

NORTHERN TERRITORY OF AUSTRALIA
FISHERIES AMENDMENT (OFF-SHORE NET AND LINE FISHERY)
REGULATIONS 2005

Regulations No. 48 of 2005

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NORTHERN TERRITORY OF AUSTRALIA

Regulations No. 48 of 2005*

Fisheries Amendment (Off-shore Net and Line 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 2 November 2005.

E. J. EGAN
Administrator

By His Honour's Command

CLARE MARTIN
Chief Minister
acting for the
Minister for Primary Industry and Fisheries

* Notified in the *Northern Territory Government Gazette* on 9 November 2005.

1. Citation

These Regulations may be cited as the *Fisheries Amendment (Off-shore Net and Line Fishery) Regulations 2005*.

2. Principal Regulations amended

These Regulations amend the *Fisheries Regulations*.

3. Repeal and substitution of Part 8, Division 5, heading

Part 8, Division 5, heading –

repeal, substitute

Division 5 – Off-shore Net and Line Fishery

4. Amendment of regulation 96 (Definitions)

- (1) Regulation 96, definitions of "restricted Shark Fishery licence", "Shark Fishery fishing unit" and "unrestricted Shark Fishery licence" –

omit

- (2) Regulation 96 –

insert (in alphabetical order)

"Off-shore Net and Line Fishery fishing unit" means a right to take fish in the Off-shore Net and Line Fishery for one day during a licensing year;

"restricted Off-shore Net and Line Fishery licence" means a licence granted under regulation 96B;

"unrestricted Off-shore Net and Line Fishery licence" means a licence granted under regulation 98.

- (3) Regulation 96, definition of "total allowable effort" –

omit

Shark

substitute

Off-shore Net and Line

5. Repeal and substitution of regulation 96A

Regulation 96A –

repeal, substitute

96A. Declaration of Off-shore Net and Line Fishery

The industry of taking fish by using the fishing gear referred to in regulation 100(1)(a), (b), (c) or (d) is declared to be the Off-shore Net and Line Fishery.

6. Amendment of regulation 96CB (Temporary transfer of fishing units)

(1) Regulation 96CB(1) –

omit

A Shark Fishery

substitute

An Off-shore Net and Line Fishery

(2) Regulation 96CB(1) –

omit

a Shark Fishery

substitute

an Off-shore Net and Line Fishery

(3) Regulation 96CB(1) –

omit

another Shark Fishery

substitute

another Off-shore Net and Line Fishery

(4) Regulation 96CB(2) –

omit

A Shark Fishery

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substitute

An Off-shore Net and Line Fishery

- (5) Regulation 96CB(3) –

omit

each Shark Fishery

substitute

each Off-shore Net and Line Fishery

- (6) After regulation 96CB(3) –

insert

(3A) However, the fee is not payable if –

(a) the temporary unit transferor is the holder of the licence for which the units to be transferred were issued under regulation 96CA; and

(b) the temporary unit transferee is a person taken to be the holder of the licence under section 12A, 14 or 14A of the Act.

- (7) Regulation 96CB(7) –

omit

A Shark Fishery

substitute

An Off-shore Net and Line Fishery

- (8) Regulation 96CB(7) –

omit

a Shark Fishery

substitute

an Off-shore Net and Line Fishery

- (9) Regulation 96CB(9) –

omit

the Shark Fishery

substitute

the Off-shore Net and Line Fishery

- (10) After regulation 96CB(9) –

insert

(9A) The temporary unit transferee may only use the Off-shore Net and Line Fishery fishing units to which the temporary unit transfer agreement relates in accordance with the conditions set out in the agreement.

(9B) Any Off-shore Net and Line Fishery fishing units to which the temporary unit transfer agreement relates not used by the end of the period of the agreement must be treated as Off-shore Net and Line Fishery fishing units of the licensee giving the permission under the agreement.

7. Amendment of regulation 96CC (Permanent transfer of entitlement)

- (1) Regulation 96CC(1) –

omit

a Shark Fishery

substitute

an Off-shore Net and Line Fishery

- (2) Regulation 96CC(1) –

omit

another Shark Fishery

substitute

another Off-shore Net and Line Fishery

- (3) Regulation 96CC(2) –

omit

A Shark Fishery

substitute

An Off-shore Net and Line Fishery

- (4) Regulation 96CC(3) and (5) –

omit (all references)

Shark Fishery

substitute

Off-shore Net and Line Fishery

- (5) Regulation 96CC(6) –

omit

deemed to be the holder of a licence by section 12A

substitute

taken to be the holder of a licence under section 12A, 14 or 14A

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

- (1) Regulation 96D(1) –

omit

Subject to subregulation (1A), the

substitute

The

- (2) Regulation 96D(1) –

omit (all references)

Shark Fishery

substitute

Off-shore Net and Line Fishery

- (3) Regulation 96D(1A) –

omit

- (4) Regulation 96D(1B) –

omit

A Shark Fishery

substitute

An Off-shore Net and Line Fishery

- (5) Regulation 96D(1B) –

omit

a Shark Fishery

substitute

an Off-shore Net and Line Fishery

- (6) Regulation 96D(2), (2A) and (3) –

omit (all references)

A Shark Fishery

substitute

An Off-shore Net and Line Fishery

9. Amendment of regulation 97 (Transfer of licence)

- (1) Regulation 97(1) –

omit, substitute

(1) The holder of a restricted Off-shore Net and Line Fishery licence may transfer the licence under section 12A or 12B of the Act.

