We do not think we have any power; the matter is in the hands of the Crown Law officers, who alone can sue for rent.

3162. In the event of a petition being sent in against the removal of an inspector, or if representation is made that an inspector's salary is inadequate, what action is taken? It is brought before the Commissioners.

3163. What action is then taken? The Commissioners consider the matter, and direct some reply to be sent to the writer.

3164. Does the Colonial Secretary ever refuse to carry out any request made by the Commission? I do not think he has ever refused.

3165. You have told us that Inspector Temperley is very intelligent, and I think he has charge of the northern districts from the Queensland Border down to the Manning River? Yes.

3166. Do you remember that gentleman making an application, or a suggestion being thrown out, that he should visit the sub-inspectors, and that an expenditure of £20 should be allowed him for furnishing an annual report? Yes; the Commissioners disallowed it.

3167. Seeing that that officer is placed in such a responsible position, do you think that it would have been extortionate for him to have received £20 for carrying out the purpose I have referred to? I simply followed the instructions of the Commissioners. I did not think it was an extravagant sum.

3168. Do you not think he should have carried out what was proposed? I should make all the inspectors travel and see their districts.

3169. Yet the Commission refused to agree to that proposal? I recollect the circumstances very well now. He said he wished to visit the lower part of the district. He asked permission to do so, and said that the cost would not exceed £20.

3170. That was refused? Yes.

3171. Can you tell us how long it is since he did visit the districts over which he has control? I think it is eighteen months or two years.

3172. Is it not a complete farce to give a man control of certain waters and yet prohibit him from visiting them? Really his duty under the regulations is to visit his districts, and he was simply asking permission to carry out his duty.

3173. Did he point out that his salary was quite inadequate to enable him to make this long trip? He is not expected to do it out of his salary; if he travels he must be paid.

3174. How was it that they refused to allow him £20 for travelling expenses;—was the application for £20? He made the application and said he could do it at a cost of £20. I do not recollect exactly what the Commissioners said, but I know they refused to sanction the trip.

3175. Do you consider that that was in the interests of the Fisheries Commission? No. I would have liked Mr. Temperley to have made the inspection; but it was done, I think, on the score of economy.

3176. Do you think that it is two or three years since he visited some of the rivers? It might perhaps be two years.

3177. Then not only Mr. Temperley but also Mr. Benson are in charge of districts over which they have no control, simply because they have not the means of getting there? Mr. Benson visits his waters regularly. He often writes to say that he has visited certain portions of his district, and he furnishes reports of his visits.

3178. Is he not differently situated, as he gets a larger salary? No; he gets the same salary.

3179. Is he not allowed house-rent? Yes.

3180. Are the other inspectors allowed house-rent? No.

3181. Is he not allowed a boatman? Yes; but so is Mr. Temperley; but Mr. Temperley's boatman oversees the Clarence River and Mr. Temperley the Richmond River. Mr. Benson and his boatman are both on the Clyde River.

3182. Have not the whole of the inspectoral staff to abide instructions from the head office in Sydney before they can take any action—even a prosecution? Yes.

3183. Does not that often lead to inconvenience and delay, and should not they have power to prosecute for a breach of the Act? No. I think a reference to Sydney in the first place is always desirable.

3184. Does not the delay often lead to a miscarriage of justice? You can get a reference to Sydney in a very little time.

3185. But if you do not get a quorum, does not delay, occur? If the Commission meets once a week, or if it does not happen to meet on the day appointed, the delay is unavoidable. If the power of directing prosecutions were left with the executive officer that difficulty might be overcome.

3186. In closing waters are the inspectors ever consulted? No; I do not think so.

3187. Then it is a fact that the Commission closes waters just as it thinks fit without reference to the inspectors? The Commissioners close the waters on the ground that the head waters are the fish-breeding grounds. They really do not want a report from the inspectors.

3188. The Commissioners are so well acquainted with all the rivers and creeks that it is absolutely unnecessary for them to ask for a report? It is a matter of principle to protect spawning-grounds, and so conserve the interests of the fishermen.

3189. I ask you to look at this sketch. You will see marked there Pipeclay Creek, Second Creek, and Wallarah Creek on the Tuggerah Lakes. Are not all those places closed at present? Yes.

3190. You tell me it is not necessary to call for reports from the inspectors. Are the Commissioners aware that everyone of those creeks except one is sanded up at the present time, and that an inspector could not find them;—does not that show what a farce it is? I do not think that those creeks have been closed.

3191. I have been told that in the district which I represent, and this sketch has been furnished to me? If allowed I can produce a map in 5 minutes showing the whole of the lake closures.

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3192. But you told us that they were closed? I was talking of the principal creeks. I do not think these are creeks worthy of being classed as such. Moreover, if they have been closed, and are, as you say, now sanded up, it would not, I should think, concern the fishermen one way or the other.

3193. In your opinion, would it not be better, before closing the whole of the waters, to obtain reports from the inspectors, who know all the places? I know most of the places myself. I have not been to Tuggerah, but I know most of the places, and I am able to give an opinion. I have given grave consideration to the question, and I have been led to tell the Commission from my consideration of those matters that I would recommend a modification even of the present closures. For instance, I have recommended a modification in certain closures in Port Jackson, Port Hacking, and George's River.

3194. I can understand your being thoroughly acquainted with the waters in the neighbourhood of Sydney, but do you know all the northern rivers up to the Queensland Border, and can you tell the state of the creeks there? We have not closed any creeks up there.

3195. But are they not liable to be closed? In a case of that kind, where I could not advise the Commissioners myself, I would recommend that a report should be obtained. I do not think that the creeks that you have mentioned at Tuggerah have been closed, because I do not think that more than three creeks and the entrance have been closed at Tuggerah Lakes. If they are sanded up of course it does not matter to the fishermen. Our object in making the closures is not to harass the fishermen, but to protect the public interest and the fishermen's interest also.

3196. How far do you think the Hawkesbury River ought to be opened? I think it ought to be opened as far as Bar Point. I recommended to the Commissioners that Berowra Creek should be opened. I went up there in consequence of complaints from the fishermen as to excessive closures. At first the river was closed as far as the bridge. On my recommendation it was moved back to Bar Point, but including Berowra. I went up recently and recommended that the closure should not affect Berowra Creek. In that I was overruled, and the closure remained as at present. I recommended with regard to the Upper Hawkesbury that it might be opened for net-fishing. I think from Pipeclay Creek upwards.

3197. Do you know Mangrove Creek? Yes.

3198. Would there be any objection to the opening of the river up to Mangrove Creek? Mangrove Creek is a very good spawning-ground, and I should be sorry to see it opened.

3199. But the main river? We have already got the main river and many creeks opened. It would mean so much more inspectorial supervision, and whether the advantages would be commensurate with the cost I do not know. For instance, we have Mullet, Mooney, and Berowra Creeks closed, all of which are separate, and the whole of the main river opening into those creeks is open, therefore we have quite enough creeks to look after without having Mangrove Creek in addition, which is some distance beyond Bar Point.

3200. Have the fishermen often requested that the river should be opened to Mangrove Creek? No. I spoke to a fisherman there who seemed to be a representative man, and he told me that if Berowra Creek were opened the fishermen would be very well satisfied. I saw no objection to that, and recommended it, but the Commissioners did not carry out my recommendation.

3201. Are there not a great many creeks above Mangrove for spawning. What is the distance from Mangrove Creek to Windsor? It is a very long distance—some 50 miles.

3202. Would not that afford plenty of spawning-ground in the creeks above Mangrove? It might, but Mangrove is well out of the reach of fishermen, who could not do much with fish got there in summer. There is a very large area of the Hawkesbury at present open to net-fishing.

3203. How long does it take boats to go from Mangrove Creek down to the railway station at Peat's Ferry? According to the tide; it will take over three hours, perhaps.

3204. Are you aware that a small steamer plies from Peat's Ferry to Mangrove? No.

3205. Did not Mr. Chanter recommend that Mr. Manton, a forest ranger, should be appointed an assistant inspector, and did he not give as a reason that he had a steam-launch, and that he traversed nearly the whole of the waters of the Murray, where it was alleged that there was a very great destruction of fish? I did not hear anything about a steam-launch. I do not know that our department was made acquainted with that.

3206. Did not that gentleman point out in his letter that Mr. Manton would have supervision over nearly the whole of the waters of the Murray, even if he said nothing about the steam-launch? He might have done so, but if he did so without making reference to the steam-launch it would be difficult for us to understand that he would have supervision over waters outside the district which he overlooked as forest ranger.

3207. Is it not a fact that Mr. Chanter made several representations to the Commission on the subject? Yes, several times.

3208. Was no notice whatever taken of his representations, although great destruction of the fish was going on? Each of his applications was replied to, and all to the same effect.

3209. And they were refused? Yes.

3210. Have you not told us that the reason was want of funds? Yes; that was the statement in the letters.

3211. Did Mr. Chanter point out in his letter that the cost of securing Mr. Manton's services would be £50 per annum? I do not recollect that he did; he may have mentioned that sum, but I do not think so. However, we have recommended Mr. Manton at £75 per annum.

3212. After these representations were made by Mr. Chanter, is it a fact that a Mr. Wilshire, whose area of supervision is very limited, was appointed at a salary of £75 per annum? No; he had been appointed for some years at £75 a year. The Commissioners hold this view, that the Murray River is kept and supported for the sole benefit of the Victorian people, and that we can get no control over the fisheries there. Tons of fish are annually sent down to Melbourne from the Murray, and any supervision we exercise over the Murray River is simply for the benefit of the Victorians.

3213. *Mr. Stephen.*] Do you issue no licenses for the Murray? Yes—for fishermen, but not for fishing-boats.

3214. *Mr. Stevenson.*] That was the very point which Mr. Chanter dwelt upon. Did he not point out that we ought to be deriving a benefit from the licenses but no notice was taken of his recommendations? We cannot stop this fishing on the Murray River, nor the fish going to Melbourne;—Melbourne is the market, and it goes there in tons.

3215. Did not Mr. Chanter point out the destruction of fish by tons? Yes.

3216. Did it not strike the Commission that that was a very important thing to arrest? Yes; if we could do it, but where is the power? They can fish on the Victorian bank and laugh at us.

3217. Did Mr. Chanter represent to the Commission that the fishermen stretched their nets from shore to shore

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shore of the creeks from the Victorian border on to the New South Wales border, and have you no power to arrest that? Yes; Mr. Wilshire seizes lots of nets. We never lose an opportunity of seizing those nets.

3218. Mr. Chanter tells us that the district over which Mr. Wilshire has control is very limited, and that he does not reach the parts where the destruction of fish is great? The fish are sent away from Moama; that is where Mr. Wilshire is located; he sends us a return of the fish.

3219. How long is it since Mr. Manton was recommended by the Commission? I suppose within the last month.

3220. How long is it since Mr. Chanter first suggested that Mr. Manton should be appointed? Some-time since; he has written several letters.

3221. Is it six months? I dare say it is.

3222. Is it more than that? I cannot recollect; but I may say that it is six months since the first application was sent in.

3223. Do you not think that Mr. Chanter as a representative gentleman was endeavouring to serve the best interests of New South Wales, and to assist the Commission. Yet his suggestions were quietly set aside. Do you think that was right? I think there is a very large future before the inland fisheries, and I would very much like to see them better supervised.

3224. That is not an answer to my question, which was, did the Commission properly treat Mr. Chanter? If I answered that question affirmatively I should be really casting a censure on the Commission, and I do not think I have any business to do that.

3225. *Mr. Nobbs.* Are the inspectors directed to exercise a protective supervision over the areas leased for oyster culture? No; the Commissioners consider that when a lease is issued for oyster-culture the lessee should have control over the leased land, and he should not look for any protection from the inspector.

3226. As far as he is concerned there is no necessity for the inspector to supervise any further? Exactly.

3227. In what then do their duties consist? In looking after the fisheries; that really is all their duties. It reduces their duties to a minimum.

3228. What length of experience had you in connection with the fisheries? My experience dates from the year 1872. In years gone by there was but nominal law respecting fisheries, but with regard to oyster-culture there was the Act of 1868. It was administered in the Lands Department, and I had charge of it there. I have had experience ever since. There was a Commission on the subject in 1870 as to the working of the "Oyster-beds Act of 1868," and I had a great deal to do with that. I was secretary to that Commission, and I gained a great deal of experience in connection with it.

3229. Do you think that the management and supervision of oyster-culture in the Colony is sufficient, or would it be an advantage to get the services of an English or French expert? I do not agree with the idea of bringing an English or a French expert here. If one came here he would have everything to learn, and I do not consider it is at all necessary; it would be a very expensive undertaking, he could not supply us with information which we do not possess at present.

3230. Do you know the process of fish-canning? Yes; I have had a little experience in connection with the Melbourne Exhibition. We sent a very large exhibit to Melbourne, and it received very favourable notice; I expect to get an award of merit. Fish-canning was part of the exhibit. That industry might be very profitably carried on here. There is the mullet which frequents our shores in April, May, and June. It is said to be equal to the English salmon. It is certainly very valuable. At present it absolutely goes to waste. A fish weighing 7lb. or 8lb. can be got for 1d. or 2d. in the market. If canning factories were established here all those fish could be cured and exported. The process is very simple, and is just the same as is carried out in connection with meat preserving. We had some of the fish canned by the Meat Preserving Company here. Some also was preserved by Mr. Barnes, of Balmain, and it called forth very favourable notice. There is a canning establishment at present at Iluka on the Clarence River, which turns over about twenty-five baskets a week. There is no doubt also that in Twofold Bay the canning industry could be carried on at a profit.

3231. Was the exhibit you have referred to sent by the Fisheries Commission? Yes; it was an exhibit showing everything in connection with the fish industry, showing how everything could be put to economic use, and how even fish scales could be used for artificial flowers.

3232. What class of fish were they? All kinds of edible fish on this coast.

3233. Are you acquainted with the culture of salmon? I have been giving very great attention to it of late. I induced the Commissioners to allow me to erect a trout hatching apparatus. They allowed £10, which was rather small, but it was enough for the purpose. We are getting some trout ova from Ballarat, and I expect its arrival very shortly, so that I shall have the process of fish-hatching going on in the Department. I am anxious that the Government should by-and-by allow us to establish ponds on a suitable site, in order to propagate fish.

3234. You are not getting enough ova to distribute throughout the various rivers? I should not recommend a distribution in that way; we did in October last distribute fry in certain rivers, but I think it was a mistake. I think that trout fry should be kept in ponds until they arrive at a certain size, and then they should be distributed. Those obtained in October were only $\frac{1}{2}$ inch long when they were distributed; they were left to take their chance amongst unknown enemies, and without our knowing whether the rivers were suitable or not. I believe that a large proportion will be lost. If we can establish trout ponds—and I hope this Committee will help us in the matter—I am sure we can introduce the trout into all the rivers of the Colony, except, of course, in the extreme northern rivers. A few days since I wrote a minute to the Commissioners recommending the introduction of American salmonoid ova.

3235. *Chairman.* Do you now submit to the Committee the proposition that you have made on that subject? Yes. [*Appendix B 6.*]

3236. *Mr. Nobbs.* Are you satisfied that trout-breeding would succeed? Yes; I am perfectly certain it would if we could get a proper place for it.

3237. Have you paid inspectoral visits to the rivers, and have you made reports on your observations? Yes; very exhaustive reports. The great bulk of the reports are contained in the annual report for 1883. I went very fully into all the matters in connection with those rivers, and the reports form the appendices to the Commissioners' Report for 1883.

3238. Did you make several recommendations? Yes.

3239. Have they been carried out? I do not think very much attention was given to them. The matters which I recommended have never been mentioned. I do not think the Commissioners entertained them favourably.

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3240. In your Department are there certain hours? Yes.
- 3240½. Who has charge of the Department after official hours? Nobody; it is left in charge of itself. There was a caretaker or watchman at one time, but he was only kept for a couple of weeks, when he was knocked off. It was thought that the expense was too great, and that the office could very well take care of itself. The key is left with the Inspector-General of Police.
3241. So that the Department is without any caretaker after hours? Yes; anyone might break in, and there would not be anyone to interrupt him.
3242. Do the fishermen or the oyster lessees contribute the largest amount of revenue? The oyster lessees contribute the largest amount. The revenue from fishermen and boatmen's licenses does not exceed £700 or £800 per year. The remainder of the revenue is contributed by the oyster lessees in the shape of rents. If the lessees all paid their rents they would amount to something like £3,000, as against £700 or £800 paid by the fishermen.
3243. Do you think that the inland fisheries are sufficiently protected? No; I think there should be a general supervision of the inland fisheries, that has not been done. I also think that attempts should be made to propagate Murray cod and perch in the rivers where they do not exist now. There are Murray cod in Lake George at present, but as far as I am able to ascertain they are not in great numbers. When the local inspector was down here I instructed him to take certain measures to get spawn from the cod, and to telegraph to me when they spawn. He says they spawn in September, but I believe they spawn in December. Whenever they do spawn I shall propose to the Commissioners that I shall visit the lake to see if we cannot manage to get some ova for propagation.
3244. Is the take of cod in the Murray River very large? Yes; tons of it are sent to Melbourne during the year.
3245. By what means do you think the fisheries near Sydney could be best controlled? I would alter the present system a great deal. I would like to have a good steam-launch to patrol the fisheries, and until we have that we shall never have a proper control. It would be also valuable for the purpose of experiment.
3246. Are you aware that the common pilchard has appeared in Botany in large shoals? Yes; *clupea sajaw*; Botany Bay is alive with them at present. They are like the common pilchard, and appear in midwinter, travelling north. They are in poor condition. They appear on the coast of New Zealand in December and January, full of roe. It is from those pilchards that the New Zealand bloaters are obtained.
3247. Is it many years since we have had a visit from these fish? No; they come here regularly, but very little is made of them.
3248. Do they come yearly? Yes; and there is another species of herring which visits our shores.
3249. The value of this fish is not known? The herring fishing is the staple industry in England, but here the fishermen will not catch them.
3250. Did Mr. Saville Kent visit George's River to inspect the oyster leases? Yes.
3251. What was the nature of his report? He never made any report. He went there for his own information. We paid his expenses.
3252. *Mr. O'Sullivan.*] What fish would you suggest as likely to thrive best in Lake George other than the Murray cod? The perch. I am very much afraid that the trout would not do there for the simple reason that there is not much run of water. There is no entrance to the lake, and the trout require a regular run of water.
3253. Did you distribute perch in the various rivers? Yes; about two years ago.
3254. How was it that Lake George was overlooked in the distribution? I do not know. I shall take care that Lake George is not overlooked in any future distribution. I have a very good opinion of Lake George, and it shall always have my best attention.

James J. M'Fadyen recalled and further examined:—

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3255. *Mr. Stephen.*] Did the Fishermen's Association, of which you are President, send in a report some time ago to the Colonial Secretary? Yes.
3256. What was the result of it? The result has been nil. Sir Henry Parkes promised that something would be done in the matter, but we have received no notification of anything having been done. We asked that the Association should be officially recognised, so that any books, papers, and maps which might be in the possession of the Government might be presented to the Association for the instruction of our members. Sir Henry Parkes let us have a few volumes, but that was all.
3257. What was the result of your deputation to the Fisheries Commission? It was so insignificant that there was no real result except to deepen the impression on the minds of the fishermen that the Commission was altogether opposed to their interests.
3258. Is it your belief that the Commissioners in reply to that deputation have not attempted to ameliorate the condition of the fishermen or to give them better facilities? The only thing they did was to increase the length of the nets in the lakes where the water was shallow.
3259. Are you aware that the nets after being tanned shrink below the legal size, although they have been previously passed as legal? Yes.
3260. Do you consider that the net, when once pronounced to be legal, should be considered as such until worn out? Yes; otherwise the fishermen would be continually buying gear, which they cannot afford to do.
3261. What would be a reasonable time for a net to last if taken ordinary care of? At least two or three years.
3262. What is your opinion with respect to nets that have been seized being resold? That is one of the matters which was taken up by the Association very shortly after it was formed. As I was led to believe that the Fisheries Commission sold the nets after they were seized, in exactly the same state after they had been allowed to lie in a filthy place adjacent to the Fisheries Commission Office.
3263. Are you aware that the Commission cut up the nets into certain lengths and sell them for other purposes than fishing? So far as I am aware, that was not done until the Association sent in their paper of grievances.
3264. Then in that case your representation did have some effect on the Commission? We heard nothing of it, and it was certainly done to disparage us, so as to show that we had not been stating the truth.

3265.

3265. Has it come to your knowledge that nets seized by the Commission have been resold, and that fishermen have purchased them? It has come to my knowledge, but I could not give an individual case.
3266. Do you think that the fish are handled in the fish-market in the best possible way to supply the fish to the public for food? No, very far from it. In my opinion, the fish from the time it leaves the fishermen, until it reaches the markets, suffers a great deal of damage, and a great deal more than it ought to suffer.
3267. Is it a grievance with the fishermen that they are not represented on the Commission? Yes; we think they ought to be represented. If the Commissioners are appointed to look after and administer the Fisheries Act, we think that the fishermen should be represented by practical men on the Commission.
3268. Have you a Library attached to your Association? We attempted to form a library, and we have got a few books which we got from the Government. That is what we call our library, but we wanted something more.
3269. Did the Premier promise to furnish you with a collection of books on the Fisheries Question? Yes, and he very promptly furnished us with some books; but some of the very important books which we know to be in the possession of the Government we have never received.
3270. Can you make out a list of the books, so that application might be made to the Colonial Secretary? Yes.
3271. *Mr. Howe.*] Do the fishermen complain of the rates charged by the railway authorities as compared with the rates charged on steamers? Yes, the railway rates are considerably more than the steamer rates.
3272. Is that very much to the disadvantage of the fishermen? Yes. The steamers for instance charge 9d. per basket from Newcastle, and the empties are returned free. If we get a basket of fish down by rail, it costs about 2s. 6d. If we got four or five baskets, they will not cost very much more proportionately. We have to pay the cost of the empty baskets going back again, and that amounts from 1s. 1d. to 1s. 5d. for the carriage of each basket. I have paid as much as 18s. 6d. for the carriage of fish, which at the sale only realised £4. That was good fish.
3273. Is it a fact that fishermen have been misled by Proclamations, which induced them to think that the waters would be opened, in consequence of which they purchased gear for fishing, but that gear was rendered useless through a fresh Proclamation being issued closing the waters? Yes; I have known fishermen myself who expected that on the expiration of the Proclamation they would be able to go to work again, and who consequently got their nets ready, but the reissued Proclamation continuing the closing of the waters prevented them from using the nets they had purchased.

