

NORTHERN TERRITORY OF AUSTRALIA

FISHERIES AMENDMENT (POSSESSION LIMITS) REGULATIONS 2009

Subordinate Legislation No. 38 of 2009

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Fisheries Amendment (Possession Limits) Regulations 2009

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Fisheries Act*.

Dated 11 December 2009

T. I. Pauling
Administrator

By His Honour's Command

K. Vatskalis
Minister for Primary Industry, Fisheries and Resources

* Notified in the *Northern Territory Government Gazette* on 14 December 2009.

1 Citation

These Regulations may be cited as the *Fisheries Amendment (Possession Limits) Regulations 2009*.

2 Commencement

These Regulations commence on 1 January 2010.

3 Regulations amended

These Regulations amend the *Fisheries Regulations*.

4 Amendment of regulation 4 (Definitions relating to gear)

(1) Regulation 4

insert (in alphabetical order)

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

(2) Regulation 4, definition **freshwater pot**, paragraph (c)

omit

life.

substitute

life; and

(3) Regulation 4, definition **freshwater pot**, after paragraph (c)

insert

(d) has a turtle excluding device fitted to each opening (other than an opening for emptying fish or aquatic life from, or placing bait or other material used to entice fish into, the pot).

(4) Regulation 4, definition **freshwater pot**, paragraph (a), at the end

insert

and

5 Repeal and substitution of regulation 9

Regulation 9

repeal, substitute

9 Certain fish not to be taken

A person must not take any of the following:

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

6 New regulation 39A

After regulation 39

insert

39A Pot limit for vessel

- (1) Not more than 10 pots, or 10 freshwater pots, are permitted in or on a vessel.

Note for subregulation (1)

If only one person is in or on the vessel, the person may not possess or use more than 5 pots – see regulation 39(2).

- (2) The person in charge of a vessel must ensure compliance with subregulation (1).

7 Amendment of regulation 46AA (Amateur possession limit – jewfish, golden snapper and certain molluscs)

- (1) Regulation 46AA, heading, after **snapper**

insert

, shark

-
- (2) Regulation 46AA(1)
omit
5 members
substitute
2 members
- (3) Regulation 46AA(1), penalty provision
omit, substitute
Maximum penalty:
(a) for possession of 3 to 5 fish – \$1 000; or
(b) for possession of more than 5 fish – \$10 000.
- (4) Regulation 46AA(2), penalty provision
omit, substitute
Maximum penalty:
(a) for possession of 6 to 14 fish – \$1 000; or
(b) for possession of more than 14 fish – \$10 000.
- (5) After regulation 46AA(2)
insert
- (2A) A person must not have in his or her possession more than 3 sharks.
Maximum penalty:
(a) for possession of 4 to 8 sharks – \$1 000; or
(b) for possession of more than 8 sharks – \$10 000.
Note for subregulation (2A)
Certain species of shark are not allowed to be taken – see regulation 9(b) and (c).
- (2B) In subregulation (2A):
shark does not include rays, skates or chimaera.

-
- (6) Regulation 46AA(3), penalty provision

omit, substitute

Maximum penalty: \$10 000.

Note for subregulation (3)

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

- (7) Regulation 46AA(4)

omit, substitute

- (4) In subregulation (3):

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

Example for subregulation (4)

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

- (8) Regulation 46AA(5)

omit

(2) or (3)

substitute

(2), (2A) or (3)

8 New regulation 46AB

After regulation 46AA

insert

46AB Amateur possession limit – freshwater prawns and redclaw

- (1) A person must not have in his or her possession more than 30 freshwater crustaceans.

Maximum penalty:

(a) for possession of 31 to 89 freshwater crustaceans – \$1 000; or

(b) for possession of more than 89 freshwater crustaceans – \$10 000.

(2) In subregulation (1):

freshwater crustaceans means:

- (a) crustaceans of the species *Cherax quadricarinatus* (redclaw);
and
- (c) crustaceans of the genus *Macrobrachium* (freshwater prawns).