

# NORTHERN TERRITORY OF AUSTRALIA

## FISHERIES AMENDMENT (TIMOR REEF FISHERY) REGULATIONS 2011

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### Subordinate Legislation No. 1 of 2011

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# NORTHERN TERRITORY OF AUSTRALIA

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## Subordinate Legislation No. 1 of 2011\*

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### ***Fisheries Amendment (Timor Reef Fishery) Regulations 2011***

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 31 January 2011

T. I. PAULING  
Administrator

By His Honour's Command

K. VATSKALIS  
Minister for Primary Industry, Fisheries and Resources

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\* Notified in the *Northern Territory Government Gazette* on 1 February 2011.

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## 1 Citation

These Regulations may be cited as the *Fisheries Amendment (Timor Reef Fishery) Regulations 2011*.

## 2 Regulations amended

These Regulations amend the *Fisheries Regulations*.

## 3 Commencement

These Regulations commence on 1 February 2011.

## 4 Regulation 3 amended

(1) Regulation 3(1)

*omit*

, unless the contrary intention appears

(2) Regulation 3(1)

*insert (in alphabetical order)*

***Timor Reef Fishery licence*** means a licence for Part 8, Division 15.

(3) Regulation 3(1), definition ***Joint Authority***

*omit*

*Fisheries Management Act 1991* of the Commonwealth

*insert*

*Fisheries Act 1952* (Cth) (repealed) and continued in existence by section 7(4)(a) of the *Fisheries Legislation (Consequential Provisions) Act 1991* (Cth)

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## 5 Regulation 58 replaced

Regulation 58

*repeal, insert*

## 58 Sale and processing of fish

For section 10(1)(e) of the Act, the following actions are only able to be taken by the holder of a licence:

- (a) the purchase of fish or aquatic life for processing and resale;
- (b) the possession for sale of processed fish or aquatic life.

## 6 Regulation 141A replaced

Regulation 141A

*repeal, insert*

### Subdivision 1 Preliminary matters

#### 141A Definitions

In this Division:

**approved monitoring equipment** means vessel monitoring equipment approved by the Joint Authority in writing.

**finfish long-line** means a main line weighted to the seabed at both ends to which finfish snoods or branch lines with finfish snoods are attached.

**finfish snood** means a short length of unsheathed monofilament nylon or fluorocarbon material that:

- (a) has a diameter of not more than 2 mm; and
- (b) has a fish hook attached to it.

**fishery unit**, see regulation 141F(1).

**goldband snapper** means fish of the genus *Pristipomoides*.

**grouped fish** means fish other than goldband snapper, red snapper, barramundi, threadfin salmon, spanish mackerel, shark and mud crab.

**port** means the Port as defined in section 5(1) of the *Darwin Port Corporation Act*.

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**quota unit**, see regulation 141J(1).

**red snapper** means fish of the species *Lutjanus malabaricus* or *Lutjanus erythropterus*.

**register** means the register maintained under section 9(1) of the Act in relation to the Timor Reef Fishery.

**species group** means any of the following:

- (a) goldband snapper;
- (b) red snapper;
- (c) grouped fish.

**total allowable catch**, see regulation 141H.

**TRF area** means the Timor Reef Fishery area specified in regulation 141C.

**TRF licence** means a Timor Reef Fishery licence.

## **7 Regulation 141B amended**

Regulation 141B

*omit*

all words from "drop" to "141C"

*insert*

vertical line, drop line attached to or free from a vessel, finfish long-line, fish-trap, scoop net or gaff in the TRF area

## **8 Regulations 141D to 141J replaced**

Regulations 141D to 141J

*repeal, insert*

### **Subdivision 2 Licences and fishery units**

#### **141D TRF licence**

- (1) The holder of a TRF licence may participate in the Timor Reef Fishery in accordance with this Division.
- (2) A TRF licence cannot be transferred.

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**141E Grant of TRF licences**

The Joint Authority may grant a TRF licence to a person if:

- (a) the Joint Authority has approved the transfer of fishery units or quota units to the person, or the Territory proposes to transfer fishery units to the person; and
- (b) the person does not hold a TRF licence.

