

# NORTHERN TERRITORY OF AUSTRALIA

## FISHERIES REGULATIONS

As in force at 1 February 2011

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 February 2011

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## FISHERIES REGULATIONS

### Regulations under the *Fisheries Act*

#### Part 1 Preliminary

##### 1 Citation

These Regulations may be cited as the *Fisheries Regulations*.

##### 2 Commencement

These Regulations shall come into operation on 1 January 1993.

#### Part 2 Interpretation

##### 3 Interpretation

(1) In these Regulations:

***Aboriginal Coastal licence*** means a licence granted in accordance with Division 2 of Part 11.

***Aboriginal Coastal licensee*** means the holder of an Aboriginal Coastal licence.

***aquaculture facility*** means a lease or parcel of land or leases or parcels of adjacent land (whether or not covered by water) upon which an aquaculture operation is carried out.

***Aquaculture licence*** means a licence granted for the purposes of Division 2 of Part 10.

***Aquaculture licensee*** means the holder of an Aquaculture licence.

***aquarium*** means a pond, tank or other container with a surface area not exceeding 10 m<sup>2</sup> used for keeping live fish or aquatic life, and used otherwise than for the purposes of aquaculture.

***Aquarium Trader licence*** means a licence granted for the purposes of Division 4 of Part 11.

**Aquarium Trader licensee** means the holder of an Aquarium Trader licence.

**aquatic pest** means fish or aquatic life specified in Schedule 1.

**bait** means fish, aquatic life, meat or other organic substance capable of being used, or intended to be used, to entice fish or aquatic life.

**barramundi** means fish of the species *Lates calcarifer*.

**baseline** means the territorial sea baseline of the Territory declared under the *Seas and Submerged Lands Act 1973* of the Commonwealth by Proclamation published in *Commonwealth Gazette* No. S29 on 9 February 1983 (as amended).

**broodstock** means adult fish or aquatic life taken or used for breeding in an aquaculture facility.

**Chief Inspector**, see the *Livestock Act*.

**coastline** means:

- (a) except in relation to the mouth of a river, an imaginary line drawn along the coast at the Highest Astronomical Tide; or
- (b) in relation to the mouth of a river, an imaginary line, contiguous with the adjacent coastline, drawn across the mouth of the river.

**commercial fishing licence** means a licence relating to a fishery specified in or referred to in Part 8.

**commercial fishing licensee** means a person who holds a commercial fishing licence.

**Committee** means the Disease Control Committee established under regulation 19.

**Daly River Fish Management Zone** means the area described in Schedule 1AA.

**exotic** means, in relation to fish or aquatic life, fish or aquatic life that is not indigenous to the Territory.

**fin fish** means fish of the Class Teleostei.

**fin fish length** means the length of a fin fish from the tip of the snout to the tip of the middle ray of the caudal fin while the fish is lying flat.

**Fish Broker licence** means a licence for the purposes of Division 4 of Part 9.

**Fish Retailer licence** means a licence for the purposes of Division 3 of Part 9.

**Fish Trader/Processor licence** means a licence for the purposes of Division 2 of Part 9.

**Fishing Tour Operator licence** means a licence for the purposes of Division 3 of Part 11.

**Fishing Tour Operator licensee** means the holder of a Fishing Tour Operator licence.

**fishing tour operation** means an expedition organised for reward, fee or other valuable consideration, enabling people to engage in amateur fishing.

**Food Standards Code** means the Code adopted as a law of the Territory by the *Food Standards Regulations*.

**high water mark** means Highest Astronomical Tide.

**Joint Authority** means the Northern Territory Fisheries Joint Authority established under section 12D(1) of the *Fisheries Act 1952* (Cth) (repealed) and continued in existence by section 7(4)(a) of the *Fisheries Legislation (Consequential Provisions) Act 1991* (Cth).

**licensing year** means the year commencing on 1 July in a year and expiring with 30 June in the following year.

**low water mark** means Lowest Astronomical Tide.

**mackerel** means fish of the genus *Scomberomorus*.

**making way** means, in relation to a vessel, moving through water by 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 or tides alone.

**mollusc** means fish of the Phylum Mollusca.

**mother boat** means the registered vessel nominated under regulation 53.

**mud crab** means crabs, or parts of crabs, of the genus *Scylla*.

**Net licence** means a licence granted for the purposes of Division 5 of Part 11.

**Net licensee** means the holder of a Net licence.

**notifiable disease** means a disease causing significant mortality or poor health in fish or aquatic life.

**pearl oyster** means molluscs of the genus *Pinctada*.

**Pearl Oyster Culture Industry licence** means a licence granted for the purposes of Division 3 of Part 10.

**Pearl Oyster Fishery licence** means a licence granted for the purposes of Division 10 of Part 8.

**place** includes land, waters, buildings, vehicles and vessels.

**Public Aquarium licence** means a licence for the purposes of Part 11, Division 4A.

**repealed Regulations** means the Regulations repealed by regulation 210.

**river closure line**, in relation to a river specified in Schedule 5 of the *Barramundi Fishery Management Plan* as in force from time to time, means a straight line drawn between the co-ordinates specified in that Schedule for that river.

**shark** means fish of the Class Chondrichthyes.

**snapper** means fish of the family Lutjanidae.

**spanish mackerel** means fish of the species *Scomberomorus commerson*.

**threadfin salmon** means fish of the species *Polydactylus macrochir*.

**Timor Reef Fishery licence** means a licence for Part 8, Division 15.

**trepan** means fish of the Class Holothuroidea.

**trunk** means a fish from which the head has been removed.

**under way** means, in relation to a vessel, a vessel which is not:

- (a) aground;
- (b) anchored (whether directly or indirectly); or



(c) made fast to the shore.

**vessel length** means the length of a vessel measured in accordance with the Uniform Code within the meaning of the *Marine Act*.

**voyage** means the period between a vessel leaving a port, permanent camp site or approved anchorage and returning to a port, permanent camp site or approved anchorage, during which time fishing under a licence has taken place.

- (2) In these Regulations, a licence name specified by reference to a fishery means a licence granted in respect of the fishery to which the licence name refers and a reference to a licensee specified by reference to a fishery means a person holding a licence in respect of the fishery referred to.
- (3) Where, in pursuance of these Regulations, a point, line, area or relative position is to be calculated by reference to the coastline or an imaginary line along the coastline (whether or not along a particular water line on the coast) the coastline or imaginary line along the coastline shall be deemed to include:
- (a) in relation to a river specified in Schedule 5 of the *Barramundi Fishery Management Plan* as in force from time to time, the river closure line specified in that Schedule for that river; and
  - (b) in relation to any other river, an imaginary straight line across the mouth of the river calculated in the same manner as for the calculation of the baseline for the purposes of the *Seas and Submerged Lands Act 1973* of the Commonwealth had all off-lying islands and historical bays and waters been ignored.
- (4) If the scientific name of a fish or aquatic life changes, a reference in Schedule 1 to the scientific name must be read as including the new scientific name of the fish or aquatic life.

#### **4 Definitions relating to gear**

In these Regulations, unless the contrary intention appears:

**amateur fishing gear** means gear specified in regulation 46.

**amateur drag net** means a net that:

- (a) is not longer than 16 m, excluding the length of any attached haul lines; and
- (b) is made of mesh no larger than 28 mm; and

- (c) has a drop of not more than 2 m; and
- (d) is made of netting material of not less than 0.35 mm in diameter (equivalent to 6 kg monofilament fishing line).

**auto-baiting device** means a device, through which fish hooks are passed, that assists in fixing baits to the hooks.

**bait net** means a net which:

- (a) is not longer than 300 m, excluding the length of any attached haul lines;
- (b) has both pocket, if any, and net made of mesh not larger than 65 mm; and
- (c) has a drop of not more than 5 m.

**cast net** means a net which:

- (a) has a diameter not more than 6 m;
- (b) is made of mesh not larger than 25 mm; and
- (c) has a drop of not more than 3 m when suspended from the centre.

**coastal net** means a net which:

- (a) is not longer than 300 m, excluding the length of any attached haul lines;
- (b) has both the pocket, if any, and net made of mesh not larger than 65 mm; and
- (c) has a drop of not more than 5 m.

**demersal** means on or near the sea bed.

**demersal long-line** means a main line anchored to the seabed at both ends and at intervals along its length, to which hooks or branch lines with hooks are attached.

**drop**, in relation to a net, means the distance between the head and foot ropes where the net is in normal operation or, if ropes are not present, the positions in which they would be located if present.

**drop line** means a weighted line which has not less than 6 and not more than 40 hooks attached.

***finfish trawl gear*** means a net:

- (a) which has a mesh size of more than 110 mm;
- (b) the cod end of which is not covered by a double cod end liner;
- (c) the total weight on the footline (including bobbin lines, chains, bridles and any other device weighing on the footline) of which does not exceed 4 kilograms wet weight in the air per linear metre; and
- (d) the twine size in the forward half (including wing and belly sections) of which does not exceed 90 ply by 400 denier or the equivalent in other material types.

***fishing gear*** includes a net, line, apparatus, device or thing capable of being used in fishing.

***fish-trap*** means a portable cage or part of a cage designed or intended to catch fish or which is capable of catching fish, that:

- (a) has a volume greater than 0.5 m<sup>3</sup>; and
- (b) has an external structure made of wire, steel or other rigid material or other approved material.

***fixed fish-trap*** means a permanently positioned structure made of wire, steel or other rigid material which has a door at least 1 m<sup>2</sup> in the seaward part of the lower third of the trap through which fish may escape when the structure is not in use.

***freshwater pot*** means a portable device designed to act as, or used as, a trap for fish or aquatic life and which:

- (a) is less than 0.3 m<sup>3</sup> in volume; and
- (b) has not more than 2 entrances; and
- (c) has no material placed in the pot which is likely to entangle fish or aquatic life; and
- (d) has a turtle excluding device fitted to each opening (other than an opening for emptying fish or aquatic life from, or placing bait or other material used to entice fish into, the pot).

***gill net*** means a net or part of a net (including any warp, rope, chain, material, device or thing used in conjunction with or attached to the net or part of the net) that:

- (a) has a mesh size greater than 65 mm; and

(b) is used or is capable of being used to catch fish or aquatic life.

**hand spear** means a spear propelled by human power without the use of a device.

**jigging gear** means a line to which is attached one or more hooked rippers, being a device the stem of which is fitted with at least one, but not more than 3, circles of upturned, barbless hooks.

**line** includes a mono-filament, multi-filament, synthetic or natural fibre twine, material, wire, rope or chain.

**mesh** means one of the open spaces of a net.

**mesh size**, in relation to a net, means the distance between the inner edges of the knots of opposite corners of the mesh or, where the mesh does not have knots, the inner edges of opposite corners of the mesh, measured with the mesh closed, as determined in accordance with regulation 6.

**mono-filament twine** means one continuous length of fibre of synthetic material that is not twisted but is suitable for use as a twine.

**multi-filament twine** means:

(a) fibres, made of synthetic or natural material, that are twisted together to form a filament, then twisted to form a strand; or

(b) a combination of mono-filament twines twisted or knotted to form a continuous twine.

**net** means a device made of twine forming a number of meshes used or designed to be used to catch or hold fish, whether or not lead ropes, floats, lead lines, anchors or leads are attached, but does not include a scoop net which is hand held and attached to a rigid hoop.

**pelagic long-line** means a main line that can be anchored and to which hooks or branchlines with hooks are attached.

**pelagic net** means a net:

(a) constructed of twine not less than 0.9 mm diameter;

(b) with a mesh size of not less than 160 mm and not greater than 185 mm; and

(c) having a drop of not more than 100 meshes.

**pocket** means a structure, made of net and attached to or forming part of a net, in which fish may be collected.

**pot** means a portable device designed to take or which may be used to take fish or aquatic life, which:

- (a) has a volume of 0.5 m<sup>3</sup> or less;
- (b) does not exceed 1 m in length, height or diameter;
- (c) has 1 or 2 openings into any enclosure (excluding an opening for emptying fish or aquatic life from, or for placing bait or other material used to entice fish into, the pot); and
- (d) has no material placed in the pot which is likely to entangle fish or aquatic life,

and includes a dilly pot and a crab pot but does not include a fish trap, freshwater pot or a fixed fish trap.

**restricted bait net** means a net which:

- (a) is not longer than 100 m, excluding the length of any attached haul lines;
- (b) has both pocket, if any, and net made with a mesh 65 mm or less; and
- (c) has a drop of not more than 5 m.

**scoop net** means a net, a landing net, a basket or other similar device with an attached handle, made of mesh attached to a frame and designed to be held in the hand at all times when in use for scooping fish from water.

**snood** means a short length of line that has a fish hook attached to it.

**spear-gun** means a device used in underwater fishing to propel spears, arrows or other projectiles and includes propulsion by means of rubber (commonly known as an Hawaiian sling), bows, compressed gas or explosive charges.

**trammel net** means a configuration of multi-panelled nets set one behind the other, all or some or part of which are attached to the same section of a headrope.

**troll line** means a line to which is attached only one of the following:

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

**turtle excluding device** means a rigid ring with an internal diameter not greater than 90 mm.

**twine** means mono-filament or multi-filament twine.

**vertical line** means a weighted line to which no more than 5 hooks are attached.

## **5 Application**

- (1) These Regulations (including those regulations not contained in Division 5, 6, 15 or 16 of Part 8), to the extent that they can apply, extend to and shall be deemed to apply to each Joint Authority fishery to be managed in accordance with the law of the Territory by the Joint Authority.
- (2) These Regulations are, to the extent that they apply to a Joint Authority fishery, made pursuant to section 70 of the Act.

## **6 Determination of mesh size**

- (1) Where a method for the determination of the mesh size of a net to be used in a fishery is specified in the fishery management plan for that fishery, that method is to be used.
- (2) To determine the mesh size of finfish trawl gear, the following method is to be used:
  - (a) immediately before the measurement is taken, the part of the net to be measured is to be soaked in fresh or salt water for not less than 5 minutes;
  - (b) the part of the net to be measured is to be suspended vertically;
  - (c) the distance between the surface of a knot and the surface of the opposite knot in the same mesh or, in the case of a mesh without knots, the opposite corners of a mesh is to be measured by means of a device which has 2 arms, the upper of which is fixed and the lower of which:

- (i) is capable of moving freely in relation to the upper; and
    - (ii) has a weight of 3170 grams acting on it;
  - (d) the device is to be graduated so that the distance between the upper and lower arms of the device can be ascertained to the nearest millimetre;
  - (e) the device is to be suspended so that the upper arm is in contact with the top of the mesh being measured and the lower arm is free to move, allowing the weight acting on the lower arm to pull the mesh taut;
  - (f) the measurement of the mesh is to be taken to be the average measurement of 10 meshes at least 30 cm from each other.
- (3) To determine the mesh size of a net to which neither subregulation (1) nor (2) applies, the following method is to be used:
- (a) immediately before the measurement is taken, the part of the net to be measured is to be soaked in fresh or salt water for not less than 5 minutes;
  - (b) a device graduated in millimetres is to be used to measure the distance between opposite knots or, in the case of a mesh without knots, opposite corners of a mesh when the mesh is closed;
  - (c) the mesh is closed when the sides of the mesh are as close to touching each other as practicable by the use of sufficient tension by hand or other means but without the use of such tension as to stretch the net material or the mesh past its natural length;
  - (d) the measurement of the mesh is to be taken to be the average measurement of 10 meshes at least 30 cm from each other.

## **Part 3            General matters**

### **Division 1        General**

#### **7            Interference with fishing operation**

A person shall not, without lawful authority:

- (a) interfere with a vessel or fishing gear being used for fishing; or
- (b) hinder or obstruct a person fishing.

**8            No tethering of live fish**

A person shall not, after a fish has been taken, place or retain it on a tether line.

**9            Certain fish not to be taken**

A person must not take any of the following:

- (a) cod, groper or any other fish of the genus *Epinephelus* if the cod, groper or other fish is more than 1.2 m long;
- (b) northern river shark, or speartooth shark, of the genus *Glyphis*;
- (c) sawfish of the genus *Pristis*, but not including wide sawfish (*Pristis pectinata*);
- (d) molluscs of the family Tridacnidae (giant clam).

**10          Protected species not to be taken**

A person shall not take, whether as by-catch or otherwise, fish or aquatic life which is a protected species under the *Territory Parks and Wildlife Conservation Act*.

**11          Defence to taking of fish or aquatic life**

It is a defence to a charge of taking fish or aquatic life which the defendant is not permitted to take if the defendant proves that the fish or aquatic life was, immediately after being taken, returned, with as little injury to it as possible, to the water.

**12          Release of fish or aquatic life**

A person may release live fish or aquatic life into a body of water which is not an aquarium only:

- (a) to return the fish or aquatic life to the water catchment from which it came;
- (b) in accordance with a permit; or
- (c) in accordance with a licence granted for the purposes of Part 10.

**13          Movement of fish or aquatic life**

A person (other than the holder of a licence granted for the purposes of Part 10 moving live fish or aquatic life in accordance with a licence) shall not, without a permit under these Regulations,



move live fish or aquatic life from a place within a water catchment area and place them into a body of water (other than an aquarium) within a different catchment area from which it is possible that water, live fish or aquatic life may escape into a natural waterway.

**14            Impeding passage of fish or aquatic life**

A person who constructs a dam or any other structure which may impede the natural movement of fish or aquatic life downstream or upstream shall, where directed to do so by the Director, provide a device or a facility to permit the passage of fish or aquatic life through, over, under or around the dam or structure.

**15            No mono- or multi-filament net in traps**

A person shall not use a pot, fish-trap or freshwater pot constructed in whole or in part of mono- or multi-filament net, unless permitted to do so by the Director.

**Division 2            Diseased and contaminated fish and aquatic pests**

**16            Prohibition against taking diseased or contaminated fish or aquatic pests**

- (1) The Director may, by notice in the *Gazette*, declare areas in which the taking of fish or aquatic life of a particular species is prohibited because of:
  - (a) the risk the species may pose, if consumed, to human health; or
  - (b) the risk of the spread of contamination or disease to other fish or aquatic life in other areas.
  
- (2) The Director may, by notice in the *Gazette*, declare that:
  - (a) the taking of any fish or aquatic life from an area specified in the notice; or
  - (b) the movement of any fish or aquatic life from an area specified in the notice to another area,

is prohibited because of the risk of the spread of an aquatic pest to other areas.

**17            Prohibition against movement and sale**

A person shall not:

- (a) move diseased or contaminated fish or aquatic life or an aquatic pest from one place, water catchment or storage unit to another place, water catchment or storage unit; or
- (b) sell diseased or contaminated fish or aquatic life.

**18            Destruction of fish or aquatic life**

- (1) The Director may destroy fish or aquatic life that he or she believes, on reasonable grounds, to be diseased or contaminated, if he or she considers it necessary in order to prevent the spread of disease or contamination.
- (2) The Director may destroy fish or aquatic life if he or she believes, on reasonable grounds, that it is necessary to prevent the spread of an aquatic pest.

**19            Disease and Pest Control Committee**

- (1) The Director may establish a Disease and Pest Control Committee to advise the Director on such issues, related to the prevention or control of disease or aquatic pests or the prevention of the spread of disease or aquatic pests, as the Director thinks fit.
- (2) The Committee established under subregulation (1) shall consist of:
  - (a) the Director, who shall be the Chairman;
  - (b) an employee in the department primarily responsible to the Minister for the administration of the *Fisheries Act* nominated by the Director;
  - (c) the Chief Inspector or a person nominated by him or her; and
  - (d) 3 persons appointed by the Director for such period, not exceeding 3 years, as is specified in the instrument of appointment.
- (3) At least one person appointed under subregulation (2)(d) must have the experience and expertise to represent interests relating to fishing, fish and aquatic life on the committee.

**20            Procedure of Committee**

- (1) The Chairman shall convene such meetings of the Committee as he or she thinks fit.

- (2) The Committee shall determine the procedure to be adopted at or in connection with a meeting of the Committee.
- (3) At a meeting of the Committee, 4 members, one of whom shall be:
  - (a) the Chairman; or
  - (b) the Chief Inspector or his or her nominee,constitute a quorum.

## **21        Declaration of control areas**

The Director may, by notice in the *Gazette*, declare:

- (a) an area containing fish or aquatic life which have contracted a notifiable disease to be a quarantine area;
- (b) an area containing fish or aquatic life considered by the Committee to be at risk of contracting a notifiable disease to be a protected area; or
- (c) an area containing an aquatic pest to be a restricted area.

## **22        Regulation of control area**

Where an area has been declared to be a quarantine area, a protected area or a restricted area under regulation 21, the Director may:

- (a) regulate or prohibit all transportation of fish or aquatic life into, within or out of the area;
- (b) regulate or prohibit the movement into, within or out of the area by people, vehicles, vessels or aircraft;
- (c) nominate particular species of fish or aquatic life to which the notice applies;
- (d) where the area has been declared a quarantine area or a restricted area – prohibit the release of water from an aquaculture facility other than with the permission of the Director; and
- (e) order the treatment or destruction of diseased fish, aquatic life, feed, contaminated equipment, water or other things which, in the opinion of the Director, may transmit disease or an aquatic pest to areas outside the declared area.

**23            Notification of disease**

The holder of a licence in respect of Part 10 shall, as soon as practicable after he or she observes symptoms of a notifiable disease in an aquaculture facility operated under the licence, advise the Director of the presence of the disease.

**Division 3            Exotic fish, noxious fish and import permits**

**23A            Declaration of noxious fish**

- (1) For section 4(1) of the Act, each fish specified in Schedule 1A is declared to be a noxious fish.
- (2) If the scientific name of a fish changes, a reference in Schedule 1A to the scientific name must be read as including the new scientific name of the fish.

**24            Noxious fish**

A person shall not import or have possession of a noxious fish.

**25            Trade in or release of live exotic fish and aquatic life**

- (1) A person shall not, except in accordance with a permit, trade in live exotic fish or exotic aquatic life.
- (2) A person shall not, except in accordance with a permit, release an exotic fish or exotic aquatic life into a body of water other than an aquarium.

**26            Permit to import fish or aquatic life**

- (1) The Director may, in accordance with this Division, grant to an applicant a permit to import live fish or live aquatic life into the Territory.
- (2) The Director shall not grant a permit to import fish or aquatic life:
  - (a) unless that species of fish or aquatic life:
    - (i) is indigenous to the Territory;
    - (ii) is in pursuance of section 303EB of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth taken to be suitable for live import; or
    - (iii) is specified in Schedule 7; and

- (b) if, in his or her opinion:
- (i) there may be a risk of disease to people, fish or aquatic life by the importation;
  - (ii) there may be a risk of variation of the genetic composition or genetic material of Territory fish or aquatic life by the importation;
  - (iii) the fish or aquatic life to be imported may adversely affect the diversity of genetic material within the Territory; or
  - (iv) the fish or aquatic life may present an unacceptable risk of detriment to other fish or aquatic life in the Territory.

**27            Application for permit**

An application for a permit to import fish or aquatic life shall contain:

- (a) a declaration of the species of fish or aquatic life to which the application relates;
- (b) at the written request of the Director, a certificate attesting to:
  - (i) the disease status of the fish or aquatic life to which the application refers; and
  - (ii) the treatment, if any, given to the fish or aquatic life;

which is issued:

- (iii) in the case of fish or aquatic life (other than plant life) – by a veterinarian, however described, registered under the *Veterinarians Act* or a similar Act of a State or another Territory of the Commonwealth; or
- (iv) in the case of aquatic life (other than animal life) – by an approved person;

who has inspected the fish or aquatic life to which the certificate refers;

- (c) a statement of the proposed method of treatment and disposal of the water in which the fish or aquatic life is to be imported; and
- (d) such other information as the Director requires.

**28            Permit to state certain matters**

A permit granted under regulation 26 shall have endorsed on it:

- (a) the species of fish or aquatic life which may be imported; and
- (b) where the Director has requested a certificate under regulation 27(b):
  - (i) the disease status of the fish or aquatic life, as evidenced by the certificate;
  - (ii) the approved treatment, prior to import, of the fish or aquatic life;
  - (iii) the treatment and disposal of water used in the importation of the fish or aquatic life;
  - (iv) if the Director thinks fit, details enabling the identification of the particular stock of fish or aquatic life and the facility from which export of fish or aquatic life is to occur;
  - (v) the permitted method of transport;
  - (vi) the period during which the permit is valid; and
  - (vii) such conditions as the Director thinks fit.