Thomas Gascoigne called, sworn, and examined:—

3274. *Chairman.*] Where do you reside? At Ryde, Parramatta River.
3275. Are you a fisherman? Yes, and so are my father and brothers.
3276. How long have you been engaged in the industry? About twenty years. At one time I used to be engaged with my father mostly; but I have been working on my own account now for about ten years.
3277. Has it been a source of complaint for some time among all the fishermen on the Parramatta River that there is an insufficiency of open water? Yes.
3278. That the Fisheries Commission have closed waters that ought to have been left open? Yes.
3279. Where do you think that the open waters should be extended to? The opinion I have always held is that the river should be opened right through. Closing the waters is no protection. The fishing closes itself if there is too much netting. There are less fish in the river now than when it was first closed. If a bay is closed and a nice lot of fish go in there some one is sure to scoop them all out.
3280. *Mr. Nobbs.*] Do you not think that the waters should be closed at spawning time? I do not think that any fisherman knows which is the spawning time except with mullet.
3281. *Chairman.*] If the river were opened as far up as the Railway Bridge at Ryde, would that give you very much more water? Very little more, because nearly all the water which would be opened would be deep water. There would be no places to fish except in about two bays.
3282. Before the river was closed to such an extent were you able to supply the people on the northern bank of the Parramatta River, as well as those on the southern side, with fresh fish every morning? Yes, but we are not able to do that now.
3283. How long has the river been closed? For three years.
3284. Have you ever complained of your expectations not being realized by proclamations being issued closing the river for six months, and then another proclamation being issued at the expiry of that time, closing the river for another period of six or eight months? On two occasions that happened. Once we had been at work for two months, and at another time fourteen days.
3285. So that there is no encouragement for fishermen to try and earn a livelihood there, and no means left open to fishermen to provide the people of the north and south of the river with fresh fish every morning? No.
3286. Have you ever had your nets seized in closed waters? Yes; on one occasion, a very small net. I went down on Good Friday eve to get a few fish for myself, but somebody else got them before I did.
3287. Where do the fishermen fish now? The fishermen fish wherever they see any. If the fishermen see a lot of nice fish in closed waters they do not leave them there.
3288. Under those circumstances do you think that the river might be just as well left open? Yes; because it is only setting a trap to catch the fishermen, and the fishermen are not caught once in twenty times. It could only be stopped if there was a policeman every half-a-mile; and then it would take them all their time.
3289. Is there a plentiful supply of fish in the river? There were more fish in the river before it was closed than since. Fish protect themselves more when the fishermen are trying to catch them, because they then go into deep water. I have done very little fishing since the river was closed. I have been away at the Tuggerah Lakes, and at other work.
3290. If the river were left open as it used to be four or five years ago would there be an opportunity afforded to you of earning a good honest livelihood, and of supplying the large number of people who live in those districts with fresh fish every morning? Yes.
3291. Would you recommend the river to be opened altogether? Yes.

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6 Aug., 1889.

THE WORKING OF THE FISHERIES ACT.

APPENDIX.

[To Evidence of Dr. Cox.]

A 1.

TRANSFERENCE OF INSPECTORAL STAFF, FISHERIES DEPARTMENT.

I PROPOSE, for the consideration of the Commissioners of Fisheries, the following disposition of the Inspectoral Staff of this Department. I take the coastal waters in the order of their ascertained productiveness:—

Lake Macquarie—	Assistant Inspectors	Smith and Boyd, and a third (say) Hesper.
George's River—	do	Grant and Boatman Aldrick.
Lake Illawarra—	do	D. W. Benson.
Hawkesbury River—	do	Curran
Brisbane Water and Tuggerah—	Assistant Inspectors	Cain and Peter Smith.
Port Stephens—	do	Otway and Boatman Scott.
Newcastle and Hunter River—	do	Charles Gordon.
Port Jackson—	do	Smithers and Boatmen Glading, Hellings, and Young, engineer.
Travelling Inspector for the coast north of the Hawkesbury—	Mr. Livingston Mann.	
Travelling Inspector for the coast south of Botany—	Inspector T. Temperley.	
Inspector of Inland Waters—	Inspector G. G. Benson.	

In framing this transference I have had in view the facts that the oyster-beds having for the most part been leased, and the royalty charges abolished, the services of the Inspectoral Staff could be employed to better advantage if concentrated within certain limits adjacent to the metropolis.

I have been guided also by the opinion of the Commissioners that the public interest would be served by a removal of the Inspectors from their present respective locations to other districts.

Boyd, Grant, and Cain.—The only Inspectors whose removal I do not advocate are Messrs. Boyd, Grant, and Cain. I consider these men to be capable of best services in the waters they are at present supervising.

Smithers.—Mr. Smithers properly belongs to Twofold Bay, but as he has been so long at head quarters, and is rendering such effective service, I am regarding him as already attached here.

Gyler.—Gyler is a valuable officer. His removal from the Manning River, to assist in the supervision of the extensive waters of Lake Macquarie, and from which our largest fish supply is obtained, would be obviously an advantage.

Smith.—Peter Smith is supposed to be considerably interested in some of the oyster leases at the Hawkesbury, his present district, and although there is not actual proof that this is so, yet the presumptive evidence seems enough to imply the desirableness of removing him to a district where his duties would not clash with his supposed interests. The case will be met by placing him at Illawarra Lake, in the room of Inspector D. W. Benson.

D. W. Benson and Henry Curran.—Some few months since D. W. Benson was for a time placed on special service at the Hawkesbury, and showed considerable aptitude in his manner of performing it. I propose to place him permanently at the Hawkesbury in conjunction with Inspector Curran, who is at present stationed at Newcastle.

Chas. Gordon.—The Newcastle and Hunter River Fisheries I suggest should be placed under the care of Charles Gordon, at present stationed at the Shoalhaven. I consider Gordon to be an efficient officer. His duties at Newcastle would involve the checking and inspection of oysters arriving from the upper portions of Port Stephens and the oversight of the fisheries on the Hunter River and its tributaries.

C. H. Otway and B. Scott.—I propose the removal of Inspector C. H. Otway and Boatman Scott from the Karuah River, at the head of Port Stephens, to Nelson's Bay, at the heads, in order that the supply of fish captured there may be more systematically supervised.

Fred. Smithers, Glading, Hellings, and Young.—I advise the permanent retention of Mr. Smithers at head-quarters, where he has already proved himself very useful. He should be assisted by the present boatmen, Glading and Hellings, and with the aid of the steam-launch now under repairs and alteration should exercise an oversight of Botany and the Hawkesbury.

T. Mulhall.—Should it be that Inspector Mulhall will be retained in the service notwithstanding his advanced age, I think that his duties should be confined to an oversight of the fish at the fish market and on the wharves.

On the general management of the Port Jackson fisheries I propose later on to submit special recommendations.

Mr. Livingston Mann.—I know it is the intention of the Commissioners to nominate Mr. Livingston Mann as a travelling inspector of fisheries. I have done so, therefore, on this paper; but as the oyster-bearing waters are not only each in themselves so extensive, but range along the whole seaboard of the Colony, I consider a second travelling inspector to be necessary.

Thos. Temperley.—For this second inspectorship I know of no one more suitable in point of intelligence than Inspector Temperley, and if he be appointed to oversight of the coast south of Botany, the objection which, consequent upon his supposed interest in oyster-culture leases in northern waters, might be taken to his being placed in such a position, would, I think, be met and at the same time a capable officer retained to the Department.

G. G. Benson.—As Inspector for inland waters fisheries under the Inland Waters Fisheries Act 1887, regarding the administration of which nothing has so far been done, I propose Inspector G. G. Benson, at present located at the Clyde River.

Beyond a visit or two to Lake George, I have not been afforded an opportunity of acquainting myself with the inland fisheries; consequently I am not in a position to suggest a location for Mr. Benson. I should prefer by personal visit and inquiry to ascertain the needs and condition of these fisheries so that I could make recommendations with some degree of confidence.

Under an arrangement such as this it will be possible to dispense with the services of the following officers:—

H. W. C. Windeyer, Acting Assistant Inspector, Port Macquarie.....	£108
Jas. Massingham, Boatman, Clarence River.....	108
Thos. Laman, Acting Assistant Inspector, Nelson's Bay.....	20

And thus effect a saving in expenditure of £236

By the transference of Inspector Benson to a position under the Inland Waters Fisheries Act I count a further saving in expenditure of £240, the amount of his salary. I am warranted in quoting this as a saving because his services under the Fisheries Act will be thus dispensed with, and it may fairly be assumed that special provision will be made for the administration of the new Act.

This Act was introduced to Parliament by a private Member quite independently of the Fisheries Commission. Manifestly then its working ought not to be made a charge upon the fisheries vote.

I may here invite the Commissioners to consider the desirableness of dispensing with the services of those pilots and others who are paid £20 per annum each for holding the appointment of Acting Assistant Inspector of Fisheries.

Their duties proper, which compel them to a constant look out seawards, prevent them from exercising more than a very nominal oversight of the fisheries in their respective waters; the principal service they have been able to render to this Department has been the receipt and transmission of royalty on oysters. This royalty charge having been abolished I see no reason

reason for the retention of these officers; any small service which from time to time might be required on any of the remoter waters could be rendered by the police or by one of the travelling inspectors. A still further annual saving to the Department of £160 would thus be effected.

By reference to the list of the Inspectoral Staff the Commissioners will observe that in this reduction I have not included Frederick Nelson, the Acting Assistant Inspector at Lake George, nor likewise George Baker, who holds the like office at Sydney, and whose appointment the Commissioners only recently recommended.

I have only now to add for convenience of reference a tabulated statement showing the savings which the adoption of the suggestions herein made will effect:—

SALARIES proposed to be abolished.

Name.	Office.	Address.	Annual Salary.
G. G. Benson	Inspector	Clyde River	£ 240 0 0
Thos. Mulhall	Assistant Inspector	Sydney	150 0 0
H. W. C. Windeyer	Acting Assistant Inspector	Port Macquarie	108 0 0
Jas. Massingham	Boatman	Clarence River	108 0 0
Thos. Laman	Acting Assistant Inspector	Port Stephens	20 0 0
Eight Acting Assistant Inspectors at pilot stations, &c., at £20 per annum			160 0 0
To this amount I add the total of salaries in the clerical staff, also proposed to be dispensed with			313 0 0
Total			£ 1,099 0 0
Less salary required for Travelling Inspector			200 0 0
Total saving			£ 899 0 0

Since writing this report I have learned that an extensive fishery, with direct steam communication with Sydney, is about to be established at Cape Hawke. This will require oversight, and in that case it will be necessary to keep Inspector Gyler in his present position, and to retain J. Massingham, the present boatman at the Clarence River, stationing him at Lake Macquarie.

I saw Massingham when at the Clarence, and formed the opinion that he is an active and intelligent officer.

If it be decided to adopt this suggestion the contemplated saving in expenditure will be reduced by £108.
29 February, 1883. LINDSAY THOMPSON.

[To Evidence of Dr. Cox.]

A 2.

The Commissioners of Fisheries for New South Wales recommend to the Colonial Secretary the following Bill, providing for the development and regulation of the Fisheries and the preservation and culture of Oysters, with the view to its being passed into law in lieu of the "Fisheries Act 1881."

46 VICTORIA, 1883.

A BILL to provide for the development and regulation of the Fisheries and the preservation and culture of Oysters.

WHEREAS the existing Statute Law is insufficient to preserve from exhaustion the natural supplies of marine and other edible Fishes and it is expedient that such law should be repealed and that more effective measures should be adopted to check the wanton or unnecessary destruction of immature fish and oysters and to prevent the disturbance of the various nurseries and breeding-grounds during certain months of the year as well as that greater facilities should be given for the establishment of artificial oyster-beds and more effective means be supplied for the preservation and development of natural oyster-beds And it is also expedient in order to carry out these and the several purposes herein set forth and to establish a better system of protecting and regulating the said Fisheries that a central and local Boards of Control should be created clothed with the powers and duties hereinafter declared Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Preliminary Provisions—Appointment of Commissioners &c.

1. This Act may be cited for all purposes as the "Fisheries and Oyster Culture Act 1883" and its provisions are arranged in the order and comprise the subjects following viz:—

Preliminary Provisions—Appointment of Commissioners &c.—ss.

- PART I.—Net and Line Fisheries—ss.
- PART II.—Oyster Fisheries—ss.
- PART III.—Private Fisheries—ss.
- PART IV.—Legal Procedure—Miscellaneous—ss.

SCHEDULES.

2. In this Act unless the context requires a different meaning the following words within inverted commas shall bear the respective meanings hereby assigned to them:—

- "Fish"—All or any of the varieties of marine or fresh-water fishes enumerated in the First Schedule hereto.
- "Oyster"—Every kind of edible oyster and the spat brood and ware thereof.
- "Lobster"—The salt-water crayfish commonly called "lobster."
- "Crayfish"—The fresh-water crayfish or Murray River lobster.
- "Crab"—Any edible crustacea not including prawns shrimps lobsters or crayfish.
- "Governor"—The Governor with the advice of the Executive Council.
- "Commissioners"—The Commissioners of Fisheries appointed under this Act.
- "Shore"—The portion of Crown lands situate between high and low water mark.
- "Bunt"—The middle portion of a seine or hauling or garfish net between the wings but not being more than one-third of the whole length of such net.
- "Wing"—The portion of a seine or hauling net on each side of the bunt.
- "Mesh of net"—The distance from knot to knot measured diagonally from cork to lead line the net being wetted and stretched and prepared for use in accordance with the regulations.
- "Lessee" includes every assignee or sub-lessee.
- "Boat" includes any vessel or punt of any description whatsoever.
- "Steamboat"—Any ordinary boat propelled by steam.
- "Tidal Waters"—All waters which ebb and flow over Crown lands within the territorial jurisdiction of the Crown in New South Wales and every lake and lagoon in the said Colony ordinarily subject to the influence of the tides (although the communication with the sea may for the time be closed) the soil or bed whereof is the property of the Crown together with in each case the soil of such Crown lands.
- "Natural Oyster-bed"—Any shore bank bed or place of deposit in any tidal waters wherein oysters which have not been laid down by artificial means are or shall be found.
- "Justice"—Any Justice of the Peace.
- "Inspector" includes Sub-Inspector or Assistant Inspector of Fisheries.

Repeal of
28 Vic. No. 10
31 Vic. No. 10
31 Vic. No. 20
44 Vic. No. 26

Constitution of
Fisheries Com-
missioners as a
Body Corporate.

Inspectors of
Fisheries.

Assistant
Inspectors at
outports &c.

Certain persons
to be Inspectors
ex officio.
Division of
Marine Fisheries.

Regulations.

3. The Act twenty-eighth Victoria number ten intituled "An Act to protect the Fisheries of New South Wales" the Act thirty-first Victoria number ten intituled "An Act to amend the Fisheries Act of 1865" the Act thirty-first Victoria number twenty intituled "An Act to regulate Oyster Fisheries and to encourage the formation of Oyster-beds" the Act forty-fourth Victoria number twenty-six intituled "An Act to provide for the development and regulation of the Fisheries of the Colony" and so much of the thirty-eighth section of the "Lands Act Amendment Act 1875" as empowers the Governor in Council to grant leases of Crown Lands for the purpose of a fishery are hereby repealed but without prejudice to the past operation of or to any right lawfully created offence committed or penalty incurred under any of the said Acts.

4. The duty of protecting developing and regulating the Public Fisheries of New South Wales shall be vested in five Commissioners to be called the "Commissioners of Fisheries" who by that name shall be a body corporate with perpetual succession and a common seal with power to hold real and personal estate and to sue and be sued and to take and be the subject of all legal proceedings by such name. And the duties power and authority of the said Commissioners shall extend to the territorial limits of the Colony such body corporate shall be composed of five persons to be appointed by the Governor by Commission under the Great Seal each of whom shall hold office for the term of five years from the date of his appointment unless his office become vacant in the meantime by death or resignation but subject nevertheless to removal by the like authority but any Commissioner may be reappointed after the expiration of his term of office. The Governor shall either by the original Commission or otherwise as to him seems proper appoint one of the Commissioners to be President and the President or in his absence one of the Commissioners appointed from time to time by the meeting shall preside at all meetings and at any voting shall have an original as well as (in cases of equality of votes) a casting vote any three Commissioners shall be a quorum.

5. It shall be lawful for the Governor on the recommendation of the Commissioners to appoint local Boards also so many Inspectors Sub-Inspectors or Assistant-Inspectors of Fisheries and other officers as they may think necessary for the purposes of this Act and to assign to all such officers such salaries as they may think fit. And all such officers shall act under the control and direction of and be responsible for the due performance of their duties to the Commissioners.

6. It shall also be lawful for the Commissioners with the consent of the Governor to appoint any officer of Customs or officer in the Department of the Marine Board stationed at any outport or pilot station on the coast of the Colony or other person to act as an assistant Inspector of Fisheries at such outport or station and for such extent of waters as may be placed under his supervision. All such assistant Inspectors shall carry out the directions of the Commissioners so far as practicable to the best of their ability and shall act in concert with the Inspectors and shall be paid such sums in addition to their ordinary salaries (if any) as the Commissioners may appoint.

7. All Police Magistrates and all members of the Police Force shall within their respective districts be and have the powers and authorities of Inspectors of Fisheries *ex officio*.

8. The Governor by proclamation in the *Gazette* may define the various Fisheries of the Colony situated in any tidal waters and distribute the same into divisions as recommended by the Commissioners. And each of such divisions shall be placed under the supervision of one or more Inspectors or Sub-Inspectors as the Commissioners may decide. Provided always that the Governor on the recommendation of the Commissioners may by a like proclamation from time to time rescind any such definition and alter the boundaries of any such division or subdivide the same.

9. The Governor on the recommendation of the Commissioners may from time to time make such orders rules and regulations as shall be found expedient for the purpose of giving effect to the provisions of this Act and may impose and prescribe such other provisions for the development and regulation of the Fisheries and the preservation and culture of Oysters as he may deem necessary. And it shall be lawful for the Governor to impose a penalty not exceeding in any one case the sum of twenty pounds for the breach of any such rules orders regulations or provisions. And all such rules orders regulations and provisions shall on publication in the *Gazette* be and have the full force of law. Provided always that a copy thereof shall be laid with all convenient despatch before Parliament if then sitting or if not then in session within one calendar month after the commencement of its next session.

PART I.

Net and Line Fisheries.

Proclamation of
close fisheries.

10. It shall be lawful for the Commissioners to declare by notice in the *Gazette* that any specified tidal waters shall be exempted from net-fishing from time to time as they may think fit. The fisheries in all such tidal waters so specified shall be termed "Close Fisheries" and the periods during which the same are so exempt from net-fishing "Close periods." Provided always that it shall be lawful for the Commissioners in like manner to rescind or vary any such periods.

Seine or hauling
net.

11. Every seine or hauling net when used for the purpose of catching or enclosing fish in tidal waters shall be deemed to be an unlawful net whenever or wherever so used if the mesh of such net shall measure diagonally when prepared for use wetted and stretched in accordance with the regulations less than two inches and one quarter in the bunt which shall not exceed fifty fathoms in length or three inches in the wings which in like manner shall not exceed in length seventy-five fathoms each or if the same when cast and shot shall enclose a space measuring more than four hundred yards along the corks from one end of such net to the other unless such net be a *bond fide* gar-fish or prawn-net and used for catching gar-fish or prawns only (as the case may be).

Gar-fish net.

12. No net shall be deemed to be a *bond fide* gar-fish net of which the bunt exceeds thirty fathoms in length or has a mesh less than one and a quarter inch ascertained in the usual manner but such gar-fish net shall have on each side of the bunt a wing hung on the same cork and lead lines not longer than the bunt of such net and of which the mesh shall not be less than two inches.

Prawn-net.

13. No net shall be deemed to be a *bond fide* prawn-net which exceeds fifteen fathoms in length or of which the mesh is less than one inch ascertained as aforesaid.

Meshing net.

14. No net will be permitted to be used as a meshing net the mesh of which is less than three and one half inches ascertained as aforesaid and the length of which exceeds sixty fathoms.

Stalling illegal.

15. Any two or more nets placed behind or near to each other in such a manner as to diminish the mesh or means of escape for enclosed fish shall be deemed to be an unlawful net.

16. The setting of any net of a less mesh than four inches by the process known as "stalling" whereby a net is staked or set across any tidal waters is hereby declared to be illegal.

Nets for inland
waters.

17. The provisions of the foregoing sections as regards size of mesh and length of net shall not apply to the use of drift nets or purse-seines in the open sea.

18. Every net when used for the purpose of catching or enclosing fish in inland waters that is to say in any river or creek not influenced by the tides or in any fresh-water lake lagoon or pond shall be deemed to be an unlawful net if the mesh of such net shall measure diagonally when prepared for use wetted and stretched in accordance with the regulations less than four inches in any part thereof or if such net (whatever the size of the mesh) be staked fixed or set completely across any such river or creek. Provided always that nothing in this section contained shall apply to the owner of the soil or bed of inland waters using or setting a net within such waters to capture fish for breeding purposes or for stocking a fishery or for his own consumption only.

Penalties notting
in close fisheries.

19. If any person shall in any close fishery during any close period place shoot cast or haul any fishing-net whatever or stake fix or set any such net for the purpose of catching taking or enclosing any fish enumerated in the First Schedule hereto or in such manner that any such fish might be caught or taken thereby such person shall be liable to a penalty not exceeding fifty pounds and not less than ten pounds. And every person aiding or assisting in the shooting casting or hauling of any such net or being in any boat from which any such net shall be shot cast or hauled in contravention of the provisions of this section shall incur a like penalty. And every person convicted under this section shall if holding a license under this Part be deemed by conviction to have forfeited his license. And all fish taken in violation of the provisions of this section together with all fishing nets used for the purpose of taking the same shall be forfeited to Her Majesty and shall be disposed of as provided by the Regulations. Any inspector constable or officer of Police may with or without warrant apprehend and take before one or more Justices any person found offending against the provisions of this section to be dealt with as hereinafter provided and may in like manner seize every such net.

General penal-
ties for using
unlawful nets.

20. If any person shall catch or attempt to catch any fish by casting hauling or shooting any net having a mesh or length less than the said respective dimensions of the several kinds of nets hereinbefore described for the seine or hauling gar-fish prawn or meshing nets or nets for inland waters such person shall for the first offence be liable to a penalty not exceeding five pounds and not less than two pounds and for a second or subsequent offence to a penalty not exceeding twenty and not less than five pounds.

21. The Justices shall in every case where an offender is convicted under any of the preceding sections order all unlawful nets used by or found in the possession of such offender to be forfeited to Her Majesty.

22. If any person shall sell or consign or expose for sale or have in his possession or on his premises any fish of any of the species mentioned in the Second Schedule hereto of a less weight than that set opposite the name of such fish in such Schedule or prescribed by any regulation he shall be liable to a penalty not exceeding *two* pounds for the first offence and for the second or any subsequent offence to a penalty not exceeding *five* pounds and not less than *two* pounds. And all such under-weight fish together with all other fish found in the same basket or other receptacle or exposed on the same table or stand or found in the same boat cart or vessel with such under-weight fish shall be forfeited and be disposed of in accordance with the regulations. And any Inspector officer of police or person authorized in writing by him may seize any fish which under this section are liable to forfeiture and take the same before any Justice who upon view thereof shall declare whether or not such fish are under-weight and if he declare them to be so shall order them to be forfeited and to be disposed of in accordance with the regulations. The provisions of this section shall not apply to any Curator of a Museum or Zoological Collector holding a permit from the Commissioners or to any owner of a private fishery in respect of fish taken therefrom or to any person being in possession of fish for purposes of pisciculture or to any aboriginal taking or being in possession of fish for his own consumption but in every such case of exemption the proof thereof shall be upon the defendant or person charged.

23. All prawn-fishers and other persons catching prawns shall in order to separate the marketable from the unmarketable prawns riddle or separate them but only in the waters where the same have been caught and in such a manner as to permit the small prawns to escape. And if any prawn-fisher or person shall fail to comply with such directions or shall riddle or separate any prawns after boiling or cooking the same or when such prawns are dead shall be liable to a penalty not exceeding *five* pounds and not less than *two* pounds.

24. It shall not be lawful for any person to catch or attempt to catch prawns by means of a net or by any other mode of capture during the months of June July August and September in any year in any tidal waters of or tributary to the river Hunter or in any other tidal waters to which the Governor shall by proclamation in the *Gazette* declare the provisions of this section to extend. And if any person shall catch or attempt to catch any prawns in contravention of this section in any such tidal waters he shall be liable to the like penalties as are provided by section twenty-one hereof.

25. Every boat or steamboat used or intended to be used for the purpose of catching for sale or engaged by hire for the purpose of catching any of the varieties of fish whether marine or fresh-water enumerated in the First Schedule hereto by net or line shall be licensed. The fee for every such boat license shall be one pound for the former and five pounds for the latter which shall be paid to the Colonial Treasurer at a proportionate rate to above according to date of application and payment of such fees shall cover the interval from the date of payment to the thirty-first day of December of the same year.

26. Every person employed in catching for sale fish lobsters crabs or prawns in or upon any waters shall pay an annual license fee of ten shillings to the Colonial Treasurer. Such fee shall be payable on the dates and according to the provisions expressed in the last preceding section.

