

THE NORTHERN TERRITORY OF AUSTRALIA

FISH AND FISHERIES ACT

No. 4 of 1980

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SCHEDULE

THE NORTHERN TERRITORY OF AUSTRALIA

No. 4 of 1980

AN ACT

Relating to fish and fisheries

[Assented to 7 January 1980]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART I - PRELIMINARY

- | | |
|---|--------------|
| 1. This Act may be cited as the <u>Fish and Fisheries Act 1979</u> . | Short title |
| 2. This Act shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 3. The Acts listed in Parts I, II and III of the Schedule are repealed. | Repeal |
| 4.(1) Where a lease or a licence was granted under an Act repealed by this Act and was in force immediately before the commencement of this Act - | Savings |
| (a) it continues in force as though this Act had not come into operation, but may not be renewed; and | |
| (b) if, before it expires, the holder applies under this Act for a lease or licence, as the case may be, for a similar purpose, the application shall be considered as an application for renewal of a lease or licence granted under this Act. | |
| (2) An application for, or for a renewal of, a lease or licence that had been made under an Act repealed by this Act and had not been processed before the commencement of this Act may be processed under this Act as if it were an application made under this Act. | |

Fish and Fisheries

(3) A fisheries officer may commence or continue a prosecution for an offence, or take any other action in respect of a suspected offence, committed before the commencement of this Act as though -

(a) this Act had not come into operation; and

(b) he was an inspector within the meaning of the Act under which he is taking the action.

Definitions

5. In this Act, unless the contrary intention appears -

"amateur fisherman" means a person who is fishing or taking fish otherwise than for sale or commercial purposes;

"boat" means a craft of any description that travels on or under the water, and includes a hovercraft;

"Crown lands" includes lands of the Territory beneath water, including the waters of the sea;

"Director of Fisheries" means the person appointed to be the Director of Fisheries under section 6, and includes a person who is acting in or performing the duties of the office of Director of Fisheries;

"fish" means an aquatic animal that is not a bird, an amphibian, a reptile other than a marine turtle or sea snake or a mammal other than a marine mammal, and includes -

(a) an egg, fry or larva of a fish;

(b) the dead body, or a part of the dead body, of a fish; and

(c) the shell, or a part of the shell, of a mollusc;

"fisheries officer" means a person appointed to be a fisheries officer under section 7;

"fish trap" means a fish trap that is -

(a) permanently fixed or anchored to one place; and

(b) designed to intercept the movement of fish;

Fish and Fisheries

"foreign boat" means a boat that is not an Australian boat within the meaning of the Fisheries Act 1952 of the Commonwealth;

"indigenous" does not include the progeny of an introduced species;

"landed" means -

- (a) if the fish have been taken without the use of a boat - taken; and
- (b) if the fish have been taken with the use of a boat - put ashore at or trans-shipped at a wharf, jetty, pontoon or prescribed place;

"lease" means a lease granted under this Act;

"lessee" means a person who holds a lease;

"licence" means a licence granted under this Act or the regulations;

"licensee" means a person who holds a licence;

"noxious fish" means a fish that is declared by the regulations to be a noxious fish;

"owner", in relation to a boat, gear or equipment, means a person who has a right to the possession of that boat, gear or equipment, whether or not his right is subject to the right of another person, but a person shall not be held to be the owner of a boat, gear or equipment by reason only that he was in command of it;

"permit" means a permit granted under this Act or the regulations;

"prescribed" means prescribed for the purposes of the provision or paragraph in which the word is used;

"registered" means registered under this Act;

"take" includes attempt to take;

"trans-ship" means trans-ship at sea, and does not include -

- (a) trans-ship at a wharf, jetty, pontoon or prescribed place; or

Fish and Fisheries

- (b) trans-ship from a tender boat to the boat to which it is a tender boat.

PART II - ADMINISTRATION

Director of
Fisheries

6.(1) The Minister may appoint a person to be the Director of Fisheries.

(2) The Minister shall cause notice of an appointment made under sub-section (1) to be published in the Gazette.

(3) The Director of Fisheries is a fisheries officer.

(4) In the exercise of his powers and the performance of his functions under this Act, the Director of Fisheries is subject to direction by the Minister.

Fisheries
officers

7. The Minister may appoint such persons as he thinks fit to be fisheries officers.

Powers of
police

8.(1) A member of the Police Force of the Northern Territory has and may exercise all the powers of a fisheries officer.

(2) A reference in this Act to a fisheries officer includes a reference to a member of the Police Force who is exercising the powers of a fisheries officer.

Fisheries
officers have
police powers

9.(1) A fisheries officer who is carrying out his functions and duties under this Act has, in addition to the other powers conferred on him under this Act, all the powers and protection of a member of the Police Force of the Northern Territory with the rank of constable.

(2) A reference in any law in force in the Northern Territory to a member of the Police Force of the Northern Territory with the rank of constable, or a reference that includes such a reference, includes a reference to a fisheries officer acting in the execution of his duty.

Identity
cards

10. The Director of Fisheries shall issue to each fisheries officer other than himself an identity card containing a passport type photograph and the signature of the fisheries officer, verified by the signature of the Director of Fisheries.

Fish and Fisheries

PART III - CONTROL OF FISHING INDUSTRY

Division 1 - Registration and Licences

11. A person who is the owner of a boat may make an application in writing to the Director of Fisheries for -

Application
for registra-
tion, &c.

- (a) registration of the boat under this Act;
- (b) a renewal of the registration;
- (c) the endorsement, on the certificate of registration, of a variation of a provision of the registration; or
- (d) approval, and endorsement on the certificate of registration, of a transfer of ownership.

12.(1) Subject to this section, the registration of a boat under this Act registers -

Effect of
registration

- (a) the boat; and
- (b) any boat that is being used as a tender boat to that boat.

(2) A boat, whether a boat that has been registered or a tender boat, is not registered except while it is marked in the prescribed manner in relation to that boat.

(3) A boat that is marked in the prescribed manner for the purposes of a registration under this Act is exempt from any other requirement under a law of the Northern Territory to mark a registration number on the boat.