**Division 4            Reporting**

**28A            Sighting of noxious fish or aquatic pests**

A person who sees a fish or aquatic life that the person knows or suspects to be a noxious fish or aquatic pest must, as soon as practicable:

- (a) report the sighting to the Director; and
- (b) provide any other information about the sighting required by the Director.

**Part 4 Possession and use of fishing gear****29 No gear to be used unless permitted**

- (1) A person engaged in amateur fishing shall not have in his or her possession fishing gear other than amateur fishing gear, and shall not use that gear except in the manner permitted by or under the Act.
- (2) A person shall not engage in amateur fishing on a registered vessel.
- (3) A person taking fish for sale shall not:
  - (a) have in his or her possession fishing gear other than fishing gear permitted by or under the Act for use by the person when taking fish for sale; and
  - (b) use that gear other than in accordance with the methods permitted by or under the Act.

**30 Gill net**

A person shall not have possession of or use a gill net unless the person does so under and in accordance with a licence, permit or authority granted or given by or under the Act.

**31 Abandoned or unattended gear**

- (1) A person shall not abandon nets, fish traps, pots, freshwater pots, fixed fish traps or line.
- (2) A person shall be taken not to have abandoned gear that is left unattended if:
  - (a) in the case of gear which may be used for the purposes of amateur fishing, it is left in a place where it is not capable or will not become capable of taking fish or aquatic life; or
  - (b) in the case of gear which may be used only under a licence, it is secured at an approved location or, if it is net, in accordance with regulation 33.
- (3) Subregulation (1) does not apply to the holder of a Mud Crab Fishery licence who abandons a pot in water.

**32 Marking of gear**

- (1) A person using a fish trap, pot, freshwater pot and, when it is unattached to a vessel, a drop line or a demersal longline, shall, when it is in use under a licence, attach to it a float marked in accordance with subregulation (3).
- (2) A person shall use a net, other than a cast net, only if a float marked in accordance with subregulation (3) is attached to the middle of and at each end of the headrope.
- (3) A float attached to gear in accordance with subregulation (1) or (2) shall be marked legibly and indelibly:
  - (a) where the gear is used under a licence, with the licence number in arabic numerals and no other number; or
  - (b) where the gear is amateur fishing gear, with the name of the person using the gear.

**33 Storage and disposal of net**

- (1) A person licensed to use net may transport net to and from places where it may lawfully be used or kept and shall, when the net is not being used under the licence, keep it:
  - (a) on a registered vessel used for the purposes of the licence;
  - (b) securely stored, without anchors attached, at an approved camp site;
  - (c) secured at an approved location; or
  - (d) secured at the licensee's permanent residence.
- (2) A person shall, within 6 months after ceasing to hold a licence permitting possession of a bait net, a coastal net, a gill net, a restricted bait net or a pelagic net, satisfy the Director as to:
  - (a) its disposal to a person licensed to have possession of such net; or
  - (b) its destruction.

**34 Amateur drag net**

A person permitted to use an amateur drag net shall not:

- (a) haul the net except by hand;
- (b) stake or otherwise fix the net;



- (c) use the net otherwise than seaward of the coastline; or
- (d) use the net, while catch is being cleared, in less than 30 cm of water.

**35 Bait net**

A person licensed to use a bait net shall not use the net if:

- (a) the total length of bait net used by the person is longer than 300 m, excluding the length of any attached haul lines; or
- (b) the net is, while catch is being cleared, in less than 30 cm of water.

**36 Cast net**

- (1) A person permitted to use a cast net shall not use the net unless it is attended at all times when in use.
- (2) A person permitted to use a cast net shall not use the net otherwise than by casting, throwing or dropping it.

**37 Coastal net**

- (1) A person licensed to use a coastal net shall not use the net if the total length of net used by the person is longer than 300 m, excluding the length of any attached haul lines.
- (2) A person permitted to use a coastal net shall not use the net unless it is attended at all times when in use.

**38 Drop line**

A person permitted to use a drop line shall not use it unless a weight is attached to the line and the line does not extend from a vessel under way and making way.

**39 Pots**

- (1) A person must not use or possess, other than at a place of permanent residence, more than 5 pots.

Maximum penalty: \$5 000.

- (2) A person in charge of a vessel must ensure not more than 10 pots are in or on the vessel.

Maximum penalty: \$5 000.

*Note for subregulation (2)*

*If only one person is in or on the vessel, the limit mentioned in subregulation (1) applies to the person.*

### **39A Freshwater pots**

- (1) A person must not use a freshwater pot other than in freshwater.

Maximum penalty: \$1 000.

- (2) A person must not use or possess, other than at a place of permanent residence:

(a) in the Daly River Fish Management Zone – more than 3 freshwater pots; or

(b) in any other place – more than 5 freshwater pots.

Maximum penalty: \$5 000.

- (3) A person in charge of a vessel must ensure:

(a) if the vessel is in the Daly River Fish Management Zone – not more than 6 freshwater pots are in or on the vessel; or

(b) if the vessel is in any other place – not more than 10 freshwater pots are in or on the vessel.

Maximum penalty: \$5 000.

*Note for subregulation (3)*

*If only one person is in or on the vessel, the limits mentioned in subregulation (2) apply to the person.*

- (4) This regulation does not limit the number of freshwater pots a person is permitted to use under:

(a) an Aquarium Fishing/Display Fishery licence; or

(b) a Public Aquarium licence.

**40 Pelagic net**

- (1) A person licensed to use a pelagic net shall not use the net unless:
- (a) it is set in such a way that no part of the net is on or within 2 m of the sea bed; and
  - (b) not more than a total of 2 km of pelagic net is used at any one time.
- (2) A person licensed to use a pelagic net must not have on a vessel used under the licence more than a total of 2 km of pelagic net that is fitted with floats, lead ropes, lead lines, lead weights or anchors.

**41 Restricted bait net**

A person licensed to use a restricted bait net:

- (a) shall not use the net if the total length of the net is longer than 100 m, excluding the length of any attached haul lines;
- (b) shall not haul the net other than by hand;
- (c) shall not stake or otherwise fix the net at more than one end;
- (d) shall not 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) shall not use the net, while catch is being cleared, in less than 30 cm of water;
- (f) shall not use the net in the Mary River Management Zone as described in Schedule 3 of the *Barramundi Fishery Management Plan*; and
- (g) shall not use bait taken with the net other than as bait for the purposes of the licence under which the net is used.

**42 Scoop net**

A person permitted to use a scoop net shall not use the net other than by hand.

**43 Speargun**

- (1) A person using any kind of artificial breathing apparatus designed for use underwater, other than a snorkel, shall not have possession of a spear gun.

- (2) A person shall not have possession of a loaded speargun:
- (a) other than in the open sea; or
  - (b) where the person is within 150 m of another person who is not part of his or her group.

**44 Trammel net**

A person shall not use or have possession of a trammel net unless authorised to do so by the Director.

**45 Vertical line**

A person permitted to use vertical line shall not use it from a vessel under way and making way.

**Part 5 Amateur fishing**

**46 Amateur fishing gear**

- (1) A person engaged in amateur fishing shall not use or have possession of fishing gear other than the following items or an item ancillary to the use of the gear:
- (a) amateur drag net;
  - (b) cast net;
  - (c) float line;
  - (d) freshwater pot;
  - (e) gaff;
  - (f) hand spear;
  - (g) knife;
  - (h) long bow;
  - (j) pots;
  - (k) scoop net;
  - (m) spear gun;
  - (n) vertical line, as hand line or rod and reel;
  - (p) troll line.

- 
- (2) A person shall not engage in amateur fishing on a registered vessel, other than a vessel registered for the purposes of a Fishing Tour Operator licence or an Aboriginal Coastal licence.
- (3) A person engaged in amateur fishing shall not take fish when using underwater breathing apparatus.

**46AA Amateur possession limit – jewfish, golden snapper, shark and certain molluscs**

- (1) A person must not have in his or her possession more than 2 members of the species *Protonibea diacanthus*, commonly known as jewfish.

Maximum penalty:

- (a) for possession of 3 to 5 fish – \$1 000; or
- (b) for possession of more than 5 fish – \$10 000.

- (2) A person must not have in his or her possession more than 5 members of the species *Lutjanus johni*, commonly known as golden snapper.

Maximum penalty:

- (a) for possession of 6 to 14 fish – \$1 000; or
- (b) for possession of more than 14 fish – \$10 000.

- (2A) A person must not have in his or her possession more than 3 sharks.

Maximum penalty:

- (a) for possession of 4 to 8 sharks – \$1 000; or
- (b) for possession of more than 8 sharks – \$10 000.

*Note for subregulation (2A)*

*Certain species of shark are not allowed to be taken – see regulation 9(b) and (c).*

- (2B) In subregulation (2A):

**shark** does not include rays, skates or chimaera.

- (3) A person must not have in his or her possession more than 10 litres of members of the Class Mollusca.

Maximum penalty: \$10 000.

*Note for subregulation (3)*

*Giant clams are not to be taken – see regulation 9(d).*

- (4) In subregulation (3):

**members of the class Mollusca** does not include the species commonly known as squid, octopus and cuttlefish or other cephalopods.

*Example for subregulation (4)*

*A person who has a total of 11 litres of molluscs, of which 2 litres are squid, would be taken to possess only 9 litres of molluscs and would not contravene the subregulation.*

- (5) It is a defence to a charge of an offence against subregulation (1), (2), (2A) or (3) if the defendant proves that the fish were:

- (a) taken under a licence; or
- (b) at the defendant's place of permanent residence.

#### **46AB Amateur possession limit – freshwater prawns and redclaw**

- (1) A person must not have possession, in the Daly River Fish Management Zone, of more than:

- (a) 10 freshwater prawns; or
- (b) 20 redclaw.

Maximum penalty: Possession of 11 to 29 freshwater prawns or 21 to 59 redclaw – \$1 000.

Possession of more than 29 freshwater prawns or 59 redclaw – \$10 000.

- (2) A person must not have possession, in any other place, of more than 30 freshwater crustaceans.

Maximum penalty: Possession of 31 to 89 freshwater crustaceans – \$1 000.

Possession of more than 89 freshwater crustaceans – \$10 000.

- 
- (3) It is a defence to a charge of an offence against subregulation (1) or (2) if the defendant proves that the freshwater prawns, redclaw or freshwater crustaceans:
- (a) were taken under a licence; or
  - (b) were at a place of permanent residence.
- (4) A person in charge of a vessel in the Daly River Fish Management Zone must ensure not more than 30 freshwater prawns or 60 redclaw are in or on the vessel.

Maximum penalty: For 31 to 89 freshwater prawns or  
61 to 179 redclaw – \$1 000.

For more than 89 freshwater prawns  
or 179 redclaw – \$10 000.

*Note for subregulation (4)*

*If only one or two people are in or on the vessel, the limits mentioned in subregulation (1) apply to each person.*

- (5) A person must not take, or have possession of, a female freshwater crustacean bearing eggs or live young.

Maximum penalty: \$1 000.

- (6) In this regulation:

**freshwater crustacean** means a freshwater prawn or redclaw.

**freshwater prawn** means a crustacean of the genus *Macrobrachium*.

**redclaw** means a crustacean of the species *Cherax quadricarinatus*.

#### **46A Amateur possession limit – tropical rock lobster**

- (1) Subject to subregulation (3), a person must not have possession of more than 10 tropical rock lobsters (*Panulirus sp.*) other than at the person's permanent residence.

Penalty: Possession of 11 to 14 rock lobsters – \$1 000.

Possession of more than 14 rock lobsters – \$10 000.

- (2) In determining the number of rock lobsters in a person's possession for subregulation (1), a rock lobster lawfully acquired from a licensee and for which the person has a receipt or other proof of acquisition must be disregarded.

- (3) A person who has possession of more than 10 rock lobsters does not commit an offence against subregulation (1) if the person:
- (a) establishes he or she is a member of a fishing party; and
  - (b) no member of the party would be in contravention of subregulation (1) if the rock lobsters were apportioned as equally as possible among the members of the party who are present or able to be assembled in a short period of time.
- (4) If:
- (a) the members of a fishing party have possession of more than 10 rock lobsters;
  - (b) each person who is a member of the party would have possession of more than 10 rock lobsters in contravention of subregulation (1) if the rock lobsters in their possession were apportioned as equally as possible among the members of the party; and
  - (c) it is not readily ascertainable which person has possession of the rock lobsters,
- each of the persons is, for subregulation (1), taken to have possession of all the rock lobsters.
- (5) If:
- (a) there are more than 3 persons in or on a vessel; and
  - (b) there are more than 30 rock lobsters in or on the vessel,
- each of the persons is, for subregulation (1), taken to have possession of all the rock lobsters.
- (6) In determining the number of rock lobsters in or on a vessel for subregulation (5)(b), a rock lobster lawfully acquired from a licensee and for which a person on the vessel has a receipt or other proof of acquisition must be disregarded.
- (7) In this regulation:
- licensee** means the holder of a Fishery licence permitted to take tropical rock lobsters, Fish Trader/Processor licence, Fish Retailer licence or Aquaculture licence.



**46B Amateur possession limit**

- (1) In this regulation:

**fillet** means a part of a fish comprised of part or all of the body musculature of the fish extending from the base of its head to its tail and includes any skin, scales, bone or cartilage of the fish attached to the fillet.

**fish** does not include the following:

- (a) crustaceans (other than members of the genus *Panulirus*);
- (b) echinoderms;
- (c) cephalopods, which include but are not limited to the species commonly known as squid, octopus and cuttlefish;
- (d) fish prescribed for this paragraph;
- (e) members of the genus *Acanthopagrus*, commonly known as bream.

**managed species** means a barramundi, mud crab, Spanish mackerel or jewfish.

**trunked fish** means a fish from which the head or tail or both are removed and includes such a fish from which all or part of the internal organs are removed.

- (2) The Minister may, by notice in the *Gazette*, prescribe a fish for paragraph (d) of the definition of **fish** in subregulation (1).
- (3) A person must not have possession of more than 30 fish.

Penalty: Possession of 31 to 40 fish – \$2 000.

Possession of more than 40 fish – \$10 000.

- (4) For the purposes of subregulation (3), a piece of fish, other than a fillet, is to be counted as one fish, unless the defendant establishes that 2 or more pieces of a fish were obtained from one fish only.
- (5) For the purposes of subregulation (3), 2 fillets together comprise only one fish.
- (6) A person must not have possession of a trunked fish or a fillet unless the skin is retained on it.

Penalty: \$1 000.

- (7) It is a defence to a charge of an offence against subregulation (6) if the defendant proves that the fish was processed for immediate consumption by the defendant or another person in the company of the defendant.
- (8) It is a defence to a charge of an offence against subregulation (3) or (6) if the defendant proves that:
- (a) the fish were taken under a licence or permit entitling the person to take the fish;
  - (b) the fish were at his or her place of permanent residence;
  - (c) the fish were obtained from licensee, or the holder of a permit, permitted to sell the fish;
  - (d) the fish were purchased from a retail or wholesale outlet; or
  - (e) the fish were processed fish imported into the Territory packaged for sale to a final consumer and marked with the State or Territory from which the fish were imported or, where the fish were imported from a country other than Australia, the country from which they were imported.
- (9) Where a person is not alone and it is not readily ascertainable who has possession of the fish, subregulation (3) applies to each person as though each person has possession of all the fish.
- (10) Notwithstanding subregulation (9), where a person establishes that:
- (a) he or she is a member of a fishing party;
  - (b) the fish will be shared equally amongst the members of the fishing party; and
  - (c) if the sharing was to take place amongst those persons in the party who are present or able to be assembled in a short period of time, no person in the party would be guilty by reason of this subregulation or otherwise of contravening this regulation,
- then each person is deemed to have possession of his or her equal share only of the fish.
- (11) A person must not have possession of a container that contains:
- (a) a fillet from a fish that is a managed species; and
  - (b) a fillet from a fish that is not a managed species,

unless the fillets are separated from each other by packaging.

Penalty:        \$1 000.

**46BA    Molluscs generally to be retained in shell in the field**

- (1) A person must not have in his or her possession a member of the Class Mollusca, commonly known as molluscs, that is not within its shell.

Penalty:        \$10 000.

- (2) Subregulation (1) does not apply to a cephalopod, which includes but is not limited to the species commonly known as squid, octopus and cuttlefish.
- (3) It is a defence to a charge of an offence against subregulation (1) if the defendant proves that the member of the Class Mollusca was:
- (a) taken under a licence;
  - (b) being prepared for immediate consumption; or
  - (c) at the defendant's place of permanent residence.

**Part 6            Licensing generally**

**Division 1        Licensing**

**47            Compliance with Act, &c., condition of every licence or permit**

It is a condition of every licence or permit granted or issued under the Act that its holder will comply with and not contravene each provision of or under the Act (including a provision of a fisheries management plan) applicable to him or her.

**48            Time for application for renewal**

A licensee may apply for renewal of his or her licence not earlier than 6 weeks before the expiration of the licence.

**49            Replacement licence, &c.**

Where a licence or certificate of vessel registration is lost or destroyed the licensee may apply to the Director on the approved form, accompanied by:

- (a) a signed statutory declaration declaring that the licence or certificate of vessel registration for which a replacement is sought has been lost or destroyed; and
- (b) the fee prescribed under regulation 206,

for the issue of a replacement licence or another certificate of registration under the Act.

**50            Approval of persons to conduct operations**

The Director shall not approve a nominated person or short term operator, unless satisfied that the person is an appropriate person to carry out operations under the licence in respect of which he or she was nominated and will exercise independent judgment and control over operations under the licence.

**52            Taking fish for sale prohibited in Kakadu National Park**

A person shall not take, for sale, fish in the area known as Kakadu National Park, being the area declared by an instrument dated 5 April 1979 and published on the same day in *Commonwealth Gazette* No. S61 at page 397, as amended by an instrument dated 19 December 1985 and published in *Commonwealth Gazette* No. S52 on 20 December 1985 at page 1.

**Division 2            Vessels**

**53            Nomination of mother boat**

A licensee shall ensure that one vessel to be used by the licensee under a licence shall be, when registration of that vessel is sought under section 18 of the Act, nominated as the mother boat in respect of the licence.

**54            Marking of vessel**

- (1) A licensee shall cause a vessel registered in respect of his or her licence, other than a vessel referred to in subregulation (2), to be marked in the following manner:
  - (a) the registration number shall be painted, on a yellow background in black arabic numerals of the size and height listed in the Table to this regulation, on both sides of the bow

of the vessel as high as practicable above the waterline, and, where a vessel has a wheelhouse or foredeck, on top of the wheelhouse or foredeck, so as to enable the unobscured view of the number from the sea and the air; and

- (b) if the vessel has a superstructure or deck, the registration number shall be painted on a yellow background in lettering of a size enabling recognition, without the aid of optical equipment, on a horizontal plane from a distance of 250 m.
- (2) Where a vessel has an international radio call-sign, the licensee shall cause the call sign number to be painted on the vessel in black on a white background, or white on a black background, in numbers of the size and height listed in the Table to this regulation.
- (3) A person shall not make or retain on a vessel a marking which impedes the accurate recognition of the correct registration number or call sign number.

TABLE  
 SIZE OF REGISTRATION MARKS

Column 1	Column 2			
Length of vessel	Specification of marks			
	Vertical height (metres)	Width (metres)	Stoke width (metres)	Distance between figures (metres)
Not less than 20 m	0.8	0.4	0.13	0.12
More than 15 m but less than 20 m	0.6	0.3	0.1	0.15
More than 12 m but less than 15 m	0.4	0.2	0.06	0.1
More than 5 m but less than 12 m	0.3	0.15	0.05	0.05
Less than 5 m	0.1	0.05	0.01	0.02

**55            Marks to be removed from vessel which ceases to be registered**

- (1) A person who ceases to hold a licence:
  - (a) shall, within 6 months after the day he or she ceased to hold the licence, remove from all vessels used for the purposes of the licence the marks indicating the registration number; and

- (b) shall not use the vessel in water while the vessel is marked with a registration number.
- (2) A person shall not sell, lease or otherwise dispose of an unregistered vessel which is marked with a registration number, other than to a licensee.
- (3) A person other than a licensee shall not purchase or lease an unregistered vessel marked with a registration number or use such a vessel in water whilst it is so marked.

**56            Vessels used for commercial fishing and fishing tour operations**

- (1) Where it is intended that a vessel be used alternatively for the purposes of a commercial fishing licence and a Fishing Tour Operator licence, the licensee shall, on his or her application for each licence, note the predominant use to be made of the vessel.
- (2) Where a vessel referred to in subsection (1) is to be used for a purpose other than the predominant use of the vessel the licensee shall, before engaging in the use of the vessel for that purpose:
  - (a) advise the Director in writing of that purpose and of the period during which the vessel will be used for that purpose, and make a note contemporaneously of that information in the licensee's record book; and
  - (b) unload all fish from the vessel.
- (3) Where a vessel referred to in subsection (1) has ceased, including temporarily ceased, to be used for a purpose other than the predominant use of the vessel, the licensee shall:
  - (a) advise the Director in writing that the licensee has ceased to use the vessel for a purpose other than its predominant use and shall make a note contemporaneously of that information in the licensee's record book; and
  - (b) unload all fish from the vessel.

**57            Registration fees where more than one licence**

Where a vessel is to be used for the purposes of more than one licence, a registration fee shall be payable only in respect of one licence.

### **Division 3            Processing, sale and handling of fish**

#### **58            Sale and processing of fish**

For section 10(1)(e) of the Act, the following actions are only able to be taken by the holder of a licence:

- (a) the purchase of fish or aquatic life for processing and resale;
- (b) the possession for sale of processed fish or aquatic life.

#### **59            No processing for sale, &c., without licence**

(1) The holder of:

- (a) a commercial fishing licence;
- (b) a licence granted for the purposes of Part 10;
- (c) a Fish Trader/Processor licence;
- (d) a Fish Retailer licence; or
- (e) an Aboriginal Coastal licence,

may process fish or aquatic life for sale, sell fish or aquatic life so processed and sell fish or aquatic life under and in accordance with the Act and these Regulations.

- (2) A person shall not sell fish or aquatic life obtained from an Aboriginal Coastal licensee.
- (3) A person shall not sell fish or aquatic life obtained from a Bait Net Fishery licensee unless it is labelled with the expression "not for human consumption".
- (4) An assistant shall not transport fish for sale or sell fish except where the licensee which he or she assists has advised the Director in writing that the assistant is permitted to do so.

#### **60            Processing surfaces, &c.**

- (1) Surfaces used for the processing of fish or aquatic life, walls abutting a work surface and adjacent floor, deck and wall surfaces shall be:
  - (a) constructed of smooth light-coloured material that is easily cleaned and free from cracks; and
  - (b) resistant to wear and corrosion and impervious to water.

- (2) Areas where fish or aquatic life are processed, packed, stored or frozen for sale shall be kept in a clean and hygienic condition free from contamination.
- (3) It is a condition of the registration of a vessel to be used for the purposes of a commercial fishing licence that the licensee shall maintain the vessel in accordance with this regulation.

#### **61            Packaging of fish**

- (1) A person shall not pack fish or aquatic life processed under a licence or a permit other than in a plastic wrapping permitted for use with food under the Food Standards Code and of sufficient thickness or quality to be reasonably proof against accidental tearing.
- (2) A person processing fish under a licence or a permit shall not freeze fillets of fish otherwise than in a regularly shaped block of which the least dimension does not exceed 80 mm.

#### **62            Labelling of fish**

- (1) The holder of a licence shall ensure that a label or tag is placed on a fish processed for sale under the licence, or, where processed fish or aquatic life is packaged for sale under the licence, placed on or inside that package, containing particulars, clearly printed in letters of uniform size, including:
  - (a) the number of the person's licence;
  - (b) the accepted common name of the contents; and
  - (c) in the case of fish, other than fish processed to become a trunk, a description of the type of fish and the method used to process and preserve it.
- (2) Where a fish has been processed for sale to become a trunk and the trunk is not in a package, a tag shall be attached to that trunk displaying the number of the licence under which the fish was processed and a description by the accepted common name of the type of the fish.
- (3) Subregulations (1) and (2) do not apply to the sale of fish or aquatic life as a prepared meal.
- (4) A Bait Net Fishery licensee shall label all fish or aquatic life in his or her possession, other than fish or aquatic life to be used by the licensee as bait for the purposes of amateur fishing by the licensee, with the words "not for human consumption".



- (5) A licensee shall not affix a label or tape over another label or tape.

