

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF FISHERIES REGULATIONS

Regulations 2003, No. 57

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 2003, No. 57*

Regulations under the *Fisheries Act*

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 19 December 2003.

E. J. EGAN
Administrator

By His Honour's Command

P. R. HENDERSON
Minister for Business and Industry
acting for and on behalf of the
Minister for Primary Industry and Fisheries

* Notified in the *Northern Territory Government Gazette* on 22 December 2003.

Fisheries Regulations

AMENDMENTS OF FISHERIES REGULATIONS

1. Principal Regulations

The Fisheries Regulations are in these Regulations referred to as the Principal Regulations.

2. Definitions relating to gear

Section 4 of the Principal Regulations is amended by omitting the definition of "amateur drag net" and substituting the following:

" 'amateur drag net' means a net that –

- (a) is not longer than 16 m, excluding the length of any attached haul lines;
- (b) has both pocket, if any, and net made of mesh no larger than 28mm;
- (c) has a drop of not more than 2 m; and
- (d) is made of netting material of not less than 0.35 mm in diameter (equivalent to 6 kg monofilament fishing line)."

3. Repeal and substitution

Section 46A of the Principal Regulations is repealed and the following substituted:

"46A. Amateur possession limit – tropical rock lobster

"(1) Subject to subregulation (3), a person must not have possession of more than 10 tropical rock lobsters (*Panulirus sp.*) other than at the person's permanent residence.

Penalty: Possession of 11 to 14 rock lobsters – \$1 000.

Possession of more than 14 rock lobsters – \$10 000.

"(2) In determining the number of rock lobsters in a person's possession for subregulation (1), a rock lobster lawfully acquired from a licensee and for which the person has a receipt or other proof of acquisition must be disregarded.

"(3) A person who has possession of more than 10 rock lobsters does not commit an offence against subregulation (1) if the person –

- (a) establishes he or she is a member of a fishing party; and

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- (b) no member of the party would be in contravention of subregulation (1) if the rock lobsters were apportioned as equally as possible among the members of the party who are present or able to be assembled in a short period of time.

"(4) If –

- (a) the members of a fishing party have possession of more than 10 rock lobsters;
- (b) each person who is a member of the party would have possession of more than 10 rock lobsters in contravention of subregulation (1) if the rock lobsters in their possession were apportioned as equally as possible among the members of the party; and
- (c) it is not readily ascertainable which person has possession of the rock lobsters,

each of the persons is, for subregulation (1), taken to have possession of all the rock lobsters.

"(5) If –

- (a) there are more than 3 persons in or on a vessel; and
- (b) there are more than 30 rock lobsters in or on the vessel,

each of the persons is, for subregulation (1), taken to have possession of all the rock lobsters.

"(6) In determining the number of rock lobsters in or on a vessel for subregulation (5)(b), a rock lobster lawfully acquired from a licensee and for which a person on the vessel has a receipt or other proof of acquisition must be disregarded.

"(7) In this regulation –

'licensee' means the holder of a Fishery licence permitted to take tropical rock lobsters, Fish Trader/Processor licence, Fish Retailer licence or Aquaculture licence."