*Note for regulation 141E*

*Regulation 218 also provides for the grant of TRF licences.*

**141F Fishery units generally**

- (1) A **fishery unit** is a unit that entitles the holder of the TRF licence to which the unit is attached to be allocated a share of the total allowable catch for the species group to which the unit relates.
- (2) A fishery unit does not expire.
- (3) A fishery unit may be transferred under Subdivision 5.
- (4) A fishery unit attached to a TRF 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 TRF 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.

**141G Total number of fishery units**

In the Timor Reef Fishery there are a total of:

- (a) 899 998 fishery units for goldband snapper; and
- (b) 1 300 002 fishery units for red snapper; and
- (c) 415 008 fishery units for grouped fish.

**Subdivision 3 Total allowable catch and quota units**

**141H Total allowable catch**

The total amount of fish that may be taken under all TRF licences during a licence year (the **total allowable catch**) for the following species groups is:

- (a) 899 998 kg of goldband snapper;

- 
- (b) 1 300 002 kg of red snapper;
  - (c) 415 008 kg of grouped fish.

**141J Quota units generally**

- (1) A **quota unit** is a unit that, until it is used or expires, entitles the holder of the TRF licence to which the unit is attached to take 1 kg of the species group to which the quota unit relates from the TRF area in accordance with this Division.
- (2) A quota unit is used when the holder of the TRF licence to which the unit is attached uses the entitlement under the quota unit to take 1 kg of the species group to which the quota unit relates from the TRF area.
- (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 Joint Authority must, if satisfied the holder of a TRF licence has used one or more quota units attached to the licence:
  - (a) cancel the relevant number of quota units attached to the licence; and
  - (b) in doing so – cancel quota units allocated under regulation 141JB before cancelling any other quota units attached to the licence.
- (6) A quota unit is taken to be cancelled if:
  - (a) it expires; or
  - (b) the TRF licence to which it is attached is cancelled.

**141JA Annual allocation of quota units**

- (1) On 1 July in each licence year, the Joint Authority must allocate the number of quota units mentioned in subregulation (3) to each TRF licence to which fishery units are attached.
- (2) If a TRF licence to which fishery units are attached is renewed after 1 July in a licence year, on the date the licence is renewed, the Joint Authority must allocate the number of quota units mentioned in subregulation (3) to the licence.



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- (3) The number of quota units for each species group to be allocated is the number calculated in accordance with the following formula:

$$A = L \div T \times TAC$$

where:

**A** is the number of quota units for the relevant species group to be allocated to the TRF licence.

**L** is the number of fishery units for the relevant species group attached to the TRF 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 species group as mentioned in regulation 141G.

**TAC** is the total allowable catch for the relevant species group.

- (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 Joint Authority is required to allocate quota units to a TRF licence in relation to which any fees due have not been paid then, despite the subregulation:
- (a) the Joint Authority must not allocate quota units to the licence until the fees are paid; and
  - (b) the number of quota units to be allocated must be calculated as if the allocation was being made on the date required under subregulation (1) or (2).

#### **141JB Additional allocation of quota units for undercatch**

- (1) This regulation applies if:
- (a) one or more eligible quota units attached to a TRF licence expire at the end of a licence year (the **first year**); and
  - (b) the licence is renewed the following licence year (the **second year**).

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(2) On the date the TRF licence is renewed in the second year, the Joint Authority must allocate to the licence the number of quota units for each species group that is equal to the lesser of:

- (a) the number of eligible quota units for the relevant species group that expired at the end of the first year; or
- (b) the number of quota units for the relevant species group (the **relevant number**) calculated in accordance with the following formula:

$$A = (AQ + BQ - TQ) \times 20 \div 100$$

where:

**A** is the relevant number.

**AQ** is the number of eligible quota units for the relevant species group that were allocated to the licence during the first year.

**BQ** is the number of eligible quota units for the relevant species group that were transferred to the holder of the licence during the first year.

**TQ** is the number of eligible quota units for the relevant species group that were transferred from the licence during the first year.

(3) 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.