27. If any person shall take or attempt to take any fish whether by line or by net without holding a valid fisherman's license or in a boat not licensed as aforesaid he shall be liable for every such offence to a penalty not exceeding *forty* shillings. But nothing in this section contained shall extend to persons on excursion scientific or pleasure parties fishing for purposes other than sale. But in every such case of exemption the proof thereof shall be upon the person charged.

28. It shall not be lawful for any person by the explosion of dynamite or any explosive substance or by means of any poisonous or noxious thing to destroy or take fish in any tidal or other waters in New South Wales and any person so offending shall for every such offence be liable to a penalty not exceeding *forty* pounds and not less than *ten* pounds. But nothing herein contained shall apply to any person duly authorized by the Commissioners (the proof whereof shall be on him) to explode torpedoes or dynamite in any such waters.

29. If any person without the authority of the Commissioners shall drive or place any stake log stone mooring or other thing whatever likely to damage a fishing-net if dragged over or against it in any water whatever within the reach of a seine of lawful length and if any damage shall be sustained by any lawful fishing-net through coming into contact with such stake log stone mooring or thing or if any person shall sail or drive a vessel or boat over any net legitimately set for purposes of fishing such person shall be liable to a penalty not exceeding *ten* pounds and in addition shall pay such compensation to the owner of such net as may be awarded by the adjudicating Justices.

30. Every person who shall be found using a fishing-net of any kind whatsoever in any waters shall on demand give his true name and residence to any Commissioner Inspector Justice officer of police or constable and to any owner or occupier of land bordering such waters or over which they ebb and flow. And if any such person shall refuse or neglect to comply with such demand or shall give a false or fictitious name or residence he shall be liable to a penalty not exceeding *five* pounds.

31. Any inspector officer of police or constable and any person authorized in writing by any Justice of the Peace may at any time enter any premises or dwelling or go on board any boat and search for and seize and take away any net which has been used in contravention of the provisions of this Act or which is or is suspected to be of less dimensions in the mesh or of a length not permitted by this Act or the regulations. And every such seizure shall be at once reported to the Commissioner who on being satisfied that the net so seized has been used as aforesaid or is an unlawful net shall direct the same to be taken before a Justice who may order it to be forfeited to Her Majesty.

32. Any person who shall commit any act in breach of or be guilty of any default or non-compliance with the requirements or prohibitions of any of the foregoing sections shall in every case where no penalty or forfeiture has been in such case provided be liable to a penalty not exceeding *ten* pounds and not less than *one* pound.

PART II.

Oyster Fisheries.

33. Charts or plans of all rivers inlets estuaries creeks and other oyster-bearing waters in New South Wales according to such scale and in such manner as the Commissioners may direct shall be prepared as soon as practicable after the passing of this Act. And the position and boundaries of all areas leased or lawfully occupied under this Act shall from time to time be charted thereon.

34. All leases granted or promised to be granted under the "Oyster-beds Act of 1868" hereby repealed shall be deemed valid to all intents and purposes although such leases comprise natural oyster-beds or portions thereof. Provided always that it shall be lawful for the Commissioners to make regulations for the management of such natural oyster-beds during such leases and by such regulations to provide for the forfeiture of such leases if such regulations or any of them be not complied with.

35. Crown lands lying below high-water mark in any bay river estuary inlet lake or creek or in any tidal waters generally of the interests of the oyster fisheries of the Colony. All such leases shall be subject to the following and such other conditions and provisions as shall be decided on by the Commissioners from time to time—

- (i.) The boundaries of all lands so leased shall be determined by the Commissioners
- (ii.) The term for which any such lease may be granted shall not exceed fifteen or be less than ten years
- (iii.) The right to hold such lease shall be determined by auction or tender and all oysters raised from land so leased shall be subject to the scale of Royalties prescribed by the regulations to be approved of by the Commissioners
- (iv.) Every such lease shall contain and be issued subject to such conditions and provisions as may be prescribed by the regulations
- (v.) Occupation under lease shall not give any right or title to the lessee to form or plant oyster-beds or layings on the shore otherwise than included in his lease except for such purposes and during such times as may be prescribed by the regulations
- (vi.) Every such lease shall be in writing or partly printed and partly written and shall define as nearly as practicable the position and boundaries of the land to be leased

(VII.) Every such lease shall vest in the lessee his executors administrators and assigns the exclusive right during the currency of the lease of laying and planting oysters and of dredging and taking oysters except for the purpose of burning for lime in and from the oyster-bed subject always to the right of any inspector or authorized officer to enter upon any land included in such lease and to test the condition of the layings by dredging or otherwise or for any other authorized purpose

(VIII.) The Governor may if so recommended by the Commissioners accept at any time a surrender of any lease granted under this section if it shall appear to the satisfaction of the Commissioners that oyster-culture cannot be carried on upon the portion demised with any reasonable hope of success or where from any other reason the Commissioners shall report in favour of such surrender

Every lease granted under the provisions of this section shall be subject to the provisions of the ninth section of the "Crown Lands Alienation Act of 1861."

Notice before granting lease.

36. Before any such lease shall be granted the Commissioners shall cause a notice of the application therefor to be inserted in the *Gazette* and in some newspaper circulating in the Police District within which the land applied for is situated And any person may by memorial addressed to the Commissioners within thirty days after the date of such notices pray that the lease applied for be not granted on grounds considered objectionable Any memorial so presented shall be duly inquired into and if the Commissioners think fit an Inspector shall be sent to visit and report specially as to the site of the proposed lease and the truth of the allegations contained in such memorial And no lease shall be granted of any land if the Commissioners shall be of opinion that such allegations are sustained.

Penalty for injury to oyster-beds or layings.

37. It shall not be lawful for any person other than the lessee his agents servants and workmen within the limits of any oyster-bed or laying knowingly to do any of the following acts viz. —

- (i.) To take or interfere in any way with any oysters on such bed or laying without the consent of the lessee or lawful owner or occupier thereof
 - (ii.) To deposit any stone ballast rubbish or substance on such bed or laying
 - (iii.) To dredge or drag with any implement upon or over such bed or laying unless by direction of the Commissioners or the proper officer of the Department of Harbours and Rivers or the Marine Board and on payment of compensation for damage done (if any)
 - (iv.) To use any implement of fishing except a line and hook on such bed or laying
 - (v.) To place any implement or thing prejudicial or likely to be prejudicial to such bed or laying or to any oysters thereon except for a lawful purpose of navigation or anchorage
 - (vi.) To disturb or injure in any manner except as last aforesaid any such bed or laying or any oysters thereon
- And if any person does any act in contravention of this section he shall be liable for the first offence to a penalty not exceeding *five* pounds and for the second offence to a penalty not exceeding *ten* nor less than *five* pounds and for a third or subsequent offence to a penalty of *twenty* pounds And every such person shall also be liable to make due compensation to the lessee for all damage sustained by such lessee by reason of such person's unlawful act and in default of payment the same may be recovered by the lessee in any Court not incompetent by statute in respect to the amount or nature of the claim for compensation whether such first-mentioned person has been convicted of an offence under this section or not.

Commissioners may recommend revocation of lease in certain cases.

38. If it shall appear to the satisfaction of the Commissioners that any lessee has not within the period of two years from the date of his lease taken measures proper in the opinion of the Commissioners to carry into effect the conditions of such lease then it shall be lawful for them to recommend the revocation of the lease by the Governor who shall have the power to revoke the same accordingly by notification in the *Gazette* And upon the publication of such notification all the rights and privileges granted by such lease and the term thereby demised shall absolutely cease and determine Provided always that before making such recommendation the Commissioners shall cause a notice in writing stating their intention to make such recommendation to be served on the lessee or person for the time being entitled to the lease or in case such person cannot be found they shall cause such notice to be inserted as an advertisement at least three times in a newspaper circulating in the Police District nearest to the area leased and also to be published once in the *Gazette* And no such recommendation shall be made until after the expiration of one calendar month from the service of such notice or from the date of the last advertisement (whichever shall happen last) Leases of the land comprised within any such revoked leases may be disposed of by public auction or otherwise if the Commissioners shall think fit and all such new leases shall be subject to the provisions of section thirty-five of this Act.

Portions of shore &c. may be exempt from leasing or be declared public oyster reserve.

39. It shall be lawful for the Commissioners by notification in the *Gazette* to declare that any portion of the shore abutting on any tidal waters or that any portion of the bed of any estuary bay lake inlet river or creek influenced by the tides with or without any portion of the shore abutting thereon and being the property of the Crown shall be exempt from the power of leasing conferred by this Act and if they think fit either by the same or by any subsequent notification to declare that any such portion shall be a public oyster reserve Any such reserve may be revoked by the Commissioners by a like notification.

Marking of natural beds and areas under lease.

40. The position of all areas under lease shall be distinctly defined by an officer appointed by the Commissioners.

Dredging licenses.

41. Dredging licenses not transferable may be issued for a term of one year (but renewable from year to year) bearing date as from the first day of January and expiring on the thirty-first day of December in each year Provided that after the thirtieth day of June in any year one moiety only of such fee shall be payable The fee for an annual license shall be ten pounds to be paid in each case by the applicant to the Colonial Treasurer.

42. Dredging licenses issued under the last preceding section shall authorize the holder to dredge for and take oysters in leased lands and in such waters and on such beds or places not under lease and at such times as an inspector may appoint and subject to all regulations made under this Act.

Royalty on dredged oysters.

43. For every bag containing or reputed to contain not more than three bushels of oysters the owner shall pay to Her Majesty a royalty to be determined by regulation.

Penalty on unlawful dredging for oysters.

44. If any person other than an inspector or person lawfully authorized in that behalf not being the holder of a dredging license under this Act shall dredge for or otherwise take from any natural bed leased land or abandoned lease or laying as aforesaid any oysters or shall be found dredging for oysters within the limits of such bed leased land or abandoned lease or laying such person shall be liable to a penalty not exceeding *twenty* pounds and not less than *five* pounds and all oysters found in his possession shall be deemed to be oysters unlawfully taken by such person and shall on his conviction be forfeited to the use of Her Majesty.

Oyster-dredgers to be marked.

45. The inspector of each district shall keep a register in which shall be entered the name and registered number of every holder of a dredging-license who shall dredge for oysters within such district And every such holder shall register his name and number of the boat to which he belongs with such inspector and the same shall be painted in white letters not less than three inches long on a black ground on the quarters of every boat or vessel—herein termed oyster-dredger—employed by such holder in dredging for oysters Every person who shall at any time dredge for or take or attempt to take oysters on any such bed or laying as aforesaid in any boat or vessel not marked in accordance with the requirements of this section shall for every such offence be liable to a penalty not exceeding *ten* pounds.

Licensing of oyster-dealers.

46. Every person dealing in or selling oysters whether wholesale or by retail shall for each place of business take out an annual license for each of which he shall pay a fee of five pounds Such license shall entitle the holder to sell and dispose of oysters in any one part of New South Wales during the year commencing on the first day of January and ending on the thirty-first day of December and shall be renewed annually by a like payment within fourteen days after the first-mentioned day Provided that on applications for licenses made after the thirtieth day of June in any year one moiety only of such license fee shall be payable Such licenses may be granted by the Commissioners or by any police magistrate and the fee shall be paid to the Colonial Treasurer And every person who shall deal in or sell oysters without holding a license under this section shall be liable to a penalty not exceeding *twenty* pounds and not less than *five* pounds.

Property in oysters &c.

47. All oysters within the limits of any land comprised in any lease granted under this Act or being within the limits of a private fishery under this Act shall be the absolute property of the lessee or owner of such private fishery respectively and shall for all purposes whatsoever be deemed to be in the actual possession of such lessee or owner And all oysters removed without lawful authority by any person from any land so leased or from any such fishery or laying shall be deemed to be the property of such lessee or owner and he shall be deemed to have the right to the possession thereof for all purposes whatsoever Oysters on a natural oyster-bed or public oyster-reserve shall be deemed to be and continue (until lawfully removed therefrom) the property of Her Majesty.

Penalty on burning live oysters for lime.

48. Every person who shall gather or burn live oysters for the purpose of converting the shells into lime whether he be the holder of a lease or license under this Act or not shall for every such offence be liable to a penalty not exceeding *fifty* pounds.

49. No person shall dredge for or take oysters at any time between sunset and sunrise (except an owner upon his private oyster fishery) under a penalty for every offence not exceeding *twenty* pounds. And if such person be a lessee or licensee under this Act his lease or license may be cancelled by the Commissioners.

Oysters not to be dredged between sunset and sunrise.

50. All oysters shipped on board any vessel shall be placed in bags branded in accordance with the regulations. And the master of every vessel on board which oysters are shipped shall enter the same in the manifest stating the quantity and the name of the consignor and consignee and report the same to an officer of the Customs. And any oysters carried in any vessel in contravention of this section may be seized by an inspector officer of Customs or of police and forfeited to Her Majesty. And every such master who shall fail to comply with any of the requirements of this section shall be liable to a penalty of not less than *ten* pounds.

Provisions for sea-carriage of oysters.

51. It shall be lawful for the Commissioners on report that the whole or any portion of a natural oyster-bed or that any group of oyster-beds has by over-dredging or from any other cause been reduced to such a state that the further dredging of oysters from such bed or beds ought to be suspended to prohibit by notice in the *Gazette* for any term not exceeding three years the dredging or taking of oysters from such bed or beds or portion thereof as may be described in such notice by any persons whatsoever other than an inspector or person authorized by him or by the Commissioners.

When natural oyster-beds may be closed.

52. If any person shall without lawful authority—the proof of which shall lie on him—at any time during the period mentioned in such notice take or dredge oysters from any natural oyster-bed or portion thereof described in such notice such person shall be liable to a penalty not exceeding *twenty* pounds nor less than *five* pounds. And all oysters and the bags containing them together with all dredging appliances found in the possession of any person so offending may be seized and upon conviction of the offender shall be forfeited to Her Majesty.

PART III.

Private Fisheries.

53. Any person entitled to an estate of freehold in possession in any land and any lessee of land with the consent in writing of the reversioner (which consent such reversioner is hereby authorized to give) may apply in writing to the Commissioners for a license to establish a private fishery in or over any part of such land.

Private fisheries may be established.

54. The applicant for any such license shall state in his application the nature of his estate or interest in such land and shall describe the area in and over which he proposes to establish his fishery the purpose or purposes for which such license is desired the mode (if any) in which he proposes to admit in and over such area the sea or any tidal waters the distance between high-water-mark and the point at which the admission of such waters has been or is to be effected the position of such area with reference to any harbour river creek bay inlet lake arm of the sea or part of the coast in or near the shore or bank of which such area is situated. And such application shall be accompanied by an explanatory plan or tracing and by any other particulars which the Commissioners may require.

Particulars to be stated by applicants for private fisheries.

55. Such application together with all plans and documents accompanying it shall be referred by the Commissioners to any officers whom they may think fit to consult to report whether any rights of the Crown or the public are likely to be prejudiced or injuriously affected by any work in connection with the proposed fishery. And such officers are hereby required to furnish such reports to the Commissioners within sixty days from date of reference.

Report on application.

56. Upon the receipt of such reports it shall be lawful for the Commissioners to refuse such license absolutely or to grant it in terms of such application or with such modifications thereof and subject to such conditions as they may think fit all of which shall until revoked be binding on the grantee and his successors in title in respect of the area over which such license extends.

Power to grant or refuse license.

57. Any license so granted may be revoked by the Commissioners at any time if they shall be of opinion that the conditions therein expressed or any other terms of the grant have not been faithfully complied with.

Revocation of license.

58. The grant and the revocation of any such license shall severally take effect upon notification in the *Gazette*. Provided that there shall upon every such grant be paid to the Colonial Treasurer the sum of *ten* pounds.

Grant &c. when to take effect. Officer.

59. The grant of a license for a private fishery shall have the effect—

Legal effect of license.

- (I.) Of vesting in the grantee and his successors in title to the area described in the license and as appurtenant to such area the exclusive right during the continuance thereof of stocking such area with fish of any kind whatsoever (including oysters lobsters crabs prawns shrimps whelks cockles mussels and any other varieties of crustaceans or molluscs) and of taking therefrom any such fish and their shells
- (II.) Of vesting the property (at law or in equity) in any such fish while the same are within the limits of such area in such grantee and his successors in title any rule of law to the contrary notwithstanding
- (III.) Of vesting in such grantee and successors the right to the influx and efflux of the tide into and over the aforesaid area by such means of admission as the license provides and in case the license provides no such means or the same are doubtful then by cutting a trench or passage through or laying one or more pipes under the shore. Also a right to construct a sluice so as to permit the tide to ebb and flow into and from such area
- (IV.) Of vesting in such grantee and successors a right to enter upon the shore where the works for the admission of tidal waters are situated and to repair such works stopping the traffic thereover (if necessary) for any period not exceeding seven days in any one year in order to repair or renew the same
- (V.) Of abrogating any rule of law so far as it might be held to confer any public right-of-way or of navigation on and over such area or any public right of fishing for or taking fish by nets lines or other appliances whatsoever in or upon such area

In the case of a grant to a lessee the reversioner and in the case of a grant to a tenant for life or *pur autre vie* the remainderman shall with reference to the lessee tenant for life or *pur autre vie* respectively be included under the expression "Successor in title."

60. No trench or passage through the shore for the purpose of permitting the tide to ebb and flow to and from such area shall at any point exceed a width of twelve feet and every such trench or passage shall at the cost of the licensee or his successors in title be bridged by such a substantial bridge or means of crossing as the license shall prescribe or (if none shall be so prescribed) as the Commissioners shall determine. And every such bridge or crossing shall be maintained in good order and repair by such licensee or successors and shall in every case be furnished with substantial handrails on either side and be not less than twelve feet wide between the rails.

Provision for bridge across trenches, &c.

61. In places where at low tides large flats are left uncovered by water or where any land subject to overflow by the tide belongs to the applicant or where the land of the applicant abuts on or is in the vicinity of some tidal creek from which it is proposed to admit the water the terms and conditions of the license (except the sum to be paid for such license) may be modified by the Commissioners so as to suit the special circumstances of the locality.

Terms and conditions of license when to be modified.

62. The limits of a private fishery shall in every case be marked by substantial stakes placed at a distance not exceeding fifty yards from one another or (where such staking is not reasonably practicable) in such manner as the regulations shall prescribe. But in any proceedings taken by the owner of such fishery for larceny or any offence or matter under this Act it shall not be necessary for him to prove that the requirements of this section have been duly complied with.

Marking limits of private fishery.

PART IV.

Legal Procedure—Miscellaneous.

63. All offences penalties and forfeitures under this Act or any regulation made thereunder may be heard determined and recovered and all proceedings therefor may be taken in a summary way by and in the name of any inspector or by and in the name of any person authorized by the Commissioners before any two or more Justices in pursuance of the provisions of the Acts regulating summary convictions before Justices and every defendant shall be a competent witness in his own case. Provided that if any person shall be adjudged to pay any sum by way of penalty or otherwise the adjudicating Justices shall order such sum to be paid (together with costs to be fixed by the said Justices) either forthwith or within such period as the said Justices shall appoint and if such sum and costs (if any) shall not be paid at the time so appointed the same shall be levied by distress and sale of the offender's goods and chattels and for want of sufficient distress or in the discretion of such Justices without any such distress such offender may be imprisoned with or without hard labour for any term not exceeding *three* calendar months unless such sum be sooner paid.

Procedure.

Appropriation
penalties &c
Appeal,

64. The amount of every penalty fine or forfeiture recovered under this Act shall be paid one moiety to the informer or prosecutor and the other moiety to the Consolidated Revenue Fund.

65. Any person aggrieved by any conviction order or adjudication of Justices under this Act may appeal therefrom to the next Court of Quarter Sessions holden in the district in which the subject matter of the appeal arose unless such Sessions shall be held within fourteen days from the date of such conviction order or adjudication and in that case to the Court of Quarter Sessions then next following. And such Court shall have power to hear and determine the matter in a summary way in accordance with the Acts in force regulating appeals from summary convictions. And the decision of such Court shall be final and conclusive. Provided always that the appellant shall have given written notice seven days at least before the hearing of the appeal of his intention to appeal and stating the grounds thereof to the or one of the adjudicating Justices and to the prosecutor and provided that such appellant shall also pay into the hands of such Justice the full amount of any penalty or sum awarded against him together with costs within twenty-four hours next after such conviction order or adjudication and also enter into a bond with two sureties approved by such Justice conditioned to prosecute such appeal with effect and to abide the event thereof and to pay the full amount of all costs which may be awarded against him.

Assaulting &c.
inspectors and
others in execu-
tion of their
duty.

66. Any person who shall assault resist or obstruct or encourage any other person to assault resist or obstruct any inspector assistant inspector constable officer or other person whomsoever in the execution of his duty under this Act shall incur a penalty not exceeding fifty pounds nor less than ten pounds or be liable to imprisonment not exceeding six calendar months. And the adjudicating Justices may in addition to any such penalty order a sufficient sum to be paid by the offender to cover any damage or injury sustained by the person so assaulted resisted or obstructed which sum shall be recoverable in the same manner as a penalty under this Act.

Offenders may be
apprehended and
bailed.

67. Any inspector of fisheries or member of the police force may with or without warrant seize any net dredge or other implement of fishing which any person found offending against any of the provisions of this Act may then be using and may also with or without warrant apprehend and lodge with the gaoler or person in charge of any gaol watch-house lock-up or police station any person found offending against any of the provisions of this Act who on demand made shall refuse to give his true name and address but any Justice or subject to the conditions prescribed by the regulations any such gaoler or person in charge may liberate any person so lodged in custody on such person entering into a recognizance (with or without sureties) in the sum of twenty pounds conditioned for his appearance before two or more Justices at a day and place to be therein mentioned.

Justice may
grant a warrant
to enter sus-
pected places.

68. Any Justice of the Peace upon an information on oath that there is probable cause to suspect any breach of the provisions of this Act or of any regulation thereunder to have been committed may by warrant under his hand and seal authorize and empower any Inspector of Customs or Police or any officer to enter any dwelling-house or premises or vessel or boat whatsoever for the purpose of searching for and seizing any unlawful net dredge implement or engine or any fish or oysters taken in contravention of this Act or any proclamation or regulation thereunder.

Police to aid and
assist inspectors.

69. All members of the police force and all persons employed in the department of the Marine Board the Customs or Harbours and Rivers if called upon to aid and assist any inspector or other officer in the execution of any power or authority vested in him by this Act are hereby authorized and required to aid and assist such inspector or officer in the lawful exercise of any such power or authority.

Larceny from
contiguous
oyster-beds.

70. Whenever a person shall be charged with larceny of oysters from any oyster-bed lease or laying which may be contiguous to another or others it shall be sufficient in alleging and proving the place from which such oysters were stolen to allege and prove that such oysters were stolen from one or other of such contiguous beds leases or layings and that the same belonged to and were in the lawful possession of one or other of the lessees or owners thereof.

What instru-
ments &c. to be
evidence.

71. The production of any of the undermentioned documents writings or publications shall be conclusive evidence in all Courts as to the several matters contained therein and in the case of a lease promise of lease or license that the same was duly issued viz. :—

(I.) A lease or promise of lease or a copy thereof bearing the common seal of the Commissioners.

(II.) Any license or a copy thereof bearing the like seal.

(III.) A copy of the *Gazette* containing any regulation or notification purporting to be made under this Act.

Search for and
seizure of fish or
oysters.

72. All fish or oysters of which the taking possession exposure for sale consignment or purchase for sale is prohibited by this Act may be searched for seized condemned and dealt with according to law by any inspector or by any person holding the written authority of the Commissioners or of any Justice or any search warrant under the hand and seal of any Justice or authorized by any regulation under this Act.

Operation of Act.
Report by Com-
missioners.