**63            Incorrect description**

Where fish or aquatic life is in a package or fish is labelled or tagged and:

- (a) the package, label or tag attached to it bears a statement, word, brand, mark, design or device regarding the contents that is false or misleading in a material particular;
- (b) the package, label or tag is marked so as to mislead or deceive, or is likely to mislead or deceive, a purchaser;
- (c) the package or fish labelled or tagged is sold under a name that conveys or is likely to convey a false indication of the type or species of the contents, or to lead a purchaser to suppose that it is fish other than that which it is; or
- (d) the package, label or tag is not marked in accordance with this Part,

the holder of the licence under which the label or tag was affixed is guilty of an offence.

**64            Freezing**

- (1) The licensee shall ensure that a freezer in a registered vessel or at a camp site used for freezing and storing fish shall, when being used for those purposes, be maintained at  $-18^{\circ}\text{C}$  or below.
- (2) A compartment of a freezer referred to in subregulation (1) shall be fitted with a thermometer mounted externally to indicate the internal temperature of the freezing compartment.
- (3) A thermometer referred to in subregulation (2) shall be capable of accurate measurement and shall be clearly marked with  $1.0^{\circ}\text{C}$  graduations.
- (4) It is a condition of the registration of a vessel to be used for the purposes of a licence that the licensee shall maintain the vessel in accordance with this regulation.

**65            Transport of frozen fish**

A licensee shall not transport frozen fish other than in hygienic, insulated compartments or containers and shall ensure that they remain at  $-18^{\circ}\text{C}$  or below while being transported.

**66 Fish processing in Frances Bay Mooring Basin**

A person who processes fish within the area known as the Frances Bay Mooring Basin in Darwin shall not take or release water from or into that body of water for a purpose related to the processing of fish or aquatic life.

**Part 7 Commercial fishing licences**

**Division 1 Licensing**

**67 Definition**

In this Part, *licensee* means the holder of a commercial fishing licence.

**68 Criteria for grant or renewal of licence**

- (1) An applicant for the grant or renewal of a commercial fishing licence must have attained the age of 18 years.
- (2) The matters to which the Director may have regard in considering an application for the grant or renewal of a commercial fishing licence include:
  - (a) whether the applicant is able to demonstrate sufficient experience and skills to safely and effectively maintain commercial operations in the fishery for which the licence is sought;
  - (b) any relevant criminal history of the applicant; and
  - (c) if the applicant has previously held a licence under this Act – whether the applicant has supplied all accounts, records, returns and information in the approved manner and form and within the time prescribed or specified by the Director.
- (3) The matters referred to in subregulation (2) are in addition to the criteria set out in the Division of Part 8 in respect of which the licence is sought.

**69 Assistants and nominees**

- (1) A licensee shall, before engaging in fishing under a licence, supply to the Director a written list of the names and dates of birth of persons who are, at the time of application, likely to be assistants of the licensee in the conduct of fishing operations during that year.

- (2) Where a person commences or ceases to be an assistant of the licensee after the provision of the list required under subregulation (1), the licensee shall immediately note that fact in the licensee's record book and within 7 days after the day the person commenced or ceased to be an assistant of the licensee, supply to the Director in writing the name and date of birth of the person and a statement as to whether the person commenced or ceased to be an assistant to the licensee.

## **Division 2 General restrictions**

### **70 Use of licensee's fishing gear by assistant**

An assistant shall not use fishing gear other than that permitted by the licence and shall not use that gear other than in accordance with the instructions of the licensee and under and in accordance with the Act.

### **71 Sale of fish**

- (1) A licensee, other than an Aquarium Fishing/Display Fishery licensee, may sell fish to the following:
- (a) a commercial fishing licensee, other than an Aquarium Fishery/Display Fishery licensee;
  - (b) a Fish Broker licensee;
  - (c) a Fish Retailer licensee;
  - (d) a Fish Trader/Processor licensee;
  - (e) a person holding a licence under Part 10;
  - (f) an interstate or overseas purchaser;
  - (g) a member of the public not purchasing fish for resale.
- (2) An Aquarium Fishing/Display Fishery licensee may sell fish to the following:
- (a) an Aquaculture licensee;
  - (b) an Aquarium Trader licensee;
  - (c) a Public Aquarium licensee;
  - (d) an interstate or overseas purchaser;
  - (e) a member of the public not purchasing fish for resale.

- (3) A person who holds a permit granted under the Commonwealth Act or a licence granted under a law of a State or another Territory of the Commonwealth permitting the taking and sale of fish may sell in the Territory fish taken in accordance with the permit or licence.

## **72 No fishing for sale in vicinity of artificial reefs**

A licensee must not take fish under his or her licence or permit fishing under his or her licence or from a vessel used for the purposes of a licence, within a radius of:

- (a) 2 nautical miles from the Marchart 3, which is located at latitude 12°10.6'S longitude 130°40.6'E;
- (b) one nautical mile from the East Point Darwin Sub-Aqua Club Barge, which is located at latitude 12°24.8'S longitude 130°48.1'E;
- (c) half a nautical mile from the T & W reef, which is located at latitude 12°18.9'S longitude 130°53.2'E;
- (d) one nautical mile from Song Saigon Complex, which is located at latitude 12°28.6'S longitude 130°47.9'E;
- (e) half a nautical mile from Truck Tipper Reef, which is located at latitude 12°18.02'S longitude 130°50.39'E;
- (f) half a nautical mile from Rick Mills Reef, which is located at latitude 12°18.45'S longitude 130°48.87'E; or
- (g) half a nautical mile from Crab Claw Island Jetty Reef, which is located at latitude 12°41.83'S longitude 130°37.32'E.

## **72A Prohibition or limit on taking tuna etc. as by-catch**

- (1) During a voyage a licensee must not take, as by-catch, any of the tuna or tuna like species specified at item 1 in Schedule 5.
- (2) During a voyage a licensee may take, as by-catch:
  - (a) no more than 2 in total of the tuna or tuna like species specified at item 2 in Schedule 5; and
  - (b) no more than 10 in total of the tuna or tuna like species specified at item 3 in Schedule 5.

## **Part 8 Commercial fisheries**

### **Division 1 Coastal Line Fishery**

#### **73 Definitions**

In this Division:

***restricted Coastal Line Fishery licence*** means a licence granted in accordance with regulation 75 or which becomes a restricted Coastal Line Fishery licence in accordance with regulation 75(2).

***unrestricted Coastal Line Fishery licence*** means a licence granted in accordance with regulation 76A(1).

#### **74 Declaration of Coastal Line Fishery**

The industry of taking fish (other than barramundi, threadfin salmon, spanish mackerel or mud crab) by the use of vertical line, drop line or fish trap in the fishery area specified in regulation 77 is hereby declared to be the Coastal Line Fishery.

#### **75 Restricted licences**

- (1) Except in accordance with this Division, the Director shall not grant a licence in respect of the Coastal Line Fishery, other than a restricted Coastal Line Fishery licence.
- (2) Where, immediately before 3 February 1995, a person held a Coastal Line Fishery licence, the licence becomes a restricted Coastal Line Fishery licence on and from 3 February 1995.
- (3) The Director shall not grant a restricted Coastal Line Fishery licence other than to a person who, immediately before 3 February 1995:
  - (a) held a Demersal Fishery licence; and
  - (b) did not hold a Coastal Line Fishery licence.

#### **76 Transfer of restricted licence**

- (1) The holder of a restricted Coastal Line Fishery licence may transfer the licence under section 12B, but not 12A, of the Act.
- (2) Subject to subregulation (3), a person to whom a restricted Coastal Line Fishery licence is transferred shall not take fish under the licence.

(3) Where:

- (a) immediately before 3 February 1995, the Director permitted, under section 14(1) of the Act, a person to carry out fishing operations under a Coastal Line Fishery licence; and
- (b) on or after 3 February 1995, the restricted Coastal Line Fishery licence which the licence referred to in paragraph (a) has become by virtue of regulation 75(2) is transferred by the holder of the licence to that person,

that person may take fish under the licence.

- (4) The holder of 2 restricted Coastal Line Fishery licences may transfer the licences to the Territory under section 12B of the Act and the Director shall approve such a transfer.

**76A        Unrestricted licences**

- (1) Where 2 licences are transferred in accordance with regulation 76(4), the Director shall grant to the licensee one unrestricted Coastal Line Fishery licence.
- (2) The holder of an unrestricted Coastal Line Fishery licence may transfer the licence.

**77            Area of Fishery**

The Coastal Line Fishery area is the area extending seaward from the high water mark to an imaginary line following the coastline 15 nautical miles from the low water mark.

**78            Fishing gear**

- (1) A Coastal Line Fishery licensee shall not, in the area extending seaward from the high water mark to an imaginary line following the coastline 2 nautical miles from the low water mark, use under the licence fishing gear other than:
  - (a) a vertical line;
  - (b) a cast net; and
  - (c) a scoop net and gaff.
- (2) A Coastal Line Fishery licensee shall not, in the area extending seaward from an imaginary line following the coastline 2 nautical miles seaward from the low water mark to an imaginary line following the coastline 15 nautical miles from the low water mark, use under the licence fishing gear other than:

- (a) a vertical line;
  - (b) a drop line;
  - (c) a fish trap;
  - (d) a scoop net and gaff; and
  - (e) a cast net.
- (3) A Coastal Line Fishery licensee shall not, under the licence, use a cast net to take fish or aquatic life unless the fish or aquatic life are to be used under the licence as bait.
- (4) A Coastal Line Fishery licensee shall not use more than 5 fish traps under the licence.

**78A        Certain fish not to be taken**

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

**Division 2        Coastal Net Fishery**

**79        Declaration of Coastal Net Fishery**

The industry of taking fish (other than barramundi, threadfin salmon, spanish mackerel or mud crab) by coastal net, is hereby declared to be the Coastal Net Fishery.

**80        Licence regions**

The Director may grant a Coastal Net Fishery licence in respect of one of the following regions:

- (a) the Darwin Region, extending from Cape Hotham to Native Point and from Cape Ford to Dooley Point;
- (b) the Gove Region, extending from Cape Arnhem to Cape Wilberforce;
- (c) the Borroloola Region, extending from the mouth of Bing Bong Creek to Pelican Spit; or
- (d) other areas approved by the Director.

**81            Entry criteria**

- (1) The Director shall not grant a Coastal Net Fishery licence other than to a person:
  - (a) who was licensed under the repealed Regulations to engage in the Bait Fishery and to catch bait in that fishery during 1992 or who was licensed under the repealed Regulations to engage in the Special Purpose Fishery during 1992 and to use haul net in that fishery; and
  - (b) who, subject to subregulation (2), owns or leases a vessel of not less than 5 m in length for use in the fishery.
- (2) Subregulation (1)(b) does not apply in respect of an applicant who was licenced under the repealed Regulations to engage in the Bait Fishery during 1992.

**82            No transfer of licence**

A Coastal Net Fishery licensee shall not transfer his or her licence.

**83            Area of Fishery**

- (1) The Coastal Net Fishery area is that area extending seaward from the coastline from the high water mark to an imaginary line following the coastline 3 nautical miles from the low water mark.
- (2) However, in the vicinity of Darwin Harbour and Shoal Bay the fishery area does not include any area landwards of an imaginary line extending from co-ordinates 6760E 86300N (Charles Point) to co-ordinates 7185E 86544N (Gunn Point), which co-ordinates are more particularly described on Map Sheet Darwin 5073 and Map Sheet Koolpinyah 5173 lodged with the Surveyor-General, Darwin.

**84            Fishing gear**

- (1) Subject to subregulation (2), a Coastal Net Fishery licensee shall not use under the licence fishing gear other than:
  - (a) coastal net, where not more than 300 m of coastal net, excluding the length of any attached haul-lines, is used and the net:
    - (i) where it is anchored or staked, is anchored or staked at one end only;
    - (ii) while catch is being cleared, is in not less than 30 cm of water; or



(iii) is used in the region in which its use is permitted by the licence; and

(b) a cast net.

(2) A person who was licensed under the repealed Regulations to engage in the Special Purpose Fishery during 1992 and to use haul net in that fishery may, in addition to the gear referred to in subregulation (1), use the gear approved in the endorsement on that licence in the manner permitted by the endorsement or, where a different manner of use is approved, that manner.

### **85 Certain fish not to be taken**

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

## **Division 3 Bait Net Fishery**

### **86 Declaration of Bait Net Fishery**

The industry of taking fish (other than barramundi, threadfin salmon, spanish mackerel and mud crab) by bait net or cast net for sale as bait is hereby declared to be the Bait Net Fishery.

### **87 Entry criteria and number of licences**

- (1) The Director shall not grant a Bait Fish Fishery licence other than to a person:
- (a) who was licensed under the repealed Regulations to engage in the Bait Net Fishery during 1992; and
  - (b) who does not hold a Coastal Net Licence.
- (2) Where a Bait Net Fishery licensee ceases to hold the licence, the number of those licences which the Director may grant is reduced by one.

### **88 No transfer of licence**

A Bait Net Fishery licensee shall not transfer his or her licence.

### **89 Area of fishery**

- (1) The Bait Net Fishery area is the area extending seaward from the high water mark to an imaginary line following the coastline 3 nautical miles from the low water mark but does not include the Mary River Management Zone as described in Schedule 3 of the *Barramundi Fishery Management Plan*.

- (2) However, in the vicinity of Darwin Harbour and Shoal Bay the fishery area does not include any area landwards of an imaginary line extending from co-ordinates 6760E 86300N (Charles Point) to co-ordinates 7185E 86544N (Gunn Point), which co-ordinates are more particularly described on Map Sheet Darwin 5073 and Map Sheet Koolpinyah 5173 lodged with the Surveyor-General, Darwin.

## 90 Fishing gear

A Bait Net Fishery licensee shall not use under the licence fishing gear other than:

- (a) bait net where it is:
- (i) not anchored or staked;
  - (ii) hauled by hand;
  - (iii) attended at all times when in use; and
  - (iv) while catch is being cleared, in not less than 30 cm of water;
- (b) a cast net; and
- (c) a scoop net and gaff.

## 91 Certain fish not to be taken

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

## Division 4 Spanish Mackerel Fishery

### 92 Declaration of Fishery

The industry of taking spanish mackerel is declared to be the Spanish Mackerel Fishery.

## Division 5 Off-shore Net and Line Fishery

### 96 Definitions

In this Division:

**Commonwealth permit** means a permit issued under the Commonwealth Act relating to the Northern Shark Fishery.

**entitlement** means the entitlement of total allowable effort.

**Off-shore Net and Line Fishery fishing unit** means a right to take fish in the Off-shore Net and Line Fishery for one day during a licensing year.

**restricted Off-shore Net and Line Fishery licence** means a licence granted under regulation 96B.

**total allowable effort** means the number of Off-shore Net and Line Fishery fishing units determined under regulation 96C(a).

**unrestricted Off-shore Net and Line Fishery licence** means a licence granted under regulation 98.

#### **96A Declaration of Off-shore Net and Line Fishery**

The industry of taking fish by using the fishing gear referred to in regulation 100(1)(a), (b), (c) or (d) is declared to be the Off-shore Net and Line Fishery.

#### **96B Entry criteria and number of licences**

- (1) Except in accordance with this Division, the Joint Authority shall not grant a licence in respect of the Off-shore Net and Line Fishery, other than a restricted Off-shore Net and Line Fishery licence.
- (2) The Joint Authority shall not grant more than 39 restricted Off-shore Net and Line Fishery licences.
- (3) All Off-shore Net and Line Fishery licences granted before 3 February 1995 are revoked.
- (5) Where a Off-shore Net and Line Fishery licence is surrendered to the Territory, cancelled or expires without being renewed, the number of licences which may be granted or renewed by the Joint Authority is reduced by one.
- (6) Where 3 Off-shore Net and Line Fishery licences are transferred to the Territory in accordance with regulation 97(5), the number of licences which may be granted or renewed by the Joint Authority is reduced by 2.

#### **96C Total allowable effort**

The Minister may, by notice in the *Gazette*, determine the following:

- (a) the number of Off-shore Net and Line Fishery fishing units for the Off-shore Net and Line Fishery;
- (b) the number of Off-shore Net and Line Fishery fishing units for taking fish using demersal long-lines and pelagic long-lines;

- (c) the number of Off-shore Net and Line Fishery fishing units for taking fish using pelagic nets;
- (d) the entitlement of total allowable effort of an Off-shore Net and Line Fishery licence.

#### **96CA Allocation of entitlement**

The Joint Authority must, before a licensing year commences, issue to an Off-shore Net and Line Fishery licensee the number of Off-shore Net and Line Fishery fishing units that is equal to the entitlement of the licence for that licensing year.

#### **96CB Temporary transfer of fishing units**

- (1) An Off-shore Net and Line Fishery licensee may, with the approval of the Director, by agreement in writing (***a temporary unit transfer agreement***), permit an Off-shore Net and Line Fishery fishing unit issued to the licensee as part of the entitlement of the licence to be used by another Off-shore Net and Line Fishery licensee.
- (2) An Off-shore Net and Line Fishery licensee may apply on the approved form to the Director for the Director's approval to enter into a temporary unit transfer agreement.
- (3) An application under subregulation (2) must be accompanied by a fee of \$10.00 for each Off-shore Net and Line Fishery fishing unit to which the temporary unit transfer agreement relates and by such information, if any, as the Director requires, including the proposed period of the temporary unit transfer agreement.
- (3A) However, the fee is not payable if:
  - (a) the temporary unit transferor is the holder of the licence for which the units to be transferred were issued under regulation 96CA; and
  - (b) the temporary unit transferee is a person taken to be the holder of the licence under section 12A, 14 or 14A of the Act.
- (4) The Director may, in the Director's absolute discretion, approve or refuse to approve the proposed temporary unit transfer agreement.
- (5) If the Director approves a temporary unit transfer agreement, the Director must signify the approval by endorsing the agreement to that effect.
- (6) A temporary unit transfer agreement expires on the date, if any, specified in the agreement or at the end of the licensing year in which it was entered into, whichever is the sooner.

- (7) An Off-shore Net and Line Fishery licensee must not, except in pursuance of an approval under this regulation, purport to permit, or enter into an agreement purporting to permit, another person to use an Off-shore Net and Line Fishery fishing unit issued to the licensee as part of the entitlement of the licence.
- Penalty: \$10 000.
- (8) A temporary unit transfer agreement is void unless it is approved by the Director.
- (9) A temporary unit transferee is taken to have been issued the Off-shore Net and Line Fishery fishing units to which the temporary unit transfer agreement relates as part of the entitlement of the licence for the period of the agreement.
- (9A) The temporary unit transferee may only use the Off-shore Net and Line Fishery fishing units to which the temporary unit transfer agreement relates in accordance with the conditions set out in the agreement.
- (9B) Any Off-shore Net and Line Fishery fishing units to which the temporary unit transfer agreement relates not used by the end of the period of the agreement must be treated as Off-shore Net and Line Fishery fishing units of the licensee giving the permission under the agreement.
- (10) A temporary unit transfer agreement cannot be revoked.

**96CC Permanent transfer of entitlement**

- (1) Subject to this regulation, an Off-shore Net and Line Fishery licensee may transfer all or a part of the entitlement of the licence to another Off-shore Net and Line Fishery licence.
- (2) An Off-shore Net and Line Fishery licensee may apply on the approved form to the Director for approval to permanently transfer all or a part of the entitlement of the licence.
- (3) The application must be accompanied by a fee of \$10.00 for each Off-shore Net and Line Fishery fishing unit making up the entitlement of the licence that is to be transferred.
- (4) The Director may, in the Director's absolute discretion, approve or refuse to approve an application under this regulation.
- (5) If the permanent transfer of all or a part of the entitlement of a licence is approved, the entitlement of the Off-shore Net and Line Fishery licence from which the transfer is approved is reduced by the number of Off-shore Net and Line Fishery fishing units

transferred and the entitlement of the Off-shore Net and Line Fishery licence to which the transfer is approved is increased by the number of Off-shore Net and Line Fishery fishing units transferred.

- (6) In this regulation, a reference to a licensee does not include a person who is taken to be the holder of a licence under section 12A, 14 or 14A of the Act.

#### **96D Taking of fish**

- (1) The holder of a restricted Off-shore Net and Line Fishery licence shall not take fish under the licence except in the Off-shore Net and Line Fishery area.
- (1B) An Off-shore Net and Line Fishery licensee must not take fish under the licence unless the licensee has an Off-shore Net and Line Fishery fishing unit that gives the licensee the right to do so.
- (2) An Off-shore Net and Line Fishery licensee may, during a voyage, take as by-catch:
- (a) 30 trunks of spanish mackerel or 30 spanish mackerel retained as whole fish;
  - (b) for each tonne of grey mackerel taken by the licensee during the voyage – not more than an additional 10 trunks of spanish mackerel or an additional 10 spanish mackerel retained as whole fish; and
  - (c) 50 kg of snapper.
- (2A) An Off-shore Net and Line Fishery licensee must not take spanish mackerel or snapper other than in accordance with subregulation (2).

Penalty: \$10 000.

- (3) An Off-shore Net and Line Fishery licensee shall not take barramundi, threadfin salmon or mud crab under the licence.

#### **97 Transfer of licence**

- (1) The holder of a restricted Off-shore Net and Line Fishery licence may transfer the licence under section 12A or 12B of the Act.
- (5) The holder of 3 restricted Off-shore Net and Line Fishery licences may transfer those licences to the Territory and the Joint Authority must approve the transfer.

**98 Unrestricted licence**

- (1) Where 3 licences are transferred to the Territory in accordance with regulation 97(5), the Joint Authority shall grant to the person transferring the licences one unrestricted Off-shore Net and Line Fishery licence.
- (2) The holder of an unrestricted Off-shore Net and Line Fishery licence may transfer the licence under section 12A or 12B of the Act.

**99 Area of Fishery**

The Off-shore Net and Line Fishery area is the area extending seaward from the coastline to the outer boundary of the Australian fishing zone insofar as the waters are waters relevant to the Northern Territory, within the meaning of clause 2 of the arrangement made under Part 5 of the Commonwealth Act in relation to the Northern Shark Fishery.

**100 Fishing gear**

- (1) An Off-shore Net and Line Fishery licensee must not use under the licence fishing gear other than:
  - (a) demersal long-line and gaff in the area extending seaward from an imaginary line following the coastline to the outer boundary of the Australian fishing zone;
  - (b) pelagic long-line in the area extending seaward from an imaginary line following the coastline 3 nautical miles seaward from the baseline to the outer boundary of the Australian fishing zone;
  - (c) pelagic net in the area extending seaward from an imaginary line following the coastline 2 nautical miles seaward from the low water mark to the outer boundary of the Australian fishing zone; and
  - (d) a restricted bait net:
    - (i) if the net:
      - (A) is not fixed, anchored or staked; or
      - (B) is fixed anchored or staked at one end only, whereupon it may be used by hauling the other end by hand, or by 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;

- (ii) in the area extending seaward from the high water mark to an imaginary line following the coastline 3 nautical miles from the low water mark;
  - (iii) for the taking of fish to be used by the licensee as bait under the licence;
  - (iv) if it is, when catch is being cleared, in not less than 30 cm of water; and
  - (v) if it is not left unattended while in use.
- (4) The holder of an Off-shore Net and Line Fishery licence may only use demersal long-line or pelagic long-line if the total length of all line used under the licence at the one time is not more than 15 nautical miles.
- (5) The holder of an Off-shore Net and Line Fishery licence shall not use pelagic net within the Mary River Fish Management Zone described in Schedule 3 to the *Barramundi Fishery Management Plan*.
- (6) An Off-shore Net and Line Fishery licensee must not have more than 1 000 snoods on a vessel used under the licence.
- (7) An Off-shore Net and Line Fishery licensee must not have an auto-baiting device on a vessel used under the licence.
- (8) An Off-shore Net and Line Fishery licensee must not have on a vessel used under the licence:
- (a) a demersal long-line or pelagic long-line unless the licensee has an Off-shore Net and Line Fishery fishing unit that gives the licensee the right to take fish using the long-line; or
  - (b) a pelagic net unless the licensee has an Off-shore Net and Line Fishery fishing unit that gives the licensee the right to take fish using the net.

#### **100A Vessels**

The holder of an Off-shore Net and Line Fishery licence shall not use a vessel under the licence except if:

- (a) he or she was, immediately before 3 February 1995, permitted to use the vessel under:
  - (i) a Shark Fishery licence; or



- (ii) a Commonwealth permit relating to the Northern Shark Fishery; or
- (b) he or she has the approval in writing of the Joint Authority to use the vessel under the licence.