(4) Despite subregulation (2), if any fees due in relation to the TRF licence have not been paid, the Joint Authority must not allocate the quota units to the licence until the fees are paid.

(5) To avoid doubt, an allocation made under this regulation is in addition to any allocation of quota units made under regulation 141JA.

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(6) In this regulation:

**eligible quota units** means:

- (a) quota units allocated to the TRF licence under regulation 141JA or 221; or
- (b) quota units allocated to another TRF licence under regulation 141JA or 221 and subsequently transferred to the holder of the TRF licence.

#### **Subdivision 4 Fishing in Timor Reef Fishery**

##### **141JC Notice of intention to fish**

- (1) This regulation applies to the holder of a TRF licence who intends to take fish 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 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 during the voyage;
  - (e) any other information about the voyage required by the Director.

Maximum penalty: \$10 000.

- (3) The notice may be given orally.

##### **141JD Permitted fishing gear**

- (1) The holder of a TRF licence must not use any fishing gear other than the following to take fish under the licence:
  - (a) vertical lines;
  - (b) drop lines attached to or free from a vessel;
  - (c) finfish long-lines;
  - (d) fish-traps;

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(e) scoop nets;

(f) gaffs.

Maximum penalty: \$20 000.

- (2) The holder of a TRF licence must not use a fish-trap attached to another fish-trap to take fish under the licence.

Maximum penalty: \$20 000.

**141JE Minimum quota units to be held at start of voyage**

- (1) The holder of a TRF licence must not take fish under the licence unless, at the start of the voyage during which the taking of fish occurs, the licence has attached to it at least:

(a) 6 200 quota units for goldband snapper; and

(b) 3 800 quota units for red snapper; and

(c) 1 000 quota units for grouped fish.

Maximum penalty: \$20 000.

- (2) The holder of a TRF licence must not use finfish long-lines or fish-traps to take fish under the licence unless, at the start of the voyage during which the taking of fish occurs, the licence has attached to it at least:

(a) 12 450 quota units for goldband snapper; and

(b) 7 650 quota units for red snapper; and

(c) 1 950 quota units for grouped fish.

Maximum penalty: \$20 000.

**141JF No fish on vessel at start of voyage**

The holder of a TRF licence must ensure that the following are not on board a vessel when a voyage is started if the holder intends to take fish under the licence from the vessel during the voyage:

(a) fish that is intended for sale;

(b) more than 100 kg of fish that is not intended for sale (excluding bait).

Maximum penalty: \$10 000.

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**141JG Fishing limited to entitlement under quota units**

The holder of a TRF licence must not, under the licence, take from the TRF area an amount of a species group that exceeds the amount the holder is entitled to take under the quota units attached to the licence.

Maximum penalty: \$20 000.

**141JH Certain fish not to be taken**

The holder of a TRF licence must not take barramundi, threadfin salmon, spanish mackerel, shark or mud crab under the licence.

Maximum penalty: \$20 000.

**141JI No fishing outside TRF area or under another licence during voyage**

- (1) The holder of a TRF licence must not, during one voyage, take a fish under the licence and take a fish:
  - (a) under any other licence; or
  - (b) from a place outside the TRF area.

Maximum penalty: \$20 000.

- (2) Subregulation (1) does not apply if the Joint Authority gives the holder written approval to take the action mentioned in subregulation (1).
- (3) However, if approval is given under subregulation (2) all fish taken during the voyage, regardless of where they were taken from, are to be regarded as having been taken under the holder's TRF licence.

**141JJ Fish not to be moved between vessels**

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

Maximum penalty: \$10 000.

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

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**141JK Fish not to be processed before unloading**

- (1) The holder of a TRF licence must ensure a fish taken under the licence is not processed before it is unloaded from the vessel from which it was taken.

Maximum penalty: \$10 000.

- (2) Despite subregulation (1), fish taken under the TRF licence may be preserved by cooling.
- (3) Subregulation (1) does not apply if the Joint Authority gives the holder written approval to process the fish.