13.(1) Subject to this section, a person may make an application in writing to the Director of Fisheries for -

Who may
apply

- (a) a licence;
- (b) a renewal of a licence;
- (c) the endorsement on a licence of a variation of the licence or of a provision of the licence; or
- (d) approval of the transfer of a licence other than a Class A2 or Class D licence.

Fish and Fisheries

(2) A person engaged in the tourist industry may apply for a Class A2 or Class D licence in respect of such persons as from time to time enjoy his hospitality.

(3) Where the regulations so provide or circumstances so justify, an application under sub-section (1), not being an application for renewal of a licence, may be expressed to be an application for -

- (a) a temporary licence;
- (b) the endorsement on a licence of a variation for a period; or
- (c) approval of a temporary transfer of a licence,

and, where it is so expressed and circumstances so justify, it may be made by radio or otherwise.

Aboriginal
communities

14.(1) An application under section 13 in respect of a Class A1 licence may be made in the name of a community of persons who claim to be a traditional Aboriginal community or a group of such communities living on or in the vicinity of their traditional land.

(2) The power of the Director of Fisheries to grant an application made under section 13 includes power to grant an application made in pursuance of sub-section (1).

Licences
that may be
granted

15.(1) Subject to the regulations, the classes of licences that may be granted under this Act are the classes of licences listed in column 1 of the Table at the end of this section.

(2) Subject to this Act and to the provisions of the licence, a licence of a class listed in column 1 of the Table at the end of this section licenses the licensee to take an action that is -

- (a) described in column 2 of that Table in relation to that class of licence; and
- (b) specified in the licence.

Fish and Fisheries

TABLE

Column 1 Class of licence	Column 2 Actions licensed
Class A1	The taking of fish for sale or commercial purposes, and the processing of those fish. The using of a fish trap.
Class A2	The assisting of a Class A1 licensee in the taking of fish under his licence.
Class B	The processing of fish for sale or commercial purposes, other than by cooking in a hotel, restaurant, retail fish shop or like place. The buying, for the purpose of processing or re-sale, of fish that have not been sold by the person who took them.
Class C	The culturing or keeping of live fish for sale or commercial purposes (whether they are sold or used live or dead) or for the purpose of exhibiting them for profit. The taking by the licensee of live fish, or eggs, fry or larvae, for the purpose of culturing or keeping them. The processing of fish cultured or kept under the licence.
Class D	Amateur fishing for or taking of a prescribed fish in a prescribed area. Amateur fishing or taking of fish using, otherwise than under and in accordance with the regulations, an item of fishing gear that is prescribed for the purposes of section 27(2).

16.(1) A Class A1 licence that is held by a person engaged in the tourist industry does not licence the use of an item of fishing gear other than an item that -

Tour
operators

(a) may be used without a licence; or

Fish and Fisheries

(b) is specified in the licence.

(2) For the purposes of this section, a person is engaged in the tourist industry if he, or a predecessor in title, has so described himself in an application for a Class A2 licence.

Effect of
Class A2
licence

17.(1) For the purposes of this Act -

- (a) a Class A2 licensee may, for the purposes of assisting a Class A1 licensee, take any action other than selling fish that the Class A1 licensee may take; and
- (b) an action taken by a Class A2 licensee for the purpose of taking or processing fish for sale or commercial purposes shall be deemed also to have been taken by the Class A1 licensee whom he is assisting.

(2) The regulations may make provision for or in relation to the selling of fish by a Class A2 licensee in his own name.

Division 2 - Grant, Endorsement, Renewal, Transfer, &c., of Licences and Certificates of Registration

Grant of
applications

18.(1) The Director of Fisheries shall consider an application made under section 11 or 13, and may, in his discretion -

- (a) reject the application; or
- (b) grant the registration, licence or renewal, give the approval or make the endorsement, as the case may be.

(2) For the purposes of sub-section (1), the Director of Fisheries may require the applicant to furnish him with such further information as he thinks fit.

Consideration
of certain
matters

19.(1) In considering an application made under section 11 or 13, the Director of Fisheries may have regard to -

- (a) the applicant's or transferee's character, experience, ability, equipment and financial position;
- (b) whether the applicant or transferee has been convicted of an offence against this Act or the regulations in the immediately preceding 12 months;

Fish and Fisheries

- (c) whether the applicant or transferee has a Commonwealth licence, has been refused a Commonwealth licence or has had a Commonwealth licence cancelled or suspended;
 - (d) the desirability of encouraging owner-operators and small businesses;
 - (e) the extent to which the applicant or transferee will earn his livelihood by fishing;
 - (f) markets;
 - (g) the interests of amateurs, special groups, licensees generally and owners of boats generally;
 - (h) the environment, conservation, the establishment of other industries, and other factors;
 - (j) the reasons for the application; and
 - (k) such other matters as he thinks fit.
- (2) In considering whether to renew a licence, the Director of Fisheries may have regard to the diligence with which the applicant exercised his rights under the licence in the previous term of the licence.

20. The Director of Fisheries may -

Auctions

- (a) if he thinks fit, offer by auction, or call tenders for, a right in relation to a licence or the registration of a boat;
- (b) subject to the Financial Administration and Audit Act, determine the procedures to be followed in conducting an auction or in calling for tenders;
- (c) compile waiting lists of applicants for rights in relation to licences and registrations; and
- (d) determine the factors to be considered in determining a person's position on a waiting list and the weight to be given to each of those factors.

21.(1) Where the Director of Fisheries exercises a power under section 18(1) he may do so subject to such limitations and conditions as he thinks fit.

Conditions

Fish and Fisheries

(2) Without limiting the generality of sub-section (1), the Director of Fisheries may exercise a power under section 18(1) subject to -

- (a) a limitation as to the area in which the licence or registration shall have effect;
- (b) a limitation as to the time when the licence or registration shall have effect;
- (c) a limitation as to the amount and type of gear and equipment that may be used with the boat or under the licence, and its method of use;
- (d) a limitation as to the number or weight of fish, or of a specified fish, that may be taken, processed or sold, whether generally or from time to time;
- (e) a limitation as to the persons to whom fish, or a specified fish, may be sold or otherwise disposed of; and
- (f) a condition relating to the furnishing of returns and other statistical information.