## **Division 6 Demersal Fishery**

### **101 Declaration of Demersal Fishery**

The industry of taking fish (other than barramundi, threadfin salmon, spanish mackerel, shark or mud crab) by drop line, vertical line and fish trap in the fishery area specified in regulation 104 is hereby declared to be the Demersal Fishery.

### **102 Licences**

- (1) All Demersal Fishery licences granted before 3 February 1995 are revoked.
- (2) The Joint Authority shall grant a Demersal Fishery licence to each person who held, immediately before 3 February 1995, a Demersal Fishery licence.

### **103 Transfer of licence**

A Demersal Fishery licensee may transfer his or her licence.

### **104 Area of Fishery**

The Demersal Fishery area is the area extending seaward from an imaginary line following the coastline 15 nautical miles seaward from the low water mark to the outer boundary of the Australian fishing zone, insofar as the waters are waters relevant to the Northern Territory, within the meaning of clause 2 of the arrangement made under Part 5 of the Commonwealth Act in relation to the Demersal and Timor Reef Fishery, but does not include the area of the Timor Reef Fishery specified in regulation 141C.

### **105 Fishing gear**

- (1) A Demersal Fishery licensee shall not use under the licence fishing gear other than:
  - (a) a vertical line;
  - (b) a drop line attached to or free from a vessel;
  - (c) a fish trap;

- (d) a scoop net or gaff;
  - (e) a cast net; and
  - (f) a restricted bait net:
    - (i) if the net:
      - (A) is not fixed, anchored or staked; or
      - (B) is fixed anchored or staked at one end only, whereupon it may be used by hauling the other end by hand, or by 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;
    - (ii) in the area extending seaward from the high water mark to an imaginary line following the coastline 3 nautical miles from the low water mark;
    - (iii) for the taking of fish to be used by the licensee as bait under the licence;
    - (iv) if it is, when catch is being cleared, in not less than 30 cm of water; and
    - (v) if it is not left unattended while in use.
- (2) A Demersal Fishery licensee shall not, under the licence, use a cast net to take fish or aquatic life unless the fish or aquatic life are to be used as bait under the licence.

## **106        Vessels**

- (1) Subject to this regulation, a Demersal Fishery licensee shall use a vessel not less than 8 m long nominated in respect of the licence.
- (2) Subregulation (1) does not apply where the vessel was, at 31 December 1992, used under a licence under the repealed Regulations permitting the holder to engage in the Offshore Reef Fishery.
- (3) A Demersal Fishery licensee may use a vessel other than a vessel referred to in subregulations (1) or (2) if he or she has the approval in writing of the Joint Authority to use the vessel under the licence.

## **107        Certain fish not to be taken**

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

## **Division 7 Barramundi Fishery**

### **109 Number of licences**

- (1) The Director must not grant a Barramundi Fishery licence.
- (2) The Director may renew a licence in accordance with the *Barramundi Fishery Management Plan* approved on 24 January 1991 and published in *Gazette* No. S5 on 31 January 1991, as amended from time to time.

### **110 Transfer of licence**

- (1) A Barramundi Fishery licence may be transferred, with all units of gill net specified on the licence under the *Barramundi Fishery Management Plan*, to another person.
- (2) Subregulation (1) does not apply to the transfer of gill net to the Territory.

## **Division 8 Mud Crab Fishery**

### **111 Declaration of Fishery**

The industry of taking mud crab is declared to be the Mud Crab Fishery.

## **Division 9 Mollusc Fishery**

### **115 Declaration of Fishery**

The industry of taking fish of the Class Mollusca, other than cephalopods and bivalves of the Genus *Pinctada*, is hereby declared to be the Mollusc Fishery.

### **116 No transfer of licence**

A Mollusc Fishery licensee shall not transfer his or her licence.

## Division 10 Pearl Oyster Fishery

### Subdivision 1 Preliminary

#### 117 Definitions

In this Division, unless the contrary intention appears:

**allocation**, in relation to a Pearl Oyster Fishery licensee, means the number of pearl oyster fishing units allocated to him or her under regulation 122E for a licensing year.

**Committee** means the Northern Territory Pearl Industry Advisory Committee established under section 24 of the Act.

**half pearl** means the concretion formed on the inner surface of either valve of a pearl oyster as a result of a person adhering an object permanently to that surface.

**holding area** means a site at which, under a Pearl Oyster Culture Industry licence, pearl oysters taken from the wild or produced in a hatchery are held for seeding and related operations.

**licensing year** means a calendar year.

**mother-of-pearl** means the smooth, shining, iridescent substance forming the inner layers of the shell of a pearl oyster.

**pearl** includes a whole, half, baroque, seedless or blister pearl from a pearl oyster, whether the pearl is natural or cultured.

**pearl culture unit** means a pearl oyster fishing unit or a pearl oyster hatchery unit.

**pearl farm lease** means a lease granted to a licensee under section 55 of the Act for the purposes of a Pearl Oyster Culture industry licence.

**pearl oyster** means an oyster of the genus *Pinctada* and includes:

- (a) a part of a pearl oyster; and
- (b) pearl oyster spat.

**Pearl Oyster Culture Industry** means the managed fishery relating to:

- (a) the holding, culturing and sale of production from wildstock or hatchery produced pearl oysters; and

- (b) activities associated with the activities specified in paragraph (a),

declared by notice in *Gazette* No. G28 of 17 July 1991 at page 2.

***Pearl Oyster Culture Industry Management Plan*** means the fishery management plan in force in respect of the Pearl Oyster Culture Industry.

***pearl oyster dump site*** means a site where pearl oysters taken from the wild are placed and held before movement to a holding area or a pearl farm lease, but does not include an area of land held under a pearl farm lease.

***pearl oyster fishing unit*** has the meaning it has in regulation 122D(2).

***pearl oyster hatchery unit*** has the meaning it has in the *Pearl Oyster Culture Industry Management Plan*.

***take*** includes sever, remove, damage, destroy or otherwise displace a pearl oyster from the wild but does not include the taking of a pearl oyster from a pearl oyster dump site, holding area or an area of land held under a pearl farm lease.

***total allowable catch*** has the meaning it has in regulation 122C(1).

## **118 Declaration of Pearl Oyster Fishery**

The industry of taking, harvesting, transporting from the wild, holding or selling species of bivalves of the genus *Pinctada* (pearl oysters) is the Pearl Oyster Fishery.

## **119 Use and sale of pearl oysters**

A Pearl Oyster Fishery licensee may:

- (a) subject to this Division, take pearl oysters;
- (b) use in accordance with a Pearl Oyster Culture Industry licence, pearl oysters taken in accordance with the Pearl Oyster Fishery licence;
- (c) sell pearls;
- (d) sell pearl meat;
- (e) sell pearl oysters for their mother-of-pearl content; and
- (f) subject to this Division, transfer pearl oysters to another Pearl Oyster Fishery licensee.

## **Subdivision 2 Grant, renewal and transfer of licences**

### **120 Grant of licence**

- (1) The Director may not grant a Pearl Oyster Fishery licence to a person unless:
  - (a) the person holds a Pearl Oyster Culture Industry licence; and
  - (b) the Director has approved the permanent transfer to the person of 20 pearl culture units in accordance with subregulation (2).
- (2) For the purposes of subregulation (1), the 20 pearl culture units may be comprised of:
  - (a) pearl oyster fishing units permanently transferred under Subdivision 5; or
  - (b) a combination of pearl oyster fishing units permanently transferred under Subdivision 5 and pearl oyster hatchery units permanently transferred under Part 4 of the *Pearl Oyster Culture Industry Management Plan*, providing that at least 5 of the pearl culture units are pearl oyster fishing units.

### **121 Renewal of licence**

- (1) The Director may renew a Pearl Oyster Fishery licence held by a person only if the Director has renewed the person's Pearl Oyster Culture Industry licence.
- (2) Where the Director renews a Pearl Oyster Fishery licence, he or she must specify on the licence:
  - (a) the total allowable catch; and
  - (b) the licensee's allocation of pearl oyster fishing units,for the licensing year for which the licence is renewed.

### **122 Transfer of licence**

The Director may approve the transfer of a Pearl Oyster Fishery licence to a person under the Act only if the Director has approved the transfer to the person of a Pearl Oyster Culture Industry licence.

### **Subdivision 3 Taking of pearl oysters**

#### **122A Number of pearl oysters that may be taken**

- (1) A Pearl Oyster Fishery licensee must not, during a licensing year, take more than the number of pearl oysters represented by:
  - (a) the licensee's allocation of pearl oyster fishing units for the licensing year; and
  - (b) pearl oyster fishing units transferred to the licensee by:
    - (i) a permanent transfer during the licensing year, before the pearl oysters are taken; or
    - (ii) a temporary transfer that was in force at the time the pearl oysters are taken,

less the number, if any, of pearl oysters represented by pearl oyster fishing units that are:

- (c) permanently transferred by him or her to another person under the *Fisheries Regulations* during the licensing year; or
  - (d) temporarily transferred by him or her to another person under the *Fisheries Regulations* under a transfer that is in force in the licensing year.
- (2) Subregulation (1) does not apply in relation to pearl oyster spat collected under clause 9 of the *Pearl Oyster Culture Industry Management Plan*.

#### **122B Method of taking pearl oysters**

A Pearl Oyster Fishery licensee may take pearl oysters only by hand harvest or by another method determined by the Director.

### **Subdivision 4 Allocation of pearl oyster fishing units**

#### **122C Total allowable catch**

- (1) The Minister must, before the commencement of each licensing year, determine the number, if any, of pearl oysters that may be taken in the Pearl Oyster Fishery (in this regulation called ***the total allowable catch***).
- (2) The Minister may, at any time during a licensing year, vary the total allowable catch for the licensing year.

- (3) The Minister may only vary the total allowable catch under subregulation (2) if the Minister:
  - (a) thinks it is necessary to do so for the management of the Pearl Oyster Fishery; and
  - (b) has consulted with the Committee as he or she thinks fit.
- (4) Where the Minister varies the total allowable catch under subregulation (2) the Director must note the total allowable catch, as so varied, on each Pearl Oyster Fishery licence.
- (5) A Pearl Oyster Fishery licensee must, at the request of the Director, return his or her licence to the Director for the purposes of subregulation (4).

#### **122D Pearl oyster fishing units**

- (1) The maximum number of pearl oyster fishing units is 120.
- (2) A pearl oyster fishing unit represents a right, during a licensing year, to do one of the following:
  - (a) take a number of pearl oysters from the wild that represents a one hundred and twentieth part of the total allowable catch for the licensing year;
  - (b) under a Pearl Oyster Culture Industry licence, seed in accordance with clause 11(1)(b) and (4) of the *Pearl Oyster Culture Industry Management Plan* a number of pearl oysters taken from the wild or from hatchery-produced spat that represents a one hundred and twentieth part of the total allowable catch for the licensing year;
  - (c) take a number of pearl oysters from the wild, and, under a Pearl Oyster Culture Industry licence, seed in accordance with clause 11(1)(b) and (4) of the *Pearl Oyster Culture Industry Management Plan* a number of pearl oysters taken from the wild or from hatchery-produced spat, or both, where the total number of pearl oysters taken or seeded under this regulation is not more than the number that represents a one hundred and twentieth part of the total allowable catch for the licensing year.



**122E Allocation of pearl oyster fishing units**

Subject to this Division, the Director must, on the renewal of a Pearl Oyster Fishery licence, allocate a number of pearl oyster fishing units to the licensee for the licensing year for which the licence is renewed, being comprised of:

- (a) the licensee's allocation of pearl oyster fishing units for the previous licensing year; and
- (b) the number of pearl oyster fishing units, if any, permanently transferred to him or her under these Regulations in the previous licensing year,

less the number of pearl oyster fishing units permanently transferred by him or her to another person under these Regulations during the previous licensing year.

**Subdivision 5 Transfer of pearl oyster fishing units**

**122F Transfer of pearl oyster fishing unit must be in accordance with this Division**

A pearl oyster fishing unit is not transferable except in accordance with this Division.

**122G Application for transfer**

- (1) A licensee may apply to the Director, in the approved form, to:
  - (a) permanently or temporarily transfer a pearl oyster fishing unit to a Pearl Oyster Fishery licensee; or
  - (b) permanently transfer a pearl oyster fishing unit to an applicant for, or a person who intends to apply for, a Pearl Oyster Fishery licence.
- (2) A Pearl Oyster Fishery licensee must not, during a licensing year, apply under subregulation (1) to transfer a pearl oyster fishing unit to a person if, were the transfer to be approved:
  - (a) the number of pearl oysters that may during the licensing year be taken under regulation 122A by the licensee; or
  - (b) the number of pearl oysters that may during the licensing year be seeded in accordance with clause 11(1)(b) of the *Pearl Oyster Culture Industry Management Plan* by the licensee, would be less than the number of pearl oysters taken or seeded by the licensee during the licensing year.

**122H Director must approve or refuse application**

- (1) The Director must approve or refuse to approve an application under regulation 122G(1).
- (2) The Director must notify the applicant in writing of the Director's decision under subregulation (1).

**122J Commencement and duration of transfer**

- (1) Where the Director approves an application under regulation 122G(1)(a) for the transfer of a pearl oyster fishing unit to a licensee, the transfer takes effect on the day specified in the transfer.
- (2) Where the Director approves an application under regulation 122G(1)(b) for the transfer of a pearl oyster fishing unit to an applicant for, or a person who intends to apply for, a Pearl Oyster Fishery licence, the transfer takes effect on the grant of the licence to the person.
- (3) A temporary transfer of a pearl oyster fishery unit remains in force until the expiration of 30 June of the licensing year specified in the transfer to be the last year for which the transfer remains in force.

**122K Where units transferred to licensee**

Where the Director approves an application under regulation 122G(1)(a) for the transfer of one or more pearl oyster fishing units to a licensee, the Director must specify the number of units transferred on the Pearl Oyster Fishery licences of both the transferor and the transferee.

**122L Where units transferred to person who intends to apply for licence**

- (1) Where the Director approves an application under regulation 122G(1)(b) for the transfer of one or more pearl oyster fishing units to an applicant for, or a person who intends to apply for, a Pearl Oyster Fishery licence, the Director must specify on the transferor's Pearl Oyster Fishery licence the number of units to be transferred from the licensee on the grant of the licence to the person.
- (2) Where the Director approves an application under regulation 122G(1)(b) for the transfer of one or more pearl oyster fishing units to an applicant for, or a person who intends to apply for, a Pearl Oyster Fishery licence, the Director must specify on the Pearl Oyster Fishery licence granted to the person:

- (a) the number of pearl oyster fishing units permanently transferred to him or her on the grant of the licence; and
- (b) the total allowable catch on respect of the licensing year in which the pearl oyster fishing units are transferred.

**122M Licence revoked if minimum number of pearl culture units not held after transfer**

Where a Pearl Culture Industry licence held by a person is revoked under regulation 180, his or her Pearl Oyster Fishery licence is, by force of this regulation, revoked.

**Subdivision 6 Miscellaneous**

**122N Transfer of pearl oysters**

A Pearl Oyster Fishery licensee must not transfer pearl oysters to another person except in accordance with the *Pearl Oyster Culture Industry Management Plan*.

**122P Pearl oyster fishery dump sites**

- (1) A Pearl Oyster Fishery licensee may place on a pearl oyster dump site pearl oysters taken under the Pearl Oyster Fishery licence.
- (2) The licensee must inform the Director, in writing, of the location of a pearl oyster dump site within 7 days after establishing it.

**122Q Licensee must permit inspection of pearl oysters**

It is a condition of a Pearl Oyster Fishery licence that the licensee must permit the inspection, by a person authorised in writing by the Director, of all pearl oysters in the possession of the licensee.

**122R No unauthorised removal of pearl oysters**

A Pearl Oyster Fishery licensee or a Pearl Oyster Culture Industry licensee must not remove a Pearl Oyster from:

- (a) a pearl oyster dump site;
- (b) a holding area; or
- (c) an area of land to which a pearl farm lease relates,

except with the consent of the holder of the licence to which the site, area or farm relates.

## **Division 12 Aquarium Fishing/Display Fishery**

### **129 Declaration of Fishery**

The industry of collecting live fish and aquatic life for the purpose of sale and display in aquariums is hereby declared to be the Aquarium Fishing/Display Fishery.

### **130 Number of licences**

The Director must not grant more than 12 Aquarium Fishing/Display Fishery licences.

### **131 Area of Fishery**

The Aquarium Fishing/Display Fishery area is all inland waters and waters seaward from the coastline to the outer boundary of the Australian fishing zone.

### **132 Purchase or sale of fish**

- (1) An Aquarium Fishing/Display Fishery licensee shall not under the licence:
  - (a) take other than live fish or aquatic life;
  - (b) except with the approval of the Director, take barramundi, spanish mackerel, mud crab or organisms of the species *Macrobrachium* or the species *Cherax*;
  - (c) buy fish or aquatic life other than from an Aquaculture or Aquarium Fishing/Display Fishery licensee; or
  - (d) take broodstock for sale to an Aquaculture licensee except with the approval of the Director.
- (2) An Aquarium Fishing/Display Fishery licensee may display and sell live fish or aquatic life taken in the Territory or imported into the Territory under a permit granted in accordance with the Act.
- (3) An Aquarium Fishing/Display Fishery licensee shall not sell fish for human consumption or for use as bait.

### **133 Fishing gear**

An Aquarium Fishing/Display Fishery licensee shall not use gear other than gear, such as a cast net, a scoop net, a hand pump or a freshwater pot, approved by the Director for the purposes of the licence and where directions in respect of such implements are given by the Director, shall use them only in accordance with those

directions.

### **Division 13 Trepang Fishery**

#### **134 Declaration of Fishery**

The industry of taking trepang is hereby declared to be the Trepang Fishery.

#### **135 Number of licences**

The Director shall not grant more than 6 Trepang Fishery licences of which:

- (a) 3 shall be in relation to the coastline extending east from Cape Grey; and
- (b) 3 shall be in relation to the coastline extending west from Cape Grey.

#### **135A Transfer of licences**

A person who holds a Trepang Fishery licence may transfer the licence.

#### **136 Area of Fishery**

The Trepang Fishery area is the area extending seaward from the high water mark of the coastline to an imaginary line 3 nautical miles seaward from the baseline.

#### **137 Fishing gear**

A Trepang Fishery licensee shall not, under the licence, use fishing gear other than hand-held implements, and, where directions in respect of such implements are given by the Director, shall use them only in accordance with those directions.

### **Division 14 Development**

#### **138 Licence required to trial gear or fishing methods**

For the purposes of section 10(1)(e) of the Act, the carrying out of trials and experiments with fishing gear or new methods of fishing are prescribed.

#### **139 Director may grant licence**

The Director may grant a Development Fishery licence to permit:

- (a) the carrying out of trials or experiments with fishing gear or new methods of using fishing gear;
- (b) the taking of a specific species of fish or aquatic life for sale; and
- (c) the taking, for sale, of fish or aquatic life from specific areas.

**140 Period of licence &c.**

A Development Fishery licence:

- (a) shall not be granted for a period of more than one year;
- (b) shall not be renewed more than 4 times; and
- (c) gives the holder of the licence no interest in, right to, or legitimate expectation of an interest in or a right to, the grant of another commercial fishing licence.

**141 No transfer of licence**

A Development Fishery licensee shall not transfer his or her licence.

**Division 15 Timor Reef Fishery**

**Subdivision 1 Preliminary matters**

**141A Definitions**

In this Division:

***approved monitoring equipment*** means vessel monitoring equipment approved by the Joint Authority in writing.

***finfish long-line*** means a main line weighted to the seabed at both ends to which finfish snoods or branch lines with finfish snoods are attached.

***finfish snood*** means a short length of unsheathed monofilament nylon or fluorocarbon material that:

- (a) has a diameter of not more than 2 mm; and
- (b) has a fish hook attached to it.

***fishery unit***, see regulation 141F(1).

***goldband snapper*** means fish of the genus *Pristipomoides*.

**grouped fish** means fish other than goldband snapper, red snapper, barramundi, threadfin salmon, spanish mackerel, shark and mud crab.

**port** means the Port as defined in section 5(1) of the *Darwin Port Corporation Act*.

**quota unit**, see regulation 141J(1).

**red snapper** means fish of the species *Lutjanus malabaricus* or *Lutjanus erythropterus*.

**register** means the register maintained under section 9(1) of the Act in relation to the Timor Reef Fishery.

**species group** means any of the following:

- (a) goldband snapper;
- (b) red snapper;
- (c) grouped fish.

**total allowable catch**, see regulation 141H.

**TRF area** means the Timor Reef Fishery area specified in regulation 141C.

**TRF licence** means a Timor Reef Fishery licence.

#### **141B Declaration of Timor Reef Fishery**

The industry of taking fin fish (other than barramundi, threadfin salmon, spanish mackerel, shark or mud crab) by vertical line, drop line attached to or free from a vessel, finfish long-line, fish-trap, scoop net or gaff in the TRF area, is hereby declared to be the Timor Reef Fishery.

#### **141C Area of Fishery**

The Timor Reef Fishery area is the area of the sea bounded by a line:

- (a) commencing at the point of intersection of the meridian of longitude 131° east and the parallel of latitude 10° 30' south;
- (b) from there west along the parallel 10° 30' south to its intersection by the meridian of longitude 129° 40' east;

- (c) from there south along that meridian to its intersection by the parallel of latitude 11° south;
- (d) from there west along the parallel of latitude 11° south to its intersection by the outer boundary of the Australian fishing zone;
- (e) from there generally north-easterly along the outer boundary of the Australian fishing zone to its intersection by the meridian of longitude 131° east;
- (f) from there south along that meridian to its intersection by the parallel of latitude 10° 30' south.

## **Subdivision 2 Licences and fishery units**

### **141D TRF licence**

- (1) The holder of a TRF licence may participate in the Timor Reef Fishery in accordance with this Division.
- (2) A TRF licence cannot be transferred.

### **141E Grant of TRF licences**

The Joint Authority may grant a TRF licence to a person if:

- (a) the Joint Authority has approved the transfer of fishery units or quota units to the person, or the Territory proposes to transfer fishery units to the person; and
- (b) the person does not hold a TRF licence.

*Note for regulation 141E*

*Regulation 218 also provides for the grant of TRF licences.*

### **141F Fishery units generally**

- (1) A **fishery unit** is a unit that entitles the holder of the TRF licence to which the unit is attached to be allocated a share of the total allowable catch for the species group to which the unit relates.
- (2) A fishery unit does not expire.
- (3) A fishery unit may be transferred under Subdivision 5.
- (4) A fishery unit attached to a TRF licence that is cancelled is taken to be transferred to the Territory on the day of the cancellation.



- (5) A fishery unit attached to a TRF licence that expires and is not renewed within the period permitted under section 12(2) of the Act is taken to be transferred to the Territory on the day after the period ends.

**141G Total number of fishery units**

In the Timor Reef Fishery there are a total of:

- (a) 899 998 fishery units for goldband snapper; and
- (b) 1 300 002 fishery units for red snapper; and
- (c) 415 008 fishery units for grouped fish.

**Subdivision 3 Total allowable catch and quota units**

**141H Total allowable catch**

The total amount of fish that may be taken under all TRF licences during a licence year (the **total allowable catch**) for the following species groups is:

- (a) 899 998 kg of goldband snapper;
- (b) 1 300 002 kg of red snapper;
- (c) 415 008 kg of grouped fish.

**141J Quota units generally**

- (1) A **quota unit** is a unit that, until it is used or expires, entitles the holder of the TRF licence to which the unit is attached to take 1 kg of the species group to which the quota unit relates from the TRF area in accordance with this Division.
- (2) A quota unit is used when the holder of the TRF licence to which the unit is attached uses the entitlement under the quota unit to take 1 kg of the species group to which the quota unit relates from the TRF area.
- (3) A quota unit expires on 30 June of the licence year in which the unit was allocated.
- (4) A quota unit may be transferred under Subdivision 5.

- (5) The Joint Authority must, if satisfied the holder of a TRF licence has used one or more quota units attached to the licence:
- (a) cancel the relevant number of quota units attached to the licence; and
  - (b) in doing so – cancel quota units allocated under regulation 141JB before cancelling any other quota units attached to the licence.
- (6) A quota unit is taken to be cancelled if:
- (a) it expires; or
  - (b) the TRF licence to which it is attached is cancelled.

