

NORTHERN TERRITORY OF AUSTRALIA
FISHERIES AMENDMENT (SHARK FISHERY) REGULATIONS 2005

Regulations No. 13 of 2005

TABLE OF PROVISIONS

Regulation

1. Citation
2. Principal Regulations amended
3. Amendment of regulation 3 (Interpretation)
4. Amendment of regulation 4 (Definitions relating to gear)
5. Amendment of regulation 40 (Pelagic net)
6. Amendment of regulation 96 (Definitions)
7. Repeal and substitution of regulation 96C
 - 96C. Total allowable effort
 - 96CA. Allocation of entitlement
 - 96CB. Temporary transfer of Shark Fishery fishing units
 - 96CC. Permanent transfer of entitlement
8. Amendment of regulation 96D (Taking of fish)
9. Amendment of regulation 98 (Unrestricted licences)
10. Amendment of regulation 99 (Area of fishery)
11. Amendment of regulation 100 (Fishing gear)



NORTHERN TERRITORY OF AUSTRALIA

Regulations No. 13 of 2005*

Fisheries Amendment (Shark Fishery) Regulations 2005

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Fisheries Act*.

Dated 6 May 2005.

E. J. EGAN
Administrator

By His Honour's Command

K. VATSKALIS
Minister for Primary Industry and Fisheries

* Notified in the *Northern Territory Government Gazette* on 18 May 2005.

Fisheries Amendment (Shark Fishery) Regulations 2005

1. Citation

These Regulations may be cited as the *Fisheries Amendment (Shark Fishery) Regulations 2005*.

2. Principal Regulations amended

These Regulations amend the *Fisheries Regulations*.

3. Amendment of regulation 3 (Interpretation)

(1) Regulation 3 –

insert (in alphabetical order)

"snapper" means fish of the family Lutjanidae;

(2) Regulation 3, definition of "threadfin salmon" –

omit

Polynemus sheridani

substitute

Polydactylus macrochir

4. Amendment of regulation 4 (Definitions relating to gear)

(1) Regulation 4 –

insert (in alphabetical order)

"auto-baiting device" means a device, through which fish hooks are passed, that assists in fixing baits to the hooks;

"snood" means a short length of line that has a fish hook attached to it;

(2) Regulation 4, definition of "pelagic net", paragraph (a) –

omit

diameter; and

substitute

diameter;

- (3) Regulation 4, definition of "pelagic net", paragraph (b) –

omit, substitute

(b) with a mesh size of not less than 160 mm and not greater than 185 mm; and

(c) having a drop of not more than 100 meshes;

5. Amendment of regulation 40 (Pelagic net)

- (1) Regulation 40 –

omit

A person

substitute

(1) A person

- (2) Regulation 40(b) –

omit

2.5 km

substitute

2 km

- (3) Regulation 40, at the end –

insert

(2) A person licensed to use a pelagic net must not have on a vessel used under the licence more than a total of 2 km of pelagic net that is fitted with floats, lead ropes, lead lines, lead weights or anchors.

6. Amendment of regulation 96 (Definitions)

- (1) Regulation 96, definitions of "Arafura Region", "Coastal Region" and "Gulf of Carpentaria Region" –

omit

- (2) Regulation 96 –

insert (in alphabetical order)

"entitlement" means the entitlement of total allowable effort;

"Shark Fishery fishing unit" means a right to take shark in the Shark Fishery for one day during a licensing year;

"total allowable effort" means the number of Shark Fishery fishing units determined under regulation 96C(a);

7. Repeal and substitution of regulation 96C

Regulation 96C –

repeal, substitute

96C. Total allowable effort

The Minister may, by notice in the *Gazette*, determine the following:

- (a) the number of Shark Fishery fishing units for the Shark Fishery;
- (b) the number of Shark Fishery fishing units for taking shark using demersal long-lines and pelagic long-lines;
- (c) the number of Shark Fishery fishing units for taking shark using pelagic nets;
- (d) the entitlement of total allowable effort of a Shark Fishery licence.

96CA. Allocation of entitlement

The Joint Authority must, before a licensing year commences, issue to a Shark Fishery licensee the number of Shark Fishery fishing units that is equal to the entitlement of the licence for that licensing year.

96CB. Temporary transfer of Shark Fishery fishing units

(1) A Shark Fishery licensee may, with the approval of the Director, by agreement in writing ("a temporary unit transfer agreement"), permit a Shark Fishery fishing unit issued to the licensee as part of the entitlement of the licence to be used by another Shark Fishery licensee.

(2) A Shark Fishery licensee may apply on the approved form to the Director for the Director's approval to enter into a temporary unit transfer agreement.

(3) An application under subregulation (2) must be accompanied by a fee of \$10.00 for each Shark Fishery fishing unit to which the temporary unit transfer agreement relates and by such information, if any, as the Director requires, including the proposed period of the temporary unit transfer agreement.

(4) The Director may, in the Director's absolute discretion, approve or refuse to approve the proposed temporary unit transfer agreement.