Standard clauses

22.(1) The regulations may make provision for or in relation to -

- (a) standard provisions that shall be implied in a licence or certificate of registration;
- (b) short forms of provisions of licences and certificates of registration; and
- (c) definitions of words and expressions used in licences and certificates of registration.

(2) Where a regulation is made in pursuance of sub-section (1) after the grant of a licence or the registration of a boat, the provisions of the regulation shall, subject to the regulation, be implied in the next renewal of the licence or registration.

Fees

23. The grant, renewal, endorsement or transfer of a licence, the grant or renewal of the registration of a boat and the making of an endorsement on a certificate of registration shall be subject to the payment of such fees as are prescribed.

Restrictions on grant, &c.

24.(1) The regulations may prohibit, or make provision for or in relation to, a grant or endorsement of a licence, a registration of a boat or an endorsement on a certificate of registration.

Fish and Fisheries

(2) Without limiting the generality of sub-section (1), the regulations may determine the maximum number of licences, the maximum number of boats and the extent of the catch that will be allowed in a particular fishery.

25.(1) The regulations may prohibit, or make provision for or in relation to -

Restrictions
on transfer,
&c.

- (a) a transfer of a licence or the ownership of a registered boat;
- (b) a dealing with or in relation to a licence or registered boat; or
- (c) the acquisition, directly or indirectly, of an interest, right or other power in or relating to a licence, a licensee, a registered boat or the owner of a registered boat.

(2) Without limiting the generality of sub-section (1), the regulations may -

- (a) prohibit or make provision for or in relation to a grant or transfer of a licence to, an endorsement of a licence of, or a dealing with a licence by, an incorporated person;
- (b) prohibit or make provision for or in relation to the registration of a boat, or an endorsement on the certificate of registration of a boat, that is owned by an incorporated person, the transfer of the ownership of a registered boat to an incorporated person or a dealing with a registered boat by an incorporated person; and
- (c) provide for or in relation to matters relating to the ownership and control of an incorporated person that has an interest, right or other power in or relating to a licence or registered boat.

26.(1) Subject to this section -

Expiry of
licences

- (a) a licence, other than a temporary licence; and
- (b) the registration of a boat,

ceases to have effect on 31 December in the year in respect of which it was granted or renewed, but may be renewed.

Fish and Fisheries

(2) Notwithstanding sub-section (1), the Director of Fisheries may receive and process an application for renewal of a licence or renewal of the registration of a boat at any time before the expiration of 6 months after the licence or registration has ceased to have effect, and for that purpose a licence or the registration of a boat does not expire until 6 months after it ceases to have effect.

Division 3 - Certain Offences

Amateur
fishermen

27.(1) An amateur fisherman shall not -

- (a) use an item of fishing gear other than an item that is prescribed for the purposes of this paragraph; or
- (b) contravene or fail to comply with a regulation that prescribes a bag limit in respect of a fish.

Penalty: For a first offence - \$1,000 or imprisonment for 6 months.

For a second or subsequent offence - \$2,000 or imprisonment for 12 months.

(2) Subject to the regulations, an amateur fisherman shall not, except under and in accordance with a Class D licence -

- (a) use an item of fishing gear that is prescribed for the purposes of this paragraph; or
- (b) fish for or take a fish that is prescribed for the purposes of this paragraph in an area that is prescribed for the purposes of this paragraph in relation to that fish.

Penalty: For a first offence - \$1,000 or imprisonment for 6 months.

For a second or subsequent offence - \$2,000 or imprisonment for 12 months.

(3) Where a person is convicted of an offence against this section and he satisfies the court that he had not, and that there were no grounds for a reasonable suspicion that he had -

- (a) fished for or taken the fish for sale or commercial purposes; or

Fish and Fisheries

(b) sold the fish that he had taken,

the court shall not sentence him to a term of imprisonment and shall not impose a fine that exceeds -

(c) for a first offence - \$200; or

(d) for a second or subsequent offence - \$500.

28.(1) A person shall not, except under and in accordance with a Class A1 or Class C licence - Sale of fish

(a) fish or take fish for sale or commercial purposes; or

(b) sell fish that he has taken.

(2) A person shall not, except under and in accordance with a Class B licence, buy fish for the purpose of re-sale from a Class A1 licensee.

(3) A person shall not offer a fish for sale to a person unless he may lawfully sell that fish to that person.

(4) A person shall not buy a fish except from a person who may lawfully sell that fish to him.

Penalty: For a first offence - \$1,000 or imprisonment for 6 months.

For a second or subsequent offence - \$2,000 or imprisonment for 12 months.

29.(1) A person shall not build, maintain or use, or remove fish from, a fish trap except under and in accordance with a Class A1 licence. Fish traps

Penalty: \$1,000 or imprisonment for 6 months.

(2) The Director of Fisheries may remove or demolish, or cause to be removed or demolished, a fish trap that is not being used under and in accordance with a licence.

(3) A court that convicts a person of an offence against sub-section (1) may order the person -

(a) to remove or demolish the fish trap; or

(b) to pay to the Director of Fisheries such sum as the court thinks fit in respect of the removal or demolition of the fish trap.

Fish and Fisheries

Assisting
commercial
fishing

30.(1) Subject to this section, a person shall not assist a Class A1 licensee except under and in accordance with a Class A2 licence.

(2) Subject to this section, a Class A1 licensee shall not permit another person to assist him except under and in accordance with a Class A2 licence.

(3) In this section, "assist" means assist by taking an action that the Class A1 licensee may take only by reason of the Class A1 licence.

(4) It is a defence to a charge of contravening this section if the defendant establishes that the person assisting the Class A1 licensee -

- (a) was a bona fide non-paying passenger in a registered boat;
- (b) had not received and would not receive, directly or indirectly, any pecuniary benefit or other reward by reason of assisting the Class A1 licensee; and
- (c) did not frequently assist a Class A1 licensee.

(5) For the purposes of this section, a Class A1 licensee shall be deemed also to hold a Class A2 licence to assist other Class A1 licensees in acting under provisions of their licences that are like provisions of his licence.

Penalty: For a first offence - \$500 or imprisonment for 3 months.

For a second or subsequent offence - \$1,000 or imprisonment for 6 months.

