

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 7 of 1935.

## AN ORDINANCE

### To amend the *Fish Protection Ordinance* 1929-1931.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910-1933 as follows:—

1.—(1.) This Ordinance may be cited as the *Fish Protection Ordinance* 1935. Short title and citation.

(2.) The *Fish Protection Ordinance* 1929-1931 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Fish Protection Ordinance* 1929-1935.

2. The Principal Ordinance is amended by inserting before section one the following heading:— Amendment.

“Part I.—Preliminary.”

3. After Section three of the Principal Ordinance the following section is inserted:—

“3A. This Ordinance is divided into Parts as follows:— Parts.

Part I.—Preliminary.

Part II.—Administration.

Part III.—Fresh water fishing.

Part IV.—Sea fishing.

Part V.—Miscellaneous.”

4. Section four of the Principal Ordinance is amended— Definitions.

(a) by inserting in the definition of “Fish” after the word “and” (first occurring) the words “any of the varieties of marine or”;

(b) by inserting after the definition of “Fresh water fish”, the following definition:—

“Longline or bultow” means any line intended or used for the purpose of taking fish, to which more than six fishing hooks are attached:

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(c) by inserting after the definition of "Take" the following definition:—

"Territory of Jervis Bay" means the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act* 1915; and

(d) by inserting after the definition of "This Ordinance" the following definition:—

"Trawler" means any vessel employed in fishing with a trawl-net;".

Amendment.

5. The Principal Ordinance is amended by inserting before section six the following heading:—

"Part II.—Administration."

Amendment.

6. The Principal Ordinance is amended by inserting before section nine the following heading:—

"Part III.—Fresh water fishing."

Repeal of section 22.

7. Section twenty-two of the Principal Ordinance is repealed.

8. After section twenty-four of the Principal Ordinance the following Part and sections are inserted:—

"Part IV.—Sea fishing.

Permit to go on lands for the purpose of sea fishing.

"24A. A person shall not, without the permission in writing of the Minister (proof whereof shall lie upon the person accused) go upon any land in the Territory of Jervis Bay for the purpose of fishing for any variety of marine fish or crustacea or marine animal life in the waters of the sea adjoining that Territory, or do anything on that land in connexion with that fishing:

Provided that this section shall not apply to fishing by means of a single line with not more than two hooks attached or by rod and line, or to the use of a landing net or gaff (consisting of a plain metal hook without a barb) in connexion with the line or rod and line:

Provided further that this section shall not apply to that part of the waters of the Territory of Jervis Bay which lie to the east of a line drawn between Bristol Point and Plantation Point.

Penalty: Twenty pounds.

Waters closed against netting of sea garfish.

"24B. The whole of the waters within the Territory of Jervis Bay, inclusive of the waters of creeks and rivers debouching into the waters within the Territory of Jervis Bay, shall be closed against the taking of sea garfish by means of nets intended for the capture of or capable of capturing sea garfish, during the six-monthly periods commencing on the first day of October in each year.

"24c. The master or owner of any trawler shall not, for the purpose of trawling fish, bring his trawler into the waters of the Territory of Jervis Bay. Trawlers entering the waters of the Territory of Jervis Bay.

Penalty: Fifty pounds.

"24d.—(1.) Every boat or launch used, or intended to be used, for taking fish for sale, by any method whatever, shall be licensed. Boat or launch licence.

"(2.) Any person who so uses a boat or launch which is not licensed shall be guilty of an offence.

Penalty: Two pounds.

"(3.) Every boat or launch licensed under this section shall have painted in legible figures of such size and description, and in such conspicuous place as may be prescribed, the registration number of the boat or launch under letters 'L.F.B.', which shall be understood to mean 'licensed fishing-boat'.

"24e. A person shall not take or attempt to take marine fish for sale by any method whatever, within the waters of the Territory of Jervis Bay unless he is licensed in that behalf under this Ordinance. Fishermen to be licensed.

Penalty: Two pounds.

"24f. A person shall not take from that part of the waters of the Territory of Jervis Bay described in the Schedule to this Ordinance any fish by means of a net, long line or bultow or by any means other than by a single line or rod and line. Fishing in closed waters.

Penalty: Twenty pounds.

"24g. Any person selling or exposing for sale marine fish, if requested by the Minister by notice in writing, furnish to the Registrar a return of all marine fish consigned to or received by him showing the quantity of each species of fish and the waters they were captured in. Returns of fish.

Penalty: Two pounds.

"24h. A person shall not set any net or netting device across or within any bay, inlet, creek or river of the Territory of Jervis Bay in such manner that fish enclosed thereby may be stranded and that immature fish may be destroyed. Setting of nets.

Penalty: Twenty pounds.

"24j. Any person who throws or places or leaves dead fish, debris, litter, glass, filth, refuse or other matter of a similar nature on any foreshore shall be guilty of an offence. Leaving dead fish, &c., on beaches.

Penalty: Twenty pounds.

"24k. Any person who uses a long line or bultow in any waters of the Territory of Jervis Bay shall be guilty of an offence. Use of long line or bultow prohibited.

Penalty: Twenty pounds."

**Amendment.** 9. The Principal Ordinance is amended by inserting before section twenty-five the following heading:—

“Part V.—Miscellaneous.”

**Regulations.** 10. Section twenty-eight of the Principal Ordinance is amended—

(a) by inserting in paragraph (d) after the word “size” the words “or weight”; and

(b) by adding after paragraph (h) the following paragraphs:—

“(ha) the length and depth of nets and the dimensions of the meshes of nets, and the length of the hauling lines attached to nets;

“(hb) the method of dragging nets to enable underweight or undersize fish to escape from the mesh or the wings of the nets into the water.”

**Schedule.** 11. After section twenty-eight of the Principal Ordinance the following Schedule is inserted:—

#### “THE SCHEDULE.

All that part of the waters of Jervis Bay bounded as follows:—Commencing at a point on the high water mark of the South Western shore of Jervis Bay being the eastern extremity of the northern boundary of land accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915* thence by part of a line bearing north-easterly toward high water mark on the northern extremity of Bowen Island, about 92 chains, to its intersection with a line joining the high water mark at the North Eastern extremity of Plantation Point and high water mark at the Northern extremity of Bristol Point, thence South Easterly by part of such line, about 93 chains, to the high water mark at the Northern extremity of Bristol Point aforesaid thence by that high water mark generally South Westerly and North Westerly to Captain's Point thence by high water mark again South Westerly and North Westerly to the point of commencement.”

Dated this nineteenth day of June, One thousand nine hundred and thirty-five.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

T. PATERSON

Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.