

NORTHERN TERRITORY OF AUSTRALIA

**FISHERIES AMENDMENT (PRIORITY SPECIES AND SWIM BLADDER)
REGULATIONS 2018**

Subordinate Legislation No. 18 of 2018

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Subordinate Legislation No. 18 of 2018*

***Fisheries Amendment (Priority Species and Swim Bladder)
Regulations 2018***

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Fisheries Act*.

Dated 25 June 2018

V. S. O'HALLORAN
Administrator

By Her Honour's Command

N. S. MANISON
Treasurer
acting for
Minister for Primary Industry and Resources

* Notified in the *Northern Territory Government Gazette* on 4 July 2018.

1 Citation

These Regulations may be cited as the *Fisheries Amendment (Priority Species and Swim Bladder) Regulations 2018*.

2 Commencement

These Regulations commence on the day on which they are notified in the *Gazette*.

3 Regulations amended

These Regulations amend the *Fisheries Regulations*.

4 Part 3, Division 3A inserted

After regulation 28

insert

Division 3A Priority species**28AA Fish of priority species**

For section 40B of the Act, Schedule 8 specifies the prescribed fish of a priority species and their prescribed commercial quantity.

5 Regulation 46D inserted

After regulation 46C, in Part 5, Division 4

insert

46D Amateur possession limits – swim bladders

- (1) A person must not, at any place other than the person's permanent residence, have possession of a swim bladder that is detached from a fish.

Maximum penalty: 40 penalty units.

- (2) A person must not, at the person's permanent residence, have possession of more than 2 swim bladders that are detached from fish.

Maximum penalty: 40 penalty units.

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- (3) It is a defence to a charge of an offence against subregulation (1) if the defendant proves that the swim bladder was for immediate consumption by the defendant or a person in the company of the defendant.
 - (4) It is a defence to a charge of an offence against subregulation (1) or (2) if the defendant proves that:
 - (a) the possession was temporary while the defendant was processing the fish; or
 - (b) the swim bladder was taken under a licence or permit entitling the person to its possession; or
 - (c) the swim bladder was obtained from a licensee, or the holder of a permit, permitted to sell the swim bladder; or
 - (d) the swim bladder was purchased from a retail or wholesale outlet; or
 - (e) the swim bladder was imported into the Territory, packaged for sale to a final consumer and marked with the State, Territory or country from which the swim bladder was imported.
 - (5) This regulation applies despite any other provision in a regulation or fishery management plan.

6 Schedule 6 amended (Infringement notice offences and penalties)

Schedule 6

insert (in numerical order)

| | | |
|-------------------|---|-----------------|
| Regulation 46D(1) | Possession of detached swim bladder at a place other than permanent residence | 2 penalty units |
| Regulation 46D(2) | Possession of more than 2 detached swim bladders at permanent residence | 2 penalty units |

7 Schedule 8 inserted

After Schedule 7

insert

Schedule 8 Fish of priority species

regulation 28AA

| Common name | Commercial quantity |
|----------------|---------------------|
| Black jewfish | 3 |
| Golden snapper | 4 |

8 Repeal of Regulations

These Regulations are repealed on the day after they commence.