

NORTHERN TERRITORY OF AUSTRALIA

FISHERIES AMENDMENT REGULATIONS 2015

Subordinate Legislation No. 8 of 2015

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 8 of 2015*

Fisheries Amendment 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 Regulations 2015*.

2 Regulations amended

These Regulations amend the *Fisheries Regulations*.

3 Regulation 3 amended

Regulation 3

insert (in alphabetical order)

Fish Broker licensee means the holder of a Fish Broker licence.

Fish Retailer licensee means the holder of a Fish Retailer licence.

Fish Trader/Processor licensee means the holder of a Fish Trader/Processor licence.

Ornamental Aquaculture licence means a licence granted for the purposes of Part 10, Division 2A.

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

Pearl Oyster Culture Industry licensee means the holder of a Pearl Oyster Culture licence.

Public Aquarium licensee means the holder of a Public Aquarium licence.

4 Regulation 59 amended

Regulation 59(1)(b)

omit, insert

(b) an Aquaculture licence; or

(ba) a Pearl Oyster Culture Industry licence; or

5 Regulation 71 amended

After regulation 71(2)(a)

insert

(aa) an Ornamental Aquaculture licensee;

6 Regulation 132 amended

- (1) Regulation 132(1)(c), after "Aquaculture"

insert

licensee, Ornamental Aquaculture licensee

- (2) Regulation 132(1)(d), after "licensee"

insert

or Ornamental Aquaculture licensee

7 Regulation 151 amended

Regulation 151(c)

omit, insert

- (c) from a Fish Trader/Processor licensee, a Fish Broker licensee, an Aquaculture licensee or a Pearl Oyster Culture Industry licensee; or

8 Regulation 155 amended

Regulation 155(c)

omit, insert

- (c) from a Fish Trader/Processor licensee, a Fish Broker licensee, an Aquaculture licensee or a Pearl Oyster Culture Industry licensee; or

9 Regulation 158 amended

Regulation 158(c)

omit, insert

- (c) from a Fish Trader/Processor licensee, a Fish Broker licensee, an Aquaculture licensee or a Pearl Oyster Culture Industry licensee; or

10 Regulation 159 amended

Regulation 159, heading

omit

breeding for sale

insert

aquaculture

11 Regulation 162 amended

After regulation 162(2)

insert

- (3) However, subregulation (2)(a) does not apply in relation to an Ornamental Aquaculture licence.

12 Regulation 166 amended

- (1) Regulation 166, before "If the"

insert

- (1)

- (2) Regulation 166, at the end

insert

- (2) Subregulation (1) does not apply in relation to an Ornamental Aquaculture licence.

13 Regulation 167 amended

- (1) Regulation 167, before "The holder"

insert

- (1)

- (2) Regulation 167, at the end

insert

- (2) Subregulation (1) does not apply in relation to an Ornamental Aquaculture licence.

14 Regulation 170 amended

Regulation 170, heading

omit

No aquaculture without

insert

Activities authorised by Aquaculture

15 Regulation 173 amended

After regulation 173(d)

insert

(da) obtained from an Ornamental Aquaculture licensee; or

16 Regulation 174 amended

After regulation 174(e)

insert

(ea) an Ornamental Aquaculture licensee;

17 Part 10, Division 2A inserted

After regulation 175

insert

Division 2A Ornamental Aquaculture licence

175A Activities authorised by Ornamental Aquaculture 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 sell such fish or aquatic life, under and in accordance with an Ornamental Aquaculture licence.
- (2) For subregulation (1), **fish** does not include a member of the genus *Pinctada* (pearl oysters).

175B Limit on size of aquaculture facility

The Director must not grant an Ornamental Aquaculture licence if the aquaculture facility to which the licence relates has a capacity that is greater than 10 000 litres of water.

175C Conditions of licence

The conditions to which an Ornamental 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; and
- (b) limitation of the number of fish which may be kept or sold; and
- (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; and
- (d) 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
- (e) the method of water discharge or other waste disposal.

175D Possession of broodstock

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

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

175E Sale of fish

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

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

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

175F Disposal of broodstock

An Ornamental 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; or
- (b) with the prior approval of the Director.

18 Regulation 199 amended

After regulation 199(2)(c)

insert

- (ca) from an Ornamental Aquaculture licensee; or

19 Regulation 202 amended

After regulation 202(2)(c)(ii)

insert

- (iia) from an Ornamental Aquaculture licensee; or

20 Regulation 207 amended

Regulation 207(2), after "Operator licence"

insert

, Ornamental Aquaculture licence

21 Schedule 2 amended

Schedule 2

insert (in alphabetical order)

Ornamental Aquaculture licence

22 Expiry of Regulations

These Regulations expire on the day after they commence.