

NORTHERN TERRITORY OF AUSTRALIA

**FISHERIES AMENDMENT (AMATEUR FISHING LIMITS)
REGULATIONS 2015**

Subordinate Legislation No. 7 of 2015

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 7 of 2015*

Fisheries Amendment (Amateur Fishing Limits) Regulations 2015

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Fisheries Act*.

Dated 12 May 2015

J. L. HARDY
Administrator

By His Honour's Command

A. G. GILES
Chief Minister
acting for
Minister for Primary Industry and Fisheries

* Notified in the *Northern Territory Government Gazette* on 12 May 2015.

1 Citation

These Regulations may be cited as the *Fisheries Amendment (Amateur Fishing Limits) Regulations 2015*.

2 Regulations amended

These Regulations amend the *Fisheries Regulations*.

3 Regulation 3 amended

(1) Regulation 3(1)

insert (in alphabetical order)

baitfish (Division 2), for Part 5, Division 2, see regulation 46AA.

billfish means fish of the family *Istiophoridae* (commonly known as billfish).

cod means cod, grouper or any other fish of the genus *Epinephelus*, *Cromileptes* or *Cephalopholis*.

coral trout, for Part 5, Division 3, see regulation 46BAA.

crab, for Part 5, Division 2, see regulation 46AA.

Fish Management Zone means the Daly River Fish Management Zone or Mary River Fish Management Zone.

fork length, of a king threadfin, means the length of the king threadfin measured from the tip of the snout to the fork of the tail fin while the fish is lying flat on a measuring tape or measuring device.

mangrove jack means fish of the species *Lutjanus argentimaculatus* (commonly known as mangrove jack).

Mary River Fish Management Zone means the area described in Schedule 3 to the *Barramundi Fishery Management Plan*.

pilchard, for Part 5, Division 2, see regulation 46AA.

red emperor, for Part 5, Division 3, see regulation 46BAA.

red snapper (Division 2), for Part 5, Division 2, see regulation 46AA.

Russell's snapper, for Part 5, Division 3, see regulation 46BAA.

saltwater prawn, for Part 5, Division 2, see regulation 46AA.

shark (Division 2), for Part 5, Division 2, see regulation 46AA.

stripey snapper, for Part 5, Division 3, see regulation 46BAA.

tricky snapper, for Part 5, Division 3, see regulation 46BAA.

tuskfish, for Part 5, Division 3, see regulation 46BAA.

underwater breathing apparatus means artificial breathing apparatus designed for use underwater, other than a snorkel.

vessel, for Part 5, Division 3, see regulation 46BAA.

- (2) Regulation 3(1), definition **baitfish**, paragraph (c), after "*Clupeidae*"
insert
or family *Engraulidae*

4 Regulation 9 amended

Regulation 9(1)(a)

omit, insert

- (a) cod that is more than 1.2 m long;

5 Regulation 10A inserted

After regulation 10

insert

10A Fishing in protection areas prohibited

- (1) A person must not take any fish or aquatic life in a protection area.
Maximum penalty: 170 penalty units.
- (2) Subregulation (1) does not apply to a person who takes fish or aquatic life under a commercial fishing licence unless the licence is a specified licence.
- (3) In this regulation:
protection area means each of the following:
- (a) the area described as the Melville Island Protection Area in Schedule 1AB, Part 1;

-
- (b) the area described as the Charles Point Protection Area in Schedule 1AB, Part 2;
 - (c) the area described as the Howland Shoal and Emu Reef Protection Area in Schedule 1AB, Part 3;
 - (d) the area described as the Lorna Shoal Protection Area in Schedule 1AB, Part 4;
 - (e) the area described as the Bathurst Island Protection Area in Schedule 1AB, Part 5.

specified licence means:

- (a) a Coastal Line Fishery licence; or
- (b) a Coastal Net Fishery licence; or
- (c) an Off-shore Net and Line Fishery licence.

6 Regulation 41 amended

Regulation 41(f)

omit, insert

- (f) use the net in the Mary River Fish Management Zone;

7 Regulation 43 amended

- (1) Regulation 43, heading

omit, insert

43 Spear-gun

- (2) Regulation 43(1)

omit, insert

- (1) A person using any kind of underwater breathing apparatus must not have possession of a spear-gun.

Maximum penalty: 170 penalty units.

(3) Regulation 43(2)

omit

shall not have possession of a loaded speargun:

insert

must not have possession of a loaded spear-gun:

(4) Regulation 43(2), at the end

insert

Maximum penalty: 170 penalty units.

