

AUSTRALIAN CAPITAL TERRITORY

FISHING ORDINANCE 1967

Explanatory Memorandum

No. 7 of 1967

Prior to the Fishing Ordinance 1967 the existing legislation relating to fishing in the Australian Capital Territory and the Territory at Jervis Bay consisted of the Fish Protection Ordinance 1929-1964 and regulations made thereunder, and those provisions of the New South Wales Fisheries Acts 1902-1910 which still applied in the Territory. The legislation in this form was considered inadequate for dealing with current problems and conditions.

The Fishing Ordinance 1967 consists of the bulk of the provisions contained in the Fish Protection Ordinance 1929-1964 and also incorporates several of the regulations made pursuant to the Ordinance. The new legislation allows for present practices in recreational fishing and tourism yet permits a satisfactory maintenance of fishing resources. Due to the influx of a large and increasing number of interstate visitors (mainly from New South Wales) provisions similar to those of the New South Wales legislation, where such are appropriate to the circumstances existing in the Australian Capital Territory, have been adopted.

Fresh Water Fishing

The waters of the Australian Capital Territory have been divided in two classes, open fishing waters and trout-fishing waters. Fish may not be taken in trout fishing waters, and trout or fresh water bass may not be taken in any waters, except between the period from the Saturday nearest 1 September to the Sunday nearest 30 April the following year, or, in defined waters during any other period specified by the Minister. Thus the season may be extended in certain waters. The Minister is also empowered to close off waters at any time. This will prevent depletion of fish stocks.

In trout fishing waters only a rod and line held in the hand or a rod and line so held together with a landing net or gaff may be used. In open fishing waters, in addition to a rod and line held in the hand or a line held in the hand, a person may use two set lines.

Normal prohibitions associated with the sport of fishing have been included in the legislation. Amongst these are

- taking a spear or spear gun into fresh waters,
- discharging a stone or missile for fishing purposes,
- taking more than ten fish on any one day,

- using frogs as bait,
- using live or natural bait, except in open fishing waters and Lake Burley Griffin,
- using fish roe for fishing purposes, and
- disturbing of fish that are about to spawn or have recently spawned.

Sea Fishing

Two main alterations to the provisions relating to sea fishing have been included in the new legislation. Fishing boats no longer require a licence but a professional fisherman will be required to hold a licence, costing \$2. Spear fishing has been regulated by creating certain offences, the more important offences being

- carrying a loaded spear gun out of the water,
- spearing crayfish, and
- spearing more than two groppers on one day.

Penalties for offences have been raised to a realistic level.

J. D. A.

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(Minister's Initials)