73. This Act shall come into force on the sixtieth day after its passing.
74. The Commissioners shall on or before the thirty-first day of December in every year report to the Minister charged with the administration of this Act as to the state of the fisheries in the several divisions thereof and such report shall be laid before both Houses of Parliament. The Commissioners shall also furnish to the said Minister such reports accounts plans vouchers and documents relating to any Act or matter done by them or within their control or cognizance as he may by writing under his hand addressed to the said Commissioners require. The Commissioners shall in all matters be subject to the like control by the Governor as any Department of the Public Service.

SCHEDULES.

FIRST SCHEDULE.

Marine Fishes.

Bream.
Flathead.
Whiting.
Tarwhine.
Blackfish.
Garfish.
Long Tom.
Pike.
Perch.

Flounder.
Sole.
Mullet—

Sea [including the variety commonly known as hard gut mullet].

Flat-tail.
Sand.
Travally.

Fresh-water Fishes.

Murray Cod.
Golden Perch or Yellow Belly.
Silver Perch or Bream.

Ordinary Fresh-water Perch.
Black Perch.

SECOND SCHEDULE.

Lawful Weights for Fish.

Description of Fish.		Weights in ounces avoirdupois.
<i>Marine</i>	Schnapper or Red Bream	16 ounces.
	Bream (Black)	6 "
	Tarwhine	5 "
	Blackfish	5 "
	Rock-cod (Black or Red)	8 "
	Gurnet	4 "
	Flathead.....	8 "
	Mullet—	
	Sea [including the variety commonly known as hard-gut mullet].....	12 "
	Flat-tail	4 "
	Sand	4 "
	Whiting	4 "
	Flounder.....	4 "
	Sole	4 "
	Pike	8 "
Travally.....	6 "	
Garfish	2 "	
Lobster Salt-water or Crayfish	10 "	
<i>Fresh-water</i>	Cod (or Murray Cod)	16 "
	Perch	4 "
	The Murray River Lobster or Fresh-water Crayfish	4 "

[To Evidence of Dr. Cox.]

A 3.

COMMISSIONERS of Fisheries for New South Wales, 1888 :—

James C. Cox, M.D., President.

E. P. Ramsay, F.R.S.E., LL.D., &c., &c.
J. R. Hill, Esq.

A. Oliver, Esq., M.A.
S. H. Hyam, Esq.

Official Staff, 1888.

Lindsay G. Thompson, Secretary and Chief Inspector of Fisheries.

Edward J. Ellis, 1st Clerk.
J. A. O'Grady, Clerk.
C. D. St. Pinnock, Clerk.
J. D. Delany, Clerk.

G. F. Hainsworth, Clerk.
L. G. Mann, Draftsman.
L. F. Mann, Draftsman.
W. Lannen, Messenger.

Thomas Temperley, Inspector for Northern Division of Fisheries.

George G. Benson	Southern	Sydney
Andrew Gylar, Assistant Inspector of Fisheries,		Manning River.
Thomas Mulhall,	"	"
Henry Curan,	"	"
Peter Smith,	"	"
Charles Gordon,	"	"
C. H. Otway,	"	"
William Boyd,	"	"
John D. Grant,	"	"
D. W. Benson,	"	"
Richard Seymour,	"	"
W. N. Cain,	"	"
F. W. Smithers,	"	"
William M'Gregor, Acting Assistant Inspector of Fisheries,		Tweed River.
Thomas Stewart,	"	"
W. J. Whaites,	"	"
John Jamieson,	"	"
A. H. Kendall,	"	"
H. W. C. Windeyer,	"	"
Thomas Laman,	"	"
A. T. Black,	"	"
Bourne Russell,	"	"
Angus Sutherland,	"	"
George Baker,	"	"
Basil J. H. Scott,	"	"
George Glading, Boatman,		Sydney.
Richard Hellings,	"	"
Frank Aldrick,	"	"
J. F. Hespe,	"	"
J. Massingham,	"	"
F. Young, Engineer,		Sydney.

Inland Waters.

Osborne Wilshire, Assistant Inspector of Fisheries, Deniliquin.
Frederick Nelson, Acting Inspector of Fisheries, Bungendore, Lake George,

[To

[To Evidence of Dr. Cox.]

A 4.

STATEMENT of Receipts and Expenditure on account of the Department of Fisheries, New South Wales, from 1881 to 1888, inclusive.

Year.		Receipts.	Disbursements.	Year.		Receipts.	Disbursements.
		£ s. d.	£ s. d.			£ s. d.	£ s. d.
1881	Receipts under Fisheries Act	1,554 8 6	1,488 7 5	1885	Receipts under Fisheries Act	4,988 4 0	4,988 4 0
	Salaries	.....	911 12 2		Salaries	.....	4,113 1 10
	Contingencies	.....	576 15 3		Contingencies	.....	1,608 7 9
		1,554 8 6	1,488 7 5			4,988 4 0	5,621 9 7
		1,488 7 5					4,988 4 0
	Excess of receipts over expenditure..	66 1 1			Excess of expenditure over receipts	.....	633 5 7
1882	Receipts under Fisheries Act	2,651 2 0	3,033 6 7	1886	Receipts under Fisheries Act	7,037 8 10	5,032 8 7
	Salaries	.....	2,200 11 1		Salaries	.....	1,093 17 0
	Contingencies	.....	832 15 6		Contingencies	.....	.....
		2,651 2 0	3,033 6 7			7,037 8 10	6,126 5 7
			2,651 2 0				.....
	Excess of expenditure over receipts..	.....	382 4 7		Excess of receipts over expenditure	911 3 3	.....
1883	Receipts under Fisheries Act	2,943 2 10	3,875 4 3	1887	Receipts under Fisheries Act	5,427 8 0	4,108 19 6
	Salaries	.....	2,833 1 11		Salaries	.....	2,143 8 6
	Contingencies	.....	1,042 2 4		Contingencies	.....	.....
		2,943 2 10	3,875 4 3			5,427 8 0	6,252 8 0
			2,943 2 10				5,427 8 0
	Excess of expenditure over receipts..	.....	932 1 5		Excess of expenditure over receipts	.....	825 0 0
1884	Receipts under Fisheries Act	5,865 7 9	5,231 15 7	1888	Receipts under Fisheries Act	3,634 19 8	4,436 11 2
	Salaries	.....	3,144 0 0		Salaries	.....	1,828 17 7
	Contingencies	.....	2,087 15 7		Contingencies	.....	.....
		5,865 7 9	5,231 15 7			3,634 19 8	6,265 8 9
		5,231 15 7					3,634 19 8
	Excess of receipts over expenditure..	633 12 2	.....		Excess of expenditure over receipts	.....	2,630 9 1

RECAPITULATION.

	£	s.	d.	£	s.	d.
Expenditure on account of 1881	1,488	7	5			
Do do 1882	3,033	6	7			
Do do 1883	3,875	4	3			
Do do 1884	5,231	15	7			
Do do 1885	5,621	9	7			
Do do 1886	6,126	5	7			
Do do 1887	6,252	8	0			
Do do 1888	6,265	8	9			
				37,894	5	9
Receipts for 1881	1,554	8	6			
Do 1882	2,651	2	0			
Do 1883	2,943	2	10			
Do 1884	5,865	7	9			
Do 1885	4,988	4	0			
Do 1886	7,037	8	10			
Do 1887	5,427	8	0			
Do 1888	3,634	19	8			
				34,102	1	7
Excess of expenditure over receipts	£3,792	4	2			

[To Evidence of Dr. Cox.]

A 5.

Sir,

Sydney, 16 April, 1888.

I have the honor to inform you that I, accompanied by Hellings and Glading, went up to Ryde Police Court on Saturday, the 14th, for the purpose of prosecuting Thomas Gascoigne for fishing in closed waters. The case was called and the information read to him. He pleaded guilty to the charge, but said he was not a fisherman, and had not had a license for some time, and he was only fishing to get a few to eat. I said it mattered not as he was caught fishing in closed waters. Thereupon the magistrate asked me if I had a written authority to prosecute, and I showed him the Act and said it was my authority; also, I pointed out to him the Commissioner's minute. He asked me if I held the same position as Mr. Assistant Inspector Smith, whose case had been dismissed, and I replied by saying that I held the position as Assistant Inspector of the Home Division. Thereupon the three magistrates consulted together, and the chief one said it would not be fair to fine Mr. Gascoigne heavily when the men in Mr. Assistant Inspector Smith's case had been dismissed (which had just come on before mine); therefore he said he would fine Mr. Gascoigne 1s. and costs.

I think this is very hard, after myself and men working day and night, to be treated in this manner. It appears the fishermen have the privilege to do as they like with us.

I have, &c.,
THOMAS MULHALL,
 Assistant Inspector Fisheries.

To the Chief Inspector.

Commissioner's Minute.—Read, 18/4/88.

Court-house, Ryde, 14 April, 1888.

(Before J. E. Manning, J.P., J. T. Rodd, J.P.)

Thomas Mulhall, Assistant Inspector of Fisheries, v. Thomas Gascoigne—hauling a net to take fish in closed waters, on 29th March, 1888. Defendant pleaded guilty; fined, 1s.; costs, 4s. 10d. Fine and costs paid.

JOHN E. MANNING, J.P.
J. T. RODD, J.P.

Sir,

Sydney, 2 April, 1888.
 Sir, I have the honor to inform you that on Thursday evening, the 29th March, I went up the Parramatta River, accompanied by Hellings and Glading, and about 10 o'clock at night we caught Mr. Thomas Gascoigne, of Ryde, on the Flats above Ryde, opposite Homebush, casting and hauling a meshing net in the closed tidal waters of New South Wales. I seized the net and brought it on to Woolloomooloo. Awaiting instructions from the Commissioners. The dimensions of net, 60 fathoms long, 4 inch mesh.
 I have, &c.,
 THOMAS MULHALL,
 Assist. Insp. Fisheries, Sydney.

To the Chief Inspector.
Commissioners' minute:—Prosecute. Inquire why it is the ropes used were not also seized.—4/4/88. Assist. Insp. Mulhall, for his information.—L.G.T., Secretary, B.C., Department of Fisheries, Sydney, 5/4/88. Gascoigne fined 1s. and costs.—T. MULHALL, 14 April, 1888.

Sydney, 30 April, 1888.
 Sir, I have the honor to inform you that I went up to Ryde on Saturday to the Court-house to have the net confiscated (which I seized from Thomas Gascoigne on the 29th March last). The Magistrate there refused to confiscate the net, saying the Commissioners had to do with it.
 I have, &c.,
 THOMAS MULHALL,
 Assist. Insp. Fisheries, Sydney.

To the Chief Inspector.
Commissioners' minute:—Make another effort to get net confiscated.—2/5/88. Assist. Insp. Mulhall.—L.G.T., 3/5/88.
 In reference to the confiscation of this net I called to see Mr. Jeannerett three times, and on the last occasion I took the Act with me, and he said he could not see anything in it to give them power to confiscate the net; also that the Commissioners had to do with it. He promised to call to see Mr. Thompson.—T. MULHALL, Assist. Insp. of Fisheries, Sydney, 23 May, 1888. Submitted, 31/5/89. *Commissioners' minute*:—Sell the nets.—7/6/89.

PENALTIES for net-fishing in closed waters.
 Fisheries Act, 1881.

Section 10.—Penalty under section 10, not exceeding fifty pounds (£50), and not less than ten pounds (£10), for first offence of fishing.
 Section 18.—Penalty under section 18, for first offence not exceeding ten pounds (£10).
 Penalty for second or any subsequent offence not exceeding twenty pounds (£20), and not less than five pounds (£5).
 Magistrates who tried the case Inspector Mulhall v. Gascoigne, fishing in closed waters:—J. E. Manning, Esq., J. T. Rodd, Esq. (Case tried 14 April, 1888.)

PARTICULARS of prosecutions against Thomas, Robert, and John Gascoigne for breaches of the "Fisheries Act, 1881."

Date.	Prosecuting Officer.	Name of Offender.	Offence.	Result of prosecution.
25 Sept., 1882 ...	Inspector Quinan ...	Thomas Gascoigne ...	Having under-weight fish in his possession.	Fined £2 and costs.
16 Jan., 1883 ...	" ...	John Gascoigne ...	" " " "	" " "
16 " 1883 ...	" ...	Thomas Gascoigne ...	" " " "	" " "
14 April, 1888 ...	Inspector Mulhall ...	" "	Fishing in closed waters ...	Fined 1s. and costs.
28 " 1888 ...	Inspector Smithers ...	Robert Gascoigne ...	Using an illegal net ...	Dismissed.
28 " 1888 ...	" ...	" "	Fishing in closed waters ...	" "

[To Evidence of Dr. Cox.]

A 6.

APPLICATIONS to lease Land for Oyster Culture by R. R. Armstrong and Sons.

Lease No.	Name.	Area.	Locality.	Deposit.	Action.	Rent due.
95	R. R. Armstrong	1,000 yards.	Port Stephens	{ £10—28/2/85 } { £10—6/9/86 ... }	Refund, £12 18s. 4d.— Forfeited.	£ s. d.
99	L. F. M. Armstrong	2,000	Middle Harbour	Nil	Refused.	
113	R. R. Armstrong	1,500	Hawkesbury	"	" "	
120	W. G. Armstrong	2,000	do	"	" "	
129	R. C. F. Armstrong	2,000	Middle Harbour	"	" "	
148	R. R. Armstrong	400	Hunter River	"	" "	
153	R. F. C. Armstrong	500	do	"	" "	
154	L. F. M. Armstrong	400	do	"	" "	
156	W. G. Armstrong	1,200	do	"	" "	
230	R. R. Armstrong	2,000	Port Hacking	"	" "	
233	Do	1,100	Botany	"	" "	
405	Do	2,000	Womboyn River	"	" "	
406	Do	2,000	do	£20—21/11/84 ...	Cancelled, 3 May, '87.	
407	T. D. C. Armstrong	2,000	do	Nil	" "	
408	L. F. M. Armstrong	2,000	do	"	" "	
409	W. G. Armstrong	2,000	do	"	" "	
476	R. R. Armstrong	1,500	Hawkesbury	"	" "	
477	Do	1,500	do	"	" "	
502	Do	500	Clyde River	"	" "	
505	Do	400	Port Stephens	"	" "	
524	R. C. F. Armstrong	2,000	George's River	"	" "	
525	W. G. Armstrong	2,000	do	"	" "	
526	R. R. Armstrong	2,000	do	"	" "	
527	L. F. M. Armstrong	2,000	do	"	" "	
589	R. C. F. Armstrong	200	Betangabu Bay	"	" "	
591	R. R. Armstrong	1,000	Womboyn River	"	" "	
592	L. F. M. Armstrong	900	do	£9—25/11/84 ...	" "	
593	T. C. Armstrong	600	do	Nil	Refused.	
594	W. G. Armstrong	600	do	"	" "	

Lease No.	Name.	Area.	Locality.	Deposit.	Action.	Rent due.
		yards.				£ s. d.
733	R. R. Armstrong	800	Port Stephens	Nil	Refused.	
1,004	Do	900	do	£9-5/1/85	Lease issued, 29/1/86...	27 0 0
1,005	Do	600	do	£6-	" 28/1/86...	18 0 0
1,025	W. G. Armstrong	400	do	£4-12/1/85	Cancelled, 27/8/87.	
1,081	Do	300	do	£3-4/2/85	"	
1,082	L. F. M. Armstrong	300	do	£3-	Ready to sign, 6/7/86...	6 0 0
1,130	Do	500	do	£5-19/2/85	Cancelled, 27/8/87.	
1,131	Do	300	do	£3-	"	
1,129	W. G. Armstrong	500	do	£5-	"	
1,132	Do	100	do	£1-	"	
1,133	R. R. Armstrong	100	do	£1-	Cancelled, 30/1/89.	
1,134	Do	100	do	£1-	"	
1,135	Do	100	do	£1-	"	
1,233	Do	200	do	£2-21/4/85	Cancelled, 27/8/87.	

[To Evidence of Dr. Cox.]

A 7.

To the President of the Fisheries Commission,—
Sir,

Sydney, 17 June, 1889.

I have the honor to inform you (except in times of heavy weather) there has always been a good supply of fish at the Woolloomooloo Fish-market; so much so, in several instances the quantity has been rather greater than the demand, and had to be sold at so cheap a rate not sufficient, I believe, to pay the expenses attached to them, and at other times had to remain unsold in the fish-market, and in the end had to be carted away as unfit for food.

I have, &c.,

THOMAS MULHALL,

Assist. Insp. Fisheries, Sydney.

RETURN showing the total number of Baskets of Fish sold at the Sydney Fish-market in 1885, 1886, 1887, and 1888; also the amount realized each year by the sale thereof.

1885.—Number of baskets, 38,162½; amount realized, £31,674 18s. 1d.

1886.— do 45,533; do £34,331 18s. 9d.

1887.— do 51,275; do £31,594 3s. 3d.

1888.— do 54,997; do £37,775 6s. 11d.

Total number of baskets, 190,017½; total amount realized by sale thereof, £135,376 7s.

RETURN showing the average weight of a Basket of Fish; also the average number of Fish which make up a Basket:—Garfish, whiting, bream, mullet:—Average weight per basket, 70 lb.

The average number of fish to a basket:—Garfish, 25 dozens; whiting, 5½ dozens; bream, 4 dozens of moderate size; mullet (small), 7 dozens; mullet (large), 2½ dozens.

[To Evidence of Dr. Cox.]

A 8.

RETURN showing the number of Applications to lease shore for Oyster Culture made in 1883 and subsequent years. Also, the number of Leases accepted by Applicants, and the number on which rent is paid to date; and persons employed in the Department.

	1883.	1884.	1885.	1886.	1887.	1888.	1889.
1. Applications for shore for oyster culture	198	715	1,491	339	146	84	41
2. Applications accepted by applicants	69	214	271	172	79	36	6
3. Leases on which rent is paid to date	45	103	120	78	44	31	.....
Number of persons employed in the Department—							
Office	3	6	7	8	8	8	6
Inspectors	3	3	3	3	2	2	2
Assistant inspectors	8	11	11	12	13	13	13
Acting assistant inspectors	9	12	11	10	11	10	9
Boatmen	4	3	*6	7	7	7	6
Engineer	1	1	1	1	1	1	1
Messenger	1	1	1	1	1	1	1
Total	29	37	40	42	43	42	38

* Including 1 aboriginal.

[To Evidence of Dr. Cox.]

A 9.

COMPARATIVE Return showing the quantity of Fish brought to the Fish-market, Woolloomooloo, and the price realized therefor, from the 1st January to the 31st July of the years 1886 and 1887:—

	1886.	1887.	REMARKS.
Number of baskets of Fish	28,705	32,028	It will be observed that whilst the supply shows an increase of 3,323 baskets, and 7,302 dozen, there is a decrease in the price realized of £2,120 2s. 6d.
Number of dozens of Fish	2,076	9,378	
Amount realized at auction	£ 20,692 19 9	18,563 17 3	

NOTE.—The heavy increase in the dozens of fish received in 1887 is caused by the large number of sea-mullet caught during the months of April and May, viz., in April, 6,920 dozens, and in May, 1,070 dozens—in all 7,990 dozens.

[To

[To Evidence of Dr. Cox.]

A 10.

RETURN showing the quantity of Fish brought to the Fish-market, Woolloomooloo, and the amount realized for sale thereof during the years 1884, 1885, and 1886 :—

	1884.	1885.	1886.
Number of baskets of Fish	32,956	38,163	45,583
Number of dozens of Fish	5,280	5,646	3,161
Amount realized at auction	£ 30,115 17 1	30,789 0 0	34,331 18 9

[To Evidence of Lindsay G. Thompson.]

B 1.

Proposed new Legislation for Regulation of Fisheries.

MEMORANDUM.

IN furtherance of the Commissioner's minute requiring a report showing the amendments necessary in the existing fisheries laws, I submit two Bills which I have prepared on the basis, and, as far as possible, after the lines of the present Acts. I found that the amendments and additions which experience had suggested to me were so numerous and required such careful and particular statement that I could not embody them in a report with much assurance that my meaning and intention would be made clear and intelligible beyond doubt, and this is my apology for exceeding the directions of the minute by submitting Bills instead.

I now proceed to explain and comment upon the Bills, showing section by section wherein they differ from the existing statutes.

Section 1 defines the title, the Fisheries Regulation Act, 1888, and the order and arrangement of the measure.

Section 2 embodies the interpretation of terms when used in the Bill, and regard has been had to their adaptability for shortening the verbiage and giving precise application to the intention of sections of the Act.

Section 3 provides for the repeal of the existing enactments, excepting Part II (private fisheries) of the Fisheries Act, 1881, but including the recent measure—"An Act for the better preservation of fish in inland waters." It will be found that in the Bill now submitted every provision of that Act has been embodied, so that no reason exists for its retention on the Statute-book.

Section 4—"Constitution of Fisheries Commission as a body corporate"—stands the same as in the Fisheries Act, 1881.

Section 5 provides for the appointment of officers. It differs only from section 5 in the present Act in so far that it provides that the Chief Inspector and the Secretary shall be statutory appointments.

Section 6 confers on all officers of police and constables the position of local Inspectors of Fisheries *ex officio*.

[NOTE.—In view of the recent proposal to dispense as far as possible with local Inspectors and to provide oversight by means of a travelling Inspector, I have thought it desirable to expunge section 6 of the existing Act, which provides for the appointment of Customs or Marine Board officers as Inspectors, as well as section 8, distributing the Fisheries into Division.]

Section 7 takes power to make regulations. It is like section 9, Fisheries Act, except that it provides for rewards for capture of sharks.

PART I.

Net and Line Fisheries.

Sections 8 and 9 define the several kinds of nets proposed to be used and the penalties for infringement. They take in the provisions of sections 11, 12, and 13 of the Fisheries Act, but separately specify the meshes and dimensions of all the nets therein named, and, in addition, provide for the use of a deep-water prawn-net and a sunken bag-net. I confess I am not partial to either of these nets. I have included them only in deference to the known desire of certain fishermen to use them; and in limiting their length, providing ample mesh, and enacting that they shall terminate in a ring floating upright in the water, I have had in view the purpose of making them as little destructive to young fish and fish food as possible.

Section 10—As to hanging of nets—is a new provision. It is the practice of the Greeks to hang their nets on an equal length of line, the result being that as soon as the nets are subjected to a hauling strain the meshes close, and the chance of escape for small fish is very much diminished.

Section 11—Waters not to be stalled—is in part a new provision. The interception of the passage of fish by the setting of brushwood is now practised in suitable creeks, and it seems desirable to legislate against it.

Section 12—Two or more nets not to be set together.—This provision is very similar to one to be found in section 11 of the existing Act, and the necessity for its retention is obvious.

Section 13—Penalties for having under-weight fish—is practically the same as section 14 of the Fisheries Act, the difference being that it excludes from the proviso of "nonapplication" persons having in possession fish not intended for sale.

Section 14—Prawns to be riddled in their own waters only—is practically the same as section 15, Fisheries Act.

[NOTE.—Prawns having been included in the Schedule defining what under this Act are fish, the necessity for retaining section 16, Fisheries Act, is avoided.]

Section 15—Proclamation of close fisheries—is similar to section 10, Fisheries Act, except that it gives direct power to the Commissioners to exempt tidal and inland waters also from net-fishing, and line-fishing as well, when thought necessary. It seems desirable that the Commissioners should have this direct power, in order to avoid the delay of a reference to the Governor and Executive Council.

Sections 16 and 17—Closing waters against fishing-nets, and penalties for infringement—are in a measure equivalent to sections 17 and 18, Fisheries Act, except that they embrace inland waters. They give wider power for closing, and enact more stringent penalties.

Section 18—Persons not to have fresh caught fish or wotted nets in closed waters—is a new provision suggested by experience of the difficulty in procuring the conviction of persons found fishing in closed waters.

