

NORTHERN TERRITORY OF AUSTRALIA

MUD CRAB FISHERY MANAGEMENT PLAN

As in force at 1 January 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 1996

MUD CRAB FISHERY MANAGEMENT PLAN

Plan under the *Fisheries Act*

Part 1 Preliminary

1 Citation

This Plan may be cited as the *Mud Crab Fishery Management Plan*.

2 Commencement

This Plan shall become operative on 1 February 1991.

3 Application

This Plan applies to the managed fishery relating to the species of crustacean of the genus *Scylla* known as mud crabs declared by notice in *Gazette* No. G12 of 28 March 1990.

Part 2 Controls

Division 1 Preliminary

4 Interpretation

(1) In this Part, unless the contrary intention appears:

day means a 24 hour period from midnight to midnight.

entanglement material means material or twine less than 1.5 mm in diameter but does not include wire.

mud crab means a crab, or part of a crab, of the genus *Scylla* and includes, in relation to a mud crab:

- (a) an egg or larva;
- (b) a dead body or part of a dead body; and

(c) a shell or exoskeleton or part of a shell or exoskeleton.

mud crab licence means a licence entitling the holder to fish in the mud crab fishery referred to in clause 3.

mud crab licensee means a person holding a mud crab licence.

pot includes a dilly pot, crab pot and a device designed to act as a trap or that may act as a trap for mud crabs.

river closure line means, in respect of a river specified in Schedule 1, a straight line drawn through the co-ordinates specified in that Schedule for that river so as to intersect with and be on the same plane as the highwater mark of the coast.

- (2) An approval of the Director under this Part shall be in writing and may be subject to such conditions, restrictions or limitations as the Director thinks fit and specifies in the approval.

5 When mud crab not taken or in possession

Subject to this Part, a mud crab shall be deemed not to have been taken by, or to be in the possession of, a person if, as soon as practicable after it has been taken and the expiration of such time as is reasonably necessary to enable the mud crab to be measured, it is returned to the water with as little damage to it as possible.

Division 2 Commercial fishing

6 Division applies to commercial fishing

This Division applies to a mud crab licensee and a person assisting a mud crab licensee, and a reference to a mud crab licensee includes such a person.

6A Number of licences

The Director shall not issue more than 49 Mud Crab Fishery licences.

6B Transfer of licence

A mud crab licensee may transfer his or her licence.

7 Processing of mud crabs

A mud crab licensee shall not process mud crabs for sale, other than by cooking, freezing or chilling, except on the premises of a person licensed to buy and sell fish.

Penalty: \$5,000.

8 Fishery area

- (1) Subject to this clause, a mud crab licensee shall not fish for mud crabs under a mud crab licence in a river specified in Schedule 1 landward of the river closure line.

Penalty: \$10,000.

- (2) A mud crab licensee shall not fish under a mud crab licence in the Port of Darwin landward of a straight line running across the harbour entrance, the co-ordinates of which are:

Port of Darwin Map Sheet: Darwin 5073

6919E 86236N to 7059E 7059E

Penalty: \$10,000.

- (3) A mud crab licensee shall not fish for mud crabs under a mud crab licence in waters which are not subject to tidal influence.

Penalty: \$10,000.

9 Possession of pots

A mud crab licensee shall not have possession of pots other than :

- (a) at a permanent residence of a mud crab licensee;
- (b) at an approved site;
- (c) on or in waters referred to in clause 8 which are open to mud crab fishing;
- (d) in a port; or
- (e) in transit, by the most practicable direct route, to or from a place referred to in paragraph (a), (b), (c) or (d).

Penalty: \$5,000.

10 Minimum size – commercial

A mud crab licensee shall not, under the mud crab licence, take or have possession of:

- (a) a female mud crab that measures less than 140 mm; or
 - (b) a male mud crab that measures less than 130 mm,
- across the widest part of the carapace.

Penalty: \$5,000.

10A Certain fish not to be taken

A mud crab licensee shall not take barramundi, threadfin salmon or spanish mackerel under the licence.

11 Commercial gear

- (1) Subject to this clause, a mud crab licensee shall fish for mud crabs under a mud crab licence only using pots.

Penalty: \$5,000.

- (2) A mud crab licensee shall not fish for mud crabs under a mud crab licence using a pot that:

- (a) has a capacity greater than 0.5 m³;
- (b) exceeds 1 m in length on its longest side or 1 m in height or diameter;
- (c) has more than 2 openings into any enclosure (excluding any opening for emptying mud crabs from, or for placing bait in, the pot);
- (d) is constructed of entanglement material; or
- (e) does not have attached to it a float, having a minimum diameter or length of 80 mm, on which is clearly and legibly marked only the mud crab licensee's licence number, in Arabic numerals, either:
 - (i) incised into;
 - (ii) painted with waterproof paint on; or
 - (iii) marked with indelible material on,

the float.

Penalty: \$5,000.

- (3) A mud crab licensee shall not fish for mud crabs under a mud crab licence using more than 60 pots.

Penalty: \$5,000.