8 Part 5, Division 1 heading inserted

Before regulation 46

insert

Division 1 Restrictions relating to fishing gear

9 Regulation 46 amended

After regulation 46(1)(j)

insert

(ja) spear-gun;

10 Regulation 46AA replaced

Regulation 46AA

repeal, insert

Division 2 Possession, size and certain vessel limits for amateur fishing

Subdivision 1 Definitions

46AA Definitions

In this Division:

baitfish (Division 2) means any of the following:

(a) fish of the family *Mugilidae* (commonly known as mullet);

(b) fish of the family *Hemiramphidae* (commonly known as garfish);

(c) fish of the family *Sillaginidae* (commonly known as whiting).

crab does not include mud crab.

pilchard means fish of the family *Clupeidae* or family *Engraulidae* (commonly known as pilchards, herring and sardines).

red snapper (Division 2) means fish of the species *Lutjanus malabaricus*, *Lutjanus erythropterus* or *Lutjanus bitaeniatus* (commonly known as red snapper).

saltwater prawn means a crustacean of the family *Penaeidae* (commonly known as a saltwater prawn).

shark (Division 2) means fish of the Class Chondrichthyes but does not include ray, skate or chimaera.

Subdivision 2 Various possession limits for amateur fishing

46AB Amateur possession limits – specified fish

(1) A person must not have possession of more than the permitted number of specified fish.

Maximum penalty:

(a) for less than 3 times the permitted number – 8 penalty units;
or

(b) for 3 times the permitted number or more – 85 penalty units.

(2) In this regulation:

permitted number, of specified fish, means the number specified in the table below opposite the specified fish.

specified fish means fish specified in the table below.

Specified fish	Permitted number
baitfish (Division 2)	50
billfish	1
black jewfish	2
bream	15
cephalopods	30

cod	5
crabs	30
golden snapper	3
king threadfin	3
mangrove jack	3
pilchards	100
red snapper (Division 2)	10
sharks (Division 2)	3

Note for regulation 46AB

Certain species of shark must not be taken – see regulation 9(1)(b) and (c).

46AC Amateur possession limit – regulated molluscs and saltwater prawns

A person must not have possession of more than 10 L (the **permitted amount**) of regulated molluscs or saltwater prawns.

Maximum penalty:

- (a) for less than 3 times the permitted amount – 8 penalty units; or
- (b) for 3 times the permitted amount or more – 85 penalty units.

Notes for regulation 46AC

1 *Giant clams must not be taken – see regulation 9(1)(d).*

2 *Regulated molluscs must be kept in their shells except in specified circumstances – see regulation 46BA.*

Subdivision 3 Various size limits for amateur fishing

46AD Amateur possession limit – maximum size for king threadfin in Fish Management Zone

- (1) A person must not have possession in a Fish Management Zone of a king threadfin that has a fork length greater than 90 cm.

Maximum penalty: 40 penalty units.

- (2) It is a defence to a charge of an offence against subregulation (1) if the defendant proves that:
 - (a) the king threadfin was taken by a person fishing from a vessel in a Fish Management Zone; and

-
- (b) an offence against regulation 46BAD was not committed in respect of the king threadfin.
- (3) Subregulation (2) does not limit regulation 46AF.
- (4) In this regulation:
- vessel**, see regulation 46BAA.

46AE Amateur possession limit – minimum size for mangrove jack

- (1) A person must not have possession of a mangrove jack that has a total length of less than 35 cm.

Maximum penalty: 40 penalty units.

- (2) In this regulation:

total length, of a mangrove jack, means the length of the mangrove jack measured from the tip of the snout to the tip of the longest part or segment of the tail fin while the fish is lying flat on a measuring tape or measuring device.

Subdivision 4 General defence for Subdivisions 2 and 3

46AF General defence for Subdivisions 2 and 3

It is a defence to a charge of an offence against Subdivision 2 or 3 if the defendant proves that the fish that are the subject of the charge were:

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

Subdivision 5 Other possession and certain vessel limits for amateur fishing

11 Regulation 46AB amended

Regulation 46AB

renumber as regulation 46AG

12 Regulation 46A amended

(1) Regulation 46A(1)

omit

10 tropical rock lobsters (*Panulirus* sp.)

insert

5 rock lobsters (the **permitted number**)

(2) Regulation 46A(1), penalty provision

omit, insert

Maximum penalty:

(a) for less than 3 times the permitted number – 8 penalty units;
or

(b) for 3 times the permitted number or more – 85 penalty units.