#### **141JA Annual allocation of quota units**

- (1) On 1 July in each licence year, the Joint Authority must allocate the number of quota units mentioned in subregulation (3) to each TRF licence to which fishery units are attached.
- (2) If a TRF licence to which fishery units are attached is renewed after 1 July in a licence year, on the date the licence is renewed, the Joint Authority must allocate the number of quota units mentioned in subregulation (3) to the licence.
- (3) The number of quota units for each species group to be allocated is the number calculated in accordance with the following formula:

$$A = L \div T \times TAC$$

where:

**A** is the number of quota units for the relevant species group to be allocated to the TRF licence.

**L** is the number of fishery units for the relevant species group attached to the TRF licence on the date of the allocation before any transfers of fishery units to or from the licence take effect.

**T** is the total number of fishery units for the relevant species group as mentioned in regulation 141G.

**TAC** is the total allowable catch for the relevant species group.

- (4) However, if the number of quota units to be allocated is not a multiple of 1, the number must be:
- (a) rounded to the nearest whole unit; or

- (b) if the number is a multiple of 0.5 – rounded up to the nearest whole unit.
- (5) If, under subregulation (1) or (2), the Joint Authority is required to allocate quota units to a TRF licence in relation to which any fees due have not been paid then, despite the subregulation:
  - (a) the Joint Authority must not allocate quota units to the licence until the fees are paid; and
  - (b) the number of quota units to be allocated must be calculated as if the allocation was being made on the date required under subregulation (1) or (2).

#### **141JB Additional allocation of quota units for undercatch**

- (1) This regulation applies if:
  - (a) one or more eligible quota units attached to a TRF licence expire at the end of a licence year (the **first year**); and
  - (b) the licence is renewed the following licence year (the **second year**).
- (2) On the date the TRF licence is renewed in the second year, the Joint Authority must allocate to the licence the number of quota units for each species group that is equal to the lesser of:
  - (a) the number of eligible quota units for the relevant species group that expired at the end of the first year; or
  - (b) the number of quota units for the relevant species group (the **relevant number**) calculated in accordance with the following formula:

$$A = (AQ + BQ - TQ) \times 20 \div 100$$

where:

**A** is the relevant number.

**AQ** is the number of eligible quota units for the relevant species group that were allocated to the licence during the first year.

**BQ** is the number of eligible quota units for the relevant species group that were transferred to the holder of the licence during the first year.

**TQ** is the number of eligible quota units for the relevant species group that were transferred from the licence during the first year.

- (3) However, if the number of quota units to be allocated is not a multiple of 1, the number must be:
  - (a) rounded to the nearest whole unit; or
  - (b) if the number is a multiple of 0.5 – rounded up to the nearest whole unit.
- (4) Despite subregulation (2), if any fees due in relation to the TRF licence have not been paid, the Joint Authority must not allocate the quota units to the licence until the fees are paid.
- (5) To avoid doubt, an allocation made under this regulation is in addition to any allocation of quota units made under regulation 141JA.
- (6) In this regulation:

**eligible quota units** means:

- (a) quota units allocated to the TRF licence under regulation 141JA or 221; or
- (b) quota units allocated to another TRF licence under regulation 141JA or 221 and subsequently transferred to the holder of the TRF licence.

## **Subdivision 4 Fishing in Timor Reef Fishery**

### **141JC Notice of intention to fish**

- (1) This regulation applies to the holder of a TRF licence who intends to take fish under the licence during a voyage.
- (2) Between 1 and 12 hours before starting the voyage, the holder must notify the Director of the following:
  - (a) the holder's intention to take fish under the licence during the voyage;
  - (b) the time the voyage will start;
  - (c) the estimated duration of the voyage;
  - (d) the type of fishing gear the holder intends to use during the voyage;

- (e) any other information about the voyage required by the Director.

Maximum penalty: \$10 000.

- (3) The notice may be given orally.

**141JD Permitted fishing gear**

- (1) The holder of a TRF licence must not use any fishing gear other than the following to take fish under the licence:

- (a) vertical lines;
- (b) drop lines attached to or free from a vessel;
- (c) finfish long-lines;
- (d) fish-traps;
- (e) scoop nets;
- (f) gaffs.

Maximum penalty: \$20 000.

- (2) The holder of a TRF licence must not use a fish-trap attached to another fish-trap to take fish under the licence.

Maximum penalty: \$20 000.

**141JE Minimum quota units to be held at start of voyage**

- (1) The holder of a TRF licence must not take fish under the licence unless, at the start of the voyage during which the taking of fish occurs, the licence has attached to it at least:

- (a) 6 200 quota units for goldband snapper; and
- (b) 3 800 quota units for red snapper; and
- (c) 1 000 quota units for grouped fish.

Maximum penalty: \$20 000.

- (2) The holder of a TRF licence must not use finfish long-lines or fish-traps to take fish under the licence unless, at the start of the voyage during which the taking of fish occurs, the licence has attached to it at least:

- (a) 12 450 quota units for goldband snapper; and

(b) 7 650 quota units for red snapper; and

(c) 1 950 quota units for grouped fish.

Maximum penalty: \$20 000.

**141JF No fish on vessel at start of voyage**

The holder of a TRF licence must ensure that the following are not on board a vessel when a voyage is started if the holder intends to take fish under the licence from the vessel during the voyage:

(a) fish that is intended for sale;

(b) more than 100 kg of fish that is not intended for sale (excluding bait).

Maximum penalty: \$10 000.

**141JG Fishing limited to entitlement under quota units**

The holder of a TRF licence must not, under the licence, take from the TRF area an amount of a species group that exceeds the amount the holder is entitled to take under the quota units attached to the licence.

Maximum penalty: \$20 000.

**141JH Certain fish not to be taken**

The holder of a TRF licence must not take barramundi, threadfin salmon, spanish mackerel, shark or mud crab under the licence.

Maximum penalty: \$20 000.

**141JI No fishing outside TRF area or under another licence during voyage**

(1) The holder of a TRF licence must not, during one voyage, take a fish under the licence and take a fish:

(a) under any other licence; or

(b) from a place outside the TRF area.

Maximum penalty: \$20 000.

(2) Subregulation (1) does not apply if the Joint Authority gives the holder written approval to take the action mentioned in subregulation (1).

- (3) However, if approval is given under subregulation (2) all fish taken during the voyage, regardless of where they were taken from, are to be regarded as having been taken under the holder's TRF licence.

**141JJ Fish not to be moved between vessels**

- (1) The holder of a TRF licence must ensure a fish taken under the licence is not moved from the vessel from which it was taken to another vessel.

Maximum penalty: \$10 000.

- (2) Subregulation (1) does not apply if the Joint Authority gives the holder written approval to move the fish to another vessel.

**141JK Fish not to be processed before unloading**

- (1) The holder of a TRF licence must ensure a fish taken under the licence is not processed before it is unloaded from the vessel from which it was taken.

Maximum penalty: \$10 000.

- (2) Despite subregulation (1), fish taken under the TRF licence may be preserved by cooling.

- (3) Subregulation (1) does not apply if the Joint Authority gives the holder written approval to process the fish.

**141JL Prior landing notice**

- (1) This regulation applies to the holder of a TRF licence who:
- (a) during a voyage, has taken fish under the licence; or
  - (b) under regulation 141JC(2) has notified the Director of an intention to take fish under the licence during a voyage.

- (2) Between 12 and 24 hours before the vessel used for the voyage is due to land at the port, the holder must notify the Director of the following:

- (a) the time the vessel is estimated to land at the port;
- (b) the place the vessel will land;
- (c) any other information required by the Director.

Maximum penalty: \$10 000.

- (3) The notice may be given orally.

### **141JM Unloading fish**

The holder of a TRF licence must ensure that a fish taken under the licence is unloaded from the vessel from which it was taken (or from the vessel to which the fish was moved if regulation 141JJ(2) applies):

- (a) in the port; or
- (b) if the Joint Authority has given the holder written approval for the fish to be unloaded in another place – in the other place.

Maximum penalty: \$10 000.

### **141JN Weighing of fish**

- (1) The holder of a TRF licence must ensure that, immediately after fish taken under the licence are unloaded, the fish are weighed using scales that:

- (a) are an appropriate size, taking into account the amount of fish to be weighed; and
- (b) have been calibrated in accordance with subregulation (2) immediately before being used to weigh the fish.

Maximum penalty: \$10 000.

- (2) The scales must be calibrated using a weight:

- (a) that is an appropriate size, taking into account the size of the scales; and
- (b) that has been verified under the *National Measurement Act 1960* (Cth); and
- (c) for which the holder has a certificate of verification given under the *National Measurement Act 1960* (Cth) that has not expired.

- (3) Within 7 days after a request by a Fisheries Officer, the holder of a TRF licence must produce to the Fisheries Officer the certificate of verification for a weight used by the holder to calibrate scales used under subregulation (1).

Maximum penalty: \$10 000.



**141JO Unload notice**

- (1) The holder of a TRF licence must, within 1 hour of unloading fish taken under the licence, notify the Director of the following:
  - (a) the time the fish were unloaded;
  - (b) the place the fish were unloaded;
  - (c) the amount in kilograms of each species group unloaded, as determined under regulation 141JN(1);
  - (d) the place to which the fish will be moved;
  - (e) the name of the person who will move the fish;
  - (f) the name of the Fish Trader/Processor licensee who has purchased the fish;
  - (g) any other information required by the Director.

Maximum penalty: \$10 000.

- (2) The notice may be given orally.

**141JP Compulsory monitoring when finfish long-line on vessel**

- (1) This regulation applies to the holder of a TRF licence if:
  - (a) the holder intends to take fish under the licence during a voyage; and
  - (b) a finfish long-line will be on board the vessel used for the voyage.
- (2) The holder must either:
  - (a) ensure approved monitoring equipment is installed on the vessel and operating at all times during the voyage; or
  - (b) at least 14 days before the start of the voyage, notify the Director of the holder's intention to take fish under the licence during the voyage and, if required by the Director:
    - (i) permit a specified person to travel as a fishery observer on board the vessel for the voyage; and
    - (ii) within 14 days of the end of the voyage, pay an observer fee of 700 revenue units per day of the voyage.

Maximum penalty: \$20 000.

- (3) Subregulation (2) does not apply if the Joint Authority exempts the holder from the subregulation.
- (4) The exemption must be in writing and relate to a specified period or voyage.

**141JQ Compulsory monitoring after offence committed or infringement notice served**

- (1) This regulation applies if the holder of a TRF licence:
  - (a) is convicted of an offence against this Division; or
  - (b) is served with a relevant infringement notice for an offence against this Division and pays the penalty amount indicated in the notice.
- (2) Without limiting regulation 141JR, within 3 months after the date of the conviction or service of the infringement notice, the Joint Authority may give the holder one of the following:
  - (a) a monitoring equipment notice mentioned in subregulation (5);
  - (b) an observer notice mentioned in subregulation (6).
- (3) In deciding whether to give the holder a notice under subregulation (2), the Joint Authority must take into account the following:
  - (a) the nature and seriousness of the offence committed or alleged to have been committed;
  - (b) whether the holder has previously been convicted of, or served with an infringement notice for, an offence against this Division;
  - (c) any other matter the Joint Authority considers relevant.
- (4) If a notice is given under subregulation (2), the holder must not contravene the notice.

Maximum penalty: \$20 000.

- (5) A monitoring equipment notice is a notice requiring the holder to do the following:
  - (a) on or before the date (the **compliance date**) which is 60 days after the date of the notice – nominate as the mother boat for the TRF licence a vessel on which approved monitoring equipment is installed;

- (b) during the period of 10 months from the compliance date (the **monitoring period**) – ensure the equipment is operating at all times unless the Joint Authority has given the holder written approval for the equipment not to be operating;
  - (c) within 14 days of the end of each relevant voyage – pay a data analysis fee of 10 revenue units for each day of the relevant voyage that falls within the monitoring period.
- (6) An observer notice is a notice requiring the holder:
- (a) to permit a specified person to travel as a fishery observer on board the vessel used for a voyage during which the holder intends to take fish under the licence; and
  - (b) within 14 days of the end of the voyage, to pay an observer fee of 700 revenue units per day of the voyage.

- (7) In this regulation:

**relevant infringement notice** means an infringement notice that includes, or has attached to it, a statement that says (or in effect says), "WARNING: If you pay the penalty amount, or are convicted of the offence for which this infringement notice is given, the Joint Authority may give you a notice under regulation 141JQ(2) of the *Fisheries Regulations*".

**relevant voyage** means a voyage:

- (a) during which a fish is taken under the licence; and
- (b) that starts or ends during the monitoring period mentioned in subregulation (5)(b).

#### **141JR Compulsory monitoring on notice**

- (1) The Joint Authority may at any time, by written notice, require the holder of a TRF licence to do one of the following in relation to the next voyage undertaken by the holder during which the holder intends to take fish under the licence:
- (a) ensure approved monitoring equipment is installed on the vessel used for the voyage and is operating at all times during the voyage;
  - (b) permit a specified person to travel as a fishery observer on board the vessel for the voyage.

- (2) The holder must not contravene the notice.

Maximum penalty: \$10 000.

## **Subdivision 5 Transfer of fishery units and quota units**

### **141JS Application for transfer and approval by Joint Authority**

- (1) The holder of a TRF licence may apply to the Joint Authority for approval to transfer one or more fishery units or quota units attached to the licence to:
- (a) the holder of a TRF licence; or
  - (b) an applicant for, or person who intends to apply for, a TRF licence.
- (2) The application must be made in the approved form.
- (3) The Joint Authority must approve or refuse to approve the application and give the applicant written notice of the decision.
- (4) To avoid doubt, an application under subregulation (1) cannot be made in relation to fishery units or quota units attached to a suspended TRF licence.

### **141JT Effective date of transfer**

- (1) If the Joint Authority approves an application for the transfer of fishery units or quota units to the holder of a TRF licence, the transfer takes effect on the later of:
- (a) the day after the date the approval is given; or
  - (b) the date of transfer specified in the application.
- (2) If the Joint Authority approves an application for the transfer of fishery units or quota units to an applicant for, or person who intends to apply for, a TRF licence:
- (a) the approval is conditional on the applicant or person being granted a TRF licence within 14 days after the approval; and
  - (b) the transfer takes effect on the later of:
    - (i) the date the licence is granted to the person; or
    - (ii) the date of transfer specified in the application.

### **141JU Sale of fishery units by Territory**

The Territory may sell or transfer to the holder of a TRF licence fishery units transferred to the Territory.

### **Subdivision 6 Register**

#### **141JV Allocation of fishery units or quota units**

- (1) An allocation of fishery units or quota units to a TRF licence is made by the Joint Authority entering in the register the number of fishery units or quota units that are allocated to the licence.
- (2) Within 7 days after making an allocation to a TRF licence, the Joint Authority must give the holder of the licence written notice of the allocation.

#### **141JW Transfer of fishery units or quota units**

- (1) As soon as practicable after an application for the transfer of fishery units or quota units has been approved, the Joint Authority must enter in the register the details of the transfer including the date on which the transfer takes effect.
- (2) As soon as practicable after a transfer of fishery units or quota units takes effect or is taken to have occurred, the Joint Authority must amend the register to record that the number of units transferred:
  - (a) are no longer attached to the TRF licence from which they were transferred or, if transferred by the Territory, are no longer held by the Territory; and
  - (b) are attached to the transferee's TRF licence or, if transferred to the Territory, are held by the Territory.

#### **141JX Cancellation of quota units**

- (1) The Joint Authority cancels a quota unit by recording the cancellation in the register.
- (2) Within 7 days after cancelling a quota unit attached to a TRF licence, the Joint Authority must give the holder of the licence written notice of the cancellation.
- (3) If a quota unit is taken to be cancelled, the Joint Authority must record the cancellation in the register as soon as practicable after the cancellation.

## **Division 16 Finfish Trawl Fishery**

### **141K Declaration of Finfish Trawl Fishery**

The industry of taking fin fish (other than barramundi, threadfin salmon, shark or mud crab) by finfish trawl gear is hereby declared to be the Finfish Trawl Fishery.

### **141L Entry criteria**

- (1) The Joint Authority shall not grant a Finfish Trawl Fishery licence other than to a person who held, immediately before 3 February 1995, a permit issued under the Commonwealth Act entitling him or her to trawl for fish other than penaid and carid prawns and scampi of the family *Penaeidae*, *Caridae* and *Metanephropidae*.
- (2) The Joint Authority shall grant a Finfish Trawl Fishery licence to each person who held, immediately before 3 February 1995, a permit referred to in subregulation (1).

### **141M No transfer of licence**

- (1) A Finfish Trawl Fishery licensee shall not transfer his or her licence.
- (2) Subregulation (1) does not apply in relation to a Finfish Trawl Fishery licence in force immediately before 1 July 2001.

### **141N Area of Fishery**

The Finfish Trawl Fishery area is the area bounded by a line:

- (a) commencing at the point of latitude 10° 30' south, longitude 131° 00' east;
- (b) running thence east along the parallel of latitude 10° 30' south to its intersection by the meridian of longitude 133° 16' east;
- (c) thence south along that meridian to its intersection by the parallel of latitude 11° 00' south;
- (d) thence south-easterly along the geodesic to the point of latitude 11° 25' south, longitude 134° 15' east;
- (e) thence easterly along the parallel of latitude 11° 25' south to its intersection by the meridian of longitude 135° 35' east;
- (f) thence north-easterly along the geodesic to the point of latitude 11° 05' south, longitude 136° 10' east;

- (g) thence north-easterly along the geodesic to the point of latitude 10° 30' south, longitude 136° 40' east;
- (h) thence south-easterly along the geodesic to the point of latitude 11° 00' south, longitude 137° 05' east;
- (j) thence south along the meridian of longitude 137° 05' east to its intersection by the parallel of latitude 11° 47' south;
- (k) thence north-easterly along the geodesic between that point and the point of latitude 11° 10' south, longitude 141° 00' east, to the intersection of that geodesic by the meridian of longitude 137° 24' east;
- (m) thence south along that meridian to its intersection by the parallel of latitude 13° 30' south;
- (n) thence east along that parallel to its intersection by the boundary between the Territory and the State of Queensland as specified in the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth;
- (p) thence north along that boundary to its intersection by the outer boundary of the Australian fishing zone;
- (q) thence generally westerly along that outer boundary to its intersection by the meridian of longitude 131° 00' east; and
- (r) thence south along that meridian to the point of commencement.

**141P Fishing gear**

A Finfish Trawl Fishery licensee shall not use under the licence fishing gear other than finfish trawl gear.

**141Q Certain fish not to be taken**

A Finfish Trawl Fishery licensee shall not take barramundi, threadfin salmon, shark or mud crab under the licence.

**141QA Restriction on possession of spanish mackerel**

A Finfish Trawl Fishery licensee must not have possession of more than 50 spanish mackerel (whether retained as trunks or whole fish) on board a vessel.

Penalty: \$10 000.

## **Division 17 Jigging Fishery**

### **141R Declaration of Jigging Fishery**

The industry of taking squid by jigging gear is hereby declared to be the Jigging Fishery.

### **141S Entry criteria**

- (1) The Director shall not grant a Jigging Fishery licence other than to a person who held, immediately before 3 February 1995, a permit issued under the Commonwealth Act entitling him or her to jig for squid.
- (2) The Director shall grant a Jigging Fishery licence to each person who held, immediately before 3 February 1995, a permit referred to in subregulation (1).

### **141T Transfer of licence**

- (1) A Jigging Fishery licensee shall not transfer his or her licence.
- (2) Subregulation (1) does not apply in relation to a Jigging Fishery licence in force immediately before 1 October 1997.

### **141U Area of Fishery**

The Jigging Fishery area is the area extending seaward from an imaginary line following the coastline 3 nautical miles seaward from the low water mark to the outer boundary of the Australian fishing zone.

### **141W Fishing gear**

A Jigging Fishery licensee shall not use under the licence fishing gear other than jigging gear.

### **141Y Certain fish not to be taken**

A Jigging Fishery licensee shall not take barramundi, threadfin salmon, spanish mackerel, shark, other fin fish or mud crab under the licence.



## **Part 9 Processing and sale of fish**

### **Division 1 Licensing generally**

#### **142 Application of Part**

This Part does not apply in respect of processed fish imported into the Territory packaged for sale to a final consumer and marked with the State, Territory or country from which the fish originated.

#### **143 Criteria for grant or renewal**

The matters to which the Director may have regard in considering an application for the grant or renewal of a Fish Trader/Processor licence, a Fish Retailer licence or a Fish Broker licence include:

- (a) whether the applicant's financial resources are, in the opinion of the Director, sufficient to enable commercial use of the licence;
- (b) whether the applicant has attained the age of 18 years;
- (c) whether the applicant has all approvals required under any other Act of the Territory to conduct the operation; and
- (d) where an applicant has previously held a licence under this Act, whether the applicant has supplied all accounts, records, returns and information in the approved manner and form and within the time prescribed or specified by the Director.

#### **144 Application**

The Director shall not grant or renew a Fish Trader/Processor licence or a Fish Retailer licence unless the application:

- (a) indicates the address of; and
- (b) is accompanied by documentary evidence of all approvals required under any Act of the Territory in order to lawfully process fish at,

the place at which the processing is to occur.

**145 Place of processing**

- (1) The Director shall not grant a Fish Trader/Processor licence or Fish Retailer licence in respect of a domestic dwelling unless the dwelling:
  - (a) conforms with the requirements of or under the *Public Health Act* in respect of food processing; and
  - (b) shall not contravene the development provisions, or an interim development control order, under the *Planning Act*.
- (2) A Fish Trader/Processor licensee and a Fish Retailer licensee shall display, in a prominent position at each of the places specified on the licence, the number and expiry date of the licence.
- (3) A Fish Trader/Processor licensee and a Fish Retailer licensee shall not process fish for sale except at a place specified in the licence.

**147 Sale of live fish to certain licensees prohibited**

- (1) A person who holds a licence for this Part, or an assistant, must not sell live fish or aquatic life to the holder of:
  - (a) an Aquarium Fishing/Display Fishery licence; or
  - (b) an Aquarium Trader licence; or
  - (c) a Public Aquarium licence.
- (2) However, subregulation (1) does not apply if the purchaser purchases the fish or aquatic life for some purpose other than a purpose of the licence held by the purchaser.

**148 Labelling of fish from aquaculture facility**

The holder of a licence for the purposes of this Part shall ensure that all fish for sale which the licensee purchases for sale from an aquaculture facility shall have attached to them or be accompanied by a statement indicating:

- (a) the number of the licence under which the fish were bred or held;
- (b) that the fish is the product of an aquaculture facility situated in the Northern Territory; and
- (c) such other information as required by the Director,

and shall not sell such fish, other than fish forming part of a meal or such fish sold for use as bait, unless the fish is labelled in accordance with this regulation.

**149 Fish on premises deemed to be for sale**

Fish at a place specified on a licence shall be deemed to be fish for sale.

**Division 2 Fish Trader/Processor**

**150 Fish Trader/Processor may process and resell**

Subject to this Division, a Fish Trader/Processor licensee may purchase fish or aquatic life for processing and resale.

**151 Purchase of fish**

- (1) A Fish Trader/Processor licensee shall not purchase fish or aquatic life for processing and resale except:
- (a) from a person who holds a commercial fishing licence permitting the taking of that fish or aquatic life;
  - (b) from a person who holds an appropriate licence under a law of the Commonwealth, a State or another Territory of the Commonwealth;
  - (c) from a Fish Trader/Processor licensee, a Fish Broker licensee or a person who holds a licence granted for the purposes of Part 10;
  - (d) where the fish is live fish and the Territory was not the first landing point of the fish or aquatic life, pursuant to a permit granted under the Act; or
  - (e) from an interstate or overseas supplier.

**152 Export of food**

If the place in respect of which a Fish Trader/Processor licence is granted is permitted, licensed, registered, or otherwise certified under an Act of the Commonwealth as approved premises for the production of food for export, the terms of that Act shall, in relation to standards of health and hygiene on those premises, apply to the exclusion of the *Fisheries Act*, these Regulations or an instrument of a legislative or administrative character made under the *Fisheries Act*, but shall not prevent the entry onto that place of officers appointed under the *Fisheries Act*.

### **Division 3 Fish Retailer**

#### **154 Sale of fish**

A Fish Retailer licensee may process fish but shall not sell fish, whether or not processed, except to a person not purchasing them for the purpose of resale.

#### **155 Purchase of fish**

A Fish Retailer licensee shall not purchase fish or aquatic life for resale except:

- (a) from a person who holds a commercial fishing licence permitting the taking of that fish or aquatic life;
- (b) from a person who holds an appropriate licence under a law of the Commonwealth or a State or another Territory of the Commonwealth;
- (c) from a person who holds a Fish Trader/Processor licence, a Fish Broker licence or a licence granted for the purposes of Part 10; or
- (d) where the fish is live fish and the Territory was not the first landing point of the fish or aquatic life, in pursuance of a permit granted under the Act; or
- (e) from an interstate or overseas supplier.

