

# FISHERIES ORDINANCE 1978

No. 20 of 1978

## An Ordinance to amend the *Fisheries Ordinance*

[Assented to 31 May 1978]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

Short title

1. This Ordinance may be cited as the *Fisheries Ordinance* 1978.

Principal Ordinance

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

Licences

3. Section 15 of the Principal Ordinance is amended—

- (a) by inserting after sub-section (1) the following sub-section:
  - “(1A) A licence granted under sub-section (1)(a), (b), (c) or (d) may be limited to the taking of fish other than the species specified in the licence.”;
- (b) by omitting from sub-section (2)(b) “the regulations; or” and substituting “the regulations, unless the Chief Inspector considers that it would be unduly harsh not to grant the licence; or”;
- (c) by omitting from sub-section (3A) “fish”;
- (d) by inserting after “or (h)” (last occurring) in sub-section (3A) “the fish that he is licensed to take”;
- (e) by omitting from sub-section (3B) “fish”; and
- (f) by inserting after “or (h)” (last occurring) in sub-section (3B) “the fish that he is licensed to take”.

Cancellation of licence

4. Section 15A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) all words from and including “any licence” and substituting “the court convicting him may cancel a licence held by him under this Ordinance, or may suspend that licence for such period as the court sees fit.”;
- (b) by omitting from sub-section (2) all words from and including “a licence held” and substituting “the Chief Inspector may cancel the licence held by that person under this Ordinance, or may suspend that licence for such period as the Chief Inspector sees fit.”;
- (c) by omitting from sub-section (3) all words from and including “any such licence” and substituting “that licence or suspend it for such period as he sees fit.”;

- (d) by inserting in sub-section (4) after “cancels” the words “or suspends”;
- (e) by inserting in sub-section (4) after “cancellation” (wherever occurring) the words “or suspension”;
- (f) by inserting in sub-section (5)(a) after “cancellation” (wherever occurring) the words “or suspension”;
- (g) by inserting in sub-section (5)(b) after “licence” the words “or annul the suspension”;
- (h) by omitting from sub-section (6) all words from and including “a licence held” and substituting “the Chief Inspector may cancel the licence held by that person, or may suspend that licence for such period as he sees fit.”; and
- (j) by adding at the end the following sub-section:
  - “(10) A licence suspended in accordance with this section shall, during the term of the suspension, be of no effect, and, subject to section 17—
  - (a) a person whose licence is suspended shall, during the period of suspension, be disqualified from obtaining any licence, or a renewal of a licence, under this Ordinance; and
  - (b) a licence or renewal of a licence purporting to be granted to any such person shall be of no effect.”.

**5. Section 15B of the Principal Ordinance is amended—**

- (a) by omitting from sub-section (4) “The” and substituting “Subject to sub-section (5), the”; and
- (b) by adding at the end the following sub-sections:
  - “(5) If, in pursuance of sub-section (4), a licence is not renewed, the holder of the licence may, after the expiry of 12 months from the date of refusal to renew, apply for the grant of a new licence under section 15, and the Chief Inspector may, if he considers it would be unduly harsh to do otherwise, grant that person a new licence.

Renewal of  
licences

“(6) The information contained in a document, paper or other record produced to the Chief Inspector under sub-section (3) is for the purpose of this Ordinance only and shall not be disclosed to any person other than a person under this Ordinance entitled to have or know that information.”.

**6. Section 17(3) of the Principal Ordinance is amended—**

- (a) by omitting “sub-section (7) of section 15A” and substituting “section 15A(7) or (10)”;
- (b) by omitting “sub-section (1) or (3) of section 15A” and substituting “section 15A(1) or (3)”;

Employee's  
licence

- (c) by omitting from paragraphs (a) and (c) "section 15A(7)" and substituting "section 15A(7) or (10)".

Returns

7. Section 47 of the Principal Ordinance is amended by adding the following sub-section:

"(2) The information contained in a return furnished under sub-section (1) is for the purpose of this Ordinance only and shall not be disclosed to any person other than a person under this Ordinance entitled to have or know that information."

Review of  
cancelled  
licences

8. As soon as practicable after the date of commencement of this Ordinance, the Chief Inspector shall review all cancellations—

- (a) that were effected within the 3 years immediately before that date, if the cancellations were by virtue of the operation of section 15A(1) or (3) of the Principal Ordinance; or
- (b) that were effected within the 2 years immediately before that date if the cancellations were by virtue of the operation of section 15A(6) of the Principal Ordinance,

and, in his discretion and notwithstanding sub-sections (7) and (9) of that section, may grant to a person whose licence was cancelled a licence of a kind similar to the cancelled licence or, at the request of that person, a licence of another kind that may be granted under the Principal Ordinance as amended by this Ordinance.

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