Section 19—Crew of seized boats to assist Inspectors—is also new, and suggested by experience. An Inspector when single-handed has often been prevented by want of assistance from taking away a seized net to a place of safe custody.

Sections 20 and 21—Licensing of fishing boats and men—are similar to sections 19 and 20 of Fisheries Act, except that they provide against any sale of a boat carrying with it the transfer of the license; also that persons fishing in inland waters shall be licensed.

Section 22—Penalty for fishing without a license—is the same as section 21 of the Fisheries Act.

I have not amended this section, as I am not aware what views the Commissioners entertain in respect to it. My own opinion is that the fee should be increased, and an attempt made to compel persons who go in chartered boats on pleasure fishing excursions to contribute to the cost of protecting the fisheries from which they derive enjoyment. The imposition of a small fee would not create a hardship upon the individual, while it would provide a legitimate source of revenue. If one person who has to earn his living by means of fishing be required to pay a fee, surely another who follows the pursuit as a pastime should not be exempted.

Section 23 is new. Its object is to put a check upon the joining of nets. It may be desirable to make two the limit number of nets which may be carried in one boat.

Sections 24 and 25—Prohibiting use of dynamite and placing obstacles on hauling grounds—are very similar to sections 22 and 23, Fisheries Act.

Section 26—For protection of fishermen netting-fish—is new, and is suggested by experience.

Section 27—Netters to give name and residence—is like unto section 24, Fisheries Act, but the latter clause of it is new, and suggested by experience.

Section 28—Inspectors may search for and seize nets used in contravention of the Act—is equivalent to section 25, Fisheries Act.

[NOTE.—It is not proposed to interfere with Part III, Fisheries Act (Private Fisheries). This part has not so far been availed of by the public, but will doubtless be found of great value in future time.]

PART 2.

Legal Procedure—Miscellaneous.

Section 29—Procedure—is similar to section 58, Fisheries Act, except that provision is made for offences committed in any part of the Metropolitan Police District being heard at any one of the Courts in that district; this provision is essential, not only in the convenience of the Department, but in the interests of the fishermen themselves, for their attorneys very frequently set up the technical plea of “no jurisdiction,” with the result that the cases have to be dismissed only to be brought forward again to the advantage of none but the attorneys, who of course obtains a second fee for a second appearance.

I submit for consideration whether it is desirable to retain the provision that “every defendant shall be a competent witness in his own case;” it is quite possible for unprincipled persons when obviously guilty to swear themselves out of Court through this provision.

Section 30—As to appropriation of penalties—is the same in substance as section 59, Fisheries Act.

Section 31—Appeal—is grounded upon section 60, Fisheries Act, except that it forces the appellant to notify his intention to appeal within seven days from date of adjudication.

Section 32—Assaulting Inspectors—is a similar provision to that contained in section 61, Fisheries Act.

Section 33—Apprehension of offenders—is equivalent to section 62, Fisheries Act, except that it gives more ample powers to Inspectors.

Sections 34 and 35—Justices to grant warrants to enter suspected places, and Customs and Marine Board Officers to aid Inspectors—are respectively similar to sections 63 and 64, Fisheries Act.

Sections 36, 37, and 39—Relating to instruments in evidence—search for and seizure of fish—report by Commissioners—are respectively alike unto sections 66, 67, and 69, Fisheries Act.

Section 38—Penalty on breach of Act—is new, and is intended to cover omissions which may occur in the passing of this measure into law.

The schedules to the Act have been amended so as to bring within the varieties of fish protected, the jew-fish, the sampon-fish, the kingfish, the prawn, the lobster, the tench, and fish not indigenous to the Colony, which may be introduced, or be in any inland waters.

52^o VICTORIA 1889.

A BILL to provide for the development and regulation of the Fisheries of the Colony.

Preamble.

WHEREAS the existing statute law is insufficient to preserve from exhaustion the natural supplies of marine and other edible fishes; and it is expedient that such law should be repealed, and that more effective measures should be adopted to check the wanton or unnecessary destruction of immature fish, and to prevent the disturbance of the various nurseries and breeding-grounds and to regulate the operation of fishermen: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Preliminary Provisions—Appointment of Commissioners, &c.

Short title and arrangement of Act.

1. This Act may be cited for all purposes as the “Fisheries Regulation Act, 1889,” and its provisions are arranged in the order, and comprise the subjects following, viz. :—

Preliminary Provisions—Appointment of Commissioners, &c.—ss. 1-7.

PART I.—Net and Line Fisheries—ss. 8-28.

PART II.—Legal Procedure—Miscellaneous—ss. 29-39.

SCHEDULES.

Interpretation terms.

2. In this Act, unless the context requires a different meaning, the following words within inverted commas shall bear the respective meanings hereby assigned to them:—

- “Governor”—The Governor with the advice of the Executive Council.
- “Commissioners”—The Commissioners of Fisheries appointed under this or the repealed Act.
- “Fish”—All or any of the varieties of marine or fresh water fishes enumerated in the First Schedule hereto; also fish not indigenous to this Colony which may be introduced or be in any inland waters.
- “Lobster”—The crayfish commonly called “lobster.”
- “Hauling grounds”—Any Crown land proclaimed as such for the purpose of netting fish.
- “Bunt”—The middle portion of a general working garfish or bag-net, between the wings, but not being more than one-third of the lawful length of such respective nets.
- “Wing”—The portion of a general working, garfish, or bag-net, on each side of the bunt, but not being more than the respective lawful length of the bunt of such nets.
- “Boat”—Any vessel or punt of any description whatsoever.
- “Tidal Waters”—All waters which ebb and flow over Crown lands, within the territorial jurisdiction of the Crown in New South Wales, and every lake and lagoon in the said Colony ordinarily subject to the influence of the tides (although the communication with the sea may for the time be closed), the soil or bed whereof is the property of the Crown; together with, in each case, the soil of such Crown lands.
- “Inland Waters”—All rivers and creeks for that portion of their watercourse which is beyond the influence of the tides; also all fresh water lakes, lagoons, and ponds.
- “Justice”—Any Justice of the Peace.
- “Inspector”—Inspectors or Sub-Inspectors of Fisheries, and Inspectors *ex officio* appointed under this or the repealed Act.

Repeal of 44 Vic. No. 26 46 Vic. No. 25, 51 Vic. No. 26.

3. The Parts I, II, and IV of the Act forty-fourth Victoria number twenty-six, intitled “An Act to provide for the development and regulation of the Fisheries of the Colony” not already repealed; the Act forty-sixth Victoria number twenty five, intitled “An Act to amend the Fisheries Act, 1885;” and the Act fifty-first Victoria number twenty-six, intitled “An Act for the better preservation of Fish in Inland Waters;” are hereby repealed, but without prejudice to the past operation of, or to any right lawfully created, offence committed, or penalty incurred under, any of the said Acts.

Constitution of Fisheries Commissioners as a body corporate.

4. The duty of protecting, developing, and regulating the public fisheries of New South Wales shall be vested in five Commissioners to be called the “Commissioners of Fisheries for New South Wales,” who, by that name, shall be a body corporate, with perpetual succession and a common seal, with power to hold real and personal estate, and to sue and be sued, and to take, and be the subject of all legal proceedings by such name. And the duties, power, and authority of the said Commissioner shall extend to the territorial limits of the said Colony. Such body corporate shall be composed of five persons to be appointed by the Governor by Commission under the Great Seal, each of whom shall hold office for the term of five years from the date of his appointment, unless his office become vacant in the meantime by death or resignation, but subject nevertheless to removal by the like authority. But any Commissioner may be reappointed after the expiration of his term of office. The Governor shall, either by the original Commission or otherwise as to him seems proper, appoint one of the Commissioners to be President. And the President, or in his absence one of the Commissioners appointed from time to time by the meeting, shall preside at all meetings, and at any voting shall have an original, as well as (in cases of equality of votes) a casting vote. Any three Commissioners shall be a quorum.

Appointment of officers.

5. It shall be lawful for the Governor, on the recommendation of the Commissioners, to appoint a Chief Inspector, Secretary, and so many Inspectors and Sub-inspectors of Fisheries and other officers as he may think necessary for the purposes of this Act, and to assign to every such officer such salary as he may think fit, and as Parliament may vote. And every such officer shall act under the direction of, and be responsible for the due performance of his duties to, the Commissioners.

6. All Police Magistrates, and all officers of police and constables, shall within their respective districts be, and have the powers and authorities of, Inspectors of Fisheries, *ex officio*.

7. It shall be lawful for the Governor to make regulations from time to time for the purpose of giving effect to the provisions of this Act as to all details whatever; and, in addition to any purpose hereinafter mentioned, for any of the purposes following, namely—

- (I) For regulating the conduct of business by the Commissioners, and defining the duties of all officers and other persons clothed with any duty or authority under this Act.
- (II) For prescribing the forms and conditions of all licenses, mode of payment of license fees, and the due transmission of and accounting for all moneys to the Treasury and Audit Department, respectively.
- (III) For prescribing, notwithstanding anything contained in this Act or the Second Schedule hereto, the lengths of nets and dimensions of meshes of nets, and the mode of testing the same, as well as the kinds, weights, or sizes of fish prohibited to be caught, sold, or consigned, or exposed for sale; and for defining what are marketable and unmarketable prawns.
- (IV) For determining all rights of priority in shooting nets, or dredging for oysters, as between fishermen and dredgermen netting or dredging on the same ground.
- (V) Prescribing a scale of rewards (and the terms and conditions of the payment thereof) for the destruction of cormorants or shags or sharks. Provided that such reward shall not exceed the sum of sixpence for any one such bird, nor the sum of _____ for any one such shark, and shall be payable out of the moneys received into the Treasury under the provisions of this Act.
- (VI) Prescribing the conditions under which gaolers and persons in charge of any gaol, watch-house, lock-up, or police station may take recognizances from persons lodged in custody under the sixty-second section hereof.
- (VII) Providing for the hauling and landing of fishing-nets in such manner as to prevent the destruction of underweight fish, and for the general regulation of net and line fishing.
- (VIII) Providing for the sale or other disposal of any nets, boats and gear, or other implements of fishing, or any underweight fish seized or forfeited under any of the provisions of this Act.

It shall be lawful for any such regulations to provide for their enforcement by the imposition of a penalty not exceeding in any case the sum of twenty pounds. And all such regulations shall, on publication in the *Gazette*, have the full force of the law, and a copy thereof shall be laid before the Legislative Council and Legislative Assembly, within fourteen days after the making thereof, if Parliament be then in Session, and if not, then within fourteen days after the commencement of its then next ensuing Session.

PART I.

Net and Line Fisheries.

8. Fishing nets of the several kinds and of the respective lengths and dimensions of meshes shall, subject to the provisions hereunder severally specified, be deemed to be lawful nets within the meaning of this Act. Kinds of lawful nets.

A general working net shall consist of a bunt and a wing on either side of such bunt. The bunt shall have a mesh not less than two and one quarter inches, and each wing a mesh of not less than three inches. Such net shall be used for taking fish in tidal waters only, and when cast or shot shall not enclose a space measuring more than three hundred yards along the cork line from one end of such net to the other.

A garfish-net shall consist of a bunt, and a wing on either side of such bunt, but hung on the same cork and foot-lines. The bunt shall not exceed thirty fathoms in length, nor have a mesh less than one and one quarter inches. Each wing shall have a mesh not less than two inches. The foot-line may be weighted, but only to such an extent that when set the cork line shall not be sunken below the surface of the water. Provided that such net shall be used only in tidal waters, and in such months of the year as shall be determined by regulations under this Act, and for the purpose of catching garfish only.

A shore prawn-net shall consist of a net not exceeding fifteen fathoms in length and having a mesh throughout not less than one inch. Such net shall be used only in tidal waters and for the purpose of catching prawns only, and shall not, when set, extend into the water more than thirty fathoms beyond the line of low-water-mark.

A deep water prawn-net shall consist of a net not exceeding fifteen fathoms in length and having a mesh not less than one and one quarter inches. And extending from the centre of such net, and constructed of netting of the same sized mesh, there may be a bag elongated in the form of a cod or purse, but the end of such bag shall terminate in a ring fifteen inches in diameter. Such ring shall be corked on the top sufficiently to enable it, when set, to float upright in the water. Such net shall not be used except in tidal waters and for the purpose of catching prawns only.

A sunken bag-net shall consist of a bunt not exceeding fifty fathoms in length; extending from the centre of which and constructed of netting of the same sized mesh as is hereinafter prescribed for the bunt shall be a bag elongated in the form of a cod or purse; but the end of such bag shall terminate in a ring fifteen inches in diameter; such ring shall be corked on the top sufficiently to enable it, when set, to float upright in the water. On each side of the bunt shall be a wing; the wings shall have a mesh not less than three inches, and the bunt a mesh not less than two and one half inches.

An inland waters net shall consist of a net having a mesh not less than four inches in any part thereof and not fitted with a bag or purse. Such net shall not be staked, fixed, or set within fourteen feet of the edge of the water on either bank of any inland waters. Provided always that nothing in this section contained shall apply to the owner of the soil or bed of any inland waters using or setting a net within such waters to capture fish for breeding purposes, or for stocking a fishery, or for his own consumption only.

A meshing-net, for use in tidal waters only, shall consist of a net having a length not exceeding sixty fathoms, and a mesh not less than four inches in any part.

9. Any person who shall catch or attempt to catch marine fish, other than prawns or garfish, with a net greater in length or less in mesh than are prescribed in the next preceding section to be the length and meshes for a general working net, shall be deemed to be using an unlawful net, and shall, for the first offence, be liable to a penalty not exceeding five pounds and not less than two pounds, and for a subsequent offence to a penalty not exceeding twenty and not less than ten pounds. Also, shall be liable to the like penalties, and be deemed to be using an unlawful net, any person who shall catch, or attempt to catch, prawns or garfish, or to mesh or attempt to mesh fish, or fish in inland waters, with a net greater in the length or less in the meshes than are respectively and severally prescribed therefor in the next preceding section. And every person aiding or assisting in the use of such unlawful nets, or being in the same boat in use by the offender, shall also be liable to the like penalties. The Justices shall, in every case where an offender is convicted under this section, order all unlawful nets used by, or found in the possession of, such offender to be forfeited to Her Majesty. Penalties for using unlawful nets.

10. Every net shall be an unlawful net within the meaning of this Act, if the same, when hung, shall have the netting distributed in less equal proportion than eighteen inches in length of the netting to every twelve inches in length of the cork and foot-lines. Fishingnets how to be hung.

11. The setting of any net, netting, brushwood, or other substance across or within any bay, inlet, river, or creek, or across or around any flat, in tidal waters, in such a manner that fish enclosed thereby are, or may be left, stranded at low tide, is hereby declared to be illegal. Waters not to be stalled.

12. Any two or more nets of any of the kinds specified in this Act placed behind or near or alongside or adjoining each other in such a manner as to diminish the mesh or the means of escape for enclosed fish, shall be deemed to be unlawful nets under this Act. Two or more nets not to be set together.

13. If any person shall have in his possession or on his premises or in his boat, or shall sell or consign or expose for sale, any fish of any of the species mentioned in the Second Schedule hereto of a less weight than that set opposite the name of such fish in such Schedule, or prescribed by any regulation, he shall be liable to a penalty not exceeding two pounds for the first offence, and for the second or any subsequent offence to a penalty not exceeding five pounds and not less than two pounds. And all such underweight fish, together with all other fish found in the same basket or other receptacle, or on the same table or stand, or found in the same boat, cart, or vessel with such underweight fish, shall be forfeited and be disposed of in accordance with the regulations. And any Inspector or person authorized by him may seize any fish which under this section are liable to forfeiture and take the same before any Justice, who upon view thereof shall declare whether or not such fish are under weight, and if he declare them to be so, shall order them to be forfeited and to be disposed of in _____.

Certain persons to be inspectors *ex officio*. Regulations.

Penalties for using unlawful nets.

Fishingnets how to be hung.

Waters not to be stalled.

Two or more nets not to be set together.

Penalties for having underweight fish in possession.

in accordance with the regulations. The provisions of this section shall not apply to any curator of a museum or zoological collector holding a permit from the Commissioners, or to any owner of a private fishery in respect of fish taken therefrom, or to any persons being in possession of fish for purposes of pisciculture, or to any aboriginal taking or being in possession of fish for his own consumption; but in every such case of exemption the proof thereof shall be upon the defendant or person charged.

Prawns to be riddled in their own waters only.

14. All prawn-fishers and other persons catching prawns shall, if they require to riddle them so as to separate the marketable from the unmarketable, so riddle or separate them immediately upon being caught, and in such a manner as to permit the small prawns to escape. And if any prawn-fisher or person shall fail to comply with such direction, or shall riddle or separate any prawns after boiling or cooking the same, or when such prawns are dead, he shall be liable to the like penalties as are provided by the last preceding section.

Proclamation of close fisheries.

15. It shall be lawful for the Commissioners to declare by notice in the *Gazette* that any specified tidal or inland waters shall be exempted from net or line-fishing, or both, during any specified months in any year. The fisheries in all such waters so specified shall be termed "Close Fisheries," and the months during which the same are so declared exempt from net-fishing, "Close months." And if any person shall, in any close fishery, during any close month, place any line or shoot, cast, or haul any net whatever, or stake, fix, or set any such net or line for the purpose of catching, taking, or enclosing fish, or in such manner that fish might be caught or taken thereby, such person shall be liable to a penalty not exceeding *fifty* pounds and not less than *ten* pounds. And every person aiding or assisting in the placing, shooting, casting, or hauling of any such net or line, or being in any boat from which any such net or line shall be placed, shot, or cast, in contravention of the provisions of this section shall incur a like penalty. Provided always that it shall be lawful for the Governor, or the Commissioners, in like manner, to rescind or vary any such proclamation.

Proclamation closing waters against use of fishing-nets.

16. It shall be lawful for the Governor, from time to time, to declare by proclamation, to be published in the *Gazette* and in some newspaper circulating in the nearest Police District, that the whole or any defined portion of any inland water or tidal river, inlet, estuary, lake, lagoon, or arm of the sea shall be closed against the use of fishing-nets or lines, or both, for such term as the Governor shall think fit. And any such proclamation may be renewed by the Governor, if so advised by the Commissioners, for a further period, or may in like manner be varied or rescinded at any time whatever.

Penalty for fishing in closed waters.

17. If any person, after the expiration of thirty days from the date of any such original proclamation as is described in the next preceding section hereof and during the currency thereof, or at any time after any renewal or variation of such proclamation, and during the currency thereof shall cast, haul, stake, fix, or place any net or line of any kind whatever for the purpose of taking or capturing fish, or by which fish may be taken or captured, within the limits of the waters or area defined in such proclamation, such person shall be liable for the first offence to a penalty not exceeding *ten* pounds and not less than *five* pounds, and for the second or any subsequent offence to a penalty not exceeding *twenty* pounds and not less than *ten* pounds; and every person aiding or assisting in the casting and hauling or otherwise fixing of such net or line, or being in any boat from which any net shall be shot in contravention of the provisions of this section, shall incur a like penalty. And every person convicted under this section shall, if holding a license under this Act, be deemed by conviction to have forfeited his license. And all fish taken in violation of the provisions of this section, together with all fishing-nets, lines, and boats used for the purpose of taking the same, shall thereupon become forfeited to Her Majesty, and shall be disposed of as provided by the regulations. Any inspector may, with or without warrant, apprehend and take before one or more Justices any person found offending against the provisions of this section, to be dealt with as hereinafter provided; and may in like manner seize every such net and boat.

Persons not to have fresh caught fish in closed waters.

18. If any person shall be found with fresh caught fish or a wetted net in his boat or in his possession in waters which by proclamation under this Act are exempted from line or net-fishing or closed against the use of fishing-nets or lines, such person shall be deemed to have been unlawfully catching or attempting to catch fish in contravention of the provisions of this Act, and every person convicted under this section shall be subject to the penalties and forfeitures provided by the next preceding section hereof. Provided always that a right shall be reserved to the defendant to prove that he was not upon such waters for any unlawful purpose under this Act.

Crew of seized boats to assist Inspector.

19. In every case where a seizure of any fish-net, boat, or other article is made under the provisions of this Act, the inspector making the seizure may direct the owner thereof or his boat's crew, or any of them, to forthwith convey such boat, net, and other seized articles to some point convenient for further conveyance by land or sea carriage, and any such person refusing to obey such Inspector's direction shall be liable to a penalty of not less than *three* nor more than *five* pounds.

Boats to be licensed.

20. Every boat used, or intended to be used, for catching for sale any of the varieties of fish enumerated in the First Schedule hereto, by net or line, shall be licensed. The fee for every such boat license shall be *one pound*, which shall be paid to the Colonial Treasurer or some officer authorized by him to receive license fees under this Act; and payment of such fee shall cover the interval from the date of payment to the thirty-first day of December of the same year, unless such boat shall in the meantime have been sold or disposed of by the owner, in which case the license thereof shall be deemed to have expired. Provided that after the thirtieth day of June in any year one moiety only of such fee shall be payable. Every boat licensed under this section shall have painted in legible letters in such conspicuous place as may be prescribed by the regulations the name of her owner and the words "Licensed fishing-boat."

Fishermen to be licensed.

21. Every person catching for sale (the proof to the contrary whereof shall be upon such person) fish in or upon any tidal or inland waters shall pay an annual license fee of *ten shillings* to the Colonial Treasurer or some officer authorized by him to receive license fees under this Act. Such fees shall be payable on the dates and according to the provisions expressed in the last preceding section.

Penalty for fishing without license.

22. If any person shall take or attempt to take any fish within such waters as aforesaid, whether by line or by net without holding a valid fisherman's license as required by the next preceding section hereof, or shall take or attempt to take any such fish, whether by line or net, in a boat not licensed under section twenty hereof, he shall be liable for every such offence to a penalty not exceeding *forty* shillings. But nothing in this section contained shall extend to persons on excursion or pleasure parties fishing for purposes other than sale. Provided always that it shall lie upon the defendant to prove that he is within the saving in this section contained in any case where, not being the holder of a license under the next preceding section, he shall be found fishing in a boat licensed under this Act.

Boats to carry one net only.

23. It shall not be lawful for any person to carry more than one lawful fishing-net in any fishing-boat licensed under this Act.

Dynamite not to be used.

24. It shall not be lawful by the explosion of dynamite or any explosive substance, or by means of any poisonous or noxious thing, to destroy or take fish in any tidal or inland waters in New South Wales. And if any person shall explode any dynamite or any such substance under such waters, or place or cause to flow thereinto any poisonous or noxious thing, such person and all other persons at the time in his company shall for every such offence be liable to a penalty not exceeding *forty* pounds and not less than *ten* pounds. But nothing herein contained shall apply to any person duly authorized (the proof whereof shall be on him) to explode torpedoes or dynamite in any such waters.

Penalty for damaging lawful nets by placing obstacles on hauling ground.

25. If any person without lawful authority (the proof of which shall lie on him) shall drive or place any stake, log, stone, or other thing whatever, likely to damage a fishing-net if dragged over or against it in any tidal water proclaimed as a hauling-ground within the reach of a fishing-net of lawful length, and if any damage shall be sustained by any lawful fishing-net through coming into contact with such stake, log, stone, or thing, such person shall be liable to a penalty not exceeding *ten* pounds, and in addition to pay such compensation to the owner of such net as may be awarded by the adjudicating Justices.

Penalty for disturbing fish in process of being netted.

26. It shall not be lawful for any person, by the wilful firing of guns, or by the production of other disturbing noises or sounds, to frighten fish around which nets are being set by any person holding a valid fisherman's license. If any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding *five* pounds nor less than *three* pounds.

Netters to give name and residence when demanded, &c.

27. Every person who shall be found using a fishing-net of any kind whatsoever in any waters in New South Wales shall, on demand, give his true name and residence to any inspector or Justice, or to any owner or occupier of land bordering such waters, or over which they ebb and flow. And if any such person shall refuse or neglect to comply with such demand, or shall give a false or fictitious name or residence, he shall be liable to a penalty not exceeding *five* pounds.