### **Division 4 Fish Broker**

#### **156 Fish Broker licence**

- (1) A Fish Broker licensee may purchase fish for re-sale and sell fish.
- (2) A Fish Broker licensee shall not process fish for sale.

#### **157 Sale of fish**

A Fish Broker licensee shall not sell fish except to:

- (a) the holder of a licence for the purposes of this Part;
- (b) a person who holds an appropriate licence under a law of the Commonwealth or a State or another Territory of the Commonwealth;
- (c) in accordance with an export permit granted under an Act of the Commonwealth; or

- (d) an interstate or overseas purchaser.

**158 Purchase of fish**

A Fish Broker licensee shall not purchase fish or aquatic life for resale except:

- (a) from a person who holds a commercial fishing licence permitting the taking of that fish or aquatic life;
- (b) from a person who holds an appropriate licence under a law of the Commonwealth, a State or another Territory of the Commonwealth;
- (c) from a Fish Trader/Processor licensee, a Fish Broker licensee or a person holding a licence granted for the purposes of Part 10;
- (d) where the fish is live fish and the Territory was not the first landing point of the fish or aquatic life, in pursuance of a permit granted under the Act; or
- (e) from an interstate or overseas purchaser.

**Division 5 Sale of fish from Timor Reef Fishery**

**158A Sale of fish to licence holder**

The holder of a Timor Reef Fishery licence must not sell fish taken under the licence to a person unless the person holds one of the following licences:

- (a) Fish Broker licence;
- (b) Fish Retailer licence;
- (c) Fish Trader/Processor licence.

Maximum penalty: \$10 000.

**Part 10 Aquaculture**

**Division 1 Licensing generally**

**159 No breeding for sale without licence**

A person shall not breed, farm or hold live fish for sale unless he or she holds a licence in respect of this Part.

**160 Criteria for grant or renewal**

The matters to which the Director may have regard in considering an application for the grant or renewal of a licence under this Part include:

- (a) whether the applicant's financial resources are, in the opinion of the Director, sufficient to enable commercial use of the licence;
- (b) whether the applicant has attained the age of 18 years;
- (c) whether the applicant has all approvals required under any other Act of the Territory to conduct the operation;
- (d) where an applicant has previously held a licence under this Act, whether the applicant has supplied all accounts, records, returns and information in the approved manner and form and within the time prescribed or specified by the Director; and
- (e) any other criteria set out in these Regulations in respect of the licence.

**161 Application for licence**

An application for a licence in respect of this Part shall contain:

- (a) details of the species, stage of life cycle and number of fish or aquatic life that the applicant intends to stock or culture or intends to take or retain as broodstock;
- (b) details of the gear that the applicant intends to use to take fish or aquatic life, other than gear used to take fish within the aquaculture facility to which the application relates;
- (c) plans relating to the construction, development or modification of an aquaculture facility to which the application relates;
- (d) a proposed plan of operation in respect of the aquaculture facility to which the application relates;
- (e) approvals required under any another Act of the Territory for the operation of the aquaculture facility to which the application relates;
- (f) details of the location of the aquaculture facility and of all places at which the applicant intends to breed, hold, rear, process or sell fish or aquatic life; and
- (g) such other information as the Director requires.

**162 Place of processing to be specified in licence**

- (1) The holder of a licence in respect of this Part shall not breed, hold, rear, process or transfer fish into the possession of a person other than an assistant of the licensee, except in or at a place specified in the licence.
- (2) The Director shall not grant a licence in respect of this Part in respect of a domestic dwelling unless the dwelling:
  - (a) conforms with the requirements of or under the *Public Health Act* in respect of food processing; and
  - (b) will not contravene control plans made under the *Planning Act*.

**163 Modification of aquaculture facility**

The holder of a licence in respect of this Part shall not modify an aquaculture facility to which the licence relates unless he or she has submitted specifications and plans relating to the proposed modification to the Director and the Director has, in writing, approved the modification.

**165 Licence details to be displayed**

The holder of a licence in respect of this Part shall display, in a prominent place in each of the places noted in the licence, the number and expiry date of the licence.

**166 Export of food**

If the place in respect of which a licence in respect of this Part is granted is licensed, registered or otherwise certified under an Act of the Commonwealth as approved premises for the production of food for export, the terms of that Act shall, in relation to standards of health and hygiene on those premises, apply to the exclusion of the *Fisheries Act*, these Regulations or an instrument of a legislative or administrative character made under the *Fisheries Act* but shall not prevent the entry onto that place of officers appointed under the *Fisheries Act*.

**167 Freezer capacity**

The holder of a licence in respect of this Part who freezes fish for sale shall, after the expiration of 12 months after the commencement of these Regulations, possess for the storage of fish a freezer which:

- (a) has not less than 10m<sup>3</sup> of freezer space; and

- (b) conforms with the standards of the *Food Act* and any other Act which applies to the storage of fish or frozen food in force in the Territory.

**168 Broodstock**

- (1) The holder of a licence in respect of this Part shall, as soon as practicable after taking barramundi broodstock from waters outside an aquaculture facility, tag it in the approved manner.
- (2) For the purposes of section 10(1)(e) of the Act, the disposal otherwise than by sale of fish taken as broodstock is prescribed as being an action able to be taken only by a holder of a licence in respect of this Part.

**169 Labelling of fish, &c., from aquaculture facility**

The holder of a licence in respect of this Part shall ensure that fish or aquatic life leave the aquaculture facility with a statement indicating:

- (a) the number of the licence under which the fish or aquatic life were bred or held;
- (b) that the fish or aquatic life is the product of an aquaculture facility in the Northern Territory; and
- (c) such other information as required by the Director,

attached to or accompanying the fish or aquatic life and that the statement remains attached to or accompanies the fish at all times when the fish is in the possession or control of the holder of the licence outside the aquaculture facility.

**Division 2 Aquaculture licence**

**170 No aquaculture without licence**

- (1) A person may take fish as broodstock, purchase fish, breed fish or aquatic life, rear or hold such fish or aquatic life and process and sell such fish or aquatic life, under and in accordance with an Aquaculture licence.
- (2) For the purposes of subregulation (1), **fish** does not include a member of the genus *Pinctada* (pearl oysters).



### **171 Conditions of licence**

The conditions to which an Aquaculture licence may be subject include:

- (a) limitation of the species of fish which may be kept and the stages of the life cycle of a fish at which the fish may be kept;
- (b) limitation of the number of fish which may be kept or sold;
- (c) limitation of the use of chemicals or drugs, including the regulation or prohibition, for such period as the Director thinks fit, of the transport or release from the aquaculture facility of fish exposed to chemicals or drugs;
- (d) a requirement for the lodgement of an ADI guarantee or securities to cover the cost of damage which may be caused by the operation of the aquaculture facility;
- (e) a condition that the licensee shall operate the aquaculture facility in accordance with the plan of operation submitted in accordance with regulation 161(d) and approved by the Director; and
- (f) the method of water discharge or other waste disposal.

### **172 Licence conditional on construction**

- (1) The Director may, on receipt of an application for an Aquaculture licence, grant the licence on condition that the aquaculture facility to which the licence relates is constructed or altered in accordance with the specifications or plans accompanying the application under regulation 161(c), as modified by the conditions or requirements, if any, imposed by the Director.
- (2) The conditions referred to in subregulation (1) may include a requirement that construction or alteration take place in stages and at times determined by the Director.
- (3) At the completion of a stage of construction or alteration determined by the Director under subregulation (2), the Director or a person authorised by the Director for that purpose shall examine the aquaculture facility and, if satisfied that the construction or alteration complies with the specifications or plans referred to in subregulation (1) for that stage of construction as determined in accordance with subregulation (2), shall certify that construction or alteration may proceed to the next stage.

(4) Where:

- (a) the Director or a person authorised by the Director:
  - (i) has inspected the aquaculture facility at a stage of construction specified in the licence and cannot certify that construction or alteration may proceed to the next stage or that the facility, when completed, would be constructed or altered in accordance with the requirements of subregulation (1); or
  - (ii) at any time during the period in which the licence is valid has reasonable grounds for concluding that the aquaculture facility will not be constructed or altered in accordance with those requirements; or
- (b) the licensee has breached another condition of the licence or committed an offence under the Act,

the Director may, if he or she thinks fit, refuse to permit the construction or alteration of the aquaculture facility to continue to the next stage and the licensee shall, notwithstanding any other provision in these Regulations, cease to be permitted to take, purchase, breed, hold, process or sell fish or aquatic life under the licence.

**173 Possession of broodstock**

An Aquaculture licensee shall not possess fish or aquatic life for breeding except those fish or aquatic life:

- (a) taken under and in accordance with the Act;
- (b) obtained from a person who holds a commercial fishing licence;
- (c) imported in accordance with a permit;
- (d) obtained from another Aquaculture licensee; or
- (e) obtained from an aquaculture facility operated by a statutory corporation.

**174 Sale of fish**

An Aquaculture licensee may sell fish or aquatic life to the following:

- (a) an Aquarium Fishing/Display Fishery licensee;
- (b) a Fish Broker licensee;

- (c) a Fish Retailer licensee;
- (d) a Fish Trader/Processor licensee;
- (e) an Aquaculture licensee;
- (f) an Aquarium Trader licensee;
- (g) a Public Aquarium licensee;
- (h) a member of the public not purchasing fish or aquatic life for resale.

**175 Disposal of broodstock**

An Aquaculture licensee shall not sell or otherwise dispose of fish or aquatic life taken as broodstock under this Part to another person except:

- (a) after 12 months after the date the fish or aquatic life was taken; and
- (b) with the prior approval of the Director.

**Division 3 Pearl Oyster Culture Industry**

**176 Definitions**

In this Division, unless the contrary intention appears:

**allocation**, in relation to a person, means:

- (a) in relation to a pearl oyster fishing unit – the number of pearl oyster fishing units allocated to him or her under regulation 122E for a licensing year; and
- (b) in relation to a pearl oyster hatchery unit – the number of pearl oyster hatchery units allocated to him or her for a licensing year under clause 13 of the *Pearl Oyster Culture Industry Management Plan*.

**holding area** means a site at which, under a Pearl Oyster Culture Industry licence, pearl oysters taken from the wild or produced in a hatchery are held for seeding and related operations.

**pearl culture unit** means a pearl oyster fishing unit or a pearl oyster hatchery unit.

**pearl oyster** means an oyster of the genus *Pinctada* and includes:

- (a) a part of a pearl oyster; and
- (b) pearl oyster spat.

**pearl oyster dump site** means a site where pearl oysters taken from the wild are placed and held before movement to a holding area or a pearl farm lease, but does not include an area of land held under a pearl farm lease.

**pearl oyster fishing unit** has the meaning it has in regulation 122D(2).

**pearl oyster hatchery unit** has the meaning it has in the *Pearl Oyster Culture Industry Management Plan*.

**pearl farm lease** means a lease granted to a licensee under section 55 of the Act for the purposes of a Pearl Oyster Culture industry licence.

#### **177 Grant of licence**

The Director must not grant a Pearl Oyster Culture Industry licence to an applicant unless he or she intends to grant a Pearl Oyster Fishery licence to the applicant.

#### **178 Renewal of licence**

- (1) The Director must not renew a Pearl Oyster Culture Industry licence unless:
  - (a) he or she is satisfied that:
    - (i) the applicant has applied for renewal of his or her Pearl Oyster Fishery licence;
    - (ii) the applicant's allocation in relation to his or her Pearl Oyster Fishery licence for the licensing year for which it would be renewed would be 5 pearl oyster fishing units or more; and
    - (iii) the Director intends to renew the Pearl Oyster Fishery licence; and
  - (b) the applicant has complied with the Act and any other instrument of a legislative or administrative character applicable to the Pearl Oyster Fishery.

- (2) Where the Director renews a Pearl Oyster Culture Industry licence, he or she must specify on the licence:
- (a) the allocation of pearl oyster fishing units in relation to the licensee's Pearl Oyster Fishery licence for the licensing year for which that licence is renewed; and
  - (b) the licensee's allocation of pearl oyster hatchery units under clause 13 of the *Pearl Oyster Culture Industry Management Plan* for the licensing year for which the Pearl Oyster Culture Industry licence is renewed.

**179 Transfer of licence**

The Director must not consent to the transfer of a Pearl Oyster Culture Industry licence to a person unless:

- (a) application has been made to the Director for the transfer of the licensee's Pearl Oyster Fishery licence to the same person; and
- (b) the Director intends to approve the transfer of the Pearl Oyster Fishery licence to that person.

**180 Licence revoked if licensee not permitted to seed minimum number of pearl culture units**

Where:

- (a) the sum of:
  - (i) the number of pearl oysters that may be seeded under clause 11(1)(b) of the *Pearl Oyster Culture Industry Management Plan* by the holder of a Pearl Oyster Culture Industry licence; and
  - (ii) the number of pearl oysters that may be seeded under clause 11(1)(c) of the *Pearl Oyster Culture Industry Management Plan* by the holder of a Pearl Oyster Culture Industry licence,

is less than the number represented by 20 pearl culture units;  
or

- (b) less than 5 of the units in that sum are pearl oyster fishing units,

the Pearl Oyster Culture licence is, by force of this regulation, revoked.

**181 Holding areas**

A Pearl Oyster Culture Industry licensee may place pearl oysters on a holding area approved by the Director.

**181A Licensee must permit inspection of pearl oysters**

It is a condition of a Pearl Oyster Culture Industry licence that the licensee must permit the inspection, by a person authorised in writing by the Director, of all pearl oysters in the possession of the licensee.

**181B Cancellation, revocation or expiry of licence**

- (1) As soon as practicable after a Pearl Oyster Culture Industry licence is cancelled, revoked or expires, the Director is to grant a restricted licence to the person who held the licence immediately before it was cancelled or revoked or it expired.
- (2) So as to enable the licensee to harvest the remaining pearl production, the holder of a restricted licence may farm, hold and sell all live pearl oysters held at the licensee's holding areas, pearl oyster dump sites and an area of land to which a pearl farm lease relates.
- (3) A restricted licence remains in force until:
  - (a) all the pearl oysters are sold; or
  - (b) the expiry of 6 months after the cancellation, revocation or expiry of his or her Pearl Oyster Culture Industry licence,whichever occurs first.
- (4) The holder of a restricted licence must, as soon as practicable after the expiry of a licence under subregulation (3), provide to the Director details of sales under subregulation (2).
- (5) Where a person who held a restricted licence under this regulation has not, before the expiry of the licence, sold all pearl oysters under the licence, he or she must surrender all remaining oysters to the Director for disposal.
- (6) Where pearl oysters surrendered to the Director under subregulation (5) are disposed of by the Director by sale for money or other valuable consideration, the Director must:
  - (a) retain from the proceeds of the sale an amount sufficient to cover the cost of disposal of the pearl oysters; and

- (b) deliver the remainder of the proceeds of sale, if any, to the licensee.
- (7) For the purposes of this regulation, a Pearl Oyster Culture Industry licence is to be taken to expire at the beginning of the 6 month period referred to in section 12(2) of the Act.

## **Part 11 Special licences**

### **Division 1 Licensing generally**

#### **182 Criteria for grant or renewal**

The matters to which the Director may have regard in considering an application for the grant or renewal of a licence in respect of this Part include:

- (a) whether the applicant has all approvals required under any other Act of the Territory to operate the licence;
- (b) where an applicant has previously held a licence under this Act, whether the applicant has supplied all accounts, records, returns and information in the approved manner and form and within the time specified by the Director; and
- (c) any other criteria set out in these Regulations in respect of the licence type for which application for grant or renewal is made.

### **Division 2 Aboriginal Coastal licence**

#### **183 Application for licence**

An Aboriginal person who:

- (a) is a member of a community or group in respect of which land has been granted to a trust for the benefit of Aboriginals entitled by Aboriginal tradition to the use or occupation of that land under the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth;
- (b) is permanently resident on the land; and
- (c) has:
  - (i) where there is a council within the meaning of the *Local Government Act*, the approval of that council; or

- (ii) where there is no such council, the approval of persons accepted by the majority of the community or group to be its leaders,

may apply to the Director for an Aboriginal Coastal licence.

**184      Director may grant licence**

- (1) The Director may, subject to this Division, grant an Aboriginal Coastal licence to an applicant.
- (2) An Aboriginal Coastal licence shall not be granted to a person other than a natural person.
- (3) Only one licence may be granted in respect of each community or group in respect of which land has been granted to a trust for the benefit of Aboriginals entitled by Aboriginal tradition to the use or occupation of that land under the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth.

**185      No transfer of licence**

An Aboriginal Coastal licensee shall not transfer his or her licence.

**186      Lapse of licence**

It shall be a condition of each Aboriginal Coastal licence that it lapses where the licensee ceases to be a permanent resident on the land granted for the benefit of the members of the community or group of which he or she is a member as referred to in regulation 183(a).

**187      Certain people not to hold licence**

An Aboriginal Coastal licensee shall not:

- (a) hold a commercial fishing licence; or
- (b) be an assistant of the holder of a commercial fishing licence.

**188      Area of licence**

An Aboriginal Coastal licensee shall not take fish for sale under the licence except from within the area specified on the licence as the area in which fish may be taken under the licence.



**189        Fishing gear**

An Aboriginal Coastal licensee shall not use gear under the licence other than amateur fishing gear and shall not use such gear other than under and in accordance with the provisions of these Regulations relating to amateur fishing.

**190        Conditions of licence**

- (1) The Director shall, in determining the conditions, if any, to be placed on an Aboriginal Coastal licence, take into consideration suggestions made by members of the community or group of Aboriginals of which the applicant is a member who are resident on the relevant land.
- (2) An Aboriginal Coastal licensee shall not sell barramundi, threadfin salmon, spanish mackerel or mud crab.

**191        To whom fish may be sold**

- (1) An Aboriginal Coastal licensee shall not sell fish or aquatic life to a person who intends to resell the fish.
- (2) An Aboriginal Coastal licensee shall only sell fish within the area of land granted for the benefit of the community or group of which he or she is a member as referred to in regulation 183(a).

**Division 3        Fishing Tour Operator licence**

**192        Tour operator to be licensed**

For the purposes of section 10(1)(e) of the Act, the conduct of a business that provides the services of a person to conduct a fishing tour is prescribed as being able to be done only by the holder of a Fishing Tour Operator licence.

**193        Criteria for grant or renewal**

- (1) The matters to which the Director may have regard in considering an application for the grant or renewal of a Fishing Tour Operator licence include whether:
  - (a) the applicant has attained the age of 18 years;
  - (b) the applicant has all approvals required under this or any other Act of the Territory to conduct fishing tour operations; and

- (c) where the applicant has previously been granted a licence under the Act, the applicant has supplied to the Director accounts and records in the approved manner and form within the time prescribed or specified by the Director.

**194 No transfer of licence**

A Fishing Tour Operator licensee shall not transfer his or her licence.

**195 Area of Fishery**

The holder of a Fishing Tour Operator licence, and a short term operator, nominated person and assistant, who is conducting or assisting the conduct of a fishing tour, must not take fish or act as a fishing guide, except in an area in which a person engaged in amateur fishing may take fish.

**196 Fishing gear**

- (1) The holder of a Fishing Tour Operator licence, and a short term operator, nominated person and assistant, who is conducting or assisting the conduct of a fishing tour:
- (a) must not use fishing gear except amateur fishing gear; and
  - (b) must not use such gear other than under and in accordance with the provisions of these Regulations relating to amateur fishing.
- (2) The holder of a Fishing Tour Operator licence, and a short term operator, nominated person and assistant, who is conducting or assisting the conduct of a fishing tour, must not take fish under another licence.

**197 Licensee's liability**

A Fishing Tour Operator licensee shall be deemed liable for an offence against the Act committed by a person on and during a fishing tour conducted under the licence.

**198 Fish not to be traded**

The holder of a Fishing Tour Operator licence, and a short term operator, nominated person and assistant, who is conducting or assisting the conduct of a fishing tour shall not accept, take or agree to take, whether by way of payment or as barter, a fish taken by a person in the course of a fishing tour conducted under the licence.

## **Division 4      Aquarium Trader licence**

### **199      Sale, purchase and exhibition of live fish and aquatic life**

- (1) A person may sell fish or aquatic life for use in an aquarium if he or she holds an Aquarium Trader licence.
- (1A) A person may keep live fish and aquatic life for the purpose of exhibiting them for profit in the Territory if the person holds an Aquarium Trader licence.
- (2) An Aquarium Trader licensee shall not purchase fish or aquatic life except:
  - (a) from an Aquarium Fishing/Display Fishery licensee;
  - (b) from an Aquarium Trader licensee;
  - (c) from an Aquaculture licensee;
  - (d) under and in accordance with a permit; or
  - (e) from an interstate or overseas supplier.

### **200      Place of trade to be set out in licence**

- (1) An Aquarium Trader licensee shall not hold fish for sale or sell fish except at a place specified in the licence.
- (2) The Director shall not grant an Aquarium Trader licence in respect of a domestic dwelling unless the dwelling will not contravene control plans made under the *Planning Act*.

### **201      Licence to be displayed**

An Aquarium Trader licensee shall display, in a prominent position at each of the places specified on the licence, the number and expiry date of the licence.

### **201A      Notification of exhibition**

- (1) An Aquarium Trader licensee must not exhibit live fish or aquatic life for profit at a place that is not specified in the licence unless the licensee has notified the Director.
- (2) The notification must be in writing and give details of the address of the place where the live fish or aquatic life are to be exhibited.
- (3) If the Aquarium Trader ceases to exhibit fish or aquatic life at the place, the Aquarium Trader must immediately notify the Director in writing of the cessation.

## **Division 4A      Public Aquarium licence**

### **202      Taking, purchasing and exhibiting live fish and aquatic life**

- (1) Subject to this Division, a person may take and keep live fish and aquatic life for the purpose of exhibiting them for profit in the Territory if the person holds a Public Aquarium licence.
- (2) A Public Aquarium licensee must not under the licence:
  - (a) except with the approval of the Director – take barramundi, spanish mackerel, mud crab, pearl oyster or organisms of the genus *Macrobrachium* or the genus *Cherax*; or
  - (b) take more than the number or quantity of live fish or aquatic life approved by the Director; or
  - (c) purchase live fish or aquatic life other than from:
    - (i) an Aquarium Fishing/Display Fishery licensee; or
    - (ii) an Aquaculture licensee; or
    - (iii) an Aquarium Trader licensee; or
    - (iv) an interstate or overseas supplier.
- (3) A Public Aquarium licensee must not sell live fish or aquatic life taken, purchased or exhibited under the licence.

### **202A      Fishing gear**

- (1) The Director:
  - (a) may approve gear that may be used by a Public Aquarium licensee for taking live fish and aquatic life; and
  - (b) may give directions as to how the gear may be used.
- (2) A Public Aquarium licensee must not use gear that is not approved under subregulation (1)(a).
- (3) A Public Aquarium licensee must not use gear approved under subregulation (1)(a) contrary to directions given under subregulation (1)(b).

**Division 5      Net licence****203      Sale of net**

- (1) For the purposes of section 10(1)(e) of the Act, the selling or repair of nets, other than nets which may be used in amateur fishing, is prescribed.
- (2) Subject to subregulation (3), a person shall not sell net, make or repair net or be in possession of net material from which fishing nets may be, but have not been made, unless he or she:
  - (a) holds a Net licence granted in accordance with this Division;  
or
  - (b) is permitted to use the net under and in accordance with another licence or permit.
- (3) Subregulation (2) does not apply to net which a person is permitted to use whilst engaged in amateur fishing.

**204      Places where net may be kept**

The holder of a Net licence shall not have possession of net or net material under the licence except:

- (a) at approved premises; or
- (b) in a vehicle or vessel transporting them by the most direct route practicable to or from persons who may lawfully possess them or to other approved premises.

**205      Restrictions on sale and repair**

The holder of a Net licence shall not make, repair or sell net which a person shall not have possession of except under a licence or a permit except for or to a person who, under the Act, may lawfully have possession of the net under a licence or permit.

**Part 12      Miscellaneous****205A      Infringement offences**

- (1) For section 37A of the Act, an offence against a provision of the Act, these Regulations or a fishery management plan specified in column 1 of Schedule 6 and briefly described opposite in column 2 of that Schedule is an infringement offence.

- (2) The prescribed penalty for an infringement offence in column 1 of Schedule 6 is the amount specified opposite the offence in column 3 of that Schedule.

