

No. 32 of 1965

An Ordinance relating to Fisheries

[Reserved 9th June, 1965.]

[Assented to 26th August, 1965.]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1962*, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Fisheries Ordinance 1965*. Short title.
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.† Commencement.
3. The Ordinances specified in the Schedule to this Ordinance are repealed. Repeal.
4. This Ordinance is divided into Parts as follows:— Parts.
 - Part I.—Preliminary (Sections 1-5).
 - Part II.—Administration (Sections 6-11).
 - Part III.—Reserves and Closed Waters (Sections 12-13).
 - Part IV.—Control of Fishing (Sections 14-20).
 - Part V.—Oyster Culture (Sections 21-34).
 - Part VI.—Miscellaneous (Sections 35-59).
- 5.—(1.) In this Ordinance, unless the contrary intention appears:— Interpretation.
 - “bait net” means a scoop net or a cast net;
 - “boat” includes any barge, punt, vessel or floating craft of any description used for any purpose on the sea or in navigation;
 - “cast net” means a hand-cast net of the umbrella type;

Assent notified in the *Government Gazette* of the Northern Territory on 9th September, 1965 (see *Gazette* No. 38, 1965, p. 153).

† The date fixed was 22nd June, 1966 (see *Government Gazette* No. 31 of 22nd June, 1966, p. 130).

- “ Chief Inspector ” means the Chief Inspector of Fisheries appointed under section six of this Ordinance;
- “ exempt net ” means a net exempted for the purposes of sub-section (1.) of section forty-four of this Ordinance;
- “ fish ” means every description of marine, estuarine or fresh water fish and includes crabs, prawns, shrimps and other crustacea (except shellfish), turtles, dugong, cetacea (except whales) and their spat, spawn and fry;
- “ handline ” means a fishing line of any material to which is attached not more than two hooks;
- “ inspector ” means an Inspector of Fisheries within the meaning of section six of this Ordinance and includes the Chief Inspector;
- “ licensed fisherman ” means the holder of a licence granted under sub-section (1.) of section fifteen of this Ordinance;
- “ line ” means a fishing line of any material not being a handline;
- “ net ” means a fabric of rope, cord, twine, nylon or other material, knotted or woven into meshes and designed or fitted to take fish and includes all tackle and furniture provided for use or used in connexion therewith but does not include the device used for the taking of bait usually known as a bait basket;
- “ oyster ” includes all molluscs of class *Lamelli-branchiata* but does not include pearl shell;
- “ prohibited size ”, in relation to a fish of any species, means a size less than the size specified in a notice published under section fourteen of this Ordinance as the minimum size of that species which may be taken;
- “ prohibited species ” means a species of fish specified in a notice published under section fourteen of this Ordinance as a species the taking of which is prohibited;
- “ scoop net ” means a net which is attached to a frame, hoop or ring and is designed for use in the hand only;
- “ water above the tidal limit ” means, in relation to any river or stream, the water upstream of the point at which the level of the water in the river or estuary ceases to be affected by the movement of tides but

in the case of a river, stream or estuary in respect of which the Administrator in Council has fixed a point of tidal limit means the water upstream from that point whether or not that water is affected by movement of the tides.

(2.) Where in this Ordinance or in any instrument made under this Ordinance a net is described as having or being of, under or over a mesh of a specified size, the size of the mesh is the distance ascertained by measuring the shortest distance between knot and knot of two diagonally opposite corners of a mesh after the net has been soaked in water for a period of five minutes and a half pound weight has been suspended from one of those diagonally opposite corners.

PART II.—ADMINISTRATION.

6.—(1.) The Administrator may appoint a Chief Inspector of Fisheries who shall, subject to the directions of the Administrator, be responsible for the administration of this Ordinance. Appointment of inspectors.

(2.) The Administrator may appoint such Inspectors of Fisheries as he considers necessary for the purposes of this Ordinance.

(3.) Each member of the Police Force is, by virtue of his appointment as a member of the Police Force and until that appointment is terminated, an Inspector of Fisheries.

7.—(1.) The Chief Inspector may either generally or in relation to a matter or class of matters and either in relation to the whole or a part of the Territory, by writing under his hand, delegate all or any of his powers and functions under this Ordinance or the regulations except this power of delegation. Delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Chief Inspector.

8.—(1.) An inspector shall, with respect to offences and to persons offending against this Ordinance, have all the powers and duties of a constable at common law. Powers of inspector.