- (2) Regulation 97(5) –

omit

Shark Fishery

substitute

Off-shore Net and Line Fishery

10. Amendment of regulation 98 (Unrestricted licence)

- (1) Regulation 98(1) and (2) –

omit

Shark Fishery

substitute

Off-shore Net and Line Fishery

- (2) Regulation 98(2), after "transfer the licence" –

insert

under section 12A or 12B of the Act

11. New Part 13 heading

After regulation 209A –

insert

**PART 13 – REPEALS AND TRANSITIONAL MATTERS FOR
REGULATIONS NO. 72 OF 1992**

12. New Part 14

After regulation 210 –

insert

**PART 14 – TRANSITIONAL MATTERS FOR *FISHERIES AMENDMENT
(OFF-SHORE NET AND LINE FISHERY) REGULATIONS 2005***

211. Definitions

In this Part –

"commencement" means the commencement of the *Fisheries Amendment (Off-shore Net and Line Fishery) Regulations 2005*;

"Shark Fishery" has the same meaning as in these regulations as in force immediately before the commencement.

212. Savings – Shark Fishery licence etc.

(1) A restricted Shark Fishery licence in force immediately before the commencement has effect after the commencement as if it were a restricted Off-shore Net and Line Fishery licence.

(2) An unrestricted Shark Fishery licence in force immediately before the commencement has effect after the commencement as if it were an unrestricted Off-shore Net and Line Fishery licence.

(3) An entitlement in relation to Shark Fishery fishing units existing immediately before the commencement has effect after the commencement as if it were an entitlement in relation to Off-shore Net and Line Fishery fishing units.

213. Savings – instruments

(1) Subregulation (2) applies in relation to an instrument of a legislative or administrative character that –

- (a) relates to the Shark Fishery; and
 - (b) was in force immediately before the commencement.
- (2) The instrument has effect, as if –
- (a) a reference in the instrument to the Shark Fishery were a reference to the Off-shore Net and Line Fishery; and
 - (b) a reference in the instrument to the Shark Fishery area were a reference to the Off-shore Net and Line Fishery area; and
 - (c) a reference in the instrument to a Shark Fishery licence were a reference to an Off-shore Net and Line Fishery licence; and
 - (d) a reference in the instrument to a restricted Shark Fishery licence were a reference to a restricted Off-shore Net and Line Fishery licence; and
 - (e) a reference in the instrument to an unrestricted Shark Fishery licence were a reference to an unrestricted Off-shore Net and Line Fishery licence; and
 - (f) a reference in the instrument to a Shark Fishery fishing unit were a reference to an Off-shore Net and Line Fishery fishing unit.

13. Further amendments

The Schedule has effect.

SCHEDULE

Regulation 13

FURTHER AMENDMENTS

Provision	Amendment	
	omit	substitute
Regulation 96B(1) and (2), (3)	Shark Fishery (all references)	Off-shore Net and Line Fishery
Regulation 96B(4)	the whole subregulation	
Regulation 96B(5)	Shark Fishery licence	Off-shore Net and Line Fishery licence
Regulation 96B(6)	Shark Fishery licences	Off-shore Net and Line Fishery licences
Regulation 96C(a)	Shark Fishery fishing units	Off-shore Net and Line Fishery fishing units
	Shark Fishery	Off-shore Net and Line Fishery
Regulation 96C(b) and (c)	Shark Fishery fishing units	Off-shore Net and Line Fishery fishing units
	taking shark	taking fish
Regulation 96C(d)	a Shark Fishery licence	an Off-shore Net and Line Fishery licence
Regulation 96CA	a Shark Fishery	an Off-shore Net and Line Fishery
	Shark Fishery fishing units	Off-shore Net and Line Fishery fishing units
Regulation 99	Shark Fishery area	Off-shore Net and Line Fishery area
Regulation 100(1)	A Shark Fishery	An Off-shore Net and Line Fishery
Regulation 100(4) and (5)	a Shark Fishery (all references)	an Off-shore Net and Line Fishery

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Regulation 100(6) and (7)	A Shark Fishery (all references)	An Off-shore Net and Line Fishery
Regulation 100(8)	A Shark Fishery	An Off-shore Net and Line Fishery
	a Shark fishery (all references)	an Off-shore Net and Line Fishery
	take shark (all references)	take fish
Regulation 100A	a Shark Fishery (first reference)	an Off-shore Net and Line Fishery
Schedules 2 and 3	Shark Fishery licence (all references)	Off-shore Net and Line Fishery licence
