

NORTHERN TERRITORY OF AUSTRALIA

FISHERIES AMENDMENT (PUBLIC AQUARIUM LICENCE)
REGULATIONS 2008

Subordinate Legislation No. 3 of 2008

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



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 3 of 2008*

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

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

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;

-
- (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;

-
- (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.

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).

11 Amendment of Schedule 2

Schedule 2

insert (in alphabetical order)

Public Aquarium licence