

NORTHERN TERRITORY OF AUSTRALIA

FISHERIES AMENDMENT (COASTAL LINE FISHERY AND OTHER MATTERS) REGULATIONS 2015

Subordinate Legislation No. 19 of 2015

Table of provisions

1	Citation	2
2	Regulations amended.....	2
3	Regulation 10A amended	2
4	Regulation 46B amended	3
5	Part 8, Division 1, Subdivision 1 heading inserted.....	3
6	Regulation 73 amended	4
7	Regulation 74 amended	4
8	Regulations 75 to 76A repealed	4
9	Part 8, Division 1, Subdivision 2 heading and regulation 77A inserted.....	5
	Subdivision 2 CLF licences and fishing gear	
	77A CLF licence	
10	Regulation 78 amended	5
11	Regulation 78A amended	5
12	Part 8, Division 1, Subdivisions 3 to 6 inserted.....	6
	Subdivision 3 Fishery units, total allowable catch and quota units in CLF Western Zone	
	78B Fishery units generally	
	78C Total number of fishery units	
	78D Total allowable catch of black jewfish and golden snapper in CLF Western Zone	
	78E Quota units generally	
	78F Annual allocation of quota units	
	Subdivision 4 Fishing in CLF Western Zone	
	78G Notice of intention to fish in CLF Western Zone	
	78H Quota units to be held at start of voyage to CLF Western Zone	
	78J No fish on vessel at start of voyage to CLF Western Zone	
	78K Fishing in CLF Western Zone limited to entitlement under quota units	
	78L Restrictions apply during voyage to CLF Western Zone	
	78M Fish not to be moved between vessels	
	78N Unloading fish	
	78P Weighing fish	
	78Q Compulsory monitoring on notice	
	Subdivision 5 Transfer of fishery units and quota units	
	78R Application for transfer and approval by Director	
	78S Effective date of transfer	

	78T	Sale or transfer of fishery units by Territory	
	Subdivision 6	Register	
	78U	Allocation of fishery units or quota units	
	78V	Transfer of fishery units or quota units	
	78W	Cancellation of quota units	
13		Regulation 194 repealed	13
14		Part 18 inserted	14
	Part 18	Transitional matters for Fisheries Amendment (Coastal Line Fishery and Other Matters) Regulations 2015	
	228	Definitions	
	229	Restricted and unrestricted Coastal Line Fishery licences become CLF licences	
	230	Allocation of fishery units to eligible CLF licences	
	231	Allocation of quota units to eligible CLF licences	
	232	Application of regulation 78F	
15		Expiry of Regulations.....	16



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 19 of 2015*

Fisheries Amendment (Coastal Line Fishery and Other Matters) 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 26 June 2015

J. L. HARDY
Administrator

By His Honour's Command

D. W. TOLLNER
Treasurer
acting for
Minister for Primary Industry and Fisheries

* Notified in the *Northern Territory Government Gazette* on 1 July 2015.

1 Citation

These Regulations may be cited as the *Fisheries Amendment (Coastal Line Fishery and Other Matters) Regulations 2015*.

2 Regulations amended

These Regulations amend the *Fisheries Regulations*.

3 Regulation 10A amended

- (1) Regulation 10A, heading

omit, insert

10A Fishing and other restrictions in protection areas

- (2) Regulation 10A(1) and (2)

omit, insert

- (1) A person commits an offence if the person engages in amateur fishing from an unregistered vessel in a protection area.

Maximum penalty: 170 penalty units.

- (2) The holder of a specified licence commits an offence if a vessel registered for the licence is used for fishing under the licence in a protection area.

Maximum penalty: 170 penalty units.

- (2A) Subregulation (2) does not apply to the holder of an Off-shore Net and Line Fishery licence in relation to a protection area if the Director gives the holder written approval to use a vessel for fishing under the licence in the protection area.

- (2B) An approval given to the holder of an Off-shore Net and Line Fishery licence under subregulation (2A) is conditional on the holder ensuring that any restrictions specified in the approval relating to the amount of any fish that may be taken in the protection area are complied with.

- (2C) A person in control of an unregistered vessel commits an offence if:

- (a) there is any fish or amateur fishing gear on board the vessel;
and

-
- (b) the vessel is in a protection area and is not under way and making way.

Maximum penalty: 170 penalty units.

(2D) The holder of a specified licence commits an offence if:

- (a) there is any fish or fishing gear on board a vessel registered for the licence; and
- (b) the vessel is in a protection area and is not under way and making way.

Maximum penalty: 170 penalty units.

(2E) Subregulation (2D) does not apply to the holder of an Off-shore Net and Line Fishery licence in relation to a protection area if the holder has been given approval under subregulation (2A) in relation to that area.