(3) Regulation 46A(3) and (4)(a) and (b)

omit

10

insert

5

(4) Regulation 46A(5)(b)

omit

30

insert

15

(5) Regulation 46A(7)

insert (in alphabetical order)

rock lobster means a crustacean of the species *Panulirus* (commonly known as a tropical rock lobster).

(6) Regulation 46A(7), definition **licensee**

omit

tropical

13 Regulation 46B amended

(1) Regulation 46B, heading

omit, insert

46B Amateur possession limits – general

(2) Regulation 46B(3)

omit, insert

(2A) A person must not have possession of more than 5 fish (the **permitted number**) of any single species.

Maximum penalty:

(a) for less than 3 times the permitted number – 8 penalty units;
or

(b) for 3 times the permitted number or more – 85 penalty units.

(2B) Subregulation (2A) does not apply to fish if the possession of a specified number of those fish is limited, in relation to amateur fishing, by another provision of these regulations (other than subregulation (3)) or otherwise under the Act.

(3) Without limiting subregulation (2A), a person must not have possession of more than 15 fish (the **permitted number**).

Maximum penalty:

(a) for less than 3 times the permitted number – 8 penalty units;
or

(b) for 3 times the permitted number or more – 85 penalty units.

Note for subregulations (2A), (2B) and (3)

This Division, the Barramundi Fishery Management Plan and Spanish Mackerel Fishery Management Plan contain separate limits for particular species of fish.

-
- (3) Regulation 46B(4) and (5)
omit
subregulation
insert
subregulations (2A) and
- (4) Regulation 46B(8), after "subregulation"
insert
(2A),
- (5) Regulation 46B(9)
omit
subregulation (3) applies
insert
subregulations (2A) and (3) apply

14 Part 5, Division 3 inserted

After regulation 46B

insert

Division 3 Vessel possession limits for amateur fishing

46BAA Definitions

In this Division:

coral trout means fish of the genus *Plectropomus* (commonly known as coral trout).

red emperor means fish of the species *Lutjanus sebae* (commonly known as red emperor).

Russell's snapper means fish of the species *Lutjanus russelli* (commonly known as Russell's snapper).

stripey snapper means fish of the species *Lutjanus carponotatus* (commonly known as stripey snapper).

tricky snapper means fish of the species *Lethrinus laticaudis* (commonly known as tricky snapper).

tuskfish means fish of the genus *Choerodon* (commonly known as tuskfish).

vessel means:

- (a) subject to paragraph (b), a vessel other than a registered vessel; or
- (b) a vessel registered for a Fishing Tour Operator licence.

46BAB Relationship with Division 2

This Division has effect despite Division 2.

46BAC Vessel possession limits – specified fish

- (1) This regulation applies to a vessel on which there are 5 or more people.
- (2) Each person on the vessel commits an offence if more than the permitted number of specified fish are on the vessel.

Maximum penalty:

- (a) for less than 3 times the permitted number – 8 penalty units; or
 - (b) for 3 times the permitted number or more – 85 penalty units.
- (3) In this regulation:

permitted number, of specified fish on a vessel, means:

- (a) if there are 5, 6 or 7 people on the vessel – the number specified in the second column of the table below opposite the specified fish; or
- (b) if there are 8 or more people on the vessel – the number specified in the third column of the table below opposite the specified fish.

specified fish means fish specified in the first column of the table below.

Specified fish	Permitted number for vessel with 5 to 7 people	Permitted number for vessel with 8 or more people
black jewfish	8	16
cod	20	40
coral trout	20	40
golden snapper	12	24
mangrove jack	12	24
red emperor	20	40
Russell's snapper	20	40
stripsey snapper	20	40
tricky snapper	20	40
tuskfish	20	40

46BAD Vessel possession limit – king threadfin in Fish Management Zone

Each person on a vessel in a Fish Management Zone commits an offence if there is more than one king threadfin on the vessel that has a fork length greater than 90 cm.

Maximum penalty: 40 penalty units.

Division 4 Other requirements relating to amateur fishing

15 Regulation 46C amended

(1) Regulation 46C(1) and (2)

omit, insert

(1) A person commits an offence if:

- (a) the person has possession of a container or bag that contains any frozen fillets from different species of fish; and
- (b) the fillets from each species of fish are not separated by packaging from the fillets from each other species.

Maximum penalty: 8 penalty units.

(2) Regulation 46C(3)

omit

or (2)

(3) Regulation 46C(4)

omit

16 Regulation 89 amended

Regulation 89(1)

omit

all words after "River"

insert

Fish Management Zone.

17 Regulation 100 amended

Regulation 100(5)

omit

all words after "Management"

insert

Zone.