(2.) Without derogating from the generality of the last preceding sub-section an inspector may—

(a) without warrant, arrest any person committing an offence against this Ordinance or a person as to whom the inspector believes on reasonable grounds that he has committed an offence against this Ordinance if he believes that the person is unlikely to answer to a summons;

- (b) enter and search any vessel or vehicle in which he believes, on reasonable grounds, that there is any fish or thing which is likely to afford evidence of an offence against this Ordinance and seize, take, detain, remove and secure any fish, net, trap or equipment which he has reason to believe has been taken or used, is being used or is intended to be used in contravention of this Ordinance;
- (c) at all reasonable times enter any shop, building or place where any fish are, or where he suspects any fish to be kept for sale or prepared for market, export or sale; and
- (d) enter upon any waters and pass through or along the banks or borders of any waters and examine all tributaries, sluices and watercourses communicating with any waters.

Person to give name and address.

9.—(1.) An inspector may require any person found committing, or as to whom he believes on reasonable grounds that the person has committed, an offence against this Ordinance to give his name and address.

(2.) A person shall not refuse or fail, without good cause or excuse, to give his name and address when required to do so by an inspector.

Penalty: Fifty pounds or imprisonment for three months.

Powers of inspector with respect to boats.

10. An inspector may—

- (a) board or enter upon a boat in the waters of the Territory which he has reason to believe has been used, is being used or is intended to be used for the taking of fish and may search the boat for fish, nets, traps and other equipment used or capable of being used for taking fish;
- (b) examine any nets, traps or other equipment found in any place being nets, traps or other equipment which he has reason to believe have been used, are being used or are intended to be used for the taking of fish; and
- (c) bring a boat which he has reason to believe has been used or is being used in contravention of this Ordinance to a place in the Territory and remain in control of that boat pending the taking of proceedings in respect of that contravention.

Obstruction of inspectors.

11. A person shall not assault or by force resist, molest, obstruct, or intimidate or endeavour to intimidate an inspector in the execution of his duty under this Ordinance.

Penalty: One hundred pounds or imprisonment for six months.

PART III.—RESERVES AND CLOSED WATERS.

12.—(1.) The Administrator in Council may by notice in the *Gazette* declare an area of unoccupied Crown land or of water to be a fishing reserve for the purposes of this Ordinance. Reserves

(2.) A declaration made under the last preceding sub-section may specify that the land or water is reserved—

- (a) for fishing or for the taking of oysters by members of the public;
- (b) for the carrying out of research into fish or fishing;
- (c) for the farming of fish;
- (d) for regeneration of stocks of fish; or
- (e) for any other purpose in relation to fish or fishing.

(3.) Where a declaration has been made under sub-section (1.) of this section and the declaration specifies that the land or water is reserved for a purpose other than the purpose specified in paragraph (a) of sub-section (2.) of this section a person shall not, without lawful authority, go upon the land or water the subject of the declaration.

(4.) A person shall not sell fish or oysters which have been taken from land or water reserved for a purpose specified in paragraph (a) of sub-section (2.) of this section.

13.—(1.) The Administrator in Council may, by notice in the *Gazette*, declare any waters specified in the notice to be closed— Closure of waters.

- (a) against fishing by any means;
- (b) against fishing by means specified in the notice;
- (c) against the use of particular types, descriptions or sizes of nets, traps, lines or fixed or moveable apparatus;
- (d) against fishing during a period or a part of the year specified in the notice;
- (e) against the taking of fish of a specified species; or
- (f) against the taking of oysters.

(2.) Where a declaration is made under the last preceding sub-section a person shall not in the waters specified in the notice do any act prohibited by the notice.

Penalty: Two hundred pounds or imprisonment for six months.

PART IV.—CONTROL OF FISHING.

14. The Administrator in Council may, by notice published in the *Gazette*— Prohibited acts.

- (a) prohibit either at all times or during a period specified in the notice the taking of fish or of fish of a species specified in the notice;

- (b) prohibit the taking of fish, of a species specified in the notice, not exceeding a size so specified;
- (c) prohibit the taking in the Territory or a part of the Territory specified in the notice, of fish or a species of fish specified in the notice by a method or by the use of nets or of any other apparatus specified in the notice; and
- (d) fix in respect of any stream or estuary a point of tidal limit.

(2.) Any notice published under the last preceding subsection may provide for exemption from the prohibition contained in the notice.

Licensing of fishermen and boats.

15.—(1.) The Chief Inspector may, if he thinks fit, grant to a person a licence to take fish for commercial purposes in the Territory or a part of the Territory.