(3) Regulation 10A(3), definition ***specified licence***, paragraph (c)

omit

licence.

insert

licence; or

(4) Regulation 10A(3), definition ***specified licence***, after paragraph (c)

insert

(d) a Fishing Tour Operator licence.

4 Regulation 46B amended

Regulation 46B(10)(c)

omit

or able to be assembled in a short period of time

5 Part 8, Division 1, Subdivision 1 heading inserted

Before regulation 73

insert

Subdivision 1 Preliminary matters

6 Regulation 73 amended

- (1) Regulation 73, definitions *restricted Coastal Line Fishery licence* and *unrestricted Coastal Line Fishery licence*

omit

- (2) Regulation 73

insert (in alphabetical order)

CLF licence means a Coastal Line Fishery licence.

CLF species means black jewfish or golden snapper.

CLF Western Zone means that part of the fishery area specified in regulation 77 that is in the Western Zone.

fishery unit, see regulation 78B.

quota unit, see regulation 78E.

register means the register maintained under section 9(1) of the Act in relation to the Coastal Line Fishery.

total allowable catch, see regulation 78D.

Western Zone means the waters:

- (a) from the high water mark at the border between the Territory and Western Australia to Vashon Head on Cobourg Peninsula at the point of latitude 11° 07.516' south, longitude 131° 59.650' east; and
- (b) extending seaward to the outer boundary of the Australian fishing zone.

7 Regulation 74 amended

Regulation 74, after "drop line"

insert

, cast net, scoop net and gaff,

8 Regulations 75 to 76A repealed

Regulations 75 to 76A

repeal

9 Part 8, Division 1, Subdivision 2 heading and regulation 77A inserted

After section 77

insert

Subdivision 2 CLF licences and fishing gear

77A CLF licence

The holder of a CLF licence may participate in the Coastal Line Fishery in accordance with this Division.

10 Regulation 78 amended

- (1) Regulation 78(1), (2), (3) and (4), at the end

insert

Maximum penalty: 170 penalty units.

- (2) Regulation 78(2)

omit

A

insert

Subject to subregulation (2A), a

- (3) After regulation 78(2)

insert

- (2A) A Coastal Line Fishery licensee must not use a fish-trap under the licence in the CLF Western Zone.

Maximum penalty: 170 penalty units.

11 Regulation 78A amended

Regulation 78A, at the end

insert

Maximum penalty: 170 penalty units.

12 Part 8, Division 1, Subdivisions 3 to 6 inserted

After regulation 78A

insert

Subdivision 3 Fishery units, total allowable catch and quota units in CLF Western Zone

78B Fishery units generally

(1) A **fishery unit** is a unit that entitles the holder of the CLF licence to which the unit is attached to be allocated a share of the total allowable catch for the CLF species to which the unit relates.

Note for subregulation (1)

The share is calculated under regulation 78F.

- (2) A fishery unit does not expire.
- (3) A fishery unit may be transferred under Subdivision 5.
- (4) A fishery unit attached to a CLF licence that is cancelled is taken to be transferred to the Territory on the day of the cancellation.
- (5) A fishery unit attached to a CLF licence that expires and is not renewed within the period permitted under section 12(2) of the Act is taken to be transferred to the Territory on the day after the period ends.

78C Total number of fishery units

In the CLF Western Zone there are a total of:

- (a) 145 000 fishery units for black jewfish; and
- (b) 4 500 fishery units for golden snapper.

78D Total allowable catch of black jewfish and golden snapper in CLF Western Zone

The total amount of each CLF species that may be taken in a licence year in the CLF Western Zone under all CLF licences (the **total allowable catch**) is:

- (a) 145 000 kg of black jewfish; and
- (b) 4 500 kg of golden snapper.

78E Quota units generally

- (1) A **quota unit** is a unit that, until it is used or expires, entitles the holder of the CLF licence to which the unit is attached to take 1 kg of the CLF species to which the quota unit relates from the CLF Western Zone in accordance with this Division.
- (2) A quota unit is used when the holder of the CLF licence to which the unit is attached uses the entitlement under the quota unit to take 1 kg of the CLF species to which the quota unit relates from the CLF Western Zone.
- (3) A quota unit expires on 30 June of the licence year in which the unit was allocated.
- (4) A quota unit may be transferred under Subdivision 5.
- (5) The Director must, if satisfied the holder of a CLF licence has used one or more quota units attached to the licence, cancel the number of quota units attached to the licence that equals the number of units used.
- (6) A quota unit is taken to be cancelled if:
 - (a) it expires; or
 - (b) the CLF licence to which it is attached is cancelled.