18 Schedule 1AB inserted

After Schedule 1AA

insert

Schedule 1AB Protection areas

regulation 10A(3), definition ***protection area***

Part 1 Melville Island Protection Area

The Melville Island Protection Area is all that area of sea in the Territory in the Elphinstone Reef locality, being those parts of NT Portion 7435(A) starting near Point Jahleel near a point on the Intertidal Zone of Lowest Astronomical Tidal water mark of latitude 11° 11.404' south, longitude 131° 16.635' east;

from there east along the northern boundary to a point of latitude 11° 11.404' south, longitude 131° 34.200' east; from there south along the eastern boundary to a point of latitude 11° 28.440' south, longitude 131° 34.200' east; from there west along the southern boundary to the Intertidal Zone of Lowest Astronomical Tidal watermark near Soldier Point near a point of latitude 11° 28.440' south, longitude 131° 31.831' east; from there in a northerly and north-westerly direction along the Intertidal Zone of Lowest Astronomical Tidal watermark, past Tinganoo Bay, Pulluloo Bay, Boradi Bay, Quanipiri Bay and Yunanti Bay to the starting point near Point Jahleel.

Note for Part 1

This area includes Elphinstone Reef.

Part 2 Charles Point Protection Area

The Charles Point Protection Area is all that area of sea in the Territory, being those parts of NT portion 7438(A) starting near Charles Point Patches at a point of latitude 12° 20.612' south, longitude 130° 39.689' east; from there west along the southern boundary to a point of latitude 12° 20.612' south, longitude 130° 34.000' east; from there north along the western boundary to a point of latitude 12° 16.000' south, longitude 130° 34.000' east; from there east along the northern boundary to a point of latitude 12° 16.000' south, longitude 130° 39.689' east; from there south along the eastern boundary to the starting point near Charles Point Patches.

Part 3 Howland Shoal and Emu Reef Protection Area

The Howland Shoal and Emu Reef Protection Area is all that area of sea in the Territory, being those parts of NT Portion 7439(A) starting at a point west of Tree Point and south-east of Howland Shoals of latitude 14° 0.000' south, longitude 129° 30.000' east; from there west along the southern boundary to a point of latitude 14° 0.000' south, longitude 129° 18.000' east; from there north along the western boundary to a point of latitude 13° 44.000' south, longitude 129° 18.000' east; from there east along the northern boundary to a point of latitude 13° 44.000' south, longitude 129° 30.000' east; from there south along the eastern boundary to the starting point.

Note for Part 3

This area includes Emu Reefs and Howland Shoals.

Part 4 Lorna Shoal Protection Area

The Lorna Shoal Protection Area is all that area of sea in the Territory, being those parts of NT portion 7437(A) starting at a point of latitude 12° 19.655' south, longitude 130° 15.767' east; from there east along the northern boundary to a point of latitude 12° 19.655' south, longitude 130° 22.537' east; from there south along the eastern boundary to a point of latitude 12° 26.193' south, longitude 130° 22.537' east; from there west along the southern

boundary to a point of latitude 12° 26.193' south, longitude 130° 15.767' east; from there north along the western boundary to the starting point.

Note for Part 4

This area includes Lorna Shoal.

Part 5 Bathurst Island Protection Area

The Bathurst Island Protection Area is all that area of sea in the Territory, being those parts of NT Portion 7436(A) starting at a point near Rocky Point on the Intertidal Zone of Lowest Astronomical Tide water mark near latitude 11° 29.404' south, longitude 130° 09.135' east; from there in a south-westerly direction towards Cape Helvetius to a point of latitude 11° 38.623' south, longitude 130° 04.788' east; from there west along the southern boundary to a point of latitude 11° 38.623' south, longitude 129° 59.400' east; from there north along the western boundary to a point of latitude 11° 31.854' south, longitude 129° 59.400' east; from there in a north-easterly direction to a point of latitude 11° 21.935' south, longitude 130° 4.863' east; from there east along the northern boundary to a point on the Intertidal Zone of Lowest Astronomical Tide watermark south of Deception Point near latitude 11°21.935' south, longitude 130° 14.819' east; from there in a south-westerly direction along the boundary of the Intertidal Zone of Lowest Astronomical Tide watermark past Caution Point to the starting point near Rocky Point.

Note for Schedule 1AB

The points that define protection areas are determined by reference to the Geocentric Datum of Australia 1994 (GDA94).

19 Schedule 6 amended

Schedule 6, entry for ***Barramundi Fishery Management Plan***, clause 22(2)

omit

22(2)

insert

22(1)

20 Expiry of Regulations

These Regulations expire on the day after they commence.