**206 Minister may prescribe fees**

- (1) The Minister may, by notice in the *Gazette*, prescribe the fee payable for:
- (a) the grant or renewal of a licence or permit specified in Schedule 2;
  - (aa) an application for the grant of a special permit under section 17 of the Act that:
    - (i) is for the purposes specified in section 17(1)(c) of the Act; and
    - (ii) specifies, in accordance with section 17(2A) of the Act, that fish taken under the permit may be sold;
  - (b) the registration of a vessel;
  - (c) the transfer of a licence from a licensee to an approved person, but not a transfer of a licence to the Territory;
  - (d) a replacement of a licence, permit or certificate of registration of a vessel;
  - (e) the approval by the Director of a person to carry on the licensee's fishing operations under section 14 of the Act; and
  - (f) the issue of a logbook or document, or its replacement, in the approved form in respect of information required by the Director under section 34 of the Act.
- (2) The Treasurer may:
- (a) prescribe an amount, not exceeding 10% of the licence or permit fees paid, to be credited to the Central Holding Authority for the purpose of funding the administration of this licensing or permit scheme; and
  - (b) distribute the remainder of the fees as he or she sees fit to the Fishing Industry Research and Development Trust Fund continued under section 51 of the Act.

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- (3) Where the Director refuses to grant, renew or approve the transfer of a licence specified in Schedule 2, he or she shall refund to the applicant for such a grant, renewal or approval the fee paid by the applicant in respect of the application.

#### **207 NTSCI levy payable**

- (1) Subject to subregulation (1A), the Minister may, by notice in the *Gazette*, prescribe a levy to be paid (for the purpose of assisting the Northern Territory Seafood Council Incorporated) by an applicant for the grant, renewal or transfer of a licence listed in Schedule 3, other than a transfer of a licence to the Territory.
- (1A) The Minister shall not prescribe a levy pursuant to subregulation (1) unless he has consulted with the Northern Territory Seafood Council Incorporated for the purpose of determining the amount of the levy.
- (2) Subregulation (1) does not apply to an applicant for an Aquarium Fishing/Display Fishery licence, an Aquarium Trader licence, a Fish Retailer licence, an Aboriginal Coastal licence, a Fish Broker licence, a Fishing Tour Operator licence or a Net licence.
- (3) Where the Director refuses to grant, renew or approve the transfer of a licence specified in Schedule 3, he or she shall refund to the applicant for such a grant, renewal or approval the levy paid by the applicant in respect of the application.
- (4) The Minister may prescribe, by notice in the *Gazette*, an amount, not exceeding 10% of any levy collected, to be credited to the Central Holding Authority.
- (5) Subject to an amount prescribed under subregulation (4) as being payable to the Central Holding Authority, all levies collected under this regulation are to be dealt with in accordance with the requirements of the *Financial Management Act*.

#### **208 Barramundi levy**

- (1) In this regulation, ***unit of net*** means a length of 100 m of gillnetting, measured along so much of the headrope as has gill net attached to it.
- (2) A Barramundi Fishery licensee shall pay a levy of \$100 on each unit of net endorsed on a Barramundi Fishery licence and is payable each time the licence or endorsement is renewed until the Minister declares, by notice in the *Gazette*, that 50% of the original cost of the buy-back scheme has been met.

- (3) The levy referred to in subregulation (2) is in addition to any fees or levies otherwise payable under the Act or these Regulations.

**208A Timor Reef Fishery licence levy**

- (1) The Joint Authority may, by *Gazette* notice, prescribe a levy for each fishery unit attached to a Timor Reef Fishery licence to be paid by the holder of the licence on application for renewal of the licence.
- (2) The levy is payable in addition to any fees or levies otherwise payable under the Act or these Regulations.
- (3) If the Joint Authority refuses to renew a Timor Reef Fishery licence, the Joint Authority must refund to the applicant for the renewal the levy paid for the application.

**209 General offences**

A person who contravenes or fails to comply with:

- (a) a provision of these Regulations; or
- (b) a direction, restriction, requirement or condition given, made or imposed under these Regulations,

commits an offence and section 37(2) of the Act applies.

**209A Application of Act to holders of certain permits under Commonwealth Act**

- (1) The holder from time to time of a permit or licence issued under the Commonwealth Act in respect of an arrangement made under Part 5 of that Act in relation to the Northern Prawn Fishery or a fishery in respect of tuna or tuna like species, is deemed to hold a licence of the same kind under the *Fisheries Act* in respect of the internal waters of the Territory contiguous to the area of that fishery (**a deemed licence**).
- (2) Subject to subregulation (3), a deemed licence is deemed, for the purposes of the Act, to have been granted subject to:
- (a) the conditions specified on the permit or licence issued under the Commonwealth Act; and
- (b) the condition that the holder of the deemed licence will comply with the Commonwealth Act and any instrument of a legislative or administrative character made under that Act applicable to the holder of such a licence or permit issued under that Act, as if the relevant internal waters were included



in the fishery under the Commonwealth permit or licence.

- (3) The holder of a deemed licence is permitted to take fish for sale in the relevant internal waters of the Territory, to sell such fish in the Territory and to take any action that is expressly permitted by or under the Commonwealth Act in respect of the fishery under the Commonwealth Act, notwithstanding that the action would, but for this regulation, not be permitted by or under the *Fisheries Act*.
- (4) The holder of a deemed licence:
  - (a) may not transfer the licence under section 12A or 12B of the Act; and
  - (b) is not, in relation to the licence, subject to the requirements of section 12 or 13 of the Act.

#### **209B Review of decisions made in relation to Joint Authority fishery**

- (1) Section 11A of the Act applies to a decision made by a person acting under the delegated authority of the Joint Authority as if:
  - (a) a reference in the section to the Director were a reference to the Joint Authority; and
  - (b) a decision made under these Regulations in relation to a Joint Authority fishery is a prescribed decision.
- (2) Section 50 of the Act applies to a decision of the Joint Authority as if:
  - (a) a reference in the section to the Director were a reference to the Joint Authority; and
  - (b) a decision made under these Regulations in relation to a Joint Authority fishery is a prescribed decision.

### **Part 13 Repeals and transitional matters for Regulations No. 72 of 1992**

#### **210 Repeal and savings**

- (1) The *Fish and Fisheries Regulations*, as amended by Act No. 49 of 1985, and Regulations No. 5, 1980; No. 12, 1980; No. 29, 1980; No. 44, 1980; No. 48, 1980; No. 33, 1981; No. 3(a), 1982; No. 48, 1982; No. 1, 1983; No. 2, 1983; No. 17, 1984; No. 18, 1984; No. 8, 1985; No. 39, 1985; No. 19, 1986; No. 16, 1988; No. 43, 1988; No. 52, 1988; No. 3, 1989; No. 1, 1990; No. 11, 1991, are repealed.

- (2) Where a licence was held immediately before the commencement of these Regulations, the licence continues until 31 January 1993, notwithstanding that it might have expired under the repealed Regulations before that date, as if the repealed Regulations had not been repealed under these Regulations.

## **Part 14 Transitional matters for Fisheries Amendment (Off-Shore Net and Line Fishery) Regulations 2005**

### **211 Definitions**

In this Part:

**commencement** means the commencement of the *Fisheries Amendment (Off-shore Net and Line Fishery) Regulations 2005*.

**Shark Fishery** has the same meaning as in these regulations as in force immediately before the commencement.

### **212 Savings – Shark Fishery licence etc.**

- (1) A restricted Shark Fishery licence in force immediately before the commencement has effect after the commencement as if it were a restricted Off-shore Net and Line Fishery licence.
- (2) An unrestricted Shark Fishery licence in force immediately before the commencement has effect after the commencement as if it were an unrestricted Off-shore Net and Line Fishery licence.
- (3) An entitlement in relation to Shark Fishery fishing units existing immediately before the commencement has effect after the commencement as if it were an entitlement in relation to Off-shore Net and Line Fishery fishing units.

### **213 Savings – instruments**

- (1) Subregulation (2) applies in relation to an instrument of a legislative or administrative character that:
- (a) relates to the Shark Fishery; and
  - (b) was in force immediately before the commencement.
- (2) The instrument has effect, as if:
- (a) a reference in the instrument to the Shark Fishery were a reference to the Off-shore Net and Line Fishery; and

- (b) a reference in the instrument to the Shark Fishery area were a reference to the Off-shore Net and Line Fishery area; and
- (c) a reference in the instrument to a Shark Fishery licence were a reference to an Off-shore Net and Line Fishery licence; and
- (d) a reference in the instrument to a restricted Shark Fishery licence were a reference to a restricted Off-shore Net and Line Fishery licence; and
- (e) a reference in the instrument to an unrestricted Shark Fishery licence were a reference to an unrestricted Off-shore Net and Line Fishery licence; and
- (f) a reference in the instrument to a Shark Fishery fishing unit were a reference to an Off-shore Net and Line Fishery fishing unit.

## **Part 15 Transitional matters for Fisheries Amendment (Pearl Oyster Fishery) Regulations 2006**

### **214 Application of amendment**

The amendment to these Regulations by regulation 3 of the *Fisheries Amendment (Pearl Oyster Fishery) Regulations 2006* applies only in relation to a licensing year that starts on or after 1 January 2007.

### **215 Savings – licensing year**

The period from 1 July 2006 to 31 December 2006 is taken to be a licensing year for a licensee holding a Pearl Oyster Fishery licence for these Regulations.

## **Part 16 Transitional matters for Fisheries Amendment (Timor Reef Fishery) Regulations 2011**

### **216 Interpretation**

- (1) In this Part:

***commencement date*** means 1 February 2011.

***former regulations*** means these Regulations as in force immediately before the commencement date.

**restricted licence** means a licence granted under regulation 141D(2) of the former regulations.

**unrestricted licence** means a licence granted under regulation 141F(1) of the former regulations.

- (2) A word or phrase used in this Part that is defined in regulation 141A has the meaning given in that regulation.

## **217 Revocation of old licences**

All licences granted in relation to the Timor Reef Fishery under the former regulations are revoked on the commencement date.

## **218 Grant of TRF licences**

- (1) A person who, immediately before the commencement date, held one or more unrestricted licences may apply to the Joint Authority for the grant to the person of the same number of TRF licences.
- (2) A person who, immediately before the commencement date, held one or more restricted licences may apply to the Joint Authority for the grant to the person of the same number of TRF licences.
- (3) An application under this regulation must be made on or before 31 May 2011.
- (4) The Joint Authority must grant the application.
- (5) If, immediately before the commencement date, a restricted or unrestricted licence held by a person was suspended:
- (a) the person may still make an application under subregulation (1) or (2); but
  - (b) the TRF licence granted to the person on account of the suspended licence must be granted subject to the same period of suspension.

## **219 Allocation of fishery units**

- (1) Immediately after the grant of a TRF licence to a person who applied for the licence under regulation 218(1), the Joint Authority must allocate to the licence the following number of fishery units:
- (a) 81 818 fishery units for goldband snapper;
  - (b) 118 182 fishery units for red snapper;
  - (c) 37 728 fishery units for grouped fish.

- (2) Immediately after the grant of a TRF licence to a person who applied for the licence under regulation 218(2), the Joint Authority must allocate to the licence the following number of fishery units:
- (a) 40 909 fishery units for goldband snapper;
  - (b) 59 091 fishery units for red snapper;
  - (c) 18 864 fishery units for grouped fish.

## **220 Transfer of fishery units if TRF licence not granted**

- (1) This regulation applies if a person who is entitled to apply for a TRF licence does not apply for the licence under regulation 218.
- (2) On 1 June 2011, the Joint Authority must transfer to the Territory all the fishery units that would have been allocated to the TRF licence under regulation 219 if it had been granted.

## **221 Allocation of quota units in first licence year**

Immediately after the allocation of fishery units under regulation 219, the Joint Authority must allocate to each TRF licence granted under regulation 218 the number of quota units for each species group calculated in accordance with the following formula:

$$A = (L \div T \times TAC) \times 5 \div 12$$

where:

**A** is the number of quota units for the relevant species group to be allocated to the TRF licence.

**L** is the number of fishery units for the relevant species group attached to the TRF licence.

**T** is the total number of fishery units for the relevant species group as mentioned in regulation 141G.

**TAC** is the total allowable catch for the relevant species group.

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**Schedule 1 Aquatic pests**

regulation 3(1) and (4)

Taxa	Scientific name	Common name
Algae	<i>Caulerpa taxifolia</i> (exotic strains only)	Green macroalga
	<i>Codium fragile fragile</i>	Green macroalga
	<i>Grateloupia turuturu</i>	Red macroalga
	<i>Sargassum muticum</i>	Asian seaweed
	<i>Undaria pinnatifida</i>	Japanese seaweed
Annelida	<i>Alitta succinea</i>	Pile worm
	<i>Boccardia proboscidea</i>	Spionid polychaete
	<i>Euchone limnicola</i>	Sabellid polychaete worm
	<i>Marenzelleria</i> spp	Red gilled mudworm
	<i>Polydora websteri</i>	Mudworm
	<i>Polydora cornuta</i>	Spionid polychaete
	<i>Sabella spallanzanii</i>	European fan worm
Ascideacea	<i>Ciona intestinalis</i>	Sea vase
	<i>Didemnum</i> spp (exotic invasive strains only)	Colonial sea squirt
	<i>Styela clava</i>	Clubbed tunicate
Cnidaria	<i>Mnemiopsis leidyi</i>	Comb jelly
Crustacea	<i>Balanus improvisus</i>	Barnacle
	<i>Eriocheir</i> spp	Chinese mitten crab
	<i>Hemigrapsus sanguineus</i>	Japanese/Asian shore crab
	<i>Petrolisthes elongatus</i>	New Zealand half shell crab
	<i>Hemigrapsus takanoi/penicillatus</i>	Pacific crab
	<i>Charybdis japonica</i>	Lady crab
	<i>Carcinus maenas</i>	European green crab

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Echinoderm	<i>Asterias amurensis</i>	Northern Pacific seastar
Fish	<i>Neogobius melanostomus</i>	Round goby
	<i>Siganus rivulatus</i>	Marbled spinefoot, rabbit fish
Holoplankton	<i>Alexandrium monilatum</i>	Toxic dinoflagellate
	<i>Dinophysis norvegica</i>	Toxic dinoflagellate
	<i>Pfiesteria piscicida</i>	Toxic dinoflagellate
	<i>Chaetoceros concavicornis</i>	Centric diatom
	<i>Chaetoceros convolutus</i>	Centric diatom
	<i>Pseudo-nitzschia seriata</i>	Pennate diatom
Mollusca	<i>Musculista senhousia</i>	Asian bag mussel
	<i>Mytilopsis sallei</i>	Black striped mussel
	<i>Perna perna</i>	Brown mussel
	<i>Perna viridis</i>	Asian green mussel
	<i>Corbula (Potamocorbula) amurensis</i>	Asian clam, brackish-water corbula
	<i>Ensis directus</i>	Jack-knife clam
	<i>Mya arenaria</i>	Soft shell clam
	<i>Theora lubrica</i>	Asian semelid bivalve
	<i>Varicorbula gibba</i>	European clam
	<i>Crepidula fornicata</i>	American slipper limpet
	<i>Rapana venosa (syn Rapana thomasi)</i>	Rapa whelk
<i>Maoricolpus roseus</i>	New Zealand screwshell	

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## Schedule 1AA Daly River Fish Management Zone

regulation 3, definition ***Daly River Fish Management Zone***

The Daly River Fish Management Zone is that part of the Territory bounded:

- (a) to the south west by an imaginary straight line drawn from near Wombungi Outstation near grid reference 7189 E 83633 N (map 5168 Flora) north westerly to the mean low water mark seaward of Cape Scott near grid reference 5885 E 85072 N (map 4870 Dombey); and
- (b) to the north west by an imaginary line drawn from the Cape Scott reference point mentioned in paragraph (a) generally north easterly along the mean low water mark of the coastline to the most northerly point of Cliff Head near grid reference 6298 E 85211 N (map 4971 Anson), then generally northerly along the mean low water mark of the coastline and across the mouth of the Daly River to the mouth of the Reynolds River near grid reference 6326 E 85347 N (map 4971 Anson), then generally north westerly along the mean low water mark of the coastline to a point due west of the southern boundary of the former Wagait Aboriginal Reserve near grid reference 6225 E 85508 N (map 971 Anson); and
- (c) to the north and north east by an imaginary line running easterly along the southern boundary of the former Wagait Aboriginal Reserve to a point due north of Welltree Station Homestead near grid reference 6663 E 85508 N (map 5071 Reynolds River), then from that reference point due south to Welltree Station Homestead near grid reference 6663 E 85396 N (map 5071 Reynolds River), then generally south easterly along the south western boundary edge of Welltree Station access road to its junction with Skewe's Road, then south easterly along the south western boundary edge of Skewe's Road to its junction with the Daly River Road, then easterly along the southern boundary edge of Daly River Road to its junction with the Dorat Road, then south easterly along the south western boundary edge of the Dorat Road to its junction with the Stuart Highway and then south easterly along the south western boundary edge of the Stuart Highway to its junction with the Claravale/Dorisval Road near grid reference 8165 E 84503 N (map 5269 Fergusson River), but not including any buildings or parking areas associated with roadhouses, rest areas or towns (including Pine Creek) along the Stuart Highway; and
- (d) to the south east by the south eastern boundary edge of the Claravale/Dorisvale/Wombungi Road from its junction with the Stuart Highway referenced in paragraph (c) and then south-easterly to Wombungi Outstation near grid reference 7189 E 83633 N (map 5168 Flora);



including the Daly River upstream of the Claravale crossing on the Claravale/Dorisvale Road to the Flora River junction near grid reference 7914 E 83778 N (map 5268 Bowman), and all tributaries of the Daly River that are downstream from that reference point and the parking and camping areas adjacent to the Claravale crossing.

*Note*

*The maps mentioned above are part of the 1:100 000 topographic series R621, edition 2-AAS, 1984.*

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**Schedule 1A Noxious fish**

regulation 23A(1)

Family	Scientific name	Common name
Acestrorhynchidae	<i>Acestrorhynchus microlepis</i>	
Alestiidae	<i>Hydrocynus</i> spp	Pike characin, giant tigerfish
Amiidae	<i>Amia calva</i>	Bowfin
Anabantidae	<i>Anabas testudineus</i>	Climbing perch
Bagridae	<i>Anaspidoqlanis macrostoma</i>	Flatnose catfish
	<i>Bagrus ubangensis</i>	Ubangi shovelnose catfish
Cambaridae	<i>Procambarus clarkii</i>	Red swamp crayfish
Centrarchidae	entire family	Banded sunfish, spotted sunfish, largemouth bass, bluegill
Centropomidae	<i>Centropomus</i>	Snooks
	<i>Lates microlepis</i>	Forktail lates
	<i>Lates niloticus</i>	Nile perch
Chacidae	<i>Chaca chaca</i>	Angler catfish, frogmouth catfish, squarehead catfish
Channidae	<i>Channa</i> spp	Snake head
Characidae	<i>Colossoma</i> spp	
	<i>Serrasalmus</i> spp	Redeye piranha
	<i>Pygocentrus</i> spp	Red piranha
	<i>Pygopristis</i> spp	Piranha

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Cichlidae	<i>Boulengerochromis microlepis</i>	Giant cichlid, yellow belly cichlid
	<i>Oreochromis</i> spp	Tilapia
	<i>Hemichromis fasciatus</i>	Banded jewelfish
	<i>Hypselecara</i> spp	Chocolate cichlid
	<i>Sargochromis</i> spp	Pink, slender, greenwoods, mortimers, cunean, green happy
	<i>Sarotherodon</i> spp	Tilapia
	<i>Melanotheron melanotheron</i>	Blackchin tilapia
	<i>Serranochromis</i> spp	
	<i>Tilapia</i> spp	Tilapia, spotted tilapia, mouthbreeder
Citharinidae	<i>Ichthyborinae</i> (syn. <i>Distichodontinae</i> ) entire subfamily	African pike-characin, tubenose poacher, fin eater
Clariidae	Entire family	Snake catfish, walking catfish
Cobitidae	<i>Misgurnus anguillicaudatus</i>	Weatherloach
Cyprinidae	<i>Aristichthys nobilis</i>	Bighead carp
	<i>Barbodes hexagonolepis</i>	Copper mahseer
	<i>Barbonymus schwanenfeldii</i>	Tinfoil barb
	<i>Catla catla</i>	Catla
	<i>Catlocarpio siamensis</i>	Giant barb
	<i>Cirrhinus cirrhosus</i>	Mrigal
	<i>Ctenopharyngodon idella</i>	Grass carp
	<i>Cyprinus carpio</i>	European carp
	<i>Labeo calbasu</i>	Orange fin labeo
	<i>Labeo rohita</i>	Rohu
	<i>Zacco platypus</i>	Freshwater minnow
<i>Hypophthalmichthys molitrix</i>	Silver carp	
<i>Tor</i> spp	River carp, Deccan, high backed, jungha, putitor, Thai mahseer	

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	<i>Notropis</i> spp	Shiners
	<i>Phoxinus erythrogaster</i>	Southern redbelly dace
Doradidae	<i>Oxydoras</i> spp	Ripsaw catfish, black doras, black shielded catfish
Elassomatidae	<i>Elassoma</i> spp	Pygmy sunfish
Eleotridae	<i>Oxyeleotris marmorata</i>	Marble goby
Erythrinidae	<i>Erythrinus</i> spp <i>Hoplerythrinus</i> spp <i>Hoplias</i> spp	Trahiras
Esocidae	<i>Esox</i> spp	Pikes
Gasterosteidae	<i>Pungitius pungitius</i> <i>Apeltes quadracus</i> <i>Culaea inconstans</i>	Ninespine stickleback Four spined stickleback
Gobiidae	<i>Acanthogobius flavimanus</i> <i>Tridentiger trionocephalus</i>	Yellow fin goby Trident goby
Gymnarchidae	<i>Gymnarchus niloticus</i>	Aba aba
Gymnotidae	<i>Electrophorus electricus</i>	Electric eel
Hepsetidae	<i>Hepsetus odoe</i>	African pike
Heteropneustidae	<i>Heteropneustes fossilis</i>	Stinging catfish
Lepisosteidae	<i>Atractosteus</i> spp <i>Lepisosteus</i> spp	American gar, armoured gar, alligator gar American gar, armoured gar, alligator gar
Malapteruridae	<i>Malapterurus</i> spp	Electric catfish

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Mormyridae	<i>Mormyrops anguilloides</i>	Bottlenose, Cornish jack
Poeciliidae	<i>Belonesox belizanus</i> <i>Gambusia</i> spp	Pike minnow, pike killifish Gambusia, mosquito fish
Polyodontidae	<i>Polyodon spathula</i> <i>Psephurus gladius</i>	Mississippi paddlefish Chinese swordfish
Protopteridae	<i>Protopterus annectens</i>	African lungfish
Schilbeidae	<i>Schilbe mystus</i>	African butter catfish
Siluridae	<i>Silurus</i> spp	European catfish, wels catfish
Trichomycteridae	<i>Paravandellia oxyptera</i>	Parasitic catfish
Valenciidae	<i>Valencia hispanica</i>	Valencia toothcarp

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## **Schedule 2 Licence or permit for which fees are payable**

regulation 206

Aboriginal Coastal licence  
Aquaculture licence  
Aquarium Fishing/Display Fishery licence  
Aquarium Trader licence  
Bait Net Fishery licence  
Barramundi Fishery licence  
Coastal Line Fishery licence  
Coastal Net Fishery licence  
Demersal Fishery licence  
Development Fishery licence  
Finfish Trawl Fishery licence  
Fish Broker licence  
Fish Trader/Processor licence  
Fishing Tour Operator licence  
Jigging Fishery licence  
Mud Crab Fishery licence  
Mollusc Fishery licence  
Off-shore Net and Line Fishery licence  
Pearl Oyster Culture Industry licence  
Pearl Oyster Fishery licence  
Public Aquarium licence  
Spanish Mackerel Fishery licence  
Timor Reef Fishery licence  
Trepang Fishery licence

**Schedule 3 Licence or permit for which levies are payable**

regulation 207

Aquaculture licence  
Bait Net Fishery licence  
Barramundi Fishery licence  
Coastal Line Fishery licence  
Coastal Net Fishery licence  
Demersal Fishery licence  
Development Fishery licence  
Finfish Trawl Fishery licence  
Jigging Fishery licence  
Mud Crab Fishery licence  
Mollusc Fishery licence  
Off-shore Net and Line Fishery licence  
Pearl Oyster Fishery licence  
Spanish Mackerel Fishery licence  
Timor Reef Fishery licence  
Trepang Fishery licence