- (4) Subject to this clause, a mud crab licensee may, under a mud crab licence, use a restricted bait net only:

(a) if the net:

(i) is not fixed, anchored or staked; or

(ii) is fixed, anchored or staked at one end only, whereupon it may be used by:

(A) hauling the other end by hand; or

(B) attaching the other end to a vessel which is not anchored or fixed, in which case the vessel may be used for hauling the net;

(b) within the area extending seaward from the coast from the high water mark to an imaginary line following the coastline 3 nautical miles from the low water mark;

(c) for the taking of fish to be used by the licensee as bait for use with pots in the fishery;

(d) if it is, when catch is being cleared, in not less than 30 cm of water; and

(e) if it is not left unattended while in use.

- (5) Subject to this clause, a mud crab licensee shall not have possession of a restricted bait net in the area specified in Schedule 2.

- (6) A mud crab licensee may have possession of a restricted bait net in the area specified in Schedule 2:

(a) in an area in respect of which he or she has been granted an approval under subclause (8); or

(b) on a road extending from Borroloola to Bing Bong.

- (7) A mud crab licensee may apply in writing to the Director for approval to have possession of a restricted bait net in the area specified in Schedule 2.
- (8) The Director may:
 - (a) grant, in writing, on such conditions as the Director thinks fit; or
 - (b) refuse to grant,an approval for a mud crab licensee to have possession of a restricted bait net in the area specified in Schedule 2.
- (9) Where a mud crab licensee has been granted an approval under this clause, he or she shall keep the approval, or a copy of the approval, in the proximity of the restricted bait net while in the area specified in Schedule 2.

Division 3 Amateur mud crab fishery

12 Amateur fishing gear

- (1) Subject to this Part, a person shall not fish for mud crabs except by hand or by the use of a pot, hand-spear, hand-held hook, hook and line, hand-net, cast-net or beach seine.

Penalty: \$5,000.
- (2) Subject to this Part, a person shall not fish for mud crabs using a pot that:
 - (a) has a capacity greater than 0.5m³;
 - (b) exceeds 1 m in length on its longest side or 1 m in height or diameter;
 - (c) has more than 2 openings into any enclosure (excluding any opening for emptying mud crabs from, or for placing bait in, the pot);
 - (d) is constructed of entanglement material; or
 - (e) does not have attached to it a float, having a minimum diameter or length of 80 mm, on which is clearly and legibly marked the person's name either:
 - (i) incised into;

- (ii) painted with waterproof paint on; or
- (iii) marked with indelible material on,
the float.

Penalty: \$2,000.

13 Possession of pots by amateur fishermen

(1) Subject to this Part, a person shall not:

- (a) have possession of, other than at a permanent residence; or
- (b) fish for mud crabs using,
more than 5 pots unless under a mud crab licence.

Penalty:

Possession or use of 6 to 10 pots – \$2,000; or

Possession or use of more than 10 pots – \$10,000.

(2) Notwithstanding subclause (1), where more than 1 person is in or on a vessel the maximum number of pots that may be:

- (a) in or on the vessel; or
- (b) used to fish for mud crabs while using the vessel,
is 10 unless otherwise permitted under a mud crab licence.

Penalty:

Presence or use of 11 to 20 pots – \$2,000; or

Presence or use of more than 20 pots – \$10,000.

(3) Where the number of pots in the possession of a fisherman exceeds the number prescribed in subclause (1) and paragraphs (a) or (b) of that subclause do not apply, then, notwithstanding that possession, if the fisherman establishes that:

- (a) he or she is a member of a fishing party; and
- (b) if the number of pots were to be apportioned as equally as possible amongst those fishermen in the party who are present or able to be assembled in a short period of time, no fisherman in the party would be guilty of contravening

subclause (1),

the fisherman shall be regarded as having possession only of the number of pots so apportioned to him or her.

- (4) For the purposes of subclause (1), where the number of pots in the possession of fishermen who are members of a fishing party exceeds 5 pots for each fisherman and it is not readily ascertainable which fisherman has possession of the pots, then each fisherman in the fishing party shall be regarded as having possession of all of the pots and to have more than the number of pots permitted under that subclause.

14 Certain waters not open to amateur fishing

A person shall not fish for mud crabs in waters that are not subject to tidal influence.

Penalty: \$2,000.

15 Minimum size – recreational

A person shall not take or have in possession a mud crab that measures less than 130 mm across the widest part of the carapace.

Penalty: \$2,000.

16 Number of mud crabs in possession

- (1) A person shall not fish for mud crabs on any one day if that person has previously taken 10 mud crabs on that day unless under a mud crab licence entitling the person to do so.

Penalty: \$2,000.

- (2) A person shall not have possession of more than 10 mud crabs, unless:

- (a) under a licence entitling the person to do so;
- (b) the person has a receipt or proof that the mud crabs were obtained legally from a licensee; or
- (c) in a permanent residence.

Penalty:

Possession of 11 to 20 mud crabs – \$2,000; or

Possession of more than 20 mud crabs – \$10,000,

and, in addition, \$50 for each mud crab in excess of 10.

