

No. 18 of 1966

An Ordinance to amend the *Fisheries Ordinance* 1965

[Assented to 17th June, 1966.]

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* 1910-1965, as follows:—

1.—(1.) This Ordinance may be cited as the *Fisheries Ordinance* 1966. Short title and citation

(2.) The *Fisheries Ordinance* 1965 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Fisheries Ordinance* 1965-1966.

2. This Ordinance shall come into operation on the date on which the *Fisheries Ordinance* 1965 comes into operation. Commencement

3. Section 4 of the Principal Ordinance is amended by omitting the words and figures— Parts

“Part V. — Oyster Culture (Sections 21-34).

Part VI. — Miscellaneous (Sections 35-59).”

and inserting in their stead the words and figures—

“Part V. — Oyster Culture (Sections 21-35).

Part VI. — Miscellaneous (Sections 36-59).”

4. Section 5 of the Principal Ordinance is amended—

Interpretation

(a) by omitting the definition of “boat” and inserting in its stead the following definition:—

“‘boat’ includes any barge, punt, vessel or floating craft of any description;”;

(b) by omitting the definition of “fish” and inserting in its stead the following definition:—

“‘fish’ includes marine, estuarine and fresh water fish of all kinds, crabs, prawns, shrimps and other crustacea, molluscs

(except oysters), turtles, dugong, cetacea (except whales) and their spat, spawn and fry;”;

(c) by omitting the definition of “oyster”; and

(d) by inserting after the definition of “scoop net” the following definition:—

“‘waters’ or ‘waters of the Territory’ means the sea and the bed of the sea within the territorial limits of the Northern Territory and includes all rivers, lakes, lagoons and billabongs whether of fresh, salt or brackish water;”.

Powers of
inspector

5. Section 8 of the Principal Ordinance is amended by omitting from paragraph (b) of sub-section (2.) the word “vessel” and inserting in its stead the word “boat”.

Reserves

6. Section 12 of the Principal Ordinance is amended by adding at the end thereof the following words:—

“Penalty: One hundred dollars.”.

Licensing of
fishermen
and boats

7. Section 15 of the Principal Ordinance is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) The Chief Inspector may, if he thinks fit, grant to a person—

(a) a licence; or

(b) a licence to use a boat,

to take fish for commercial purposes in the Territory or a part of the Territory.”; and

(b) by adding at the end thereof the following sub-section:—

“(4.) The Chief Inspector shall not grant a licence to use a boat unless he is satisfied that the boat is in a sound and seaworthy condition and is equipped with such equipment for fire-fighting, life-saving and navigating as is prescribed or, if no equipment is prescribed for any of those purposes, with such equipment as the Chief Inspector thinks necessary for those purposes.”.

8. Section 40 of the Principal Ordinance is repealed and the following section inserted in its stead:—

“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.

Explosives,
&c., not
to be used

Penalty: Four hundred dollars or imprisonment for six months.

“(2.) A person shall not put in any waters of the Territory—

- (a) a poisonous or noxious substance that is likely to injure or kill any fish; or
- (b) an explosive substance that is likely to injure or kill any fish, before being exploded or on or after being exploded.

Penalty: Four hundred dollars or imprisonment for six months.

“(3.) A person shall not have on board any boat an explosive substance that would be likely to injure or kill any fish if it were exploded.

Penalty: Four hundred dollars or imprisonment for six months.

“(4.) It is a defence to a charge 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.

“(5.) Sub-sections (1.), (2.) and (3.) of this section do not apply to a person who is engaged in seismic exploration of the bed of the sea and complies with—

- (a) the provisions of the regulations relating to seismic exploration of the bed of the sea; or
- (b) if there are no such provisions, the conditions, if any, determined by the Administrator relating to such exploration.”.

9 Section 46 of the Principal Ordinance is amended—

Fishtraps

- (a) by omitting from sub-section (1.) the words “Two hundred pounds” and inserting in their stead the words “Four hundred dollars”;
- (b) by omitting from sub-section (3.) the words “last preceding section” and inserting in their stead the words “last preceding sub-section”;
- (c) by omitting from paragraph (b) of sub-section (3.) the figures “800” and inserting in their stead the words “eight hundred”; and
- (d) by omitting from sub-section (5.) the words “Fifty pounds” and inserting in their stead the words “One hundred dollars”.

Additional
amendments

10. The Principal Ordinance is amended as set out in the Schedule to this Ordinance.

THE SCHEDULE

Section 10

Sections amended	Amendments
9	Omit from sub-section (2.) "Fifty pounds", insert "One hundred dollars".
11	Omit "One hundred pounds", insert "Two hundred dollars".
13	Omit from sub-section (2.) "Two hundred pounds", insert "Four hundred dollars".
16	Omit "Two hundred pounds", insert "Four hundred dollars".
17	Omit from sub-section (2.) "Fifty pounds", insert "One hundred dollars".
19	Omit "One hundred pounds", insert "Two hundred dollars".
34	Omit "One hundred pounds", insert "Two hundred dollars".
36	Omit "Two hundred pounds", insert "Four hundred dollars".
38	Omit "One hundred pounds", insert "Two hundred dollars".
39	Omit "Two hundred pounds", insert "Four hundred dollars".
41	Omit from sub-section (2.) "Fifty pounds", insert "One hundred dollars".
43	Omit "Fifty pounds", insert "One hundred dollars".
44	Omit "Fifty pounds", insert "One hundred dollars".
45	Omit from sub-section (1.) "One hundred pounds", insert "Two hundred dollars".
47	Omit "Fifty pounds", insert "One hundred dollars".
59	Omit from paragraph (m) "Fifty pounds", insert "One hundred dollars".