78F Annual allocation of quota units

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

$$A = L \div T \times \text{TAC}$$

where:

A is the number of quota units for the relevant CLF species to be allocated to the CLF licence.

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

T is the total number of fishery units for the relevant CLF species as mentioned in regulation 78C.

TAC is the total allowable catch for the relevant CLF species.

- (4) However, if the number of quota units to be allocated is not a multiple of 1, the number must be:
- (a) rounded to the nearest whole unit; or
 - (b) if the number is a multiple of 0.5 – rounded up to the nearest whole unit.
- (5) If, under subregulation (1) or (2), the Director is required to allocate quota units to a CLF licence in relation to which any fees are due then, despite the subregulation:
- (a) the Director must not allocate quota units to the licence until the fees are paid; and
 - (b) when the allocation is made, the number of quota units to be allocated must be calculated as if the allocation had been made on the date required under subregulation (2) or (3).

Subdivision 4 Fishing in CLF Western Zone

78G Notice of intention to fish in CLF Western Zone

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

-
- (e) the time the vessel is estimated to land at the end of the voyage;
 - (f) the place the vessel will land;
 - (g) any other information about the voyage required by the Director.

Maximum penalty: 85 penalty units.

- (3) The notice may be given orally.

78H Quota units to be held at start of voyage to CLF Western Zone

The holder of a CLF licence commits an offence if:

- (a) the holder takes fish in the CLF Western Zone under the licence during a voyage; and
- (b) at the start of the voyage the licence did not have attached to it:
 - (i) quota units for black jewfish; and
 - (ii) quota units for golden snapper.

Maximum penalty: 170 penalty units.

78J No fish on vessel at start of voyage to CLF Western Zone

- (1) The holder of a CLF licence must ensure none of the following is on board a vessel when a voyage is started if the holder intends to take fish in the CLF Western Zone under the licence from the vessel during the voyage:
 - (a) fish intended for sale;
 - (b) more than 100 kg of fish not intended for sale (excluding bait).

Maximum penalty: 85 penalty units.

- (2) Subregulation (1) does not apply if the Director gives the holder written approval to have fish on board the vessel as mentioned in that subregulation.

78K Fishing in CLF Western Zone limited to entitlement under quota units

The holder of a CLF licence must not, while fishing in the CLF Western Zone under the licence, take an amount of a CLF species that exceeds the amount the holder is entitled to take under the quota units attached to the licence.

Maximum penalty: 170 penalty units.

78L Restrictions apply during voyage to CLF Western Zone

- (1) The holder of a CLF licence must not, during one voyage, take any fish in the CLF Western Zone under the licence and take any fish under the licence outside the CLF Western Zone.

Maximum penalty: 170 penalty units.

- (2) The holder of a CLF licence must not, during one voyage, take any CLF species in the CLF Western Zone under the licence and take any fish, in or outside the CLF Western Zone, under any other licence.

Maximum penalty: 170 penalty units.

- (3) Subregulation (1) or (2) does not apply if the Director gives the holder written approval to take the action mentioned in the relevant subregulation.

78M Fish not to be moved between vessels

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

Maximum penalty: 85 penalty units.

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

78N Unloading fish

The holder of a CLF licence must ensure that a fish taken in the CLF Western Zone under the licence is unloaded from the vessel from which it was taken (or from the vessel to which the fish was moved if regulation 78M(2) applies):

- (a) in the Darwin port; or

-
- (b) if the Director has given the holder written approval for the fish to be unloaded in another place – in the other place.

Maximum penalty: 85 penalty units.

78P Weighing fish

- (1) The holder of a CLF licence must ensure that, as soon as practicable after fish taken in the CLF Western Zone under the licence are unloaded, the fish are weighed using scales that:

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

Maximum penalty: 85 penalty units.

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

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

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

Maximum penalty: 85 penalty units.

78Q Compulsory monitoring on notice

- (1) The Director may at any time, by written notice, require the holder of a CLF licence to do one of the following in relation to the next voyage undertaken by the holder during which the holder intends to take fish in the CLF Western Zone under the licence:

- (a) ensure fishing monitoring equipment, as specified in the notice, is fitted to the vessel used for the voyage and is operating at all times during the voyage;

-
- (b) permit a specified person to travel as a fishery observer on board the vessel for the voyage.
 - (2) The holder must not contravene the notice.
Maximum penalty: 85 penalty units.
 - (3) Section 38(2)(b) of the Act applies to an offence against subregulation (2).