Log book

31. Subject to the regulations, a person who is in command of a registered boat shall, unless he is not being assisted, within the meaning of section 30, or is being so assisted only by a Class A1 licensee, maintain a record showing the name of each person who is so assisting him and, if that person holds a licence, the licence number.

Penalty: \$250.

Using boat
for commercial
fishing

32. A person shall not use a boat for fishing or taking fish for sale or commercial purposes unless the boat is registered and he is acting under and in accordance with a Class A1 or Class C licence.

Fish and Fisheries

Penalty: If the boat is a foreign boat - \$10,000 or imprisonment for 12 months.

In any other case - \$1,000 or imprisonment for 6 months.

33. A person who is the registered owner of a boat shall not allow the boat, or an item of gear or equipment belonging to the boat, to be used by a person unless he knows the purpose for which that person wishes to use it and is satisfied that that person may lawfully use it for that purpose.

Liability
of owner

Penalty: \$500 or imprisonment for 3 months.

34. Subject to the regulations, a person shall not use a prescribed item of gear or equipment unless it is marked in the manner prescribed in relation to that item.

Marking nets,
&c.

Penalty: \$500 or imprisonment for 3 months.

35.(1) Subject to the regulations, a Class A1 licensee shall at all times be in the vicinity of and maintain direct physical control of his fishing operations or, if, for a reason that is accepted by the Director of Fisheries, he is unable to be in the vicinity or maintain direct physical control, he shall maintain such control as is specified by the Director.

Class A1
licensee
must be
physically
present

Penalty: \$1,000 or imprisonment for 6 months.

(2) For the purposes of sub-section (1), a Class A1 licensee who is using a boat as a tender boat shall ensure that it remains within the prescribed distance of the boat in respect of which it is a tender boat.

(3) The regulations may include provisions relating to incorporated persons that are Class A1 licensees and to deceased, sick, aged and temporarily absent Class A1 licensees.

36.(1) A Class A1 licensee shall not trans-ship fish that he has not landed except -

Trans-
shipping
fish

(a) under and in accordance with the regulations;
or

(b) to a boat that is registered as a trans-
shipping boat.

Fish and Fisheries

(2) A person who is in command of a boat shall not allow fish to be trans-shipped to the boat unless -

- (a) the fish have been landed;
- (b) the boat is registered as a trans-shipping boat; or
- (c) he receives them under and in accordance with the regulations.

(3) For the purposes of this section, a boat is not registered as a trans-shipping boat unless its certificate of registration is endorsed with a provision that the boat may be used as a trans-shipping boat.

Penalty: \$2,000 or imprisonment for 12 months.

Commercial
processing

37. A person shall not process fish for sale or commercial purposes except -

- (a) in a hotel, restaurant, retail fish shop or like place; or
- (b) under and in accordance with a licence.

Penalty: \$1,000 or imprisonment for 6 months.

Processor to
verify source
of supply

38. A person shall not process fish that he did not take unless the person from whom he received them acquired them lawfully.

Penalty: \$1,000 or imprisonment for 6 months.

Explosives,
&c.

39.(1) Subject to the regulations, a person shall not, except with and in accordance with the approval of the Director of Fisheries, cause or permit a shock, sound or other vibration, whether by percussion, by the use of an explosive or otherwise, if an effect of the explosion, sound or vibration could be that fish are killed.

Penalty: \$2,000 or imprisonment for 12 months.

(2) The regulations may make provision for or in relation to procedures and materials that may be used without the approval of the Director of Fisheries for the purposes of sub-section (1), and the circumstances in which they may be used.

False
statements

40. A person shall not make a false or misleading statement in an application for -

- (a) a lease or licence or the registration of a boat;

Fish and Fisheries

(b) a renewal of a lease or licence or the registration of a boat; or

(c) an endorsement of a licence or certificate of registration.

Penalty: \$500.

41.(1) A licensee shall comply with and shall not contravene the provisions of his licence.

Compliance
with licence
or registra-
tion

(2) The owner of a registered boat shall comply with and shall not contravene the provisions of the certificate of registration of the boat.

Penalty: \$1,000 or imprisonment for 6 months.

42.(1) Where a licensee or the registered owner of a boat is convicted of an offence relating to his licence or the registration of the boat or to an application relating to the licence or registration, the court may, in addition to imposing a penalty or making an order, if any, relating to forfeiture, cancel or suspend the licence or registration.

Cancellation
and
suspension

(2) Where a licensee is charged with an offence relating to his licence or to an application relating to the licence, the Director of Fisheries may suspend the licence for a period or until the determination or withdrawal of the charge.

(3) Where a licensee was the holder of a licence relating to fishing under Commonwealth legislation and that licence is cancelled or suspended, the Director of Fisheries may cancel or suspend his licence under this Act.

43. A person shall not interfere with or harass the holder of a licence who is acting under and in accordance with his licence.

Harassment
of licensee

Penalty: \$1,000 or imprisonment for 6 months.

44. A person shall not sell or offer for sale a fish, or a product containing fish, with intent to deceive the buyer as to the true identity of the fish.

Falsely
identifying
fish for
sale

Penalty: \$500.

45.(1) A person shall not sell or offer for sale for human consumption -

Sale of un-
wholesome
fish

Fish and Fisheries

- (a) a fish that is not wholesome; or
- (b) a product containing fish if the product is not wholesome.

Penalty: \$1,000.

(2) A fisheries officer may seize a fish or a product containing fish if it is apparently -

- (a) intended for sale for human consumption; and
- (b) not wholesome.

(3) Where a fisheries officer seizes a fish or a product in pursuance of sub-section (2), he shall, if so requested -

- (a) permit the person from whom it was seized to retain a sufficient sample for testing; and
- (b) cause a sample of the fish or product to be selected by the Director of Fisheries for testing.

Transporting
fish

46. Subject to the regulations, a person shall not transport for commercial purposes a container containing fish or a fish product if that container is required by the regulations to be marked or labelled and is not marked or labelled, as the case may be, or is marked or labelled in contravention of, or otherwise than in accordance with, the regulations.

Penalty: \$1,000.

Division 4 - Exotic Fish, Pearls, &c.

Introducing or
releasing
live fish

47.(1) A person shall not bring into the Northern Territory a live fish, or a living egg, fry or larva of a fish, except under and in accordance with a permit to bring it in.