(2.) A licence granted under the last preceding subsection—

- (a) remains in force until the next succeeding thirty-first day of December; and
- (b) is subject to any conditions which are endorsed on the licence.

(3.) The Chief Inspector may transfer to another person a licence granted under sub-section (1.) of this section.

Persons not licensed not to take fish for sale.

16. A person shall not take any fish for sale or for use in manufacture unless he is a licensed fisherman.

Penalty: Two hundred pounds or imprisonment for six months.

Employee's licence.

17.—(1.) The Chief Inspector may issue to a person an employee's licence authorizing him to be employed by a licensed fisherman.

(2.) A person shall not employ as a fisherman any person who is not the holder of an employee's licence.

Penalty: Fifty pounds.

Register of licences, &c.

18.—(1.) The Chief Inspector shall maintain a Register showing the licences granted under sections fifteen and seventeen of this Ordinance.

(2.) The grant of a licence shall be subject to the payment of such fees (if any) as are prescribed.

(3.) Where the Chief Inspector is satisfied that a person holding a licence under this Ordinance has committed an offence against this Ordinance or has failed to comply with a condition endorsed on the licence he may cancel the licence.

(4.) A person aggrieved by a cancellation of a licence under the last preceding sub-section may appeal against the cancellation to the Administrator in Council.

(5.) Upon an appeal being lodged under the last preceding sub-section the Administrator in Council may allow the appeal and direct that the licence be restored or may confirm the cancellation.

19. A person shall not offer for sale any fish which is unwholesome.

Persons not to sell unwholesome fish.

Penalty: One hundred pounds.

20. An inspector appointed under sub-section (2.) of section six of this Ordinance—

Inspection of fish.

- (a) may inspect any fish if he has reason to believe that it is held by a person for sale; and
- (b) shall inspect any fish if the owner or a person authorized by the owner requests him to do so.

21. Where, upon an inspection made under the last preceding section, an inspector is of the opinion that any fish is unfit for human consumption he may—

Condemnation of fish unfit for consumption.

- (a) condemn the fish;
- (b) seize the fish; and
- (c) cause the fish to be destroyed forthwith.

PART V.—OYSTER CULTURE.

22. In this Part unless the contrary intention appears—

Definition.

“ Crown lands ” means land of the Crown or the Commonwealth between high-water mark and low-water mark and the bed of the sea or any tidal water within territorial limits and includes reserved or dedicated lands;

“ high-water mark ” means the line of high water at the mean spring tide;

“ low-water mark ” means the line of low water at the mean spring tide.

23 A person may make application to the Administrator for a lease of Crown lands not exceeding eighty acres for the purpose of the taking and cultivation of oysters.

Applications for leases.

24 An application made under the last preceding sub-section shall—

Contents of application.

- (a) sufficiently indicate the area and the boundaries of the area in respect of which the application is made;

- (b) specify the annual rent which the applicant offers for a lease of the area; and
- (c) be accompanied by the deposit of the first year's rent offered by the applicant.

Grant of leases.

25.—(1.) The Administrator in Council may grant to an applicant a lease of Crown lands not exceeding eighty acres in area for the purpose of the taking and cultivation of oysters.

(2.) A lease granted under the last preceding sub-section shall be—

- (a) subject to such covenants, terms and conditions as the Administrator in Council determines; and
- (b) for such term not exceeding ten years as the Administrator in Council determines.

(3.) The annual rent payable for a lease granted under this Part shall be such amount, being not less than the rental offered by the applicant, as the Administrator in Council determines.

Rights conferred by lease.

26. Subject to this Ordinance a lease granted under this Part confers on the lessee—

- (a) the exclusive right to go onto the leased area and to take, plant, dredge and remove oysters upon the leased area;
- (b) the right to use such Crown land above high-water mark for such purposes and subject to such conditions as are specified in the lease; and
- (c) ownership in all oysters from time to time upon the leased area,

but does not confer on the lessee any right to possess or to exclude other persons from the surface of the sea over the leased area.

Surrender.

27.—(1.) A lessee may at any time surrender a lease granted under this Part upon payment of all rent due at the time of the surrender.

(2.) Subject to any provisions contained in any agreement between the lessee and the Administrator, on the surrender of a lease the lessee may, either before the surrender or before such date after the surrender as the Administrator considers reasonable—

- (a) take down, remove and carry away any improvements and equipment which the lessee has erected or set up upon the land comprised in the lease during the term of the lease; and
- (b) remove and carry away any oysters that are or were upon the leased land during the term of the lease.

