

FISH PROTECTION.

No. 3 of 1919.^(b)

An Ordinance for the Protection of Fish.

BE it ordained by the Governor-General of the Commonwealth of Australia, acting 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, as follows:—

Short title.

1. This Ordinance may be cited as the *Fish Protection Ordinance* 1919.

Definitions.

2. In this Ordinance, unless the contrary intention appears—

“Fish” means all fresh-water fish except crustacea.

“Fixed engine” includes stake nets, bag nets, putts, putchers, fish traps, night lines, and all fixed implements or engines for catching or facilitating the catching of fish.

“Gaff” means a metal hook fixed to either end of a rod or stake.

“Leister” means an instrument made of metal prongs, fixed to either end of a rod or stake.

“Minister” means the Minister for the time being administering the Federal Capital Territory or the person authorized by him to administer this Ordinance.

“Strokehall” or “snatch” means an instrument or device whether used with a rod or line or otherwise for the purpose of foul hooking any fish.

“Take” includes catch and all other means by which fish may be procured from the water.

3. No person shall, at any time, take or attempt to take any fish from the waters of the Federal Capital Territory, except by rod and line.

Penalty: Five pounds or imprisonment for one month.

(a) Sections 6 and 7 have since been added by No. 4 of 1923, *infra*, p. 89.

(b) Made on 26th March, 1919; notified in *Gazette* of 27th March, 1919; affected by No. 12 of 1924, *infra* p. 114.

Rod and line
only to be used
for catching of
fish.

4.—(1.) No person shall—

Prohibited acts.

- (a) use any line to which more than two fish hooks are attached;
- (b) use any light for the purpose of catching salmon or trout;
- (c) use any spear, leister, gaff, strokeball, snatch, or other like instrument for catching fish;
- (d) have in his possession, under such circumstances as satisfy the Court before which he is tried that he intended to catch salmon or trout by means thereof, any of the instruments mentioned in this section; or
- (e) take any fish of any variety during the close season for that variety.

Penalty: Five pounds or imprisonment for one month.

(2.) No person shall, for the purpose of catching fish, use any fixed engine.

Penalty: Ten pounds or imprisonment for two months.

5. The whole of the waters and streams of the Federal Capital Territory shall be closed against fishing from the fourteenth day of April to the thirty-first day of October (both inclusive) in each year:

Close season.

Provided that the Minister may by notice in the *Gazette* extend, reduce, or vary the period during which any fish may be taken from the waters and streams of the Federal Capital Territory.

6. The Minister may appoint such inspectors (including honorary inspectors) and other officers as he deems necessary for the proper carrying out of this Ordinance.

Appointment of officers.

7. Any person who appears to be acting in contravention of this Ordinance shall, on the request of any inspector or other person thereto authorized in writing by the Minister, give his name and place of residence, and any person who refuses to comply with such request or who gives a false name or false place of residence, shall be guilty of an offence.

Refusal to give name and address, &c.

Penalty: Five pounds or imprisonment for one month.

8. Any inspector appointed by the Minister under this Ordinance may arrest and give in charge to the civil police any person who appears to be acting in contravention of this Ordinance and who refuses to give his name and place of residence and may seize any rod and line, fixed engine, or other instrument which he has reasonable grounds to believe has been, or is intended to be, used for the purpose of catching fish.

Powers of inspectors.

9.—(1.) All fish taken and all instruments used in contravention of this Ordinance shall be forfeited to the King, and may be disposed of in such manner as the Minister directs.

Forfeiture of fish and instruments.

(2.) The Minister may waive any forfeiture under this Ordinance upon such condition as he thinks fit.