Penalty: \$10,000 or imprisonment for 12 months.

(2) A person shall not possess in the Northern Territory a live noxious fish or an egg, fry or larva of a noxious fish.

Penalty: \$10,000 or imprisonment for 12 months.

(3) A person shall not release in the Northern Territory a fish, or a living egg, fry or larva of a fish -

- (a) unless it is indigenous to the Northern Territory; or

Fish and Fisheries

- (b) except under and in accordance with a permit to do so.

Penalty: \$10,000 or imprisonment for 12 months.

(4) Where the Director of Fisheries is satisfied that there are reasonable grounds for suspecting that an offence has been committed against this section in relation to a fish -

- (a) he may search for and destroy that fish and the progeny of that fish and for that purpose he may take whatever action is, in the opinion of the Minister, necessary or desirable; and
- (b) he may take whatever action is, in the opinion of the Minister, necessary or desirable to limit the consequences of the offence or to ameliorate the damage caused by the offence,

notwithstanding that such action may constitute a trespass or may cause loss or damage to property.

(5) Where a person is convicted of an offence against this section in relation to a fish, the court may, in addition to imposing a penalty, order the person to pay to the Director of Fisheries or to any other person such amount as it thinks fit in respect of action taken under sub-section (4) or other loss or damage.

48.(1) A person shall not, except under and in accordance with a Class C licence -

- (a) culture or keep a live fish for sale or commercial purposes, (whether it is sold or used live or dead) or for the purpose of exhibiting it for profit;
- (b) exhibit live fish for profit; or
- (c) take live fish, or eggs, fry or larvae, for the purpose of culturing or keeping them for a purpose referred to in paragraph (a).

Commercial
culturing,
keeping and
sale of live
fish

(2) Subject to the regulations, a person shall not, except under and in accordance with a licence, sell or offer for sale a live fish or a living egg, fry or larva of a fish.

Penalty: For a first offence - \$1,000 or imprisonment for 6 months.

For a second or subsequent offence - \$2,000 or imprisonment for 12 months.

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Selling non-indigenous fish

49. A Class C licensee shall not sell or offer for sale a live fish, or a living egg, fry or larva of a fish, unless it is -

- (a) indigenous to the Northern Territory;
- (b) prescribed for the purposes of section 51(5); or
- (c) prescribed for the purposes of this section.

Penalty: \$1,000 or imprisonment for 6 months.

Application for permit

50. A person may make an application in writing to the Director of Fisheries for a permit -

- (a) to bring into the Northern Territory a live fish or an egg, fry or larva of a fish; or
- (b) to release in the Northern Territory a fish that is not indigenous to the Northern Territory, or an egg, fry or larva of such a fish.

Grant of permit

51.(1) Subject to this section, the Director of Fisheries shall consider an application for a permit and may, in his discretion -

- (a) reject the application; or
- (b) grant the permit.

(2) For the purposes of sub-section (1), the Director of Fisheries may require the applicant to furnish him with such further information as he thinks fit.

(3) In considering whether to grant a permit, the Director of Fisheries shall have particular regard to the environment and disease control, and may have regard to the applicant's character, experience and reasons for making the application.

(4) Where the Director of Fisheries grants a permit, he may grant it subject to such limitations and conditions as he thinks fit.

(5) The Director of Fisheries shall not grant a permit to bring into the Northern Territory a fish, or an egg, fry or larva of a fish, unless -

- (a) he is satisfied that the fish is indigenous to the Northern Territory; or

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- (b) the fish is prescribed for the purposes of this sub-section.

52. The regulations may prescribe fees for the granting of permits. Fees

53.(1) The regulations may prescribe noxious fish for the purposes of sections 47(2) and fish for the purposes of sections 49 and 51(5). Regulations

(2) The regulations may make provision for or in relation to -

- (a) the culturing and keeping of live fish;
- (b) the taking of live fish, and of eggs, fry and larvae of fish;
- (c) the bringing of live fish into the Northern Territory;
- (d) the release in the Northern Territory of live fish that are not indigenous to the Northern Territory; and
- (e) trading in live fish.

Division 5 - Certain Regulations

54. The regulations may make provision for or in relation to - Control of fishing industry

- (a) the taking of fish;
- (b) the protection and conservation of fish stocks and fish feeding and breeding grounds;
- (c) the harvesting of aquatic plants;
- (d) the processing of fish;
- (e) the carrying of fish; and
- (f) the selling and buying of fish.

55.(1) The application of a regulation in relation to an activity carried out under a particular licence is subject to a provision of the licence expressly modifying the application of the regulation. Regulations subject to licence

(2) Without limiting the effect of sub-section (1), a licence may contain a provision that the licensee is exempt from the application of a standard prescribed

Fish and Fisheries

by a regulation in relation to the processing of fish while he complies with a standard provided for in Commonwealth legislation relating to export of fish.

Notice to
take an
action

56.(1) The Director of Fisheries may, by notice in writing served on a person, require that person -

- (a) to take an action to comply with, or to remedy a contravention of, a regulation; and
- (b) to refrain from using for a specified purpose premises, or a part of premises, or a vessel, vehicle or aircraft, or an item of plant or equipment, until that action is taken.

(2) A person shall comply with and shall not contravene a requirement of the Director of Fisheries made under sub-section (1).

Penalty: \$1,000 or imprisonment for 6 months.

(3) The Minister may, upon the request of a person who is served with a notice under sub-section (1) -

- (a) review the action of the Director of Fisheries; and
- (b) make such order, if any, as he thinks fit relating to that action pending the review.

Division 6 - Aquatic Parks

Conservation

57.(1) The Administrator may, by notice in the Gazette, declare that an area is reserved -

- (a) for the purpose of protecting or re-establishing a marine environment or an aquatic environment; or
- (b) for the purpose of protecting or re-establishing fish or fish breeding grounds.

(2) Where a declaration is made under sub-section (1), the Administrator may, by notice in the same or a subsequent Gazette, name the area.

Control
of areas

58.(1) The regulations may include provisions relating to an area that is the subject of a declaration under section 57.