28. If the Administrator is satisfied that rental due under a lease granted under this Part is more than three months in arrears or that the lessee has been guilty of a breach of any covenant or condition of the lease he may, by notice published in the *Gazette*, forfeit the lease. Forfeiture.

29. Upon the expiry of the term of a lease granted under this Part, the Administrator in Council, if he is satisfied that the lessee has observed and performed the covenants, terms and conditions of the lease, may renew the lease for a period not exceeding five years upon the same or upon other terms and conditions. Renewal.

30. Where a lease under this Part is forfeited or expires and is not renewed under the last preceding section all oysters, equipment and improvements upon the leased land vest in the Commonwealth. Improvements become the property of the Crown upon expiry.

31. A lease granted under this Part shall not be assigned or sub-let except with the approval of the Administrator in Council. Assignment and sub-letting.

32. A person, other than a lessee, or an assignee or sub-lessee, shall not erect any building, wharf, jetty or other structure in or on an area the subject of a lease under this Part. Erection of building on lease.

33.—(1.) Where an inspector reports that a leased area has from any cause been reduced to such a state that the taking of oysters therefrom should be prohibited, the Administrator may, by notice addressed to the lessee, suspend the lease for the period specified in the notice. Suspension of lease.

(2.) During the period during which a lease is suspended—

- (a) a person (including the lessee) shall not, except at the direction of an inspector, take oysters from the leased area;
- (b) the lessee shall carry out such works or improvements upon the leased area as the Administrator from time to time may require; and
- (c) no rental is payable by the lessee.

34. A person shall not— Offences.

(a) without the consent of the lessee—

- (i) take or remove from a leased area; or
- (ii) disturb or interfere with upon a leased area,
oysters or any sticks, stones or other material used for the cultivation of oysters;

(b) deposit upon a leased area any stone, rubbish or other substance likely to be harmful to oysters or to interfere with the cultivation of oysters upon the leased area; or

(c) dig, dredge or drag upon a leased area with any implement or thing.

Penalty: One hundred pounds.

Compensation
may be ordered.

35. Where a person is convicted of an offence against the last preceding section, the court by which he is convicted may, in addition to any penalty it imposes, order him to pay such compensation as the court fixes to a lessee who has sustained damage as a result of the commission of the offence.

PART VI.—MISCELLANEOUS.

Prohibited acts.

36. A person shall not do an act for the time being prohibited by a notice in force under section fourteen of this Ordinance.

Penalty: Two hundred pounds or imprisonment for six months.

Exceptions.

37. Notwithstanding the provisions of the last preceding section, where a declaration is made prohibiting the taking of fish of a species specified in the notice, or of fish of a species specified in the notice not exceeding a size so specified, it is lawful for a person to take fish of that species or less than the size so specified—

(a) if he is not a licensed fisherman and the fish are taken—

(i) for use as bait; or

(ii) by handline for consumption by that person or his family; or

(b) if he is a licensed fisherman and the fish are taken for use as bait under and in accordance with the authority of an inspector.

Persons not to
fish in
freshwater
except with
handline.

38. A person shall not take fish in freshwater or in water above the tidal limit of any stream except by the use of a handline or spear.

Penalty: One hundred pounds or imprisonment for six months.

Importation of
fish.

39. A person shall not, without a permit in writing issued by the Chief Inspector, import or bring into the Territory or liberate in any water of the Territory any live fish or ova not being fish or the ova of fish of an indigenous species.

Penalty: Two hundred pounds or imprisonment for six months.

40.—(1.) A person shall not put in any waters of the Territory an explosive, poisonous or noxious substance with the intent to kill or take any fish or whereby any fish are likely to be injured or killed. Explosives not to be used.

Penalty: Two hundred pounds or imprisonment for six months.

(2.) A person shall not have on board any boat any explosive substance whereby any fish are likely to be injured or destroyed.

Penalty: Two hundred pounds or imprisonment for six months.

(3.) It is a defence to any prosecution for an offence against the last preceding sub-section if the person charged establishes to the satisfaction of the court before which the charge is brought that the explosive substance was intended to be used for a purpose other than the injury or destruction of fish.

41.—(1.) The Chief Inspector may, by notice published in the *Gazette* and in a newspaper circulating in the Territory, declare areas to which this section applies. Fouling netting grounds.

(2.) A person shall not, except with the permission in writing of the Chief Inspector, place below high-water mark in an area declared under the last preceding sub-section any stake, stick or pole or other thing which is likely to damage any net.

Penalty: Fifty pounds.

