NORTHERN TERRITORY OF AUSTRALIA

FISHERIES REGULATIONS

As in force at 1 September 2009

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ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 September 2009

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, unless the contrary intention appears:

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^2 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.

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 Management Act 1991* of the Commonwealth.

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 Chondricthyes.

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*.

trepang 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^3; 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^2 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^3 in volume;

(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.

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^3 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.

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 shall not take cod, groper or any other fish of the genus Epinephelus if the cod, groper or other fish is more than 1.2 m long.

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

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.

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;

(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 and freshwater pots

(1) A person permitted to use a freshwater pot shall not use it otherwise than in freshwater.

(2) A person must not possess or use more than 5 pots or 5 freshwater pots.

(3) Subregulation (2) 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 and certain molluscs

(1) A person must not have in his or her possession more than 5 members of the species *Protonibea diacanthus*, commonly known as jewfish.

Penalty: Possession of 6 to 14 fish – $1 000.

Possession of more than 14 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.

Penalty: Possession of 6 to 14 fish – $1 000.

Possession of more than 14 fish – $10 000.

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

Penalty: $10 000.

(4) Subregulation (3) does not apply to cephalopods, including but not limited to the species commonly known as squid, octopus and cuttlefish.

(5) It is a defence to a charge of an offence against subregulation (1), (2) 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.

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.S 61 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 back-ground, 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 the purposes of section 10(1)(e) of the Act:

(a) the purchase of fish or aquatic life for processing and resale;

(c) the possession for sale of processed fish or aquatic life,

is prescribed.

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 reason-ably 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°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°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°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 licencee'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.

s72A 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 licences

(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 and 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.

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 Macro-brachium 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

141A Definitions

In this Division:

restricted Timor Reef Fishery licence means a licence granted in accordance with regulation 141D(2).

unrestricted Timor Reef Fishery licence means a licence granted in accordance with regulation 141F(1).

141B Declaration of Timor Reef Fishery

The industry of taking fin fish (other than barramundi, threadfin salmon, spanish mackerel, shark or mud crab) by drop line, vertical line and fish trap in the area specified in regulation 141C, 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.

141D Restricted Timor Reef Fishery licences

(1) Except in accordance with this Division, the Joint Authority shall not grant a licence in respect of the Timor Reef Fishery.

(2) Where, immediately before 3 February 1995, a person held a Demersal Fishery licence permitting the taking of fish in the Timor Box (Drop Line and Trap) Fishery declared in *Gazette* No. G18 of the Commonwealth published 9 May 1990, the Joint Authority shall grant to the person a restricted Timor Reef Fishery licence.

(3) The holder of one or more restricted Timor Reef Fishery licences granted to him or her in accordance with subregulation (2) shall not take fish under such a licence, unless he or she holds one Demersal Fishery licence (other than such a licence temporarily transferred under section 12A of the Act to another) in respect of each restricted Timor Reef Fishery licence under which fish may be taken by him or her.

141E Transfer of restricted licence

(1) The holder of a restricted Timor Reef Fishery licence may transfer the licence under section 12B, but not section 12A, of the Act.

(2) Subject to subregulation (3), a person to whom a restricted Timor Reef 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 Demersal Fishery licence referred to in regulation 141D(2) held by a licensee; and

(b) on or after 3 February 1995, the restricted Timor Reef Fishery licence granted to that licensee under that regulation is transferred by him or her to that person,

that person may take fish under the restricted Timor Reef Fishery licence if he or she holds one Demersal Fishery licence (other than such a licence temporarily transferred under section 12A of the Act to another) in respect of each restricted Timor Reef Fishery licence under which fish may be taken by him or her.

(4) The holder of 2 restricted Timor Reef Fishery licences may transfer the licences under section 12B of the Act to the Territory and the Joint Authority shall approve such a transfer.

141F Unrestricted Timor Reef Fishery licences

(1) Where 2 licences are transferred in accordance with regulation 141E(4) by a licensee, the Joint Authority shall grant to him or her one unrestricted Timor Reef Fishery licence.