(2) Without limiting the generality of sub-section (1), the regulations may make provision for or in relation to -

Fish and Fisheries

- (a) prohibiting, restricting or otherwise controlling, for the purpose of preserving or rehabilitating the environment -
 - (i) the grant of a title to land, or of a licence or other right; and
 - (ii) any activity,
 - under any law of the Northern Territory, including an Act, and notwithstanding that that law expressly provides for that grant or activity;
 - (b) the care, control and management of an area that is the subject of a declaration under section 57;
 - (c) the conduct of persons in such an area; and
 - (d) prohibiting or restricting entry into such an area.
- (3) Where a person is convicted of an offence against a regulation made by reference to this section, the court may, in addition to imposing a penalty, order the person to take an action, or to pay an amount in respect of the taking of an action to rectify or ameliorate any damage resulting from the offence.

Division 7 - Leases

59. In this Division, unless the contrary intention appears - Definition

"Minister" means the Minister administering the Crown Lands Act.

60. A Class C licensee may apply to the Minister - Application for lease

- (a) for a lease of Crown lands to culture a fish under and in accordance with his licence;
- (b) to renew such a lease;
- (c) to approve the transfer of such a lease;
- (d) to surrender such a lease or a part of such a lease; or
- (e) for adjustment of the boundaries of such a lease.

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Grant of application

61.(1) The Minister shall consider an application made under section 60 and may, after receiving a report from the Minister administering this Act, in his discretion -

- (a) reject it; or
- (b) grant it.

(2) For the purpose of enabling the Minister administering this Act to make a report under sub-section (1), the Director of Fisheries may require the applicant to furnish the Director with such information as the Director thinks fit.

Auction

62. The Minister may, after receiving a report from the Minister administering this Act, offer a lease by auction, call tenders for a lease or advertise that a lease is available.

Conditions on leases

63. Where a lease is granted or renewed, it may be granted or renewed subject to such provisions, reservations, covenants, terms and conditions as the Minister, after receiving a report from the Minister administering this Act, thinks fit.

Standard conditions

64.(1) The regulations may make provision for or in relation to provisions, reservations, covenants, terms and conditions that shall be included in a lease.

(2) Without limiting the generality of sub-section (1), the regulations may -

- (a) fix the maximum area that may be the subject of a lease;
- (b) fix the maximum term of a lease;
- (c) prescribe the rent, or the method of determining the rent, of a lease;
- (d) provide for a refund of rent to a lessee who effects improvements;
- (e) prescribe the rights of the lessee, including his rights upon expiry, surrender or forfeiture of the lease; and
- (f) provide for variation of a provision, covenant, term or condition of a lease by agreement between the lessee and the Minister, after receiving a report from the Minister administering this Act.

Fish and Fisheries

65. A lease granted under this Act is, and shall be registered as, a Crown lease within the meaning of the Real Property Act, notwithstanding that part or all of the land comprised in the lease may be under the sea.

Registration
of leases

66.(1) A lease does not of itself confer upon the lessee the right to exclude a person from passing over the surface of the water.

Passage
through
lease

(2) The Director of Fisheries may authorize a lessee to mark out a lease or a part of a lease in a manner that, in the opinion of the Director of Fisheries, indicates that passage through that area is restricted.

67.(1) A person who enters an area that has been marked in pursuance of section 66(2) without the permission of the lessee is a trespasser.

Trespass on
lease

(2) A person who fishes or takes fish on or over leased land without the permission of the lessee is a trespasser.

(3) A person who allows a harmful thing to enter the waters over leased land, whether by drifting or otherwise, commits a trespass.

(4) A person shall not, except in stress of weather or other emergency, trespass on a lease.

Penalty: \$1,000 or imprisonment for 6 months.

(5) Where a court convicts a person of trespass on a lease, it may award damages in respect of the trespass.

68. A lease granted under this Act does not confer any right to extract minerals from the land the subject of the lease.

Mineral
rights

69.(1) The Minister shall not -

Renewal of
lease

(a) refuse or fail to renew a lease; or

(b) forfeit or otherwise terminate a lease,

unless he has given to the lessee reasonable notice of his intention to do so.

(2) For the purposes of sub-section (1), "reasonable notice" is 2 years notice or such less notice as, in the opinion of the Minister, is fair to the lessee, having regard to what the lessee has on the lease.

Fish and Fisheries

Division 8 - Fishing Industry Research and Development Trust Fund

Opening of
trust account

70. The Treasurer shall open a trust account under section 6 of the Financial Administration and Audit Act for the purpose of assisting in -

- (a) development of the fishing industry; and
- (b) research into fish, fishing, fisheries, fishing environment and matters relevant to the development of the fishing industry.

Payments
into account

71.(1) There shall be paid into the account opened in pursuance of section 70 -

- (a) endorsement fees;
- (b) the prescribed percentage of licence fees, renewal fees, transfer fees, permit fees and lease rentals; and
- (c) such moneys as are appropriated out of the Consolidated Fund or received from any other source for the purposes of fishing industry research and development.

(2) Moneys appropriated for the purpose of fishing industry research and development shall be paid into the account at such times and in such amounts as the Treasurer thinks fit.

Advisory
committee

72.(1) The Minister shall establish a committee to advise him on matters relating to the disbursement of the trust funds.

(2) The committee shall consist of -

- (a) the Director of Fisheries; and
- (b) such representatives of the fishing industry and such other persons as the Minister from time to time appoints.

(3) The Director of Fisheries is the chairman of the committee.

(4) A member of the committee other than the chairman holds office during the pleasure of the Minister.

Fish and Fisheries

(5) The committee -

(a) shall meet as often as the chairman thinks fit, but so that the interval between 2 consecutive meetings does not exceed 6 months; and

(b) shall determine its own rules and procedures.

PART IV - GENERAL

Division 1 - Evidentiary

73. Evidence that a fish was on display in a shop is evidence that it was offered for sale.

Sale of
fish

74. Evidence that a person had in his possession or under his control a prescribed fish, other than a commercially processed fish -

Possession
of prescribed
fish

(a) in a boat;

(b) in a vehicle that contained fishing gear; or

(c) in or in the vicinity of water or swamp, but not on or in premises or in a town,

is evidence that he took the fish.