(3.) The court before which a prosecution for an offence against the last preceding sub-section is brought may, upon conviction, in addition to any penalty imposed, order the defendant to pay to the owner of any net damaged as a result of the offence compensation in a specified sum in respect of that damage.

42. Where the waters of a freshwater lake, lagoon or billabong or a stream above the tidal limit are contained within the boundaries of land held under lease from the Crown or the Commonwealth nothing in this Ordinance gives any right of access to those waters over that land without the consent of the lessee. No rights to fish in private waters.

43. Where a person is using a line or handline (not being a set line) at any place, another person shall not shoot, run, lay or use a net in such a place or in such a manner as to foul or interfere with that line or handline. Netters not to interfere with line fisherman.

Penalty: Fifty pounds.

44.—(1.) A person who is not a licensed fisherman shall not use a net, other than a bait net or an exempt net, for the purpose of taking fish. Only licensed fisherman to use nets.

Penalty: Fifty pounds.

(2.) The Chief Inspector, upon application by a person who owns or proposes to acquire a net may exempt that net for the purposes of the last preceding sub-section.

(3.) The Chief Inspector by notice published in the *Gazette* may exempt generally for the purposes of sub-section (1.) of this section nets of a length, depth and size of mesh specified in the notice.

Nets to be emptied in water.

45.—(1.) A person using a net containing fish, not being a bait net, shall empty that net in water of sufficient depth to allow the full escape of fish of a prohibited species and fish of a prohibited size.

Penalty: One hundred pounds.

(2.) This section applies only to beach seine nets designed and used to take fish by hauling onto land or in shallow water.

Fishtraps.

46.—(1.) A person shall not erect, maintain or use a fish-trap except under and in pursuance of a licence issued under this section.

Penalty: Two hundred pounds.

(2.) The Chief Inspector may issue to a person a licence to erect, maintain and use a fishtrap which complies with the provisions of the next succeeding sub-section.

(3.) A licence issued under the last preceding section shall require that the fishtrap—

- (a) be constructed of a meshed material so that the perimeter of each mesh is not less than eight inches;
- (b) contains a total length of meshed material not exceeding 800 yards;
- (c) be not more than ten feet deep at any place;
- (d) be erected in accordance with a design approved by the Chief Inspector; and
- (e) be erected only at the location specified in the licence.

(4.) The owner of a licensed fishtrap shall cause the trap to be cleared and the fish to be removed from the trap at least once in each twenty-four hours.

(5.) A person shall not—

- (a) interfere with or damage a fishtrap; or
- (b) unless he is authorized by the owner, remove fish from a fishtrap.

Penalty: Fifty pounds.

(6.) The Chief Inspector may remove, demolish or cause to be removed or demolished a fishtrap which is erected in contravention of this section.

(7.) The provisions of this section do not apply to the use of a portable fishtrap which is not more than six feet in length and three feet in width.

47. A licensed fisherman shall furnish to the Chief Inspector such returns as are prescribed. **Returns.**
Penalty: Fifty pounds.

48. The following are forfeited to Her Majesty:— **Forfeitures.**
(a) all nets, traps and other devices for the taking of fish used contrary to this Ordinance; and
(b) fish taken, in the possession of a person or killed contrary to this Ordinance.

49.—(1.) A net, trap or device forfeited under this Ordinance is condemned by the conviction of a person of an offence against this Ordinance in respect of the use or possession of the net, trap or device. **Condemnation.**

(2.) Fish forfeited under this Ordinance are condemned by the conviction of a person in respect of his taking, killing or possession of the fish contrary to the provisions of this Ordinance.

50. An inspector may seize any thing which is forfeited under this Ordinance or which he believes on reasonable grounds to be so forfeited. **Seizure.**

51.—(1.) Subject to the next succeeding sub-section a thing which is forfeited and has been seized shall as soon as is practicable be delivered to the Chief Inspector by the inspector who seized it. **Delivery of thing forfeited to Chief Inspector.**

(2.) Where a thing which has been seized is perishable and it is not practicable to keep it from perishing the Inspector who seized the thing may abandon or destroy it in such manner as he thinks fit.

52. Where a thing seized as forfeited is delivered to the Chief Inspector, if no prosecution is instituted within thirty days in respect of the use or possession of the thing or, if the thing seized is fish, in respect of the possession, taking or killing of the fish, the Chief Inspector may by notice in writing require the person from whom the thing was seized or a person appearing to the Chief Inspector to be the owner of the thing to claim delivery to him of the thing seized. **Claim to be made to Chief Inspector.**

53. If no claim is made within twenty-one days of the date of service of the notice in writing the thing seized is condemned. **Condemned if no claim.**

Claims to be dealt with summarily.

