

NORTHERN TERRITORY OF AUSTRALIA

SPANISH MACKEREL FISHERY MANAGEMENT PLAN

As in force at 1 February 1993

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 February 1993

SPANISH MACKEREL FISHERY MANAGEMENT PLAN

Regulations under the *Fisheries Act*

Part 1 Preliminary

1 Citation

This Plan may be cited as the *Spanish Mackerel Fishery Management Plan*.

2 Commencement

This Plan shall take effect from 1 February 1993.

3 Application

This Plan applies to the managed fishery relating to Spanish mackerel declared by notice in *Gazette* No. G28 of 17 July 1991.

Part 2 Controls

4 Definitions

In this Part, unless the contrary intention appears:

Australian Fishing Zone means the Australian Fishing Zone within the meaning of the *Fisheries Management Act 1991* of the Commonwealth.

floating handline means a line to which is attached:

- (a) one hook; or
- (b) one set of hooks attached to the one piece of bait.

licence includes a restricted licence and an unrestricted licence.

licensee means the holder of a licence.

lure means a device designed to or capable of attracting fish, but does not include bait or berley.

making way means, in relation to a vessel, moving through water by virtue of the use of sails, motors, oars, or other means of propulsion, including being towed by another vessel, but does not include movement through water by the action of waves, currents or tides alone.

restricted bait net means a net which:

- (a) has both pocket, if any, and net made with a mesh 65 mm or less; and
- (b) has a drop of not more than 5 m.

restricted licence means a licence granted in accordance with clause 5(3).

Spanish mackerel means a fish of the genus *Scomberomorus commerson*.

troll line means a line to which is attached:

- (a) one hook;
- (b) one set of hooks attached to the one piece of bait; or
- (c) one lure, to which hooks may be attached.

unrestricted licence means a licence granted in accordance with clause 5(2).

Division 1 Licences

5 Entry criteria

- (1) The Director shall not grant a licence except in accordance with the Act, the Regulations and this clause.
- (2) The Director may grant an unrestricted licence only to an applicant who held a pelagic licence endorsed for trolling in 1992.
- (3) The Director may grant a restricted licence only to an applicant:
 - (a) who held an offshore reef fish licence in 1990 and 1991; and
 - (b) who can provide documentary evidence, other than by way of monthly returns required by the Director, that the applicant took, between 1 January 1990 and 1 April 1991, using floating

handline, at least 5 tonnes of Spanish mackerel under the licence referred to in paragraph (a).

6 Vessels

- (1) Subject to subclause (2), a vessel (not being a tender) used under the licence must be at least 8 m in length.
- (2) Subclause (1) does not apply where the vessel was, at 31 December 1992, registered for use under a pelagic fishery licence endorsed for trolling.

7 Fishery area

A licensee shall not, under the licence, use the gear permitted under clause 8(2) other than from the outer limit of the Australian Fishing Zone to the coast or a river mouth.

8 Fishing gear

- (1) Subject to clause 9, a licensee shall not use fishing gear to take fish under an unrestricted licence other than any number or combination of troll-lines, floating handlines or rod and lines.

Penalty: \$10,000.

- (2) Subject to subclause (3), a licensee shall not use fishing gear, other than a floating handline, to take fish under a restricted licence.
- (3) A licensee shall only use floating handline to take fish under a restricted licence if, where the line extends from a vessel, the vessel is making way.

Penalty: \$10,000.

9 Fishing gear for taking of bait

A licensee may use a restricted bait net but shall not:

- (a) use the net:
 - (i) as a surrounding net from a boat – if the net is longer than 200 m in length; or
 - (ii) as a net other than a surrounding net from a boat – if the net is longer than 100 m in length,excluding the length of any attached haul lines;
- (b) haul the net other than by hand;

- (c) stake or otherwise fix the net at more than one end;
- (d) use the net other than seaward of the coastline from high water mark to an imaginary line, following the coastline, 3 nautical miles from the low water mark;
- (e) use the net, while catch is being cleared, in less than 30 cm of water;
- (f) use the net in the Mary River Management Zone as described in Schedule 3 of the *Barramundi Fishery Management Plan*; and
- (g) use bait taken with the net other than as bait for the purposes of the licence.

Penalty: \$1,000.

10 Sale of fish

A licensee may sell fish of any species taken under the licence, other than barramundi, threadfin salmon and mud crabs.

Penalty: \$5,000.

Division 2 Amateur Fishing

11 Bag limit

- (1) A person shall not have in his or her possession more than 5 Spanish mackerel.
- (2) It is a defence to a charge under subclause (1) if the defendant proves that:
 - (a) the fish were taken under a licence; or
 - (b) the fish were at his or her place of permanent residence.

Penalty: Possession of 6 to 14 fish – \$1,000; or

Possession of more than 14 fish — \$10,000, and, in addition, \$50 for each fish in excess of 5.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Spanish Mackerel Fishery Management Plan

Notified

Commenced

1 February 1993