75. Where evidence is given that a person had in his possession or under his control -

Possession
of gear

(a) in a boat; or

(b) in or in the vicinity of water or swamp, but not on or in premises or in a town,

an item of fishing gear or equipment that he could not lawfully use for taking fish at that place at that time in a normal way in which such an item is commonly used, and a fisheries officer satisfies the court that he reasonably suspected that the person used the item at that place at that time for fishing or taking fish, the evidence is evidence that the person used that item for fishing or taking fish at that place at that time.

76.(1) Evidence that a person -

Class A2
licensees

(a) was licensed under a Class A2 licence; and

(b) was engaged in fishing operations,

is evidence that he was assisting a Class A1 licensee.

Fish and Fisheries

(2) Evidence that a person was engaged in fishing operations -

(a) in the vicinity of a Class A1 licensee; and

(b) using equipment that apparently could not conveniently have been transported to that place without the assistance of the Class A1 licensee,

is evidence that he was assisting the Class A1 licensee.

Averments

77.(1) In any prosecution for a contravention of, or failure to comply with, any provision of this Act 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);

(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) Sub-section (1) 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:

the latitude and longitude of a place

the distance of a place from another place

that a person or thing was at a stated place, or within a stated area or at a stated latitude and longitude, at a stated time or at the time of the taking of a stated action or the occurrence of a stated event

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that a place is within a fishing reserve

that an act alleged to have been done was done within an area of waters which had been declared to be closed under this Act

that an area of water is water above the tidal limit

the identity of a fish or of a substance contained in a fish product or used in fish processing.

(5) An averment shall not be made under this section unless the Crown Solicitor, 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 of, or failure to comply with, any provision of this Act, 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.

Division 2 - Investigation

78.(1) Where a fisheries officer is satisfied that there are reasonable grounds for suspecting that an offence against this Act has been, is being or is about to be committed, he may, without warrant, and with such assistance as he thinks necessary -

Search and
seizure

Fish and Fisheries

- (a) enter, with such force as is reasonably necessary, at any time, any premises, vehicle, vessel, aircraft or place and, for that purpose, stop and detain any vehicle, vessel or aircraft;
- (b) search the premises, vehicle, vessel, aircraft or place and any person found in or on them or it and any person whom he reasonably believes to be about to enter or to have recently left the premises, vehicle, vessel, aircraft or place;
- (c) break open and search any cupboard, drawer, chest, trunk, box, cage, package or other receptacle, whether a fixture or not, in or on the premises, vehicle, vessel, aircraft or place;
- (d) seize, take, detain, remove and secure any vehicle, vessel or aircraft or any net, trap or other device for the taking of fish, any plant, motor, appliance, fitting, gear or equipment whether in, on or attached to any premises, vehicle, vessel or aircraft or any fish or any thing that he finds on any premises, vehicle, vessel, aircraft or place or on any person searched, if he has reasonable grounds for believing that it is evidence of or otherwise relates to any offence that has been, is being or is about to be committed against this Act;
- (e) require the master or other person in charge of a vehicle, vessel or aircraft to cause it to stop or to bring it to a place in the Territory and to remain in control of it at that place until a fisheries officer permits him to depart from that place;
- (f) stop, detain and search any person upon whom he believes, on reasonable grounds, that there is something that is evidence of or otherwise relates to an offence against this Act; and
- (g) take such action as is reasonably necessary to prevent the commission of an offence against this Act.

(2) Before commencing a search under subsection (1), if there is a person who is or appears to be in charge of the premises, vehicle, vessel, aircraft or place, a fisheries officer who is not a member of the Police Force shall produce his identity card to that person and to any person he is about to search.

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(3) A female shall not be searched under this section except by a female.

(4) The power conferred by sub-section (1) to enter premises without a warrant does not include power to enter a room that is used solely for domestic purposes.

79. Where a fisheries officer exercises a power under section 78, he shall, as soon as practicable thereafter, make a report in writing to the Minister in such form as the Minister determines.

Report

80.(1) Without limiting the effect of section 78, a fisheries officer may, with such assistance as he considers necessary, at any reasonable time, after identifying himself, require a person to admit him -

Inspection
of premises,
&c.

- (a) to a hotel, restaurant, retail fish shop or other place where fish are processed for sale or commercial purposes; or
- (b) to premises, or to a vehicle, vessel, aircraft or place, that is being used for the purpose of carrying on the business of a lessee or licensee,

to open any locked container or place on those premises or on or in that vehicle, vessel, aircraft or place, and to allow him to -

- (c) inspect the premises, vehicle, vessel, aircraft or place;
- (d) inspect any gear and equipment that he finds;
- (e) take samples;
- (f) conduct tests; and
- (g) inspect documents and records relating to the business.

(2) A fisheries officer may require a licensee or an employee of a licensee to produce to him for inspection, and to allow him to copy or take extracts from, such documents and records as -

- (a) are within that person's possession or under his control; and
- (b) relate to the business of the licensee.

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(3) A person shall comply with and shall not contravene a requirement made under this section.

Penalty: \$2,000.

Inspection
of nets

81. A fisheries officer may remove a fishing device from the water for the purpose of inspecting it.

Order to
assist

82.(1) For the purpose of exercising a power of inspection, a fisheries officer may -

- (a) order a person who is, or in the opinion of the fisheries officer appears to be, the master or other person in control of a vessel, vehicle or aircraft to take an action, or to desist from an action, to facilitate the entering or boarding of the vessel, vehicle or aircraft by the fisheries officer;
- (b) order a person who is, or in the opinion of the fisheries officer appears to be, in charge of a fishing device to remove it from the water so that the fisheries officer can inspect it; and
- (c) order a person to open a locked, barred or otherwise secured door, lid, drawer or gate.

(2) A person shall comply with and shall not contravene an order given under this section.

Penalty: \$2,000.

Division 3 - Forfeiture

Forfeiture

83.(1) Subject to sub-section (2), any thing seized under this Act may, on conviction of a person for an offence in connection with which that thing was seized, at the discretion of the court recording the conviction, be forfeited to the Crown.

(2) Where a foreign fishing boat is seized under this Act, the court shall, on conviction of the master of that boat for an offence in connection with the use of that boat, order that the boat and fish and all fishing gear and equipment that was on the boat and was used in connection with the offence, be forfeited to the Crown.