Subdivision 5 Transfer of fishery units and quota units

78R Application for transfer and approval by Director

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

78S Effective date of transfer

If the Director approves an application for the transfer of fishery units or quota units, the transfer takes effect on the later of:

- (a) the day after the date the approval is given; or
- (b) the date of transfer specified in the application.

78T Sale or transfer of fishery units by Territory

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

Subdivision 6 Register

78U Allocation of fishery units or quota units

- (1) An allocation of fishery units or quota units to a CLF licence is made by the Director entering in the register the number of fishery units or quota units that are allocated to the licence.

-
- (2) Within 7 days after making an allocation to a CLF licence, the Director must give the holder of the licence written notice of the allocation.

78V Transfer of fishery units or quota units

- (1) As soon as practicable after an application for the transfer of fishery units or quota units has been approved, the Director must enter in the register the details of the transfer, including the date on which the transfer takes effect.
- (2) As soon as practicable after a transfer of fishery units or quota units takes effect or, in the case of fishery units, is taken to have occurred under regulation 78B, the Director must amend the register to record that the number of units transferred:
- (a) are no longer attached to the CLF licence from which they were transferred or, if transferred by the Territory, are no longer held by the Territory; and
 - (b) are attached to the transferee's CLF licence or, if transferred to the Territory, are held by the Territory.

78W Cancellation of quota units

- (1) The Director cancels a quota unit by recording the cancellation in the register.
- (2) Within 7 days after cancelling a quota unit attached to a CLF licence, the Director must give the holder of the licence written notice of the cancellation.
- (3) If a quota unit is taken to be cancelled under regulation 78E(6), the Director must record the cancellation in the register as soon as practicable after the cancellation.

13 Regulation 194 repealed

Regulation 194

repeal

14 Part 18 inserted

After regulation 227

insert

**Part 18 Transitional matters for Fisheries Amendment
(Coastal Line Fishery and Other Matters)
Regulations 2015**

228 Definitions

(1) In this Part:

commencement means the commencement of the *Fisheries Amendment (Coastal Line Fishery and Other Matters) Regulations 2015*.

eligible CLF licence, see regulation 230(4).

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

restricted CLF licence means a licence that became a restricted Coastal Line Fishery licence in accordance with regulation 75(2) of the former regulations or was granted in accordance with regulation 75(3) of the former regulations.

unrestricted CLF licence means a licence that was granted in accordance with regulation 76A(1) of the former regulations.

(2) A word defined in regulation 73 has the same meaning in this Part.

229 Restricted and unrestricted Coastal Line Fishery licences become CLF licences

A restricted CLF licence or an unrestricted CLF licence that is in force immediately before the commencement becomes, on and from the commencement, a CLF licence.

230 Allocation of fishery units to eligible CLF licences

(1) Immediately after the commencement, the Director must allocate fishery units to each eligible CLF licence in accordance with this regulation.

-
- (2) Fishery units for black jewfish are allocated to an eligible CLF licence in accordance with the following formula:

$$A = 145\,000 \times (ABC \div AC)$$

where:

A is the number of fishery units for black jewfish to be allocated to the eligible CLF licence.

ABC is the average best CLF catch for the eligible CLF licence.

AC is the aggregated CLF catch.

- (3) Fishery units for golden snapper are allocated to an eligible CLF licence in accordance with the following formula:

$$A = 4\,500 \div EL$$

where:

A is the number of fishery units for golden snapper to be allocated to the eligible CLF licence.

EL is the number of eligible CLF licences.

- (4) In this regulation:

aggregated CLF catch means the total of the average annual CLF catches for all eligible CLF licences.

annual amount, in relation to the taking of fish, means the amount of fish taken in a calendar year.

average annual CLF catch, for an eligible CFL licence, means the average annual amount of fish recorded by the Director as taken in the Coastal Line Fishery under the relevant licence in the period from 1 January 2006 to 31 December 2010.

average best CLF catch, for a CLF licence, means the average of the 3 largest annual amounts of fish recorded by the Director as taken in the Coastal Line Fishery under the relevant licence in the period from 1 January 2006 to 31 December 2010.

eligible CLF licence means a CLF licence for which the average best CLF catch is at least 9 000 kg.

relevant licence, in relation to a CLF licence, means the restricted CLF licence or unrestricted CLF licence that became the CLF licence under regulation 229.

231 Allocation of quota units to eligible CLF licences

Immediately after the commencement, the Director must allocate the same number of quota units to each eligible CLF licence for each CLF species as the number of fishery units allocated to the licence for each CLF species under regulation 230.

232 Application of regulation 78F

Regulation 78F applies in relation to each licence year after the allocation of quota units under regulation 231.

15 Expiry of Regulations

These Regulations expire on the day after they commence.