Fisheries Amendment (Shark Fishery) Regulations 2005

(5) If the Director approves a temporary unit transfer agreement, the Director must signify the approval by endorsing the agreement to that effect.

(6) A temporary unit transfer agreement expires on the date, if any, specified in the agreement or at the end of the licensing year in which it was entered into, whichever is the sooner.

(7) A Shark Fishery licensee must not, except in pursuance of an approval under this regulation, purport to permit, or enter into an agreement purporting to permit, another person to use a Shark Fishery fishing unit issued to the licensee as part of the entitlement of the licence.

Penalty: \$10 000.

(8) A temporary unit transfer agreement is void unless it is approved by the Director.

(9) A temporary unit transferee is taken to have been issued the Shark Fishery fishing units to which the temporary unit transfer agreement relates as part of the entitlement of the licence for the period of the agreement.

(10) A temporary unit transfer agreement cannot be revoked.

96CC. Permanent transfer of entitlement

(1) Subject to this regulation, a Shark Fishery licensee may transfer all or a part of the entitlement of the licence to another Shark Fishery licence.

(2) A Shark Fishery licensee may apply on the approved form to the Director for approval to permanently transfer all or a part of the entitlement of the licence.

(3) The application must be accompanied by a fee of \$10.00 for each Shark Fishery fishing unit making up the entitlement of the licence that is to be transferred.

(4) The Director may, in the Director's absolute discretion, approve or refuse to approve an application under this regulation.

(5) If the permanent transfer of all or a part of the entitlement of a licence is approved, the entitlement of the Shark Fishery licence from which the transfer is approved is reduced by the number of Shark Fishery fishing units transferred and the entitlement of the Shark Fishery licence to which the transfer is approved is increased by the number of Shark Fishery fishing units transferred.

(6) In this regulation, a reference to a licensee does not include a person who is deemed to be the holder of a licence by section 12A of the Act.

8. Amendment of regulation 96D (Taking of fish)

(1) Regulation 96D(1) –

omit

the Region endorsed in accordance with regulation 96C on the licence.

substitute

the Shark Fishery area.

(2) After regulation 96D(1A) –

insert

(1B) A Shark Fishery licensee must not take fish under the licence unless the licensee has a Shark fishery fishing unit that gives the licensee the right to do so.

(3) Regulation 96D(2)(a) –

omit

fish; and

substitute

fish;

(4) Regulation 96D(2)(b) –

omit

fish.

substitute

fish; and

(5) Regulation 96D(2) –

insert

(c) 50 kgs of snapper.

- (6) Regulation 96D(2A) –

omit

mackerel

substitute

mackerel or snapper

9. Amendment of regulation 98 (Unrestricted licences)

Regulation 98(1) –

omit

all the words after "Shark Fishery licence"

10. Amendment of regulation 99 (Area of fishery)

Regulation 99 –

omit

high water mark

substitute

coastline

11. Amendment of regulation 100 (Fishing gear)

- (1) Regulation 100(1), (2) and (3) –

omit, substitute

(1) A Shark Fishery licensee must not use under the licence fishing gear other than –

- (a) demersal long-line and gaff in the area extending seaward from an imaginary line following the coastline to the outer boundary of the Australian fishing zone;
- (b) pelagic long-line in the area extending seaward from an imaginary line following the coastline 3 nautical miles seaward from the baseline to the outer boundary of the Australian fishing zone;
- (c) pelagic net in the area extending seaward from an imaginary line following the coastline 2 nautical miles seaward from the low water mark to the outer boundary of the Australian fishing zone; and

Fisheries Amendment (Shark Fishery) Regulations 2005

- (d) a restricted bait net –
 - (i) if the net –
 - (A) is not fixed, anchored or staked; or
 - (B) is fixed anchored or staked at one end only, whereupon it may be used by hauling the other end by hand, or by attaching the other end to a vessel which is not anchored or fixed, in which case the vessel may be used for hauling the net;
 - (ii) in the area extending seaward from the high water mark to an imaginary line following the coastline 3 nautical miles from the low water mark;
 - (iii) for the taking of fish to be used by the licensee as bait under the licence;
 - (iv) if it is, when catch is being cleared, in not less than 30 cm of water; and
 - (v) if it is not left unattended while in use.

- (2) Regulation 100(4) –

omit

20

substitute

15

- (3) Regulation 100, at the end –

insert

(6) A Shark Fishery licensee must not have more than 1000 snoods on a vessel used under the licence.

(7) A Shark Fishery licensee must not have an auto-baiting device on a vessel used under the licence.

(8) A Shark Fishery licensee must not have on a vessel used under the licence –

- (a) a demersal long-line or pelagic long-line unless the licensee has a Shark fishery fishing unit that gives the licensee the right to take shark using the long-line; or

Fisheries Amendment (Shark Fishery) Regulations 2005

- (b) a pelagic net unless the licensee has a Shark fishery fishing unit that gives the licensee the right to take shark using the net.