- (3) Notwithstanding subclause (2), where more than 3 persons are in or on a vessel the maximum number of mud crabs that may be in or on the vessel is 30, unless:
- (a) otherwise permitted under a licence; or
 - (b) a person in or on the vessel has a receipt or proof that the mud crabs were obtained legally from a licensee.

Penalty:

Presence of 31 to 40 mud crabs – \$2,000; or

Presence of more than 40 mud crabs – \$10,000,

and, in addition, \$50 for each mud crab in excess of 30.

- (4) Where the number of mud crabs in the possession of a fisherman exceeds the number prescribed in subclause (2) and paragraphs (a), (b) or (c) of that subclause do not apply, then, notwithstanding that possession, if the fisherman establishes that:
- (a) he or she is a member of a fishing party;
 - (b) the mud crabs taken will be shared amongst the members of the fishing party; and
 - (c) if the sharing was to take place amongst those fishermen in the party who are present or able to be assembled in a short period of time, no fisherman in the party would be guilty of contravening subclause (2),

the fisherman shall be regarded as having taken, and having possession of, his or her share only of the mud crabs in possession.

- (5) For the purposes of subclause (2), where the number of mud crabs in the possession of fishermen who are members of a fishing party exceeds the number prescribed in that subclause, paragraph (a), (b) or (c) of that subclause does not apply and it is not readily ascertainable which fisherman is in possession of the mud crabs, then each fisherman in the fishing party shall be regarded as having possession of the mud crabs and to have more than the number of mud crabs permitted under that subclause.

Schedule 1

clauses 4, 8

RIVER CLOSURE LINES

Buffalo Creek Coordinates:			Map Sheet:	Darwin 5073
7073 E	86353 N	to	7077 E	86351 N
Micket Creek Coordinates:			Map Sheet:	Darwin 5073
7115 E	86344 N	to	7119 E	86342 N
King Creek Coordinates:			Map Sheet:	Koolpinyah 5173
7181 E	86332 N	to	7183 E	86330 N
Howard River Coordinates:			Map Sheet:	Koolpinyah 5173
7208 E	86324 N	to	7219 E	86329 N
Leaders Creek Coordinates:			Map Sheet:	Koolpinyah 5173
7301 E	86527 N	to	7301 E	86534 N

Schedule 2

clause 11

AREAS IN WHICH LICENSEE NOT TO BE IN POSSESSION OF OR USE RESTRICTED BAIT NET

All that part of the Northern Territory bounded by an imaginary line:

- (a) to the north commencing on the western side of Bing Bong Creek at grid reference 6410E 82759N (Sheet 6166 Edition 1 Bing Bong); then due north to a point 3 nautical miles past the straight baselines surrounding the Sir Edward Pellew Group then easterly and southerly parallel to the straight line baseline to within 3 nautical miles of the coast at low water mark then south easterly and parallel to the coast 3 nautical miles from low water to the border of the Territory with Queensland;
- (b) from there to the east commencing at a point along the border of the Territory with Queensland 3 nautical miles from low water mark then south to a point where the border intersects the northern side of the Carpentaria Highway near Wollogorang at grid reference 8191E 80944N (Sheet 6463 Edition 1 Wollogorang);
- (c) from there to the south commencing at a point where the border intersects the northern side of the Carpentaria Highway at grid reference 8191E 80944N (Sheet 6463 Edition 1 Wollogorang) then in a north westerly direction towards the township of Borroloola to the turn off from the Carpentaria Highway to Borroloola at grid reference 6394E 82207N (sheet 6165 Edition 1 Borroloola);
- (d) from there to the west in a north, north westerly direction from grid reference 6394E 82207N (Sheet 6165 Edition 1 Borroloola) to the Blue Lagoon Yard at grid reference 6238E 82498N (Sheet 6166 Edition 1 Bing Bong) then north east back to the point of commencement at the western side of Bing Bong Creek at grid reference 6410E 82759N (Sheet 6166 Edition 1 Bing Bong).

NOTE: All maps referred to are part of the National Topographic Map Series Australia 1:100,000.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Mud Crab Fishery Management Plan

Notified	31 January 1991
Commenced	1 February 1991 (cl 2)

Mud Crab Fishery Management Plan Amendment

Notified	5 April 1993
Commenced	5 April 1993

Amendments Mud Crab Fishery Management Plan

Notified	29 November 1995
Commenced	1 January 1996 (r 2)

3 LIST OF AMENDMENTS

cl 4	amd Gaz S35 – 5 April 1993
cl 4A	ins Gaz S35 – 5 April 1993
cl 5	amd Gaz S35 – 5 April 1993
	sub No. 38, 1995, r 3
cl 6A – 6B	ins No. 38, 1995, r 4
cl 10	amd No. 38, 1995, r 5
cl 10A	ins No. 38, 1995, r 6
cl 11	amd No. 38, 1995, r 7
cl 15	amd No. 38, 1995, r 8
sch 2	ins No. 38, 1995, r 9