**141JL Prior landing notice**

- (1) This regulation applies to the holder of a TRF licence who:
- (a) during a voyage, has taken fish under the licence; or
  - (b) under regulation 141JC(2) has notified the Director of an intention to take fish under the licence during a voyage.
- (2) Between 12 and 24 hours before the vessel used for the voyage is due to land at the port, the holder must notify the Director of the following:
- (a) the time the vessel is estimated to land at the port;
  - (b) the place the vessel will land;
  - (c) any other information required by the Director.

Maximum penalty: \$10 000.

- (3) The notice may be given orally.

**141JM Unloading fish**

The holder of a TRF licence must ensure that a fish taken 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 141JJ(2) applies):

- (a) in the port; or
- (b) if the Joint Authority has given the holder written approval for the fish to be unloaded in another place – in the other place.

Maximum penalty: \$10 000.

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**141JN Weighing of fish**

- (1) The holder of a TRF licence must ensure that, immediately after fish taken 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: \$10 000.

- (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 TRF 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: \$10 000.

**141JO Unload notice**

- (1) The holder of a TRF licence must, within 1 hour of unloading fish taken under the licence, notify the Director of the following:
  - (a) the time the fish were unloaded;
  - (b) the place the fish were unloaded;
  - (c) the amount in kilograms of each species group unloaded, as determined under regulation 141JN(1);
  - (d) the place to which the fish will be moved;
  - (e) the name of the person who will move the fish;
  - (f) the name of the Fish Trader/Processor licensee who has purchased the fish;

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(g) any other information required by the Director.

Maximum penalty: \$10 000.

(2) The notice may be given orally.

**141JP Compulsory monitoring when finfish long-line on vessel**

(1) This regulation applies to the holder of a TRF licence if:

(a) the holder intends to take fish under the licence during a voyage; and

(b) a finfish long-line will be on board the vessel used for the voyage.

(2) The holder must either:

(a) ensure approved monitoring equipment is installed on the vessel and operating at all times during the voyage; or

(b) at least 14 days before the start of the voyage, notify the Director of the holder's intention to take fish under the licence during the voyage and, if required by the Director:

(i) permit a specified person to travel as a fishery observer on board the vessel for the voyage; and

(ii) within 14 days of the end of the voyage, pay an observer fee of 700 revenue units per day of the voyage.

Maximum penalty: \$20 000.

(3) Subregulation (2) does not apply if the Joint Authority exempts the holder from the subregulation.

(4) The exemption must be in writing and relate to a specified period or voyage.

**141JQ Compulsory monitoring after offence committed or infringement notice served**

(1) This regulation applies if the holder of a TRF licence:

(a) is convicted of an offence against this Division; or

(b) is served with a relevant infringement notice for an offence against this Division and pays the penalty amount indicated in the notice.



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- (2) Without limiting regulation 141JR, within 3 months after the date of the conviction or service of the infringement notice, the Joint Authority may give the holder one of the following:
- (a) a monitoring equipment notice mentioned in subregulation (5);
  - (b) an observer notice mentioned in subregulation (6).
- (3) In deciding whether to give the holder a notice under subregulation (2), the Joint Authority must take into account the following:
- (a) the nature and seriousness of the offence committed or alleged to have been committed;
  - (b) whether the holder has previously been convicted of, or served with an infringement notice for, an offence against this Division;
  - (c) any other matter the Joint Authority considers relevant.
- (4) If a notice is given under subregulation (2), the holder must not contravene the notice.

Maximum penalty: \$20 000.

- (5) A monitoring equipment notice is a notice requiring the holder to do the following:
- (a) on or before the date (the **compliance date**) which is 60 days after the date of the notice – nominate as the mother boat for the TRF licence a vessel on which approved monitoring equipment is installed;
  - (b) during the period of 10 months from the compliance date (the **monitoring period**) – ensure the equipment is operating at all times unless the Joint Authority has given the holder written approval for the equipment not to be operating;
  - (c) within 14 days of the end of each relevant voyage – pay a data analysis fee of 10 revenue units for each day of the relevant voyage that falls within the monitoring period.
- (6) An observer notice is a notice requiring the holder:
- (a) to permit a specified person to travel as a fishery observer on board the vessel used for a voyage during which the holder intends to take fish under the licence; and

- 
- (b) within 14 days of the end of the voyage, to pay an observer fee of 700 revenue units per day of the voyage.