(3) A forfeiture under this Act shall be in addition to and not a part of a penalty imposed under this Act.

(4) Where a seized thing is not forfeited under sub-section (1), section 85 applies as if no prosecution had been instituted within the period referred to in that section.

Fish and Fisheries

(5) Notwithstanding sub-section (4), if a person is convicted of an offence in connection with which the thing was seized, that person is liable to pay to the Territory the reasonable costs of handling, maintaining and storing that thing from the time it was seized.

84.(1) Subject to sub-section (2), a thing seized under this Act shall, as soon as practicable, be delivered to the Director of Fisheries by the fisheries officer who seized it.

Delivery to
Director of
Fisheries

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

85. Where a thing seized is delivered to the Director of Fisheries, if no prosecution is instituted within 30 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 Director of Fisheries shall, by notice in writing, require the person from whom the thing was seized, or a person appearing to the Director to be the owner of the thing, to claim delivery to him of the thing seized.

Notice to
claim

86. If no claim is made within 21 days of the date of service of the notice in writing, the thing seized is forfeited.

Failure to
claim

87. Where a person served with a notice under section 85 makes a claim for the delivery to him of a thing seized under this Act, the Director of Fisheries 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 130B of the Justices Act.

Determination
of claim

88. All things forfeited under this Act may be sold, destroyed or disposed of in such manner as is prescribed or, in the absence of regulations, as the Director of Fisheries may think fit.

Disposal of
forfeited
items

Division 4 - Miscellaneous

89. A prosecution for an offence against this Act shall not be instituted except by a fisheries officer.

Institution
of prosecution

90. No action lies against a fisheries officer in respect of an action taken in pursuance of this Act.

Protection of
fisheries
officer
Service by
post

91. A notice may be served under this Act personally or by post.

Fish and Fisheries

Confidentiality

92.(1) Subject to this section, a person who is a member of the Police Force of the Northern Territory or an employee within the meaning of the Public Service Act shall not, either directly or indirectly, except in the performance of his duty as a policeman or employee, and either while he is or after he ceases to be a policeman or employee, make a record of or divulge or communicate to any person any information respecting the affairs of any other person disclosed or obtained under a provision of this Act or of an Act repealed by this Act.

Penalty: \$4,000 or imprisonment for 2 years.

(2) For the purposes of sub-section (1), the Director of Fisheries shall -

- (a) hold all records and papers that could be the subject of an offence against sub-section (1) in his custody; and
- (b) ensure that no employee or other person sees them or learns of their contents unless it is necessary or desirable that he do so for the purposes of the administration of this Act or of prosecuting a person for an offence against this Act.

(3) Without limiting the generality of sub-section (2), the Director of Fisheries shall not allow a person to see a record or paper or learn of its contents by reason only that that person is -

- (a) a minister or other public official; or
- (b) constituting a court or tribunal or exercising a judicial or administrative power or function.

Aboriginals

93.(1) Subject to this section, the provisions of this Act and the regulations regulating or prohibiting the entry of persons into, or controlling fishing or other activities in, waters do not, unless and to the extent to which they are expressed to do so, operate to limit the right of Aboriginals to enter, and use the resources of, those waters in accordance with Aboriginal tradition.

(2) Sub-section (1) does not authorize a person to -

- (a) trespass on a lease;
- (b) interfere with, or remove fish from, a net, trap or other device or thing that is the property of another person; or

Fish and Fisheries

(c) engage in a commercial activity.

94. Notwithstanding anything elsewhere contained in this Act, the Director of Fisheries may authorize a person to take, subject to such conditions as are contained in the authority, an action for the purposes of scientific research notwithstanding that, but for this section, that action would be an offence.

Scientific
research

95.(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

Regulations

(2) Without limiting the generality of sub-section (1), the regulations may make provision for or in relation to -

- (a) the declaration of fisheries;
- (b) the use of premises or of a craft or device for the purpose of taking, processing or carrying fish;
- (c) methods of taking fish;
- (d) the conduct of licensees and amateur fishermen and of persons who process, carry, land, trans-ship, sell or buy fish;
- (e) licensing, for the purpose of processing, selling or buying of fish, of persons who carry on business as hoteliers, restaurateurs or shopkeepers and of other persons;
- (f) keeping and supplying of records and statistics relating to processing, selling and buying of fish, by persons who carry on business as hoteliers, restaurateurs or shopkeepers and by other persons;
- (g) keeping and supplying of records by registered owners of boats;
- (h) the licensing of persons for the purpose of harvesting aquatic plants;
- (j) permits required to bring aquatic plants into the Northern Territory;
- (k) fees for licences and permits required by the regulations;

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- (m) hygiene on premises and vessels and in the use of plant, gear, equipment, containers, vehicles and aircraft;
 - (n) methods of processing and procedures and substances used in processing;
 - (p) the sale of prescribed fish or of fish that -
 - (i) contain a prescribed substance; or
 - (ii) have been processed in, or otherwise than in, a prescribed manner;
 - (q) closed seasons, protected fish, bag limits and minimum sizes;
 - (r) noxious fish, exotic fish and other live fish;
 - (s) the employment of persons by a licensee;
 - (t) labelling, marking and advertising of fish and fish products, including -
 - (i) the use of a name, or of a name other than a specified name, to describe a fish; and
 - (ii) the use of a word or expression in connection with, or otherwise than in connection with, the marketing of fish or fish products; and
 - (u) prescribing penalties, not exceeding \$1,000, for offences against the regulations.
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Fish and Fisheries

SCHEDULE

Section 3

ACTS REPEALED

PART I - Fisheries Act

Fisheries Ordinance 1965
Fisheries Ordinance 1966
Fisheries Ordinance 1967
Fisheries Ordinance 1972
Fisheries Ordinance 1973
Fisheries Ordinance (No. 2) 1973
Fisheries Ordinance 1974
Fisheries Ordinance 1976
Fisheries Ordinance 1977
Fisheries Ordinance 1978
Fisheries Act (No. 2) 1978
Fisheries Act 1979

PART II - Pearling and Pearl Culture Act

Pearling and Pearl Culture Ordinance 1964

PART III - Spear-Guns Control Act

Spear-Guns Control Ordinance 1964