(2) The holder of an unrestricted Timor Reef Fishery licence may transfer the licence.

(3) The holder of one or more unrestricted Timor Reef Fishery licences shall not take fish under such a licence, unless he or she holds one Demersal Fishery licence in respect of each Timor Reef Fishery licence under which fish may be taken by him or her.

141G Fishing gear

The holder of a Timor Reef Fishery licence 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; and

(d) a scoop net or gaff.

141H Vessels

(1) Subject to subregulation (3), the holder of:

(a) a restricted Timor Reef Fishery licence granted to him or her in accordance with regulation 141D; or

(b) an unrestricted Timor Reef Fishery licence who held, immediately before 3 February 1995, a Demersal Fishery licence referred to in regulation 141D(2),

shall not, under the licence, use a vessel other than the vessel nominated in respect of the Demersal Fishery licence referred to in regulation 141D(2), except with the written permission of the Joint Authority.

(2) Subject to subregulation (3), the holder of an unrestricted Timor Reef Fishery licence who did not hold, immediately before 3 February 1995, a Demersal Fishery licence referred to in regulation 141D(2), shall use a vessel not less than 8 m long in the fishery.

(3) A Timor Reef Fishery licensee may use a vessel other than a vessel referred to in subregulation (1) or (2) if he or she has the approval in writing of the Joint Authority to use the vessel under the licence.

141J Certain fish not to be taken

The holder of a Timor Reef Fishery licence shall not take barramundi, threadfin salmon, spanish mackerel, shark or mud crab under the licence.

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.

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^3 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 other than such a licence granted in accordance with regulation 76A(1), 96B(4), 98(1), 102(2), 141D(2), 141F(1), 141L(2) or 141S(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.

(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 NTFIC 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 Fishing Industry Council) by an applicant for the grant, renewal or transfer of a licence listed in Schedule 3, other than a licence granted in accordance with regulation 76A(1), 96B(4), 98(1), 102(2), 141D(2), 141F(1), 141L(2) or 141S(2) or 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 Fishing Industry Council 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.

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.

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 1980 No. 5; 1980, No. 12; 1980, No. 29; 1980, No. 44; 1980, No. 48; 1981, No. 33; 1982, No. 3(a); 1982, No. 48; 1983, No. 1; 1983, No. 2; 1984, No. 17; 1984, No. 18; 1985, No. 8; 1985, No. 39; 1986, No. 19; 1988, No. 16; 1988, No. 43; 1988, No. 52; 1989, No. 3; 1990, No. 1; 1991, No. 11, 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.

Schedule 1 Aquatic pests

regulation 3(1), definition ***aquatic pest*** and (4)

Taxa	Scientific name	Common name
Algae	*Caulerpa taxifolia* (exotic strains only)	Green macroalga
	Codium fragile fragile	Green macroalga
	Grateloupia turuturu	Red macroalga
	Sargassum muticum	Asian seaweed
	Undaria pinnatifida	Japanese seaweed
Annelida	*Alitta succinea*	Pile worm
	Boccardia proboscidea	Spionid polychaete
	Euchone limnicola	Sabellid polychaete worm
	Marenzelleria spp	Red gilled mudworm
	Polydora websteri	Mudworm
	Polydora cornuta	Spionid polychaete
	Sabella spallanzanii	European fan worm
Ascideacea	*Ciona intestinalis*	Sea vase
	Didemnum spp (exotic invasive strains only)	Colonial sea squirt
	Styela clava	Clubbed tunicate
Cnidaria	*Mnemiopsis leidyi*	Comb jelly
Crustacea	*Balanus improvisus*	Barnacle
	Eriocheir spp	Chinese mitten crab
	Hemigrapsus sanguineus	Japanese/Asian shore crab
	Petrolisthes elongatus	New Zealand half shell crab
	Hemigrapsus takanoi/*penicillatus*	Pacific crab
	Charybdis japonica	Lady crab
	Carcinus maenas	European green crab