Inspectors may search for and seize nets used in contravention of Act.

28. Any inspector may at any time enter any premises or dwelling, or go on board any boat and search for and seize and take away any net which has been used in contravention of the provisions of this Act, or which is, or is suspected to be, of less dimensions in the mesh or of a length not permitted by this Act or the regulations. And every net so seized shall be viewed by a Justice, who, on inspection thereof, shall, if satisfied that the same has been so used as aforesaid, or is an unlawful net, order the same to be forfeited to Her Majesty.

PART II.

Legal Procedure—Miscellaneous

29. All offences, penalties, and forfeitures under this Act or any regulation made thereunder may be heard, determined, and recovered, and all proceedings therefor may be taken, in a summary way, by and in the name of any Inspector, or by and in the name of any person authorized by the Commissioners, before any two or more Justices, in pursuance of the provisions of the Acts regulating summary convictions before Justices, except that, in the discretion of the prosecuting officer, offences committed in any part of the Metropolitan Police District may be so heard at any one of the Courts in that district; and every defendant shall be a competent witness in his own case. Provided that if any person shall be adjudged to pay any sum, by way of penalty or otherwise, the adjudicating Justices shall order such sum to be paid (together with costs to be fixed by the said Justices) either forthwith, or within such period as the said Justices shall appoint, and if such sum and costs (if any) shall not be paid at the time so appointed, the same shall be levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress, or, in the discretion of such Justices, without any such distress, such offender may be imprisoned, with or without hard labour, for any term not exceeding three calendar months, unless such sum be sooner paid. In all cases where the defendant or person charged with any offence under this Act shall plead any of the exemptions therein contained, the proof thereof shall be upon such defendant or person charged. Provided also that no information or conviction under this Act shall be quashed through any defect or want of form.

30. The adjudicating Justices shall have power to award to the informer, seizing officer, or prosecutor, an amount out of every penalty, fine, or forfeiture, not exceeding in the aggregate thereof one moiety, and the remainder shall be paid into the Consolidated Revenue Fund. Appropriation of penalties, &c.

31. Any person aggrieved by any conviction, order, or adjudication of Justices under this Act may appeal therefrom to the next Court of Quarter Sessions holden in the district in which the subject matter of the appeal arose, unless such Sessions shall be held within fourteen days from the date of such conviction, order, or adjudication, and, in that case, to the Court of Quarter Sessions then next following. And such Court shall have power to hear and determine the matter in a summary way in accordance with the Acts in force regulating appeals from summary convictions. And the decision of such Court shall be final and conclusive. Provided always that the appellant shall, within seven days from the date of such aforesaid conviction, order, or adjudication, have given written notice of his intention to appeal, and stating the grounds thereof to the, or one of the, adjudicating Justices, and to the prosecutor, and provided that such appellant shall also pay into the hands of such Justice the full amount of any penalty or sum awarded against him, together with costs, within twenty-four hours next after such conviction, order, or adjudication, and also enter into a bond, with two sureties approved by such Justice, conditioned to prosecute such appeal with effect, and to abide the event thereof, and to pay the full amount of all costs which may be awarded against him. Appeal.

32. Any person who shall assault, resist, or obstruct, or encourage any other person to assault, resist, or obstruct, or shall use abusive language to any Inspector, or other person whomsoever in the execution of his duty under this Act shall incur a penalty not exceeding fifty pounds nor less than ten pounds, or be liable to imprisonment not exceeding six calendar months. And the adjudicating Justices may, in addition to any such penalty, order a sufficient sum to be paid by the offender to cover any damage or injury sustained by the person so assaulted, resisted, or obstructed, which sum shall be recoverable in the same manner as a penalty under this Act. Assaulting, &c. inspectors and others in execution of their duty.

33. Any Inspector of fisheries may enter any fish-market, premises, place, or dwelling, or go on board any boat, and seize any underweight fish, nets, boat and gear, or other implement of fishing which any person found offending against any of the provisions of this Act may then be using, and may also, with or without warrant, apprehend and lodge with the gaoler or person in charge of any gaol, watch-house, lock-up, or police station, any person found offending against any of the provisions of this Act, who, on demand made, shall refuse to give his true name and address, or whom such Inspector may have reason to suspect has given a fictitious name and address or incorrect information as to the ownership of any net or other article seized under any of the provisions of this Act; but any Justice, or subject to the conditions prescribed by the regulations, any such gaoler or person in charge may liberate any person so lodged in custody, on such person entering into a recognizance (with or without sureties) in the sum of twenty pounds conditioned for his appearance before two or more Justices at a day and place to be therein mentioned. Offenders may be apprehended and bailed.

34. Any Justice of the Peace, upon an information on oath that there is probable cause to suspect any breach of the provisions of this Act or any regulation thereunder to have been committed, may, by warrant under his hand and seal, authorize and empower any inspector to enter any dwelling-house or premises or boat whatsoever for the purposes of inspection, and of searching for and seizing any unlawful net, implement, or engine supposed to have been used, or any fish taken in contravention of this Act or any proclamation or regulation thereunder. Justice may grant warrant to enter suspected places.

35. All persons employed in the department of the Marine Board, the Customs, or Harbours and Rivers, if called upon to aid and assist any inspector in the execution of any power or authority vested in him by this Act, are hereby authorized and required to aid and assist such inspector in the lawful exercise of any such power or authority. Customs officers, &c., to aid inspectors.

36. The production of any of the undermentioned documents, writings, or publications shall be conclusive evidence in all Courts as to the several matters contained therein, and in the case of a lease or license that the same was duly issued, viz. :— What instrument, &c., to be evidence.

(i) Any license or a copy thereof bearing the like seal.

(ii) A copy of the *Gazette* containing any notice, regulation, or proclamation purporting to be made under this Act.

37. All fish of which the taking possession, exposure for sale, consignment or purchase for sale is prohibited by this Act may be searched for, seized, condemned, and dealt with according to law by any Inspector or by any person holding the written authority of any Justice, or any search warrant under the hand and seal of any Justice, or authorized by any regulation under this Act. Search for and seizure of fish.

38. Any person who shall commit any act in breach of or be guilty of any default or non-compliance in or with the requirements or prohibitions of this Act shall in every case where no penalty has in such case been provided be liable to a penalty of forty shillings and to the forfeitures prescribed by section seventeen hereof. Penalty on breach of Act.

39. The Commissioners shall as soon as possible after the thirty-first day of December in every year report to the Minister charged with the administration of this Act as to the state of the fisheries of the Colony, and such report shall be laid before both Houses of Parliament. The Commissioners shall also furnish to the said Minister such reports, accounts, plans, vouchers, and documents relating to any act or matter done by them, or within their control or cognizance as he may, by writing under his hand addressed to the said Commissioners, require. The Commissioners shall in all matters be subject to the like control by the Governor as any Department of the Public Service. Report by Commissioners.

SCHEDULES.

FIRST SCHEDULE.

Marine Fishes.

Bream.
Jew-fish.
Sampson-fish.
Kingfish.
Flathead.
Whiting.
Tarwhine.
Blackfish.
Garfish.
Long Tom.
Pike.

Prawn.
Lobster.
Perch.
Flounder.
Sole.
Mullet—
Sea [including the variety commonly known as hard-gut mullet.]
Flat-tail.
Sand
Travally.

Fresh-water Fishes.

Murray Cod.
Golden Perch or Yellow Belly.
Carp.

Tench.
Silver Perch or Bream.
Ordinary Fresh-water Perch.

Fish not indigenous to the Colony which may be introduced or be in any inland waters.

SECOND

SECOND SCHEDULE.

Lawful Weights for Fish.

	Description of Fish.	Weights in ounces avoirdupois.
	Schnapper or Red Bream.....	12 ounces.
	Bream (Black)	6 "
	Tarwhine	5 "
	Blackfish	5 "
	Rock-cod (Black or Red).....	8 "
	Gurnet.....	4 "
	Flathead	8 "
	Mullet—	
	Sea [including the variety commonly known as hard-gut mullet]	8 "
	Flat-tail	4 "
Marine	Sand.....	4 "
	Whiting	4 "
	Flounder	4 "
	Sole	4 "
	Pike	8 "
	Travally	6 "
	Garfish.....	2 "
	Lobster Salt-water or Crayfish	10 "
	Jew-fish	4 pounds.
	Sampson-fish	2 "
	Kingfish	3 "
	Cod (or Murray Cod)	16 ounces.
	Perch	4 "
Fresh-water ...	The Murray River Lobster or Fresh-water Crayfish	4 "
	Carp	
	Tench	

[To Evidence of Lindsay G. Thompson.]

B 2.

Proposed new legislation for Regulation of Oyster Culture.

I HAVE made this a separate Bill, to be brought forward after the Bill for the Regulation of the Fisheries shall have been passed into law, and I have applied to it the legal procedure provisions of that Bill. I am not aware of the Commissioners' views on the point, but I myself should much prefer to have both Bills embodied in one enactment, and, if approved, this can be very readily done now.

Section 1 defines the meaning of the terms used, and, as in the Fisheries Regulation Bill, care has been taken to adapt the terms to the provision in the section, so as to reduce the verbiage and supply the precise meanings intended.

Section 2 repeals the existing enactment—the Oyster Fisheries Act, 1888.

Section 3 prescribes the conditions on which leases may be issued. It is similar to section 4, Oyster Fisheries Act, except that it provides a minimum of area to be leased and of rental to be charged.

Section 4—Notice before granting a lease—is identical with section 5, Oyster Fisheries Act.

Section 5, which is a new provision, prohibits the removal of oysters from any applied for area. The necessity for this has for a long time been apparent.

Section 6, requiring that lessees taking up new area shall not be in arrear with their rents, is also a new feature, and will doubtless commend itself.

Section 7, as to forfeiture for mismanagement, is practically the same as regulation 28, Oyster Fisheries Act. It seems desirable to include it in the statute.

Section 8—Penalties in respect of injuries to leased areas—is practically the same as section 6, Oyster Fisheries Act; but, going beyond that section, it provides against the straying of cattle, lopping of mangroves, &c.

Section 9—Revocation of leases in certain cases—is practically identical with section 7, Oyster Fisheries Act.

Sections 10, 11, and 12—Declaring Public Oyster Reserves—Oysters not to be dredged after sunset—Penalty on burning oysters for lime—are practically the same as sections 8, 10, and 12, respectively, of the Oyster Fisheries Act.

Section 13 is an amplification of the power to close oyster-beds taken in section 14, Oyster Fisheries Act.

Section 14—Penalty for unlawful dredging of oysters—is based on section 9, Oyster Fisheries Act; but its provisions are extended to oysters on Crown lands not under lease.

Section 15, like section 15 in existing Act, allows persons to take oysters for their own consumption, *but on the spot only*. It likewise prohibits the taking of oysters for such purpose if in spawn or spat.

Section 16—Penalty on disorderly persons—is a new section, and is suggested by experience.

Section 17 provides for the making of regulations, and is generally similar to the like section in the existing Act.

Sections 18, 19, and 20—Instruments to be used in evidence, larceny from contiguous oyster-beds, and application of certain provisions of the Fisheries Regulation Act—are similar, respectively, to section 66 (part of), Fisheries Act, 1881; section 65, Fisheries Act, 1881; and section 18, Oyster Fisheries Act.

52° VICTORIA, 1889.

A BILL for the more effective protection of Oyster Culture and the regulation of Oyster Fisheries.

Preamble.

WHEREAS the existing statute law for the promotion of Oyster culture and the regulation of Oyster Fisheries is found to be insufficient for its purposes, and it is expedient that such law should be repealed, and more effective measures adopted for the protection of persons holding leases under it, and of the deposits of oysters on Crown lands not under lease: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and interpretation.

1. This Act may be cited as the "Oyster Culture Act of 1889," and for the purposes thereof the expressions—

"Commissioners" means the Commissioners of Fisheries.

"Governor" means the Governor with the advice of the Executive Council.

"Inspector" means any inspector or sub-inspector of Fisheries, or inspectors *ex officio* appointed under the "Fisheries Act, 1881," or the "Fisheries Regulation Act, 1888."

"High-water-mark" means the mean line between high-water at spring and at neap tide.

"Prescribed" means prescribed by this Act, or by regulations made thereunder.

"Foreshore" means the portion of Crown lands situate between the line of high and low water-mark.

"Lease" means any lease issued under this Act or the Act hereinafter repealed.

"Lessee" means any person holding a lease for oyster culture under this Act or the enactment hereinafter repealed.

"Oyster" means every kind of oyster of and above the size which from time to time by regulation under this Act may be declared to be marketable.

"Spat" means the spat, brood, and ware of every kind of oyster of and below a size which from time to time by regulation under this Act may be declared.

"Leased area" means any portion of land leased for oyster culture under this Act or the Act hereby repealed.

"Lawful authority" means an authority the nature and effect whereof must be proved by the person who sets it up

2. The Act forty-eighth Victoria, number six, is hereby repealed, but no act done, offence committed, or proceeding commenced before the passing of this Act, under such enactment shall (save as is hereinafter expressly enacted) be affected by the repeal thereof. All regulations and proclamations made under the authority of such repealed enactment shall be, and until rescinded by the Governor as hereinafter provided continue to be, of the same force and effect as if this Act had not been passed.

Repeal of enactments.

3. Oyster culture leases of Crown lands in any tidal waters, or in any lake or lagoon communicating therewith, may, on application, be granted by the Governor. Such leases shall be subject to the conditions and provisions following:—

Application for leases of Crown lands for oyster beds or layings.

- (I) In any case where two or more persons have applied for the same area the application to be first dealt with shall be that which was first lodged; and if several such applications were lodged at the same time the right to priority shall be determined by lot in such manner as the Commissioners shall direct. If after the satisfaction of any application entitled to priority any residuary area remains, such area may be allotted to the applicant next in order of time, and so on.
- (II) The term of any such lease shall not exceed fifteen years, renewable from time to time, on the application of the lessee during the twelfth year of the term, if the Governor shall be satisfied after report by an Inspector to the Commissioners that the area leased is fairly stocked with oysters, and has been properly worked in accordance with the conditions of the lease and the regulations.
- (III) No leased area measured along the foreshore shall be less than two hundred nor shall exceed two thousand linear yards, unless upon special recommendation of the Commissioners the Governor shall think fit to enlarge such length. But nothing in this section contained shall prevent the Governor from granting leases of areas containing natural beds or deposits of oysters according to prescribed dimensions and areas; provided that no such area shall be less than five acres nor exceed twenty-five acres, or be leased at a less annual value than two pounds per acre.
- (IV) The annual rent shall be at the rate of not less than twenty shillings for every linear hundred yards or portion thereof, measured along the foreshore in the prescribed manner; and in any case where the foreshore on both sides of a tidal water is included in a lease such foreshore shall be measured on both sides for the purposes of ascertaining the rent, which shall be calculated from the date of approval of application.
- (V) Leases may also be disposed of by auction or tender should the Governor at any time so direct.
- (VI) Occupation under any lease shall not give any right to the lessee to occupy or use any portion of the Crown lands abutting on but not included in his lease except for such purposes and during such times as may be prescribed.
- (VII) Any leased area may be described in the lease by reference to posts, stakes, buoys, marks, or natural features showing the limits of such leased area in a manner sufficient to allow of their identification.
- (VIII) Every such lease shall vest in the lessee, his executors, administrators, and assigns all oysters within the area leased, and as well the exclusive right, during the currency of the lease, of laying and planting oysters on, and of dredging and taking oysters from, the area leased, but subject always to the several provisions of this Act and the right of any inspector or authorized officer to enter upon such area for any authorized purpose.
- (IX) The Governor may, if recommended by the Commissioners, accept a surrender of a lease, after the third year of its currency, in any case where it shall appear, to the satisfaction of the Commissioners, that oyster culture cannot be carried on upon the leased area with any reasonable hope of success, or where, from any other reason, the Commissioners shall report in favour of such surrender.
- (X) Every such lease shall be subject to such conditions and provisions as may be prescribed by the regulations or approved by the Governor.

Every leased area shall be subject to all reclamation rights conferred by the ninth section of the "Crown Lands Act, 1885," or any Act amending the same.

4. Before any such lease, applied for under this Act shall be granted, the Commissioners shall cause a notice of the application to be inserted in the *Gazette*, and in some newspaper circulating in the Police District within which the land applied for is situated. And any person may, by memorial to the Commissioners within thirty days after the date of such notice, pray that the lease applied for be not granted on grounds to be therein stated.

Notice before granting lease.

5. All oysters within the limits of any area for which application to lease has been made in accordance with the regulations under this Act shall, for the purpose of protection, be deemed to be in the actual possession of such applicant. And all oysters removed without lawful authority by any person from any such applied-for area may be seized by any Inspector. And any person who shall be found dredging, taking, or attempting to take oysters from any such applied-for area, shall incur a penalty not exceeding twenty pounds and not less than five pounds, and all oysters found in his possession shall be deemed to be oysters unlawfully taken by him, and shall, on his conviction, be delivered to the applicant for such area.

Property in oysters, &c.

6. Any lessee who shall be at any time in arrear with the rent due on any one or more leased areas shall, notwithstanding in this or the repealed Act provided, not be entitled to take oysters from off such areas, or to apply for a further area until such overdue rent shall have been paid.

Lessees in arrear with rent not to apply for further areas.

7. Upon receipt of a report by an Inspector that a leased area is being so stripped of oysters or otherwise mismanaged by the lessee that the production of oysters thereon has, in such Inspector's opinion, been so reduced as to threaten its destruction as an oyster-bearing area, further dredging may be thereupon stopped by the Commissioners, and the Commissioners may call upon the lessee to show cause why they should not recommend the Governor to declare the lease of such lessee to be forfeited. And upon the receipt of a recommendation by the Commissioners, recommending the forfeiture of any such lease, the Governor may, by notification to the *Gazette*, declare the same to be and the same shall thereupon be forfeited accordingly.

Forfeiture for mismanagement.

8. It shall not be lawful for any person other than the lessee, his agents and servants, within the limits of any leased area to do any of the following acts, viz. :—

Penalties in respect of certain injuries, &c., to leases.

- (I) To take or in any way disturb or interfere with any oysters without the consent of the holder of the lease.
- (II) To allow cattle to stray, to cut or lop mangroves or any timber.
- (III) To deposit or remove any stone, ballast, rubbish, or substance.
- (IV) To dredge or drag with any implement, unless by direction of the Commissioners, or the proper officer of the Department of Harbours and Rivers, or the Marine Board, and in any such case on payment of compensation for damage done (if any).
- (V) To use any implement of fishing except a line and hook.
- (VI) To place any implement or thing likely to injure oysters, except for a lawful purpose of navigation or anchorage.

And if any person does any act in contravention of this section he shall be liable for the first offence to a penalty not exceeding five pounds, and for the second offence to a penalty not exceeding ten nor less than five pounds, and for a third or subsequent offence to a penalty of twenty pounds. And shall be liable to make compensation to the lessee for all damage sustained by such lessee by reason of such person's unlawful act, and in default of payment the same may be recovered by the lessee in any Court not incompetent by statute in respect to the amount or nature of the claim, and whether such person has been convicted of an offence under this section or not.

9. If it shall appear to the Commissioners that any lessee has not within a period of two years from the date of his lease taken proper measures to carry out the condition of his lease, or that upon inspection by any inspector appointed under this Act the condition of the leased area is such as to disentitle the lessee to a renewal of the lease, they may recommend the Governor to revoke the lease. And the Governor shall have power to revoke the same accordingly by notification in the *Gazette*, and upon the publication of such notification all rights and privileges granted by such lease, and the unexpired term thereof, shall cease and determine. Provided always, that before making such recommendation the Commissioners shall cause a notice in writing, stating their intention to make such recommendation, to be served on the holder of the lease, or in case such person cannot be found, they shall cause such notice to be inserted at least three times in a newspaper circulating in the police district nearest to the area leased, and also to be published once in the *Gazette*. No such recommendation shall be made until after the expiration of one calendar month from service or the publication of such notice in the *Gazette*.

Commissioners may recommend revocation of lease in certain cases.

10. The Governor, by notification in the *Gazette*, may declare any portion of Crown lands, whether applied for under this Act as an oyster lease or not, to be a public oyster reserve, and to be exempt from the power of leasing conferred by this Act, either absolutely or for a limited period, and on the recommendation of the Commissioners in like manner may cancel any such notification wholly or in part.

Portions of certain Crown lands may be exempt from leasing, or be declared public oyster reserves.

11.

Oysters not to be dredged between sunset and sunrise.

Penalty on burning live oysters for lime. When natural oyster-beds may be closed.

Penalty for unlawful dredging of oysters.

Persons may take oysters for their own consumption.

Penalty on disorderly person.

Regulations may be made and rescinded.

What instruments, &c., to be evidence.

Larceny from contiguous oyster-beds.

Application of certain of the provisions of the "Fisheries Regulation Act."

11. If any person shall dredge for or take oysters from any leased area, or from any beds or deposits on Crown lands not under lease, at any time between sunset and sunrise, except under special permit, he shall incur a penalty for every offence not exceeding *fifty* pounds.

12. Every person who shall gather or burn live oysters for the purpose of converting their shells into lime, whether he be the holder of a leased area or not, shall incur for every such offence a penalty not exceeding *fifty* pounds.

13. Whenever the Commissioners report that the whole or any part of any oyster-bearing area, whether under lease under the repealed Act or this Act or not, has by over-dredging or from any other cause been reduced to such a state that the taking of oysters therefrom ought to be suspended, or that the oysters thereon are in such a condition as to be not fit for consumption as food, the Governor may prohibit, by proclamation in the *Gazette*, for any term not exceeding *three* years, the taking of oysters from such area. And if any person shall without lawful authority, at any time during the period mentioned in such proclamation, take or attempt to take oysters from any area described in such proclamation, such person shall incur a penalty not exceeding *twenty* pounds and not less than *five* pounds. And all oysters and the bags containing them, together with all dredging or other appliances for the taking of oysters, found in the possession of any person so offending may be seized, and upon conviction of the offender shall be forfeited to Her Majesty. And the Governor may in like manner rescind any such proclamation, or any proclamation made under the hereinbefore repealed Act, relating to the opening or closing of oyster-beds.

14. Oysters on a public oyster reserve, or on Crown lands not under lease under this Act, also oysters taken therefrom without lawful authority, shall be deemed to be the property of Her Majesty; and if any person, without lawful authority, shall dredge for or otherwise take from any public oyster reserve, or Crown lands not under lease, any oysters, or shall be found dredging for or attempting to take oysters within the limits of such reserve or Crown lands, he shall incur a penalty not exceeding *twenty* pounds and not less than *five* pounds, and all oysters found in his possession shall be deemed to be oysters unlawfully taken by him, and shall, on his conviction, be forfeited to the use of Her Majesty.

15. Nothing in this Act shall render liable to a penalty any person who takes oysters from any oyster reserve or the foreshore above low-water-mark from the Crown lands not leased under this Act for his own consumption on the spot, unless such oysters shall be in a spawning condition, or shall have spat in quantity attached; in which case it shall be within the discretion of any Inspector to prohibit the taking of oysters from any such Crown lands; and any person who shall take oysters therefrom after being warned against doing so by any Inspector shall, on conviction, be liable to a penalty of not less than *three* pounds.

16. Any person employed by any lessee or applicant under this Act for a lease of land abutting on or near to occupied premises, or any lessee or applicant himself who shall, either within view or hearing distance of such premises, conduct himself in a disorderly manner, or use obscene language, to the annoyance of the occupier or other person on such premises, shall for every such offence incur a penalty of not less than *three* pounds. Proceedings under this section may be taken by and in the name of any person in whose sight or hearing such offence shall have been committed.