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**Schedule 5 Tuna or tuna like species in respect of which taking as by-catch is prohibited or limited**

regulation 72A

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Common Name	Scientific Name
Item 1	
Southern Bluefin tuna	<i>Thunnus maccoyii</i>
Northern Bluefin tuna	<i>Thunnus thynnus</i>
Billfish	families Istiophoridae and Xiphiidae
Item 2	
Yellowfin tuna	<i>Thunnus albacares</i>
Bigeye tuna	<i>Thunnus obesus</i>
Item 3	
Skipjack tuna	<i>Katsuwonus pelamis</i>
Albacore tuna	<i>Thunnus alalunga</i>
Fanfishes	family Bramidae

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**Schedule 6    Infringement offences and penalties**

regulation 205A

Column 1 Provision	Column 2 Brief description of offence	Column 3 Penalty
<b><i>Fisheries Act</i></b>		
Section 35(1)	Failing to provide record, information etc.	\$500
<b><i>Fisheries Regulations</i></b>		
Regulation 8	Tethering live fish	\$200
Regulation 9	Taking certain fish over 1.2 m	\$500
Regulation 31(1)	Abandoning gear	\$500
Regulation 32(1) and (2)	Using improperly marked gear	\$200
Regulation 34	Using amateur drag net improperly	\$200
Regulation 41	Using restricted bait net improperly	\$500
Regulation 54(1), (2) and (3)	Using improperly marked fishing vessel	\$500
Regulation 141JC(2)	Failing to give notice of intention to fish	\$500
Regulation 141JF(b)	Having more than 100 kg of fish that is not intended for sale on board vessel	\$500
Regulation 141JG	Taking fish in excess of quota	50kg or under – \$500
		51 kg to 100 kg – \$1 000
Regulation 141JL(2)	Failing to give prior landing notice	\$500

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Regulation 141JN(1)	Failing to weigh fish properly	\$500
Regulation 141JN(3)	Failing to produce certificate of verification	\$500
Regulation 141JO(1)	Failing to give unload notice	\$500
<b><i>Barramundi Fishery Management Plan</i></b>		
Clause 12(1) and (3)	Using gillnet improperly	\$500
Clause 22(2)	Using improper amateur fishing gear	\$200
Clause 23	Tethering barramundi	\$200
Clause 26(1)	Fishing using bait or improper gear – Shady Camp Billabong	\$200
Clause 27(1)	Fishing or possessing improper gear – Mary River	\$200
Clause 28(b) and (c)	Fishing in closed season in Mary or Daly River seasonally closed areas	\$200
<b><i>Mud Crab Fishery Management Plan</i></b>		
Clause 12(2)(e)	Amateur – using improperly marked pots	\$200
Clause 13(1) and (2)	Amateur – using or possessing pots in excess of limit	\$200

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**Schedule 7 Species of fish or aquatic life for which permit to import may be granted**

regulation 26(2)(a)(iii)

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Common name	Scientific name
Golden perch	<i>Macquaria ambigua</i>
Silver perch	<i>Bidyanus bidyanus</i>
Southern bluefin tuna	<i>Thunnus maccoyii</i>
Yellowtail kingfish	<i>Seriola lalandi</i>

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**ENDNOTES**
**1****KEY**

Key to abbreviations

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

**2****LIST OF LEGISLATION*****Fisheries Regulations (SL No. 72, 1992)***

Notified	24 December 1992
Commenced	1 January 1993 (r 2)

***Planning (Consequential Amendments) Act 1993 (Act No. 86, 1993)***

Assent date	31 December 1993
Commenced	18 April 1994 (s 2, s 2 <i>Planning Act 1993</i> (Act No. 85, 1993) and Gaz S28, 18 April 1994)

***Amendments of Fisheries Regulations (SL No. 19, 1994)***

Notified	1 July 1994
Commenced	1 July 1994

***Amendments of Fisheries Regulations (SL No. 3, 1995)***

Notified	31 January 1995
Commenced	3 February 1995 (r 2)

***Amendment of Fisheries Regulations (SL No. 40, 1996)***

Notified	7 August 1996
Commenced	7 August 1996

***Amendments of Fisheries Regulations (SL No. 31, 1997)***

Notified	12 November 1997
Commenced	12 November 1997

***Amendments of Fisheries Regulations (SL No. 15, 1998)***

Notified	1 July 1998
Commenced	1 July 1998

***Amendments of Fisheries Regulations (SL No. 3, 1999)***

Notified	10 February 1999
Commenced	10 February 1999

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**Amendments of Fisheries Regulations (SL No. 10, 1999)**

Notified 31 March 1999  
Commenced 31 March 1999

**Statute Law Revision Act 1999 (Act No. 27, 1999)**

Assent date 18 June 1999  
Commenced 18 June 1999

**Amendment of Fisheries Regulations (SL No. 36, 1999)**

Notified 1 December 1999  
Commenced 1 December 1999

**Amendment of Fisheries Regulations (SL No. 3, 2000)**

Notified 9 February 2000  
Commenced 9 February 2000

**Amendments of Fisheries Regulations (SL No. 17, 2000)**

Notified 12 April 2000  
Commenced 12 April 2000

**Planning (Consequential Amendments) Act 1999 (Act No. 56, 1999)**

Assent date 14 December 1999  
Commenced 12 April 2000 (s 2, s 2 *Planning Act 1999* (Act No.55, 1999) and Gaz S15, 12 April 1999)

**Amendments of Fisheries Regulations (SL No. 39, 2001)**

Notified 8 August 2001  
Commenced 8 August 2001

**Amendments of Fisheries Regulations (SL No. 49, 2001)**

Notified 19 December 2001  
Commenced 19 December 2001

**Statute Law Revision Act 2002 (Act No. 18, 2002)**

Assent date 7 June 2002  
Commenced 7 June 2002

**Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)**

Assent date 13 September 2002  
Commenced 30 October 2002 (*Gaz G43*, 30 October 2002, p 3)

**Amendments of Fisheries Regulations (SL No. 19, 2003)**

Notified 28 March 2003  
Commenced 28 March 2003

**Amendment of Fisheries Regulations (SL No. 20, 2003)**

Notified 28 March 2003  
Commenced 28 March 2003

**Amendments of Fisheries Regulations (SL No. 46, 2003)**

Notified 3 September 2003  
Commenced 3 September 2003

**Amendments of Fisheries Regulations (SL No. 57, 2003)**

Notified 22 December 2003  
Commenced 22 December 2003

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**Fisheries Amendment Act 2004 (Act No. 7, 2004)**

Assent date 7 January 2004  
Commenced 7 January 2004

**Amendments of Fisheries Regulations (SL No. 34, 2004)**

Notified 24 November 2004  
Commenced 24 November 2004

**Fisheries Amendment (Spanish Mackerel Fishery) Regulations 2005 (SL No. 4, 2005)**

Notified 2 March 2005  
Commenced 1 January 2005 (r 3)

**Fisheries Amendment (Shark Fishery) Regulations 2005 (SL No. 13, 2005)**

Notified 18 May 2005  
Commenced 18 May 2005

**Fisheries Amendment (Off-shore Net and Line Fishery) Regulations 2005 (SL No. 48, 2005)**

Notified 9 November 2005  
Commenced 9 November 2005

**Statute Law Revision Act 2005 (Act No. 44, 2005)**

Assent date 14 December 2005  
Commenced 14 December 2005

**Fisheries Amendment (Mud Crab Fishery) Regulations 2006 (SL No. 11, 2006)**

Notified 26 April 2006  
Commenced 1 May 2006 (r 2)

**Fisheries Amendment (Pearl Oyster Fishery) Regulations 2006 (SL No. 23, 2006)**

Notified 30 June 2006  
Commenced 30 June 2006

**Statute Law Revision Act 2007 (Act No. 4, 2007)**

Assent date 8 March 2007  
Commenced 8 March 2007

**Fisheries Amendment (Fishing Tour Operator Licence) Regulations (No. 2) 2007 (SL No. 10, 2007)**

Notified 18 April 2007  
Commenced 18 April 2007

**Fisheries Amendment (Prescribed Fish) Regulations 2007 (SL No. 22, 2007)**

Notified 1 August 2007  
Commenced 1 August 2007

**Fisheries Amendment (Public Aquarium Licence) Regulations 2008 (SL No. 3, 2008)**

Notified 5 March 2008  
Commenced 5 March 2008

**Fisheries Amendment Regulations 2008 (SL No. 12, 2008)**

Notified 28 May 2008  
Commenced 28 May 2008

**Fisheries Amendment Regulations (No. 2) 2008 (SL No. 27, 2008)**

Notified 20 October 2008  
Commenced 20 October 2008

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***Fisheries Amendment (Permit to Import) Regulations 2008 (SL No. 28, 2008)***

Notified 20 October 2008  
 Commenced 20 October 2008

***Livestock Act 2008 (Act No. 36, 2008)***

Assent date 8 December 2008  
 Commenced 1 September 2009 (*Gaz G34*, 26 August 2009, p 3)

***Fisheries Amendment (Noxious Fish and Aquatic Pests) Regulations 2009 (SL No. 6, 2009)***

Notified 11 March 2009  
 Commenced 11 March 2009

***Fisheries Amendment (Aquarium Fishing/Display Fishery Licence) Regulations 2009 (SL No. 28, 2009)***

Notified 26 August 2009  
 Commenced 2 September 2009

***Statute Law Revision Act 2009 (Act No. 25, 2009)***

Assent date 1 September 2009  
 Commenced 16 September 2009 (*Gaz G37*, 16 September 2009, p 3)

***Fisheries Amendment (Possession Limits) Regulations 2009 (SL No. 38, 2009)***

Notified 14 December 2009  
 Commenced 1 January 2010

***Fisheries Amendment (Timor Reef Fishery) Regulations 2011 (SL No. 1, 2011)***

Notified 1 February 2011  
 Commenced 1 February 2011 (r 3)

***Fisheries Amendment Regulations 2011 (SL No. 2, 2011)***

Notified 1 February 2011  
 Commenced 1 February 2011

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

r 12 *Amendments of Fisheries Regulations* (SL No. 19, 1994)  
 r 5 *Amendments of Fisheries Regulations* (SL No. 15, 1998)  
 r 9 *Fisheries Amendment (Spanish Mackerel Fishery) Regulations 2005*  
 (SL No. 4, 2005)

### 4 LIST OF AMENDMENTS

r 3 amd No. 19, 1994, r 2; No. 3, 1995, r 3; No. 31, 1997, r 2; No. 10, 1999, r 2;  
 No. 13, 2005, r 3; No. 3, 2008, r 3; No. 6, 2009, r 3; Act No. 36, 2008, s 152;  
 No. 1, 2011, r 4; No. 2, 2011, r 3  
 r 4 amd No. 3, 1995, r 4; No. 57, 2003, r 2; No. 4, 2005, r 4; No. 13, 2005, r 4;  
 Act No. 4, 2007, s 7; No 38, 2009, r 4  
 r 5 amd No. 3, 1995, r 5  
 r 6 sub No. 3, 1999, r 2  
 r 9 sub No. 19, 1994, r 3; No 38, 2009, r 5  
 pt 3  
 div 2 hdg sub No. 10, 1999, r 3  
 r 16 amd No. 10, 1999, r 4  
 r 17 amd No. 10, 1999, r 5  
 r 18 amd No. 10, 1999, r 6

## ENDNOTES

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r 19	amd No. 3, 1995, r 18; No. 10, 1999, r 7; No. 34, 2004, r 2
r 21	amd No. 10, 1999, r 8
r 22	amd No. 10, 1999, r 9
r 23A	ins No. 6, 2009, r 4
r 26	amd No. 19, 1994, r 4; Act No. 18, 2002, s 5; No. 28, 2008, r 3
r 27	amd No. 3, 1995, r 18; Act No. 44, 2005, s 23
pt 3	
div 4 hdg	ins No. 6, 2009, r 5
r 28A	ins No. 6, 2009, r 5
r 31	amd No. 11, 2006, r 4
r 39	amd No. 3, 2008, r 4 sub No. 2, 2011, r 4
r 39A	ins No 38, 2009, r 6 sub No. 2, 2011, r 4
r 40	amd No. 13, 2005, r 5
r 46AA	ins No. 49, 2001, r 1 amd No 38, 2009, r 7
r 46AB	ins No 38, 2009, r 8 sub No. 2, 2011, r 5
r 46A	ins No. 40, 1996 sub No. 49, 2001, r 1; No. 57, 2003, r 3
r 46B	ins No. 31, 1997, r 3 amd No. 49, 2001, r 2; No. 22, 2007, r 3
r 46BA	ins No. 49, 2001, r 3
r 50	sub No. 3, 1995, r 6 amd No. 31, 1997, r 4
r 51	rep No. 31, 1997, r 5
r 58	amd No. 31, 1997, r 6 sub No. 1, 2011, r 5
r 67	amd No. 31, 1997, r 22
r 68	sub No. 34, 2004, r 3
r 69	amd No. 31, 1997, r 7
r 71	amd No. 3, 1995, r 7; No. 3, 2008, r 5
r 72	sub No. 31, 1997, r 8 amd No. 20, 2003
r 72A	ins No. 19, 2003, r 1
pt 8	
div 1 hdg	sub No. 3, 1995, r 8
r 73	sub No. 3, 1995, r 8 amd No. 17, 2000, r 1
rr 74 – 76	sub No. 3, 1995, r 8
r 76A	ins No. 3, 1995, r 8 amd No.17, 2000, r 2
rr 77 – 78	sub No. 3, 1995, r 8
r 78A	ins No. 3, 1995, r 8
r 83	amd No. 12, 2008, r 3
r 89	amd No. 12, 2008, r 4
pt 8	
div 4 hdg	sub No. 4, 2005, r 5
r 92	sub No. 4, 2005, r 5
r 93	sub No. 19, 1994, r 5 amd No. 3, 1995, r 18 rep No. 4, 2005, r 5
r 94	amd No. 3, 1995, r 18 rep No. 4, 2005, r 5
r 95	rep No. 4, 2005, r 5
pt 8	
div 5 hdg	sub No. 3, 1995, r 9; No. 48, 2005, r 3



## ENDNOTES

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r 96	sub No. 3, 1995, r 9 amd No. 13, 2005, r 6; No. 48, 2005, r 4
r 96A	ins No. 3, 1995, r 9 sub No. 48, 2005, r 5
r 96B	ins No. 3, 1995, r 9 amd No. 3, 1999, r 3; No. 48, 2005, r 13
r 96C	ins No. 3, 1995, r 9 sub No. 13, 2005, r 7 amd No. 48, 2005, r 13
r 96CA	ins No. 13, 2005, r 7 amd No. 48, 2005, r 13
r 96CB	ins No. 13, 2005, r 7 amd No. 48, 2005, r 6
r 96CC	ins No. 13, 2005, r 7 amd No. 48, 2005, r 7
r 96D	ins No. 3, 1995, r 9 amd No. 3, 1999, r 4; No. 39, 2001, r 1; No. 13, 2005, r 8; No. 48, 2005, r 8
r 97	sub No. 3, 1995, r 9 amd No. 3, 1999, r 5; No. 36, 1999, r 1; No. 48, 2005, r 9
r 98	sub No. 3, 1995, r 9 amd No. 3, 1999, r 6; No. 13, 2005, r 9; No. 48, 2005, r 10
r 99	sub No. 3, 1995, r 9 amd No. 13, 2005, r 10; No. 48, 2005, r 13
r 100	sub No. 3, 1995, r 9 amd No. 3, 1999, r 7; No. 13, 2005, r 11; No. 48, 2005, r 13
r 100A	ins No. 3, 1995, r 9 amd No. 48, 2005, r 13
pt 8	
div 6 hdg	sub No. 3, 1995, r 10
rr 101 – 107	sub No. 3, 1995, r 10
r 108	rep No. 31, 1997, r 9
r 109	amd No. 31, 1997, r 10
pt 8	
div 8 hdg	sub No. 11, 2006, r 5
r 111	rep No. 31, 1997, r 11 ins No. 11, 2006, r 5
rr 112 – 114	rep No. 11, 2006, r 5
pt 8	
div 10 hdg	sub No. 3, 1995, r 11; No. 15, 1998, r 2
pt 8	
div 10	
sdiv 1 hdg	ins No. 3, 1995, r 11 sub No. 15, 1998, r 2
r 117	sub No. 3, 1995, r 11; No. 15, 1998, r 2 amd No. 23, 2006, r 3
r 117A	ins No. 3, 1995, r 11 rep No. 15, 1998, r 2
r 118	sub No. 3, 1995, r 11; No. 15, 1998, r 2
r 118A	ins No. 3, 1995, r 11 rep No. 15, 1998, r 2
r 119	sub No. 3, 1995, r 11; No. 15, 1998, r 2
r 119A	ins No. 3, 1995, r 11 rep No. 15, 1998, r 2
pt 8	
div 10	
sdiv 2 hdg	ins No. 3, 1995, r 11 sub No. 15, 1998, r 2
r 120	sub No. 3, 1995, r 11; No. 15, 1998, r 2

## ENDNOTES

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rr 120A – 120B	ins No. 3, 1995, r 11 rep No. 15, 1998, r 2
r 121	amd No. 19, 1994, r 6 sub No. 3, 1995, r 11; No. 15, 1998, r 2
r 122	sub No. 3, 1995, r 11; No. 15, 1998, r 2
pt 8 div 10 sdiv 3 hdg	ins No. 15, 1998, r 2
rr 122A – 122B	ins No. 3, 1995, r 11 sub No. 15, 1998, r 2
pt 8 div 10 sdiv 4 hdg	ins No. 15, 1998, r 2
rr 122C – 122E	ins No. 3, 1995, r 11 sub No. 15, 1998, r 2
pt 8 div 10 sdiv 5 hdg	ins No. 15, 1998, r 2
r 122F	ins No. 3, 1995, r 11 sub No. 15, 1998, r 2
rr 122G – 122M	ins No. 15, 1998, r 2
pt 8 div 10 sdiv 6 hdg	ins No. 15, 1998, r 2
rr 122N – 122R	ins No. 15, 1998, r 2
pt 8 div 11 hdg	rep No. 3, 1999, r 8
rr 123 – 128	rep No. 3, 1999, r 8
r 130	rep No. 27, 2008, r 3 ins No. 28, 2009, r 3
r 131	amd No. 3, 1995, r 18
r 135A	ins No. 19, 1994, r 7
r 139	amd No. 3, 1995, r 18
r 140	amd No. 3, 1995, r 18; No. 3, 1999, r 9
r 141	amd No. 3, 1995, r 18
pt 8 div 15 hdg	ins No. 3, 1995, r 12
pt 8 div 15 sdiv 1 hdg	ins No. 1, 2011, r 6
r 141A	ins No. 3, 1995, r 12 sub No. 1, 2011, r 6
r 141B	ins No. 3, 1995, r 12 amd No. 1, 2011, r 7
r 141C	ins No. 3, 1995, r 12
pt 8 div 15 sdiv 2 hdg	ins No. 1, 2011, r 8
rr 141D – 141G	ins No. 3, 1995, r 12 sub No. 1, 2011, r 8

## ENDNOTES

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pt 8	
div 15	
sdiv 3 hdg	ins No. 1, 2011, r 8
rr 141H –	
141J	ins No. 3, 1995, r 12 sub No. 1, 2011, r 8
rr 141JA –	
141JB	ins No. 1, 2011, r 8
pt 8	
div 15	
sdiv 4 hdg	ins No. 1, 2011, r 8
rr 141JC –	
141JR	ins No. 1, 2011, r 8
pt 8	
div 15	
sdiv 5 hdg	ins No. 1, 2011, r 8
rr 141JS –	
141JU	ins No. 1, 2011, r 8
pt 8	
div 15	
sdiv 6 hdg	ins No. 1, 2011, r 8
rr 141JV –	
141JX	ins No. 1, 2011, r 8
pt 8	
div 16 hdg	ins No. 3, 1995, r 12
r 141K	ins No. 3, 1995, r 12 amd No. 4, 2005, r 6
r 141L	ins No. 3, 1995, r 12
r 141M	ins No. 3, 1995, r 12 amd No. 39, 2001, r 2
r 141N	ins No. 3, 1995, r 12 amd No. 3, 2000
r 141P	ins No. 3, 1995, r 12
r 141Q	ins No. 3, 1995, r 12 amd No. 4, 2005, r 7
r 141QA	ins No. 4, 2005, r 8
pt 8	
div 17 hdg	ins No. 3, 1995, r 12
rr 141R –	
141S	ins No. 3, 1995, r 12
r 141T	ins No. 3, 1995, r 12 amd No. 31, 1997, r 12
rr 141U –	
141Y	ins No. 3, 1995, r 12
r 145	amd Act No. 86, 1993, s 3(2); Act No. 56, 1999, s 3(2)
r 146	rep No. 31, 1997, r 13
r 147	amd No. 31, 1997, r 14 sub No. 3, 2008, r 6
r 153	rep No. 34, 2004, r 4
pt 9	
div 5 hdg	ins No. 1, 2011, r 9
r 158A	ins No. 1, 2011, r 9
r 162	amd Act No. 86, 1993, s 3(2)
r 164	rep No. 31, 1997, r 15
r 170	amd No. 15, 1998, r 3
r 171	amd Act No. 38, 2002, s 7
r 173	amd No. 31, 1997, r 22

## ENDNOTES

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r 174	amd No. 31, 1997, r 16 sub No. 3, 2008, r 7
r 175	amd No. 31, 1997, r 22
pt 10	
div 3 hdg	sub No. 15, 1998, r 4
rr 176 – 178	sub No. 15, 1998, r 4
r 179	amd No. 31, 1997, r 22 sub No. 15, 1998, r 4
r 180	amd No. 19, 1994, r 8 sub No. 15, 1998, r 4
r 181	amd No. 31, 1997, r 22 sub No. 15, 1998, r 4
rr 181A – 181B	ins No. 15, 1998, r 4
r 192	sub No. 31, 1997, r 17
rr 195 – 196	sub No. 31, 1997, r 18
r 198	amd No. 31, 1997, r 19
r 199	amd No. 3, 2008, r 8
r 200	amd Act No. 86, 1993, s 3(2)
r 201A	ins No. 3, 2008, r 9
pt 11	
div 4A hdg	ins No. 3, 2008, r 10
r 202	rep No. 31, 1997, r 20 ins No. 3, 2008, r 10
r 202A	ins No. 3, 2008, r 10
r 204	amd No. 31, 1997, r 22
pt 12 hdg	amd No. 31, 1997, r 21
r 205A	ins Act No. 7, 2004, s 12
r 206	amd No. 3, 1995, r 13; Act No. 27, 1999, s 16; No. 46, 2003, r 2; Act No. 4, 2007, s 7; Act No. 25, 2009, s 11; No. 1, 2011, r 10
r 207	amd No. 19, 1994, r 9; No. 3, 1995, r 14; Act No. 27, 1999, s 16; No. 46, 2003, r 3; Act No. 4, 2007, s 7; Act No. 25, 2009, s 11; No. 1, 2011, r 11
r 208A	ins No. 1, 2011, r 12
r 209A	ins No. 3, 1995, r 15
r 209B	ins No. 1, 2011, r 13
pt 13 hdg	ins No. 48, 2005, r 11
pt 14 hdg	ins No. 48, 2005, r 12
rr 211 – 213	ins No. 48, 2005, r 12
pt 15 hdg	ins No. 23, 2006, r 4
rr 214 – 215	ins No. 23, 2006, r 4
pt 16 hdg	ins No. 1, 2011, r 14
rr 216 – 221	ins No. 1, 2011, r 14
sch 1	sub No. 6, 2009, r 6
sch 1AA	ins No. 2, 2011, r 6
sch 1A	ins No. 6, 2009, r 6
sch 2	amd No. 19, 1994, r 10 sub No. 3, 1995, r 16 amd No. 3, 1999, r 10; No. 46, 2003, r 4; No. 48, 2005, r 13; No. 10, 2007, r 2; No. 3, 2008, r 11
sch 3	amd No. 19, 1994, r 11 sub No. 3, 1995, r 17 amd No. 3, 1999, r 11; No. 46, 2003, r 5; No. 48, 2005, r 13
sch 4	ins No. 10, 1999, r 10 rep No. 6, 2009, r 7
sch 5	ins No. 19, 2003, r 2
sch 6	ins Act No. 7, 2004, s 12 amd No. 1, 2011, r 15
sch 7	ins No. 28, 2008, r 4