- (7) In this regulation:

**relevant infringement notice** means an infringement notice that includes, or has attached to it, a statement that says (or in effect says), "WARNING: If you pay the penalty amount, or are convicted of the offence for which this infringement notice is given, the Joint Authority may give you a notice under regulation 141JQ(2) of the *Fisheries Regulations*."

**relevant voyage** means a voyage:

- (a) during which a fish is taken under the licence; and
- (b) that starts or ends during the monitoring period mentioned in subregulation (5)(b).

#### **141JR Compulsory monitoring on notice**

- (1) The Joint Authority may at any time, by written notice, require the holder of a TRF 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 under the licence:
  - (a) ensure approved monitoring equipment is installed on 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: \$10 000.

### **Subdivision 5 Transfer of fishery units and quota units**

#### **141JS Application for transfer and approval by Joint Authority**

- (1) The holder of a TRF licence may apply to the Joint Authority for approval to transfer one or more fishery units or quota units attached to the licence to:
  - (a) the holder of a TRF licence; or
  - (b) an applicant for, or person who intends to apply for, a TRF licence.

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- (2) The application must be made in the approved form.
  - (3) The Joint Authority 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 TRF licence.

**141JT Effective date of transfer**

- (1) If the Joint Authority approves an application for the transfer of fishery units or quota units to the holder of a TRF licence, 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.
- (2) If the Joint Authority approves an application for the transfer of fishery units or quota units to an applicant for, or person who intends to apply for, a TRF licence:
  - (a) the approval is conditional on the applicant or person being granted a TRF licence within 14 days after the approval; and
  - (b) the transfer takes effect on the later of:
    - (i) the date the licence is granted to the person; or
    - (ii) the date of transfer specified in the application.

**141JU Sale of fishery units by Territory**

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

**Subdivision 6 Register**

**141JV Allocation of fishery units or quota units**

- (1) An allocation of fishery units or quota units to a TRF licence is made by the Joint Authority 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 TRF licence, the Joint Authority must give the holder of the licence written notice of the allocation.

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**141JW 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 Joint Authority 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 is taken to have occurred, the Joint Authority must amend the register to record that the number of units transferred:
  - (a) are no longer attached to the TRF 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 TRF licence or, if transferred to the Territory, are held by the Territory.

**141JX Cancellation of quota units**

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

**9 Part 9, Division 5 inserted**

After regulation 158, in Part 9

*insert*

**Division 5 Sale of fish from Timor Reef Fishery****158A Sale of fish to licence holder**

The holder of a Timor Reef Fishery licence must not sell fish taken under the licence to a person unless the person holds one of the following licences:

- (a) Fish Broker licence;
- (b) Fish Retailer licence;

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(c) Fish Trader/Processor licence.

Maximum penalty: \$10 000.

**10 Regulation 206 amended**

Regulation 206(1)(a)

*omit*

all words from "other" to "141S(2)"

**11 Regulation 207 amended**

Regulation 207(1)

*omit*

a licence granted in accordance with regulation 76A(1), 98(1), 102(2), 141D(2), 141F(1), 141L(2) or 141S(2) or

**12 Regulation 208A inserted**

After regulation 208

*insert*

**208A Timor Reef Fishery licence levy**

- (1) The Joint Authority may, by *Gazette* notice, prescribe a levy for each fishery unit attached to a Timor Reef Fishery licence to be paid by the holder of the licence on application for renewal of the licence.
- (2) The levy is payable in addition to any fees or levies otherwise payable under the Act or these Regulations.
- (3) If the Joint Authority refuses to renew a Timor Reef Fishery licence, the Joint Authority must refund to the applicant for the renewal the levy paid for the application.

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**13 Regulation 209B inserted**

After regulation 209A, in Part 12

*insert*

**209B Review of decisions made in relation to Joint Authority fishery**

- (1) Section 11A of the Act applies to a decision made by a person acting under the delegated authority of the Joint Authority as if:
  - (a) a reference in the section to the Director were a reference to the Joint Authority; and
  - (b) a decision made under these Regulations in relation to a Joint Authority fishery is a prescribed decision.
- (2) Section 50 of the Act applies to a decision of the Joint Authority as if:
  - (a) a reference in the section to the Director were a reference to the Joint Authority; and
  - (b) a decision made under these Regulations in relation to a Joint Authority fishery is a prescribed decision.