17. The Governor may, from time to time, make regulations for the purpose of giving effect to the provisions of this Act in all matters of detail whatsoever. And among such purposes shall be included the following, namely:—

- (I) For taking oysters from Crown lands, not under lease, under such limitations as to number of licensed dredgers as the Commissioners shall deem fit, and subject to the payment of the prescribed license fees and inspection, and for the seizure and disposal of seized and forfeited oysters, and oysters unlawfully removed from Crown lands.
- (II) For marking the boundaries of and periodically inspecting public oyster reserves and leased areas. And to give due effect to the intent of this sub-section every Inspector and every officer duly authorized by the Commissioners shall have a right of entry on all lands whatever for purposes of survey, or of erecting and maintaining beacons or other marks for, or in connection with, the boundaries of leased areas or public oyster reserves.
- (III) For the allotment or sale of young or foreshore oysters on public oyster reserves and Crown lands, not under lease, to the holders of leased areas.
- (IV) For determining the size of marketable oysters, and the penalties for selling, or exposing for sale, undersized oysters and oysters not in condition fit for food, and for disposing of, or selling oysters, boats and gear, dredges, and other appliances seized or forfeited under this Act.
- (V) For the protection and regulation of public oyster reserves and Crown lands, not under lease, for the limitation and regulation of dredging by divers on such reserves and Crown lands, and for the protection and regulation of all boundary beacons, buoys, or other marks.
- (VI) For compelling lessees to place and maintain a sufficient stock of oysters on their areas, and to return all spat and undersized oysters and oysters not in a condition fit for food, together with all dead shells, culch, and substances dredged up from beds in such a manner as may be most beneficial for the preservation of such beds, and for enforcing payment of rent overdue on leased or applied for areas.
- (VII) For preventing the destruction of oysters by refuse from saw-mills, paper-mills, gas-works, or by any other deleterious matter, and for prohibiting such matter from being deposited in tidal waters.
- (VIII) For preventing lessees and others from disposing of culch or any dredged refuse so as to impede the access by water to Crown or private land abutting on leased areas.
- (IX) For prescribing the amount of penalties for breaches of any such regulations.

Provided that no such penalty shall exceed *fifty* pounds. And all such regulations shall be published in the *Gazette*, and when so published shall have the force of law, and a copy thereof shall be laid before each House of Parliament within fourteen days after the making thereof if Parliament be then in Session, and if not, then within fourteen days after the commencement of the then next ensuing Session. The Governor may, in like manner, rescind any regulation made, or purporting to be made, under the authority of the enactment hereinbefore repealed which he may consider inconsistent with the meaning or intent of this Act.

18. The production of a lease signed by the Governor or a copy thereof bearing the common seal of the Commissioners shall be conclusive evidence in all Courts as to the several matters contained therein, and that the same was duly issued.

19. Whenever a person shall be charged with larceny of oysters from any oyster-bed or laying which may be contiguous to another or others, it shall be sufficient in alleging and proving the place from which such oysters were stolen, to allege and prove that such oysters were stolen from one or other of such contiguous beds or layings, and that the same belonged to, and were in the lawful possession of, one or other of the lessees or owners thereof.

20. The sections twenty-nine to forty inclusive of the "Fisheries Regulation Act, 1888," shall be applied to this Act with as full effect as if they had been herein specially enacted. And wherever in the sections so declared to be applied the words "this Act" occur, such words shall be taken to include this present Act or the enactment herein repealed and any regulations made under them.

[To Evidence of Lindsay G. Thompson.]

B 3.

Sale of Forfeited Fishing-nets.

Gentlemen,

Department of Fisheries, 9 January, 1889.

I have the honor to request that you will be good enough to sell by public auction, without reserve, on Thursday, the 17th instant, the forfeited fishing-nets enumerated on the accompanying slip.

I would invite your attention to the foot-note on the slip, and ask that in submitting the nets for sale you will state that they can be legally used only for the purpose specified against each lot.

It is desired that the advertising may be confined to one advertisement in a morning and evening paper.

Messrs. Duff and Collins,
Pitt-street, Sydney.

I have, &c.,
LINDSAY THOMPSON,
Secretary.

TO FISHERMEN AND OTHERS—SALE OF FORFEITED FISHING-NETS.

The undermentioned fishing-nets, which have been forfeited in pursuance of the provisions of the "Fisheries Act, 1881," will be sold by public auction, at Messrs. Duff and Collins' Auction Sale Rooms, 109, Pitt-street, on Thursday, the 17th instant, at 11.30 a.m. :-

Lot 1.—1 Net, 2½ inch mesh, 18 fathoms long—	Legal for bunt of hauling-net, or wings of garfish-net.
" 2.—1 " 1 " 15 "	A legal prawn-net only.
" 3.—1 " 1 " 15 "	do do
" 4.—1 " 1 " 8 "	Legal for prawn-net only.
" 5.—1 " 1½ " 23 "	Legal for bunt of a garfish-net.
" 6.—1 " 2¼ " 46 "	Legal for bunt of hauling-net, or wings of garfish-net.
" 7.—1 " 3 " 42 "	Legal for wings of a hauling-net.
" 8.—1 " 2 " 18 "	Legal for wings of a garfish-net.
" 9.—1 " 1 " 15 "	Legal prawn-net only.
" 10.—1 " 1 " 12 "	Legal for prawn-net only.
" 11.—1 " 2 " 16 "	Legal for wings of garfish-net.
" 12.—1 " 3 " 13 "	Legal for wings of hauling-net.
" 13.—1 " 2 " 20 "	Legal for wings of a garfish-net.
" 14.—1 " 1 " 15 "	A legal prawn-net only.
" 15.—1 " 2 " 18 "	Legal for wings of garfish-net.
" 16.—1 " 2½ " 6 "	Legal for bunt of hauling-net, or wings of garfish-net.
" 17.—1 " 1 " 8 "	Legal for prawn-net only.
" 18.—1 " 3 " 5 "	Legal for wings of hauling-net.
" 19.—1 " 2 " 21 "	Legal for wings of garfish-net.
" 20.—1 " 2¾ " 25 "	do do
" 21.—1 " 4 " 26 "	Legal for meshing-net.
" 22.—1 " 3 " 35 "	Legal for wings of a hauling-net.
" 23.—1 " 3 " 25 "	do do
" 24.—1 " 4 " 26 "	Legal for meshing-net.
" 25.—1 " 2¾ " 39 "	Legal for wings of garfish-net.
" 26.—1 " 1 " 6 "	Legal for prawn-net only.
" 27.—1 " 2½ " 7 "	Legal for bunt of hauling-net, or wings of garfish-net.
" 28.—1 " " 129 "	A legal hauling-net.
" 29.—1 " 1¾ " 30 "	Legal for bunt of garfish-net.
" 30.—1 " 2 " 21 "	Legal for wings of garfish-net.
" 31.—1 " 1 " 15 "	Legal prawn-net only.
" 32.—1 " 1 " 15 "	do do
" 33.—1 " 1 " 12 "	Legal for prawn-net only.
" 34.—1 " 2¼ " 13 "	Legal for bunt of hauling-net, or wings of garfish-net.
" 35.—1 " 2 " 13 "	Legal for wings of garfish-net.
" 36.—1 " 2 " 30 "	do do
" 37.—1 " 2 " 9 "	do do

LINDSAY THOMPSON,
Chief Inspector of Fisheries.

Department of Fisheries, Sydney, 4 January, 1889.

N.B.—The above described nets, to be sold in pursuance of the provisions of the "Fisheries Act, 1881," are legal only for the purposes specified against each lot.

MEMORANDUM.—Forfeited fishing-nets sold at auction this day, realized £31 13s.—C.D.S.P., 17/1/89. The Chief Inspector of Fisheries. Seen.—L.G.T., 17/1/89.

[To Evidence of Lindsay G. Thompson.]

B 4.

OFFICERS in the Department of Fisheries.

Name.	Office.	Date of Appointment.	Salary.
Lindsay G. Thompson	Secretary and Chief Inspector of Fisheries	1 May, 1881	£ 440
Edward J. Ellis	1st Clerk	1 January, 1883	290
John O'Grady	2nd do	1 April, 1882	100
Livingston Mann	Draftsman	23 November, 1885	} 10s. per diem each.
John D. Delaney	Temporary Clerk	14 February, 1885	
Thomas Temperley	Inspector, Northern Division	12 July, 1881	240
Geo. G. Benson	do Southern do	19 December, 1882	240
Thos. Mulhall	Assistant Inspector	18 January, 1881	200
Andrew Gyler	do	19 August, 1881	150
Henry Curan	do	19 " 1881	150
Peter Smith	do	19 " 1881	150
Chas. Gordon	do	19 " 1881	150
Fred. W. Smithers	Travelling Inspector	6 December, 1882	150
William Boyd	Assistant Inspector	1 January, 1882	150
John D. Grant	do	14 December, 1882	150
C. H. Otway	do	1 May, 1886	150
Wm. N. Cain	do	9 December, 1884	150
Dav. W. Benson	do	1 September, 1884	150
Osbourn Wilshire	do	20 March, 1883	75
Richd. Seymour	do	14 January, 1882	75
Bourne Russell	Acting Assistant Inspector	26 February, 1884	20
Angus Sutherland	do do	21 May, 1884	20
Wm. M'Gregor	do do	16 August, 1881	20
John A. Jamieson	do do	16 " 1881	20
A. H. Kendall	do do	15 November, 1883	20
Thos. Stewart	do do	16 August, 1881	20
W. J. Whaites	do do	16 " 1881	20
A. T. Black	do do	3 July, 1883	20
Fred. Nelson	do do	12 June, 1885	20
R. Hellings	Boatman	19 " 1882	120
Geo. Glading	do	28 August, 1882	120
F. Aldrich	do	17 November, 1884	108
John F. Hespe	do	3 May, 1885	108
Jas. Massingham	do	July, 1886	108
B. J. H. Scott	do	1 October, 1887	108
E. G. Young	Engineer	1 November, 1885	150
Wm. Lannen	Messenger	21 January, 1882	114

[To Evidence of Lindsay G. Thompson.]

B 5.

Memorandum from Chief Inspector as to residence for Inspector Grant.

I DESIRE again to bring under notice of the Commissioners the question of providing residences in suitable positions for the use of the Inspectors. I am quite sure that if the men were judiciously located, the supervision would be much more effective than it is at present.

The particular case I have in view, and which, with the Commissioners' approval, might be undertaken as an experiment, is that of Assistant Inspector Grant.

This Inspector has to remove from his present house, as it is in process of demolition by white ants, and he represents that, except at Botany, he cannot find other suitable quarters.

To locate him at Botany would mean the cessation of further oversight of the closed waters of George's River.

On a peninsula near the railway bridge are reserves half an acre, on one of which might be obtained, and on it, a weather-board house of four rooms and out-offices erected at comparatively small cost. If a rental calculated on a percentage of the cost were charged to the Inspector, there would be no loss to the Government, and the Fisheries interests would be better served.

I have similar views in respect to other waters in the Home Fisheries, especially the Port Jackson tributaries, if the Commissioners would entertain the idea.

Department of Fisheries, 16/1/89.

LINDSAY THOMPSON,
Secretary.

Commissioners' minute:—Defer for the present, 16/1/89. Submitted to the Commissioners, 27/3/89. *Commissioners' minute*:—Bring the subject forward again, and as applicable to cases where the Inspector cannot find quarters for himself.—27/3/89. End of April.—L.G.T., 28/3/89.

Transference of Inspectoral Staff—Fisheries Department.

I PROPOSE for the consideration of the Commissioners of Fisheries the following disposition of the Inspectoral Staff of this Department. I take the coastal waters in the order of their ascertained productiveness:—

Lake Macquarie—Assistant-Inspectors Tyler and Boyd.

George's River—Assistant-Inspector Grant and Boatman Aldrich.

Lake Illawarra—Assistant-Inspector Peter Smith.

Hawkesbury River—Assistant-Inspectors Curan and D. W. Benson.

Brisbane Water and Tuggerah—Assistant-Inspector Cain and Boatman Hespce.

Port Stephens—Assistant-Inspector Otway and Boatman Scott.

Newcastle and Hunter River—Assistant-Inspector Charles Gordon.

Port Jackson—Assistant-Inspector Smithers and Boatmen Glading, Hellings, and Young, Engineer.

Travelling Inspector for the coast north of the Hawkesbury—Mr. Livingstone Mann.

Travelling Inspector for the coast south of Botany—Inspector T. Temperley.

Inspector of Inland Waters—Inspector G. G. Benson.

In framing this transference I have had in view the facts that the oyster-beds having for the most part been leased, and the royalty charges abolished, the services of the Inspectoral Staff could be employed to better advantage if concentrated within certain limits adjacent to the metropolis.

I have been guided also by the opinion of the Commissioners that the public interest would be served by a removal of the inspectors from their present respective locations to other districts.

Boyd, Grant, and Cain.—The only inspectors whose removal I do not advocate are Messrs. Boyd, Grant, and Cain. I consider these men to be capable of best service in the waters they are at present supervising.

Smithers.—Mr. Smithers properly belongs to Twofold Bay, but as he has been so long at head quarters, and is rendering such effective service, I am regarding him as already attached here.

Tyler.—Tyler is a valuable officer. His removal from the Manning River to assist in the supervision of the extensive waters of Lake Macquarie, and from which our largest fish supply is obtained, would be obviously an advantage.

Peter Smith.—Peter Smith is supposed to be considerably interested in some of the oyster leases at the Hawkesbury, his present district; and although there is not actual proof that this is so, yet the presumptive evidence seems enough to imply the desirableness of removing him to a district where his duties would not clash with his supposed interests. The case will be met by placing him at Illawarra Lake, in the room of Inspector D. W. Benson.

D. W. Benson, Henry Curan.—Some few months since D. W. Benson was for a time placed in special service at the Hawkesbury, and showed considerable aptitude in his manner of performing it. I propose to place him permanently at the Hawkesbury, in conjunction with Inspector Curan, who is at present stationed at Newcastle.

Charles Gordon.—The Newcastle and Hunter River Fisheries, I suggest, should be placed under the care of Charles Gordon, at present stationed at the Shoalhaven. I consider Gordon to be an efficient officer. His duties at Newcastle would involve the checking and inspection of oysters arriving from the upper portion of Port Stephens, and the oversight of the fisheries in the Hunter River and its tributaries.

C. H. Otway and E. Scott.—I propose the removal of Inspector C. H. Otway and boatman Scott from the Karuah River, at the head of Port Stephens, to Nelson's Bay, at the Heads, in order that the supply of fish captured there may be more systematically supervised.

Fred. Smithers, Glading, Hellings, and Young.—I advise the permanent retention of Mr. Smithers at head quarters, where he has already proved himself very useful. He should be assisted by the present boatmen—Glading and Hellings—and, with the aid of the steam-launch now under repair and alteration, should exercise an oversight of Botany and the Hawkesbury.

T. Mulhall.—Should it be that Inspector Mulhall will be retained in the Service notwithstanding his advanced age, I think that his duties should be confined to an oversight of the fish at the fish-market and on the wharfs.

On the general management of the Port Jackson Fisheries I propose later on to submit special recommendations.

Mr. Livingstone Mann.—I know it is the intention of the Commissioners to nominate Mr. Livingstone Mann as a travelling Inspector of Fisheries. I have done so therefore in this paper; but as the oyster-bearing waters are not only each in themselves so extensive, but range along the whole seaboard of the Colony, I consider a second travelling Inspector to be necessary.

Thomas Temperley.—For this second Inspectorship I know of no one more suitable in point of intelligence than Inspector Temperley; and if he be appointed to oversight of the coast south of Botany, the objection which, consequent upon his supposed interest in oyster-culture leases in northern waters, might be taken to his being placed in such a position would, I think, be met, and at the same time a capable officer retained to the Department.

G. G. Benson.—As Inspector for Inland Waters Fisheries under the Inland Waters Fisheries Act of 1887, regarding the administration of which nothing has so far been done, I propose Inspector G. G. Benson, at present located at the Clyde River.

Beyond a visit or two to Lake George I have not been afforded an opportunity of acquainting myself with the Inland Fisheries, consequently I am not in a position to suggest a location for Mr. Benson. I should prefer by personal visit and inquiry to ascertain the needs and conditions of these fisheries, so that I could make recommendations with some degree of confidence.

Under an arrangement such as this, it will be possible to dispense with the services of the following officers:—

H. C. Windeyer, Assistant Inspector at Port Macquarie.....	£108
J. H. Massingham, Boatman, Clarence River.....	108
J. Laman, Assistant Inspector at Nelson's Bay.....	20

And thus effect a saving in expenditure of..... £236

By

By the transference of Inspector Benson to a position under the Inland Waters Fisheries Act, I count a further saving in expenditure of £240, the amount of his salary. I am warranted in quoting this as a saving, because his services under the Fisheries Act will be thus dispensed with, and it may fairly be assumed that special provision will be made for the administration of the new Act.

This Act was introduced to Parliament by a private member, quite independently of the Fisheries Commission. Manifestly then its working ought not to be made a charge upon the Fisheries vote.

I may here invite the Commissioners to consider the desirableness of dispensing with the services of those pilots and others who are paid £20 per annum each for holding the appointment of acting Assistant Inspectors of Fisheries.

Their duties proper, which compel them to a constant lookout seawards, prevent them from exercising more than a very nominal oversight of the fisheries in their respective waters. The principal service they have been able to render to this Department has been the receipt and transmission of royalty on oysters. This royalty charge having been abolished I see no reason for the retention of these officers; any small service which from time to time might be required on any of the remoter waters, could be rendered by the police, or by one of the travelling inspectors. A still further annual saving to the Department of £160 would thus be effected.

By reference to the list of the Inspectors staff the Commissioners will observe that in this reduction I have not included Frederick Nelson, the Acting Assistant Inspector, at Lake George, nor likewise George Baker, who holds the like office at Sydney, and whose appointment the Commissioners only recently recommended.

I have only now to add for convenience of reference, a tabulated statement showing the savings which the adoption of the suggestion herein made will effect.

Salaries proposed to be abolished:—	
Inspector J. J. Benson, Clyde River	£240
Assistant-Inspector Mulhall, Sydney	150
Acting Assistant Inspector Windeyer, Port Macquarie.....	108
Boatman Massingham, Clarence River	108
Acting Assistant Inspector Laman, Port Stephens.....	20
Eight Acting Assistant Inspectors at Pilot Stations	160
To this amount I add the total of salaries in the Clerical staff, also proposed to be dispensed with	313
	£1,099
Less salary required for travelling Inspector	200
	£899
Total saving	£899

Fisheries Department, 29 February, 1888.

Since writing this report, I have learned that an extensive fishery, with direct steam communication with Sydney, is about to be established at Cape Hawke; this will require oversight, and in that case it will be necessary to keep Inspector Tyler in his present position, and to retain H. Massingham, the present boatman at the Clarence River, stationing him at Lake Macquarie.

I saw Massingham when at the Clarence, and formed the opinion that he is an active and intelligent officer. If it be decided to adopt this suggestion the contemplated saving in expenditure will be reduced by £108.

[To Evidence of Lindsay G. Thompson.]

B 6.

Chief Inspector of Fisheries.—Proposing the introduction of American Salmonoids into New South Wales waters.

I DESIRE to suggest that an attempt be made to introduce some species of the American salmon into New South Wales waters; and I urge immediate consideration of the subject upon the Commissioners, because (if favourably entertained), unless arrangements are concluded at once, there will be a possibility of the present season being lost.

The species I propose are the Californian salmon, *Salmo quinnat*; the Schoodic salmon, *Salmo sebago-salar* (var.); the Californian Mountain or Rainbow trout, *Salmo irideus*.

Amongst the places into which the quinnat has already been introduced are New Zealand and Victoria, and even the Sandwich Islands, but with what success I have not been able to precisely ascertain. I believe, however, its acclimatization to New Zealand has been accomplished. Some of the characteristics of this fish are hardiness, greater vitality, and more rapid growth than the English salmon; also greater capability of development in waters of a comparatively high temperature, such as would be certainly fatal to the English species; each of these characteristics seems to point to this fish as eminently suitable to our waters, and coupled with the fact that both as a food-fish, and for purposes of sport, it is considered quite the equal of the salar, its acclimatization appears very desirable.

The Schoodic salmon, so named from its habitat, the Schoodic Lakes, is but a variation from the normal type of the salar, its peculiarity being that it has lost its migratory instinct, and propagates and thrives in waters remote and separate from the sea; its growth is more rapid than that of the salar, and the flesh is described as rich and of a more delicate flavour. This fish is much sought after in the United States, taking perhaps in public favour the lead of all fresh-water fishes species. According to the waters in which it is placed, it reaches a weight of from 5 lb. to 12 lb., ranging in exceptional cases as high as 18 lb. and 20 lb. It has a preference for deep streams, and is very highly prized for food.

The Rainbow Trout (*irideus*) is a hardy game fish and it too will thrive in streams having a higher temperature than is suitable for the common trout (*fario*). It also hatches out in larger percentage, it is not as handsome as the *fario*, having no carmine specks, but it lives well in captivity, and grows rapidly.

It may be fairly assumed therefore that these fish will readily adapt themselves to our waters—and if the Commissioners, regarding my proposal in a favourable light, will invite the Colonial Secretary to procure a stock of ova from California or New Zealand (if, as I believe is the case, they are already acclimatized there), I have little doubt of being able to secure a successful hatching; I am progressing very favourably with the trout-hatching apparatus and see no reason to apprehend failure.

I wish however to put on record that I should not be satisfied to have the fry liberated as was done with the supply obtained from Victoria last October. I think that to insure success it is essential to establish ponds for the trout, and for the salmon also (if we are to have them), in some suitable locality, and I am inclined to propose the selection of a spot on the Upper Nepean River at as high an altitude as can be obtained, so that eventually the Hawkesbury River may be available as a means of passage to the sea. I claim this course as far preferable to exposing the fry to the risk of destruction by other fish and unknown enemies.

When they become of an age to protect themselves, I should be inclined to liberate some, retaining a portion in the ponds as stock fish for purposes of observation as well as comparison of habits and development. The cost of constructing ponds which, by the way, are already established in Victoria, New Zealand, and Tasmania, need not be great, and all the oversight and care necessary could be given, for the present at any rate, by one man.

I have of late been bestowing much attention to this matter of trout and salmon culture, and I seem to have such a confidence of success that I do not hesitate to submit it to the notice of the Commissioners, very respectfully urging the desirability of immediately securing the consent of the Colonial Secretary towards making the attempt on the lines I have suggested.

As the quinnat spawn in August very early application for the ova becomes imperative.

Department of Fisheries, 31st July, 1889.

LINDSAY G. THOMPSON,
Chief Inspector of Fisheries.

[To

[To the Evidence of R. Seymour.]

C1.

RETURN showing the quantity of fish received and sold by auction at the Eastern Fish Market, Sydney, from the year 1872 to 31st December, 1888, inclusive.