Echinoderm	*Asterias amurensis*	Northern Pacific seastar
Fish	*Neogobius melanostomus*	Round goby
	Siganus rivulatus	Marbled spinefoot, rabbit fish
Holoplankton	*Alexandrium monilatum*	Toxic dinoflagellate
	Dinophysis norvegica	Toxic dinoflagellate
	Pfiesteria piscicida	Toxic dinoflagellate
	Chaetoceros concavicornis	Centric diatom
	Chaetoceros convolutus	Centric diatom
	Pseudo-nitzschia seriata	Pennate diatom
Mollusca	*Musculista senhousia*	Asian bag mussel
	Mytilopsis sallei	Black striped mussel
	Perna perna	Brown mussel
	Perna viridis	Asian green mussel
	Corbula (*Potamocorbula*) *amurensis*	Asian clam, brackish-water corbula
	Ensis directus	Jack-knife clam
	Mya arenaria	Soft shell clam
	Theora lubrica	Asian semelid bivalve
	Varicorbula gibba	European clam
	Crepidula fornicata	American slipper limpet
	Rapana venosa (syn *Rapana thomasiana*)	Rapa whelk
	Maoricolpus roseus	New Zealand screwshell

Schedule 1A Noxious fish

regulation 23A(1)

Family	Scientific name	Common name
Acestrorhynchidae	*Acestrorhynchus microlepis*	
Alestiidae	*Hydrocynus* spp	Pike characin, giant tigerfish
Amiidae	*Amia calva*	Bowfin
Anabantidae	*Anabas testudineus*	Climbing perch
Bagridae	*Anaspidoglanis macrostoma*	Flatnose catfish
	Bagrus ubangensis	Ubangi shovelnose catfish
Cambaridae	*Procambarus clarkii*	Red swamp crayfish
Centrarchidae	entire family	Banded sunfish, spotted sunfish, largemouth bass, bluegill
Centropomidae	*Centropomus*	Snooks
	Lates microlepis	Forktail lates
	Lates niloticus	Nile perch
Chacidae	*Chaca chaca*	Angler catfish, frogmouth catfish, squarehead catfish
Channidae	*Channa* spp	Snake head
Characidae	*Colossoma* spp	
	Serrasalmus spp	Redeye piranha
	Pygocentrus spp	Red piranha

	Pygopristis spp	Piranha
Cichlidae	*Boulengerochromis microlepis*	Giant cichlid, yellow belly cichlid
	Oreochromis spp	Tilapia
	Hemichromis fasciatus	Banded jewelfish
	Hypselecara spp	Chocolate cichlid
	Sargochromis spp	Pink, slender, greenwoods, mortimers, cunean, green happy
	Sarotherodon spp	Tilapia
	Melanotheron melanotheron	Blackchin tilapia
	Serranochromis spp	
	Tilapia spp	Tilapia, spotted tilapia, mouthbreeder
Citharinidae	*Ichthyborinae* (syn. *Distichodontinae*) entire subfamily	African pike-characin, tubenose poacher, fin eater
Clariidae	Entire family	Snake catfish, walking catfish
Cobitidae	*Misgurnus anguillicaudatus*	Weatherloach
Cyprinidae	*Aristichthys nobilis*	Bighead carp
	Barbodes hexagonolepis	Copper mahseer
	Barbonymus schwanenfeldii	Tinfoil barb
	Catla catla	Catla
	Catlocarpio siamensis	Giant barb
	Cirrhinus cirrhosus	Mrigal
	Ctenopharyngodon idella	Grass carp
	Cyprinus carpio	European carp
	Labeo calbasu	Orange fin labeo
	Labeo rohita	Rohu
	Zacco platypus	Freshwater minnow
	Hypophthalmichthys molitrix	Silver carp