54 Where a person served with a notice under section fifty-two of this Ordinance makes a claim for the delivery to him of a thing seized as forfeited the Chief Inspector shall refer the claim to a Court of Summary Jurisdiction which may deal with the claim in all respects as if it were a claim made by a claimant of property under section one hundred and thirty B of the *Justices Ordinance* 1928-1964.

Disposal of forfeited things.

55. All forfeited things which are condemned may be destroyed or disposed of in such manner as is prescribed or, in the absence of regulations, as the Chief Inspector may think fit.

Summary prosecutions.

56. Offences against this Ordinance may be prosecuted summarily.

Inspectors to institute proceedings.

57.—(1.) A prosecution for an offence against this Ordinance shall not be instituted except by an inspector.

(2.) A court before which a prosecution for an offence against this Ordinance is brought shall, in the absence of proof to the contrary, presume that the prosecution has been instituted by an inspector.

Averment.

58.—(1.) In any prosecution for a contravention of, or failure to comply with, any provision of this Ordinance or any other law of the Territory, an averment of the prosecutor contained in the information or complaint—

- (a) as to a matter specified in sub-section (4.) of this section;
- (b) made in writing; and
- (c) served on the defendant in accordance with the provisions of this section,

is evidence of the matter averred.

(2.) The last preceding sub-section applies to a matter averred although—

- (a) evidence in support or rebuttal of the matter averred or of any other matter is given; or
- (b) the matter averred is a mixed question of law and fact, but in that case the averment is *prima facie* evidence of the fact only.

(3.) Evidence given in support or rebuttal of a matter so averred shall be considered on its merits and the credibility and probative value of the evidence shall be neither increased nor diminished by reason of this section.

(4.) An averment may be made under this section in relation to the following facts:—

- (a) that a place is within a fishing reserve;

(b) that an act alleged to have been done was done within an area of waters which had been declared to be closed under section thirteen of this Ordinance;

(c) that an area of water is water above the tidal limit.

(5.) An averment shall not be made under this section unless the Crown Law Officer, being satisfied that the averment is reasonably necessary for the due administration of justice and will not impose hardship upon or occasion injustice to the defendant, certifies in writing to that effect on the paper containing the averment.

(6.) An averment shall not be evidence for the purposes of this section unless a copy of the paper containing the averment has been served on the defendant in the same manner as the process requiring his attendance before the court.

(7.) Service of a copy of the paper containing the averment may be proved in the same manner as service of the process requiring the defendant's attendance before the court may be proved.

(8.) Upon the hearing of proceedings in respect of a contravention, or failure to comply with, any provision of this Ordinance, the court may, if the amendments can be made without hardship or injustice to the defendant, allow such amendments to be made in the writing containing an averment as appear to it to be desirable or to be necessary to enable the real question in dispute to be determined.

(9.) If the court considers the defendant has been misled by the form of the averment, it may refuse to allow the amendment, adjourn the hearing of the case for such period as it thinks fit and may make such order as to the costs of the adjournment as it thinks proper.

59. The Administrator in Council may make regulations, Regulations. not inconsistent with this Ordinance, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and in particular prescribing all matters providing for or in relation to—

- (a) the fees to be charged for licences granted under this Ordinance;
- (b) the disposal of articles forfeited and condemned;
- (c) the duties of inspectors;
- (d) forms of permits, licences and authorities issued under this Ordinance;
- (e) the conditions under which a person may enter a fishing reserve;
- (f) the control and management of public reserves established under this Ordinance;

- (g) the method of determining priorities between persons using nets for fishing;
- (h) the methods of marking nets and equipment licensed under this Ordinance;
- (j) the furnishing of statistics in relation to the taking of fish in waters proclaimed under the *Fisheries Act 1952-1959* and in territorial waters, and to the sale and disposal of fish taken in all such waters;
- (k) the control of the introduction and release of fishes into waters of the Territory;
- (l) the destruction and eradication of fish of such species as he may deem fit, including the destruction of such fish by the poisoning of any waters of the Territory; and
- (m) penalties not exceeding Fifty pounds for offences against the Regulations.

THE SCHEDULE.

Fisheries Ordinance 1949.

Fisheries Ordinance 1950.

Fisheries Ordinance 1952.

Fisheries Ordinance 1958.

Oyster Culture Leases Ordinance 1918.
