

NORTHERN TERRITORY OF AUSTRALIA

FISHERIES AMENDMENT (PUBLIC AQUARIUM LICENCE)  
REGULATIONS 2008

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Subordinate Legislation No. 3 of 2008

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TABLE OF PROVISIONS

1	Citation .....	2
2	Regulations amended.....	2
3	Amendment of regulation 3 (Interpretation) .....	2
4	Amendment of regulation 39 (Pots and freshwater pots).....	2
5	Amendment of regulation 71 (Sale of fish).....	2
6	Repeal and substitution of regulation 147 .....	3
	147 Sale of live fish to certain licensees prohibited	
7	Repeal and substitution of regulation 174 .....	3
	174 Sale of fish	
8	Amendment of regulation 199 (Sale and purchase of fish).....	4
9	New regulation 201A .....	4
	201A Notification of exhibition	
10	New Part 11, Division 4A.....	5
	Division 4A Public Aquarium licence	
	202 Taking, purchasing and exhibiting live fish and aquatic life	
	202A Fishing gear	
11	Amendment of Schedule 2 .....	6



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## ***Fisheries Amendment (Public Aquarium Licence) Regulations 2008***

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 22 February 2008.

T. I. Pauling  
Administrator

By His Honour's Command

M. R. Scrymgour  
Minister for Employment, Education and Training  
acting for the  
Minister for Primary Industry and Fisheries

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\* Notified in the *Northern Territory Government Gazette* on 5 March 2008.

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**1 Citation**

These Regulations may be cited as the *Fisheries Amendment (Public Aquarium Licence) Regulations 2008*.

**2 Regulations amended**

These Regulations amend the *Fisheries Regulations*.

**3 Amendment of regulation 3 (Interpretation)**

Regulation 3(1)

*insert (in alphabetical order)*

**Public Aquarium licence** means a licence for the purposes of Part 11, Division 4A.

**4 Amendment of regulation 39 (Pots and freshwater pots)**

Regulation 39(2)

*omit, substitute*

- (2) A person must not possess or use more than 5 pots or 5 freshwater pots.
- (3) Subregulation (2) 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 Amendment of regulation 71 (Sale of fish)**

Regulation 71(1) and (2)

*omit, substitute*

- (1) A licensee, other than an Aquarium Fishing/Display Fishery licensee, may sell fish to the following:
  - (a) a commercial fishing licensee, other than an Aquarium Fishery/Display Fishery licensee;
  - (b) a Fish Broker licensee;
  - (c) a Fish Retailer licensee;
  - (d) a Fish Trader/Processor licensee;

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- (e) a person holding a licence under Part 10;
  - (f) an interstate or overseas purchaser;
  - (g) a member of the public not purchasing fish for resale.
- (2) An Aquarium Fishing/Display Fishery licensee may sell fish to the following:
- (a) an Aquaculture licensee;
  - (b) an Aquarium Trader licensee;
  - (c) a Public Aquarium licensee;
  - (d) an interstate or overseas purchaser;
  - (e) a member of the public not purchasing fish for resale.

**6 Repeal and substitution of regulation 147**

Regulation 147

*repeal, substitute*

**147 Sale of live fish to certain licensees prohibited**

- (1) A person who holds a licence for this Part, or an assistant, must not sell live fish or aquatic life to the holder of:
- (a) an Aquarium Fishing/Display Fishery licence; or
  - (b) an Aquarium Trader licence; or
  - (c) a Public Aquarium licence.
- (2) However, subregulation (1) does not apply if the purchaser purchases the fish or aquatic life for some purpose other than a purpose of the licence held by the purchaser.

**7 Repeal and substitution of regulation 174**

Regulation 174

*repeal, substitute*

**174 Sale of fish**

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

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

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- (b) a Fish Broker licensee;
  - (c) a Fish Retailer licensee;
  - (d) a Fish Trader/Processor licensee;
  - (e) an Aquaculture licensee;
  - (f) an Aquarium Trader licensee;
  - (g) a Public Aquarium licensee;
  - (h) a member of the public not purchasing fish or aquatic life for resale.

**8 Amendment of regulation 199 (Sale and purchase of fish)**

- (1) Regulation 199, heading

*omit, substitute*

**Sale, purchase and exhibition of live fish and aquatic life**

- (2) After regulation 199(1)

*insert*

- (1A) A person may keep live fish and aquatic life for the purpose of exhibiting them for profit in the Territory if the person holds an Aquarium Trader licence.

**9 New regulation 201A**

After regulation 201

*insert*

**201A Notification of exhibition**

- (1) An Aquarium Trader licensee must not exhibit live fish or aquatic life for profit at a place that is not specified in the licence unless the licensee has notified the Director.
- (2) The notification must be in writing and give details of the address of the place where the live fish or aquatic life are to be exhibited.
- (3) If the Aquarium Trader ceases to exhibit fish or aquatic life at the place, the Aquarium Trader must immediately notify the Director in writing of the cessation.

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**10 New Part 11, Division 4A**

After regulation 201A

*insert*

**Division 4A Public Aquarium licence**

**202 Taking, purchasing and exhibiting live fish and aquatic life**

- (1) Subject to this Division, a person may take and keep live fish and aquatic life for the purpose of exhibiting them for profit in the Territory if the person holds a Public Aquarium licence.
- (2) A Public Aquarium licensee must not under the licence:
  - (a) except with the approval of the Director – take barramundi, spanish mackerel, mud crab, pearl oyster or organisms of the genus *Macrobrachium* or the genus *Cherax*; or
  - (b) take more than the number or quantity of live fish or aquatic life approved by the Director; or
  - (c) purchase live fish or aquatic life other than from:
    - (i) an Aquarium Fishing/Display Fishery licensee; or
    - (ii) an Aquaculture licensee; or
    - (iii) an Aquarium Trader licensee; or
    - (iv) an interstate or overseas supplier.
- (3) A Public Aquarium licensee must not sell live fish or aquatic life taken, purchased or exhibited under the licence.

**202A Fishing gear**

- (1) The Director:
  - (a) may approve gear that may be used by a Public Aquarium licensee for taking live fish and aquatic life; and
  - (b) may give directions as to how the gear may be used.
- (2) A Public Aquarium licensee must not use gear that is not approved under subregulation (1)(a).
- (3) A Public Aquarium licensee must not use gear approved under subregulation (1)(a) contrary to directions given under subregulation (1)(b).

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**11      Amendment of Schedule 2**

Schedule 2

*insert (in alphabetical order)*

Public Aquarium licence