	Tor spp	River carp, Deccan, high backed, jungha, putitor, Thai mahseer
	Notropis spp	Shiners
	Phoxinus erythrogaster	Southern redbelly dace
Doradidae	*Oxydoras* spp	Ripsaw catfish, black doras, black shielded catfish
Elassomatidae	*Elassoma* spp	Pygmy sunfish
Eleotridae	*Oxyeleotris marmorata*	Marble goby
Erythrinidae	*Erythrinus* spp	Trahiras
	Hoplerythrinus spp	
	Hoplias spp	
Esocidae	*Esox* spp	Pikes
Gasterosteidae	*Pungitius pungitius*	Ninespine stickleback
	Apeltes quadracus	Four spined stickleback
	Culaea inconstans	
Gobiidae	*Acanthogobius flavimanus*	Yellow fin goby
	Tridentiger trigonocephalus	Trident goby
Gymnarchidae	*Gymnarchus niloticus*	Aba aba
Gymnotidae	*Electrophorus electricus*	Electric eel
Hepsetidae	*Hepsetus odoe*	African pike
Heteropneustidae	*Heteropneustes fossilis*	Stinging catfish

Lepisosteidae	*Atractosteus* spp	American gar, armoured gar, alligator gar
	Lepisosteus spp	American gar, armoured gar, alligator gar
Malapteruridae	*Malapterurus* spp	Electric catfish
Mormyridae	*Mormyrops anguilloides*	Bottlenose, Cornish jack
Poeciliidae	*Belonesox belizanus*	Pike minnow, pike killifish
	Gambusia spp	Gambusia, mosquito fish
Polyodontidae	*Polyodon spathula*	Mississippi paddlefish
	Psephurus gladius	Chinese swordfish
Protopteridae	*Protopterus annectens*	African lungfish
Schilbeidae	*Schilbe mystus*	African butter catfish
Siluridae	*Silurus* spp	European catfish, wels catfish
Trichomycteridae	*Paravandellia oxyptera*	Parasitic catfish
Valenciidae	*Valencia hispanica*	Valencia toothcarp

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

Schedule 5 Tuna or tuna like species in respect of which taking as by-catch is prohibited or limited

regulation 72A

Common Name	Scientific Name
Item 1	
Southern Bluefin tuna	*Thunnus maccoyii*
Northern Bluefin tuna	*Thunnus thynnus*
Billfish	families Istiophoridae and Xiphiidae
Item 2	
Yellowfin tuna	*Thunnus albacares*
Bigeye tuna	*Thunnus obesus*
Item 3	
Skipjack tuna	*Katsuwonus pelamis*
Albacore tuna	*Thunnus alalunga*
Fanfishes	family Bramidae

Schedule 6 Infringement offences and penalties

regulation 206A

Column 1 Provision	Column 2 Brief description of offence	Column 3 Penalty
Fisheries Act		
Section 35(1)	Failing to provide record, information etc.	$500
Fisheries Regulations		
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
Barramundi Fishery Management Plan		
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

Mud Crab Fishery Management Plan

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

Schedule 7 Species of fish or aquatic life for which permit to import may be granted

regulation 26(2)(a)(iii)

Common name	Scientific name
Golden perch	*Macquaria ambigua*
Silver perch	*Bidyanus bidyanus*
Southern bluefin tuna	*Thunnus maccoyii*
Yellowtail kingfish	*Seriola lalandi*

ENDNOTES

1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION

***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 *Planning Act 1993* (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

***Amendment 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

***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

***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)

***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

***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

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

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

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
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
r 5	amd No. 3, 1995, r 5
r 6	sub No. 3, 1999, r 2
r 9	sub No. 19, 1994, r 3
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
r 19	amd No. 3, 1995, r 18; No. 10, 1999, r 7; No. 34, 2004, r 2; Act No. 36, 2008, s 152
r 20	amd Act No. 36, 2008, s 152
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
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
r 40	amd No. 13, 2005, r 5
r 46AA	ins No. 49, 2001, r 1
r 46A	ins No. 40, 1996 sub No. 49, 2001, r 1
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
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
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
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
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
rr 141A – 141J	ins No. 3, 1995, r 12
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 – 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
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
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
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
r 209A	ins No. 3, 1995, r 15
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
sch 1	sub No. 6, 2009, 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
sch 7	ins No. 28, 2008, r 4