**14 Part 16 inserted**

After regulation 215

*insert*

**Part 16 Transitional matters for Fisheries Amendment (Timor Reef Fishery) Regulations 2011**

**216 Interpretation**

- (1) In this Part:

**commencement date** means 1 February 2011.

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

**restricted licence** means a licence granted under regulation 141D(2) of the former regulations.

**unrestricted licence** means a licence granted under regulation 141F(1) of the former regulations.

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- (2) A word or phrase used in this Part that is defined in regulation 141A has the meaning given in that regulation.

**217 Revocation of old licences**

All licences granted in relation to the Timor Reef Fishery under the former regulations are revoked on the commencement date.

**218 Grant of TRF licences**

- (1) A person who, immediately before the commencement date, held one or more unrestricted licences may apply to the Joint Authority for the grant to the person of the same number of TRF licences.
- (2) A person who, immediately before the commencement date, held one or more restricted licences may apply to the Joint Authority for the grant to the person of the same number of TRF licences.
- (3) An application under this regulation must be made on or before 31 May 2011.
- (4) The Joint Authority must grant the application.
- (5) If, immediately before the commencement date, a restricted or unrestricted licence held by a person was suspended:
- (a) the person may still make an application under subregulation (1) or (2); but
  - (b) the TRF licence granted to the person on account of the suspended licence must be granted subject to the same period of suspension.

**219 Allocation of fishery units**

- (1) Immediately after the grant of a TRF licence to a person who applied for the licence under regulation 218(1), the Joint Authority must allocate to the licence the following number of fishery units:
- (a) 81 818 fishery units for goldband snapper;
  - (b) 118 182 fishery units for red snapper;
  - (c) 37 728 fishery units for grouped fish.
- (2) Immediately after the grant of a TRF licence to a person who applied for the licence under regulation 218(2), the Joint Authority must allocate to the licence the following number of fishery units:
- (a) 40 909 fishery units for goldband snapper;

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- (b) 59 091 fishery units for red snapper;
  - (c) 18 864 fishery units for grouped fish.

**220 Transfer of fishery units if TRF licence not granted**

- (1) This regulation applies if a person who is entitled to apply for a TRF licence does not apply for the licence under regulation 218.
- (2) On 1 June 2011, the Joint Authority must transfer to the Territory all the fishery units that would have been allocated to the TRF licence under regulation 219 if it had been granted.

**221 Allocation of quota units in first licence year**

Immediately after the allocation of fishery units under regulation 219, the Joint Authority must allocate to each TRF licence granted under regulation 218 the number of quota units for each species group calculated in accordance with the following formula:

$$A = (L \div T \times TAC) \times 5 \div 12$$

where:

**A** is the number of quota units for the relevant species group to be allocated to the TRF licence.

**L** is the number of fishery units for the relevant species group attached to the TRF licence.

**T** is the total number of fishery units for the relevant species group as mentioned in regulation 141G.

**TAC** is the total allowable catch for the relevant species group.

**15 Schedule 6 amended**

- (1) Schedule 6, heading
  - omit*
  - regulation 206A
  - insert*
  - regulation 205A



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(2) Schedule 6, after entry for Regulation 54(1), (2) and (3)

*insert*

Regulation 141JC(2)	Failing to give notice of intention to fish	\$500
Regulation 141JF(b)	Having more than 100 kg of fish that is not intended for sale on board vessel	\$500
Regulation 141JG	Taking fish in excess of quota	50kg or under – \$500
		51 kg to 100 kg – \$1 000
Regulation 141JL(2)	Failing to give prior landing notice	\$500
Regulation 141JN(1)	Failing to weigh fish properly	\$500
Regulation 141JN(3)	Failing to produce certificate of verification	\$500
Regulation 141JO(1)	Failing to give unload notice	\$500