	Net Fish, including Whiting and Wahing.	Schnapper.	Kingfish.	Jews.	Groper.	Traglin.	Nanagai.	Salmon.	Sea Mullet.	Flounders.	Lobsters.	Prawns.	Oysters.	Crabs.	Rock Cod.	Murray Cod.	Mackerel.	Soles.	Sweeps.	Eels.	Garfish.	Smoked Fish.	Dried Fish.	Frozen Fish.	Turtle.	Barraouta.
	Bushels.	Doz.	No.	No.	No.	Doz.	Doz.	Doz.	Doz.	Doz.	Doz.	Baskets.	Bags.	Doz.	Doz.	Doz.	Doz.	Doz.	Doz.	Doz.	Bushels.	Doz.	Doz.	Boxes.	No.	
1872	117	.....	.....	.....	...	.....	...	.....	.....	...	.....	.....	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1873	1,000	31	.....	.....	...	.....	...	.....	.....	...	.....	.....	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1874	1,100	40	.....	240	...	.....	...	.....	.....	...	.....	.....	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1875	1,200	36	.....	268	...	.....	...	.....	.....	...	.....	.....	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1876	1,600	50	.....	560	...	.....	...	.....	.....	...	.....	.....	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1877	1,590	55	60	340	...	.....	...	.....	.....	...	.....	.....	...	...	...	...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1878	14,090	1,721	1,032	1,324	19	583	31	374	1,379	...	.....	44½	...	...	19	...	217	102	42	...	.....	.....	.....	.....	.....	.....
1879	13,901	1,639	685	1,423	15	516	27	311	1,412	...	453	17	...	...	17	...	28	113	51	...	.....	.....	.....	.....	.....	.....
1880	14,249	1,715	702	1,159	16	611	79	423	1,398	..	519	22	...	...	22	...	57	134	63	...	.....	.....	.....	.....	.....	.....
1881	15,510	1,734	564	1,491	38	316	68	523	2,811	...	443	.....	...	78	...	...	22	121	46	59	662	.....	.....	.....	.....	.....
1882	14,092	1,239	376	934	41	214	59	485	3,820	...	912	241	...	130	...	...	...	409	40	73	.....	1,560	.....	.....	.....	.....
1883	26,849	1,067	317	1,213	44	295	180	1,074	5,970	...	496	228	...	109	...	...	...	857	121	91	1,174	.....	562	...	5	.....
1884	33,925	1,196	1,440	1,516	...	.....	...	547	892	...	806	.....	...	...	...	...	.....	.....	.....	.....	.....	.....	7 cwt.	101	3	.....
1885	37,195	1,022	924	2,400	...	74	3	940	3,249	...	2,039	85	109	120	...	...	.....	.....	52	...	.....	.....	14½ "	...	12	.....
1886	44,607½	1,030	732	3,000	...	67	13	715	1,020	...	2,589	66½	400	130	...	...	.....	.....	150	...	.....	.....	14 "	...	7	.....
1887	51,073	1,469	2,109	1,506	...	33½	51½	639½	7,560	...	3,590½	1,011	405	...	...	8	...	.....	.....	.....	.....	.....	.....	.....	3	.....
31 Dec., 1888	57,094	1,820½	1,446	1,557	...	98	46½	1,236½	10,830	40	6,117	2,368	28	...	...	28½	...	.....	.....	.....	.....	.....	.....	.....	1	.....
TOTALS	339,192½	15,914½	10,387	18,931	173	2,807½	958	7,268	40,341	40	17,964½	3,883½	942	567	68	36½	324	1,736	565	223	1,836	1,560	562 doz. and 35½ cwt.	101	31	.....

R. SEYMOUR.

RETURN showing the quantity of fish condemned as unfit for human food and seized under the Fisheries Act at the Eastern Fish Market, Sydney, from the year 1872 to 31st December, 1888, inclusive.

Year.	Net Fish.	Schnapper.	Sea Mullet.	Lobsters.	Salt Fish.	Smoked Fish.	Dried Fish.	Frozen Fish.	Oysters.	Salmon.	Jews.	Turtle.	Seized under Fisheries Act.
	Bushels.	Doz.	Doz.	Doz.	Doz.	Doz.	Doz.	Boxes.	Bags.	Doz.	No.	No.	Net Fish—Bh s
1872.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1873.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1874.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1875.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1876.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1877.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1878.....	119	3	48	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1879.....	57	13	44	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1880.....	49	2	39	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1881.....	258	61	.....	25	60	.....	.....	.....	.....	.....	.....	.....	.....
1882.....	278	15	27	46	.....	213	.....	.....	.....	.....	.....	.....	.....
1883.....	1,110	13	111	.....	.....	.....	94	.....	.....	.....	.....	.....	17
1884.....	507	23	.....	.....	.....	.....	7 cwt.	101	.....	.....	.....	.....	13
1885.....	436	3	.....	8	.....	.....	.....	.....	10	.....	.....	10	73
1886.....	1,243	20	.....	6	.....	.....	.....	.....	46	5	.....	.....	39½
1887.....	2,329	26	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	44
Dec. 31, 1888	1,629½	10	100	.....	8	36	.....	10	3	.....	.....	1	58½
	8,015½ & 6 cart loads	189	369	85	68	249	94 and 7 cwt.	111	13	46	5	11	245½

R. SEYMOUR.

RETURN showing the amount of Revenue received from various sources at the Eastern Fish Market, Sydney, from the year 1872 to 31st December, 1888, inclusive.

Year ending.	Amount of Sales.	Commission on Sales.	Rent of Stalls.	Cooling Chamber Receipts.	Total Revenue.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
31 December, 1872.....	1,174 0 0	58 14 0	Nil.	Nil.	58 14 0
" 1873.....	10,315 8 4	515 15 5	.....	.....	515 15 5
" 1874.....	11,620 16 8	581 0 10	.....	.....	581 0 10
" 1875.....	13,545 0 0	677 5 0	.....	.....	677 5 0
" 1876.....	16,465 11 8	823 5 7	.....	.....	823 5 7
30 November, 1877.....	15,987 16 8	799 7 10	.....	.....	799 7 10
" 1878.....	14,591 13 6	730 4 3	149 10 0	.....	879 14 3
" 1879.....	15,238 13 9	762 15 2	149 10 0	.....	912 5 2
" 1880.....	16,047 0 0	803 12 1	149 10 0	.....	953 2 1
" 1881.....	17,949 14 7	889 5 5	136 15 0	.....	1,026 0 5
" 1882.....	23,715 5 9	1,188 12 6	128 10 0	.....	1,317 2 6
" 1883.....	24,709 1 8	1,235 9 1	136 12 6	.....	1,422 1 7
" 1884.....	30,115 17 1	1,510 16 6	440 0 0	.....	1,950 16 6
" 1885.....	30,789 0 0	1,539 9 0	486 0 0	.....	2,025 9 0
" 1886.....	34,256 17 3	1,712 18 0	508 12 6	275 14 3	2,496 14 9
" 1887.....	31,309 17 3	1,565 10 5	561 5 0	144 12 4	2,271 7 9
" 1888.....	38,057 16 0	1,903 19 3	605 10 0	149 7 2	2,658 16 5
31 December, 1888.....	2,583 1 3	128 3 5	49 0 0	17 6 11	194 10 4
	£ 348,392 11 5	17,426 3 9	3,550 5 0	587 0 8	21,563 9 5

R. SEYMOUR.

[To Evidence of James J. Macfadyen.]

D.

THE following has been sent to the Honorable the Colonial Secretary, and is now printed for distribution amongst the Members of the Legislative Assembly and the representatives of the people, and we crave their careful consideration with the view of having removed the many disabilities under which this great native industry languishes:—

NEW SOUTH WALES FISHERMEN'S ASSOCIATION.

To the Right Honorable Sir Henry Parkes, K.C.M.G., M.L.A., Colonial Secretary for New South Wales, &c.

Sir, Town and Country Chambers, Elizabeth-street, Sydney, 24 March, 1888.

In accordance with a desire expressed by yourself to a deputation which waited upon you on Friday, the 17th February last, that you should be furnished with written particulars of certain grievances then mentioned to you, we now do ourselves the honor to place before you such records for your consideration, to enable you to judge as to the merit of our complaints.

First—As to the closing of Port Hacking.—We would point out to you, that though this place has been closed so long, it is one of the most important for net-fishing, in consequence of its close neighbourhood to Sydney.

Port Hacking—the fish in which are mostly of a migratory character—is not a breeding-place, as may be shown by the bare sandy nature of the bottom, and the strong run of tide, which would prevent any spawn from remaining even if placed there by the fish; but the adjacent rivers, as the natural spawning and breeding ground in this locality, should be closed.

In *fine weather*, the school fish coming in from the southward, go into the harbour and continue on into the river, and in both arms, or branches of the river, deposit their spawn. Having done so, and immediately on the return of stormy weather, the great majority, if not all of the fish, leave again for the ocean.

In *stormy weather*, the fish entering the harbour do not proceed to the river at all; but, making a circle within the harbour, head again for the ocean, close by the Oaks, and are lost as food, proceeding to the ocean on their journey northwards.

Such prohibition, therefore, is no protection to the fish; and, as can be adduced by abundant proof, when net-fishing was allowed in Port Hacking, the fish were more plentiful than they are at present, after being so long closed. Yet, while the fishermen are so debarred from using these waters, private persons have boats—their own or otherwise—for fishing purposes; and frequently, persons, though prohibited, have used dynamite, &c., which, when used, destroys more fish, spawn, &c., than would supply the markets of Sydney.

Second—

Second—As to the closing of George's River.—This river nearly takes second place to Port Hacking, inasmuch as it is the only refuge for the fishermen in boisterous weather, and is the only sheltered place in that locality.

George's River is teeming with fish, which if not caught, will, like their fellows in Port Hacking, disappear on the return of stormy weather, and be lost to the fishermen and, of course, to the public.

This river should be open from the mouth to the Saltpan Creek, because it is above this point on the river that the fish deposit their spawn and breed. From Saltpan Creek to the head of the waters of the river whereon the spawn is deposited, there is from 20 to 30 miles of deep water, exclusive of inlets, creeks, bays, &c., and with such an area of closed waters for spawning and breeding purposes, the opening of the river to the point named—viz., Saltpan Creek—can in no way whatever interfere with the breeding, the increase in number, or the natural spawning ground of the fish.

With regard to the *Wynova River*, the greater portion of it is a natural breeding ground, and, on account of the rough nature of the bottom, and great depth of water, cannot be disturbed by fishermen. However, below the crossing place it should be left open, as on account of the strong run of tide preventing the deposit of spawn, the working of this part of the river cannot interfere with the spawning ground or the breeding of the fish; but further, in the hotter months of the year, neither of the above rivers can be worked on account of the great quantity of blubber floating in the water, which effectually prevents the fishermen from working, as nets and gear, worked where this matter is, will be entirely destroyed.

Though these rivers have been closed to fishermen, private boats are in the habit of getting from fifteen to thirty dozen of whiting per boat in a single day, and there are dozens of boats daily on the river. Again, many of these people dig holes in the shoal places at the mouth of the river for the purpose of getting worms for bait. These heaps of sand, and the holes alongside, destroy the natural hauling grounds of the fishermen in that portion of the river, now open to them.

Third—As regards the closing of the Rivers and Tributaries of Port Jackson.—The experience of men working in these waters proves that closing the river—from Gladesville bridge upwards on the main river, about 50 miles of foreshore; the whole of Lane Cove from its opening, some 30 miles of foreshore; Iron Cove, above bridge, about 8 miles of foreshore; Johnson's Bay, from Glebe Island bridge upwards, an extent of some 6 miles of foreshore; Middle Harbour, from Spit upwards, an extent of about 50 miles of foreshore, making a total of 144 miles of foreshores reserved from fishing—is too great an area to reserve, more particularly as a great extent of the open waters or foreshores are taken up by reclamations, moorings, and other purposes, precluding the possibility of being used by net-fishing. These latter act in themselves as breeding grounds, and it would be desirable in the interests of the fishermen, as well as the public generally, that the above reservations should be considerably reduced in extent, when it can be proved that doing so would not in the slightest degree interfere with the breeding, spawning, or accumulation of the fish. Consequently, we would suggest that the limits for reservations should be as follows:—The main river from Ryde bridge upwards, and Lane Cove from the bridge upwards.

Middle Harbour.—These waters are very limited in hauling grounds above the Spit, and the foreshores being very steep, nets cannot be used. The only suitable and practicable place for hauling is up the main arm to a point known as "Fishermen's Point," about a mile from the orange groves. We would consider it advisable to close above this point, leaving the whole of the remainder open as we have suggested. The other portions unworkable would, in themselves, be natural reserves. These reservations, however, should be closed only in the winter months, from April to the 1st of October. By this means, the market of the metropolis could be supplied with the freshest of fish, when not procurable from long distances, which, when attempted, has caused a serious loss, and destruction of good edible food.

Experience has taught us that after the summer months the larger fish in their migratory character leave these waters, and during the winter the small fry left behind congregate in the creeks and shoals of the extremities of the rivers and their tributaries, and grow and become marketable in summer. The fish, mullet, which the men are precluded from catching during the summer months—the river being closed—leave the locality at a time when they are caught in such quantities as to become a drug in the market. They are almost unsaleable, and decidedly not profitable. With this knowledge and experience to guide us, the remedy suggests itself—viz., to allow the fish to be caught in the summer months when the market is scantily supplied, and the fish have not commenced to leave the rivers.

The rivers as now reserved, apart from the reasons already adduced, do not allow of the men being able to procure a living, not to speak of supplying themselves with the necessary appliances to carry out their avocation, and keeping same in repair, consequently they have to resort to prawn catching, which has been the only thing that has supported them. Failing this, many of them have had to relinquish their occupation, thus throwing out of employment from eighty to 100 men on these rivers alone, not to speak of the capital lying idle in the shape of fishing gear.

Fourth—As to the closing of Broken Bay and the Hawkesbury River.—The natural hauling grounds are from the Barranjoey into Pittwater, as far as Newport, to its fullest extent on its eastern shores, and thence along the western shores to West Head. From this point on the southern shore, the hauling grounds are very limited. The distance between West Head and Cowan-Cowan is about 5 miles, and on the whole of the shore there is only one place which can be made use of for hauling. Of the waters of Cowan-Cowan, in consequence of the bold nature of the foreshores, no use can be made with the present nets allowed or legalized, and only with certain kinds of nets, which are prohibited, these waters are seldom or ever used by fishermen with the nets, but almost solely for line fishing, and the creeks and tributaries to these waters are seldom or ever used by fishermen excepting in very bad weather. The river on either side of Cowan-Cowan, to the site of the Hawkesbury River bridge, offers little or no facilities for net work. For example, in Porter Bay, where great numbers of fish congregate, it has been experienced that in consequence of the uneven nature of the bottom, fish escape under the nets; consequently, this locality has been almost relinquished by the fishermen.

Danger Island was a very good place to haul nets on, but since the contractors there carrying out the bridge works by building their punts, &c., have staked the place to such an extent, it has become totally unfit for working. The same is applicable to Mullet Creek. In this latter place there remains but one haul, or place that can be used for that purpose. The residue of the river, as far as 1 mile above Mangrove Creek, can consistently be proclaimed open, as from the bridge to this point, there are a number of places which offer themselves as natural reserves for fish unassailable to nets.

Berowra Creek.—As regards Berowra Creek, it would be desirable to have same open to a point known as Craft's Creek. The residue of this creek could be closed, as likewise the upper or extreme portion of these tributaries.

Considering the facilities now offered by rail—between this most important river and the metropolis—every facility should be offered for the fishermen to ply their avocations. The many objections shown as existing in the other rivers, apply to this river also.

Fifth—In re Tuggerah Lakes.—The grievances the fisherman labour under in these waters are numerous. The reserves proclaimed are such as to thoroughly paralyse the industry, in consequence of the hauling grounds, which have, up to the last proclamation, always been left open, being now in almost every instance closed, and the unreserved portions, from their formation of bottom and foreshore—either excessively weedy, shoaly, rocky, and full of drift-wood, or mags—are in themselves natural reserves, and totally unworkable by nets, or other appliances. The area of the lakes, or rather its foreshores, must at least represent some 60 or more miles, not to speak of creeks, or other inlets. Of this there is fully a third closed to fishing, and it would appear to any observant person that the manner in which these reserves have been worked out, would lead to the belief that no regard or consideration had been taken as to the nature of the locality, its bed, foreshores, &c., but simply carried out haphazard. It is an established fact that the Commission have not had any survey of the lake, consequently are quite ignorant as to its character, and where the reserves should be justly proclaimed.

It can be shown beyond dispute that the greater portion of the open waters of these lakes, unreserved from fishing, are natural reserves unassailable by nets; hence the small fry can grow there undisturbed. The many creeks emptying themselves into the lakes are breeding grounds, and should be kept closed for that purpose, and the whole of the foreshores of the lakes should be kept open. As regards the entrance from the sea to the main or Tuggerah Lake, the current is so strong in its vicinity, that little or no fishing can be done; and further, it can be proved by observation, that a great amount of fish enter and leave the lake through the passage, plainly showing that the lake is not supplied by fish that are spawned or bred in it, but by a mass of fish that enter it from the sea.

In conclusion, we may mention that in consequence of the character of numerous reservations made on these lakes, the fishing industry has been paralysed, and the fishermen compelled to retire, not making sufficient to subsist on—not to speak of keeping their costly gear fit to carry out their calling.

Sixth—With reference to Lake Macquarie.—We would observe that many of the statements made in this communication, when speaking of the other fishing grounds, apply with equal force to Lake Macquarie.

We would, however, desire specially to draw your attention to the act of the Government in selling 9½ miles of the foreshores of this lake to a building society, much to the detriment of the fishermen, as the whole of the 9½ miles of foreshores sold is good hauling.

hauling ground. We would, therefore, respectfully request the Government to resume this land, and in no case to alienate the foreshores of any of the harbours, rivers, lakes, &c., of New South Wales (when the ground is not taken up by wharves, or other works of a similar nature), as that would empower private owners to debar fishermen in the pursuit of their calling from using the foreshores.

Length of Nets.—With reference to nets, it is felt to be a great hardship that fishermen should be debarred in open waters from using the length of net they, as practical men, deem necessary to carry on their business.

On some fishing grounds the legal length of net is sufficient, and more than sufficient in many cases, but on other fishing grounds, by reason of the nature of the bottom, the position of the hauling ground, the depth of water, &c.—to have to use the short legal length—simply means in such cases, that no matter how plentiful the fish may be, a day's work will not, return a day's wage. This is incontrovertible, and it may be pointed out in this connection that practical fishermen will take all care that they do not add to their labours, by increasing, unnecessarily, the length of the nets they use. We are not now, in any way, referring to the size of the mesh. Our contention is, that with the necessary restrictions—such as prohibiting the casting of a net from shore to shore, across a river or a creek, &c.,—fishermen ought to be allowed to judge for themselves what length of net they should use under certain circumstances.

And now with reference to what has been said in the preceding remarks, we would say, generally, that the great want felt by the fishermen is that there is too little ground open to work upon, and this, not because it is naturally so, but because, as we believe—and our beliefs in this matter are based upon intelligent and extensive practical experience—that fishing grounds have been closed where closing would have no beneficial effect in the direction intended—viz., the preservation and multiplication of the fish—for the reasons given before, which reasons summarised are: Many of the grounds closed are not spawning or breeding grounds, and therefore the closing of such will not do good in the direction intended; and such places, as we have pointed out in a previous part of this paper, such as Port Hacking, and portions of the rivers, &c., mentioned, should certainly be thrown open as suggested. Again, natural hauling grounds have been closed, and natural reservations have been left open, as witness Tuggerah Lakes. Such actions as these mean to the fishermen simply, that to a lesser or greater extent, they are shut out from their legitimate employment. Sydney harbour, to a very great extent, has been decreased in area to the fishermen by the silting up of the harbour, the amount of ground taken up by moorings, and the foreshores by wharves, &c. Again, some of the places referred to have been closed at the wrong time, and in some cases, one at least, the utility of closing at all is very questionable. For instance, George's River, with its many natural spawning grounds or reservations, apart from the main river, and the tributaries of Sydney harbour, much the same. Why should these places be closed when fish are to be caught, which, if not caught, will, to a very great extent, be lost to those interested—viz., the public and the fishermen; for when the fish leave the rivers, as has already been referred to, they go towards the ocean in such numbers that big catches have to be made in two or three days during the season, and though many are caught, the fishermen receive only a small price for the fish sent into the market. A great portion go bad, as there are more fish than the market can use, and the great body of the fish from the rivers, which if caught at the proper time, and in small quantities, would have kept the market supplied, at a cheap rate, with good edible food, is lost to everyone concerned by proceeding to the ocean.

It is a well known fact that in the summer season great quantities of fish are lost in carrying the fish from long distances to the metropolis.

Again, we would respectfully draw your attention to the existing law, and to that part of it bearing upon the punishments to be inflicted for breaches of the same. We refer to the fact that under certain circumstances the Commissioners are empowered to demand the confiscation of the nets of a fisherman who has broken the law. Surely it is a harsh, not to say cruel law, which takes away from the offender his tools of trade; without which he is, so far as the law is concerned, placed in a position of total inability to earn his living; but what can we think of a law that empowers these same Commissioners who have seized a net because it is illegal, to turn round deliberately and with the sanction of the law sell to whomsoever will buy that which is illegal—viz., the net that they have just seized. We beg to assure you that we do not for a moment desire to excuse the law-breakers, but we do earnestly desire that the law may be altered, and that its administration may be such, that practical fishermen will not be tempted to break laws which their experience and intelligence tell them, to not tend in any way to achieve the ends aimed at, though they, the fishermen, cannot by working as hard as they please within the four corners of the Act, maintain those dependent on them with the necessities of life, not to speak of its comforts. One of our aims as an association is in the words of the constitution (to which we beg to refer you, and a copy of which is enclosed)—“To have the laws of the Colony, relating to the fishing industry, and to the distribution of fish, put on a fair and equitable basis.” We, as practical men, conversant with the habits of the fish on this coast, the nature of the grounds over which they live and breed, the time and manner of their spawning, &c., are prepared to prove that many of the methods used by the Fisheries Commission for the preservation of the fish, have not been the best methods; rather, we regret to state, very much the reverse. We do not desire to say a word against the gentlemen forming that Commission. We believe that they are gentlemen whose desire it is to deal fairly between the public and the fishermen, but we point out, and we do so with the greatest respect, that however honest their intentions, without practical men on the Commission, they cannot possibly administer the Act intelligently, or indicate wherein the Act is opposed to the very objects for which it was passed. In reply, it may be stated that they have practical officers to guide them, but we beg to state that it is not so in all cases, and when the officers are intelligent practical men, we are safe in saying that they will agree with what we have suggested in this communication as the right way to deal with the different fishing grounds. We therefore beg that you will arrange to have the fishermen represented on the Commission by two of their own number, to be elected by themselves. If this is conceded, a way will be opened to reduce the friction that at present unhappily exists. As an association, our only desire is to have equitable and intelligent laws surrounding the fish industry, for it cannot be in the interests of any body of men more than ourselves to have good laws passed, and see them properly and intelligently administered. Our rules are so framed that we shall be able to act as detectives ourselves, and punish those who would selfishly pursue a course that would be detrimental to the interests of the whole body; and, we would point out, that to preserve from destruction the fish on the coast, comes home with a keener and greater interest to us as professional fishermen than it possibly can to any other body.

We will not here take up your time in giving reasons why we should be represented on the Commission, further than to remind you that “there should be no taxation without representation,” and that is as true to-day as on the day the phrase was first used, and when we tell you that many fishermen—the man from “Tipperary,” notwithstanding—have this year had to pay the tax out of the mouths of their children, you will see that it is a serious item to many of our members.

Official Recognition.—In connection with this association, we beg that you will grant us such official recognition, and give such instructions as will enable the executive of the association to receive from time to time a copy of all proclamations, gazettes, maps, plans, &c., connected with the fishing industry, or in which fishermen, as a body, may be interested, and which in the future may be issued from the Government Departments.

Library.—We have the honor to inform you that for the purpose of carrying out the objects of our association, we are forming a library to diffuse sound practical information among our members. We have many friends who are willing and who have promised to assist us in this matter—amongst whom are several Members of Parliament—and we would now respectfully ask that the Government would be pleased to present to the association such publications in the shape of books, blue books, maps, &c., as are at the command of the Government, and would be useful for the purposes named. They will be well and faithfully kept in our room, at the Town and Country Chambers, Elizabeth-street, and will be placed in the custody of the trustees of the association, which has been duly registered.

Trusting we shall soon hear favourably from you.

We have, &c.,

The Executive:

President—JAMES J. MACFADYEN.

Vice-Presidents

F. NEWTON.

J. MALLETT.

F. WOODS, senr.

H. PEARCE.

Committee

C. HASTIE.

T. GASCOIGNE.

E. BARBOUR.

Treasurer—E. FANNING.

Hon. Secretary—F. C. COX.