

NORTHERN TERRITORY OF AUSTRALIA

FISHERIES AMENDMENT REGULATIONS 2011

Subordinate Legislation No. 2 of 2011

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Subordinate Legislation No. 2 of 2011*

Fisheries Amendment 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

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

1 Citation

These Regulations may be cited as the *Fisheries Amendment Regulations 2011*.

2 Regulations amended

These Regulations amend the *Fisheries Regulations*.

3 Regulation 3 amended

Regulation 3

insert (in alphabetical order)

Daly River Fish Management Zone means the area described in Schedule 1AA.

4 Regulations 39 and 39A replaced

Regulations 39 and 39A

repeal, insert

39 Pots

- (1) A person must not use or possess, other than at a place of permanent residence, more than 5 pots.

Maximum penalty: \$5 000.

- (2) A person in charge of a vessel must ensure not more than 10 pots are in or on the vessel.

Maximum penalty: \$5 000.

Note for subregulation (2)

If only one person is in or on the vessel, the limit mentioned in subregulation (1) applies to the person.

39A Freshwater pots

- (1) A person must not use a freshwater pot other than in freshwater.

Maximum penalty: \$1 000.

- (2) A person must not use or possess, other than at a place of permanent residence:

- (a) in the Daly River Fish Management Zone – more than 3 freshwater pots; or

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- (b) in any other place – more than 5 freshwater pots.

Maximum penalty: \$5 000.

- (3) A person in charge of a vessel must ensure:

- (a) if the vessel is in the Daly River Fish Management Zone – not more than 6 freshwater pots are in or on the vessel; or
- (b) if the vessel is in any other place – not more than 10 freshwater pots are in or on the vessel.

Maximum penalty: \$5 000.

Note for subregulation (3)

If only one person is in or on the vessel, the limits mentioned in subregulation (2) apply to the person.

- (4) This regulation does not limit the number of freshwater pots a person is permitted to use under:
- (a) an Aquarium Fishing/Display Fishery licence; or
- (b) a Public Aquarium licence.

5 Regulation 46AB replaced

Regulation 46AB

repeal, insert

46AB Amateur possession limit – freshwater prawns and redclaw

- (1) A person must not have possession, in the Daly River Fish Management Zone, of more than:
- (a) 10 freshwater prawns; or
- (b) 20 redclaw.

Maximum penalty: Possession of 11 to 29 freshwater prawns
or 21 to 59 redclaw – \$1 000.

Possession of more than 29 freshwater
prawns or 59 redclaw – \$10 000.

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- (2) A person must not have possession, in any other place, of more than 30 freshwater crustaceans.

Maximum penalty: Possession of 31 to 89 freshwater crustaceans – \$1 000.

Possession of more than 89 freshwater crustaceans – \$10 000.

- (3) It is a defence to a charge of an offence against subregulation (1) or (2) if the defendant proves that the freshwater prawns, redclaw or freshwater crustaceans:

(a) were taken under a licence; or

(b) were at a place of permanent residence.

- (4) A person in charge of a vessel in the Daly River Fish Management Zone must ensure not more than 30 freshwater prawns or 60 redclaw are in or on the vessel.

Maximum penalty: For 31 to 89 freshwater prawns or 61 to 179 redclaw – \$1 000.

For more than 89 freshwater prawns or 179 redclaw – \$10 000.

Note for subregulation (4)

If only one or two people are in or on the vessel, the limits mentioned in subregulation (1) apply to each person.

- (5) A person must not take, or have possession of, a female freshwater crustacean bearing eggs or live young.

Maximum penalty: \$1 000.

- (6) In this regulation:

freshwater crustacean means a freshwater prawn or redclaw.

freshwater prawn means a crustacean of the genus *Macrobrachium*.

redclaw means a crustacean of the species *Cherax quadricarinatus*.

6 Schedule 1AA inserted

After Schedule 1

insert

Schedule 1AA Daly River Fish Management Zone

regulation 3, definition ***Daly
River Fish Management Zone***

The Daly River Fish Management Zone is that part of the Territory bounded:

- (a) to the south west by an imaginary straight line drawn from near Wombungi Outstation near grid reference 7189 E 83633 N (map 5168 Flora) north westerly to the mean low water mark seaward of Cape Scott near grid reference 5885 E 85072 N (map 4870 Dombey); and
- (b) to the north west by an imaginary line drawn from the Cape Scott reference point mentioned in paragraph (a) generally north easterly along the mean low water mark of the coastline to the most northerly point of Cliff Head near grid reference 6298 E 85211 N (map 4971 Anson), then generally northerly along the mean low water mark of the coastline and across the mouth of the Daly River to the mouth of the Reynolds River near grid reference 6326 E 85347 N (map 4971 Anson), then generally north westerly along the mean low water mark of the coastline to a point due west of the southern boundary of the former Wagait Aboriginal Reserve near grid reference 6225 E 85508 N (map 971 Anson); and
- (c) to the north and north east by an imaginary line running easterly along the southern boundary of the former Wagait Aboriginal Reserve to a point due north of Welltree Station Homestead near grid reference 6663 E 85508 N (map 5071 Reynolds River), then from that reference point due south to Welltree Station Homestead near grid reference 6663 E 85396 N (map 5071 Reynolds River), then generally south easterly along the south western boundary edge of Welltree Station access road to its junction with Skewe's Road, then south easterly along the south western boundary edge of Skewe's Road to its junction with the Daly River Road, then easterly along the southern boundary edge of Daly River Road to its junction with the Dorat Road, then south easterly along the south western boundary edge of the Dorat Road to its junction with the Stuart Highway and then south easterly along the south western boundary edge of the Stuart Highway to its junction with the Claravale/Dorisval Road near grid reference 8165 E 84503 N (map 5269 Fergusson River), but not including any buildings or parking areas associated with roadhouses, rest areas or towns (including Pine Creek) along the Stuart Highway; and

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- (d) to the south east by the south eastern boundary edge of the Claravale/Dorisvale/Wombungi Road from its junction with the Stuart Highway referenced in paragraph (c) and then south-easterly to Wombungi Outstation near grid reference 7189 E 83633 N (map 5168 Flora);

including the Daly River upstream of the Claravale crossing on the Claravale/Dorisvale Road to the Flora River junction near grid reference 7914 E 83778 N (map 5268 Bowman), and all tributaries of the Daly River that are downstream from that reference point and the parking and camping areas adjacent to the Claravale crossing.

Note

The maps mentioned above are part of the 1:100 000 topographic series R621, edition 2-AAS, 1984.