

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF FISHERIES REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1999, No. 3*

Regulations under the *Fisheries Act*

I, MINNA LYDIA RUTH SITZLER, the Acting Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Fisheries Act*.

Dated 29 January 1999.

M L SITZLER
Acting Administrator

AMENDMENTS OF FISHERIES REGULATIONS

1. PRINCIPAL REGULATIONS

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

2. REPEAL AND SUBSTITUTION

Regulation 6 of the Principal Regulations is repealed and the following substituted:

"6. DETERMINATION OF MESH SIZE

"(1) Where a method for the determination of the mesh size of a net to be used in a fishery is specified in the fishery management plan for that fishery, that method is to be used.

"(2) To determine the mesh size of finfish trawl gear, the following method is to be used:

- (a) immediately before the measurement is taken, the part of the net to be measured is to be soaked in fresh or salt water for not less than 5 minutes;
- (b) the part of the net to be measured is to be suspended vertically;

* Notified in the *Northern Territory Government Gazette* on 10 February 1999.

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- (c) the distance between the surface of a knot and the surface of the opposite knot in the same mesh or, in the case of a mesh without knots, the opposite corners of a mesh is to be measured by means of a device which has 2 arms, the upper of which is fixed and the lower of which -
 - (i) is capable of moving freely in relation to the upper; and
 - (ii) has a weight of 3170 grams acting on it;
- (d) the device is to be graduated so that the distance between the upper and lower arms of the device can be ascertained to the nearest millimetre;
- (e) the device is to be suspended so that the upper arm is in contact with the top of the mesh being measured and the lower arm is free to move, allowing the weight acting on the lower arm to pull the mesh taut;
- (f) the measurement of the mesh is to be taken to be the average measurement of 10 meshes at least 30 cm from each other.

"(3) To determine the mesh size of a net to which neither subregulation (1) nor (2) applies, the following method is to be used:

- (a) immediately before the measurement is taken, the part of the net to be measured is to be soaked in fresh or salt water for not less than 5 minutes;
- (b) a device graduated in millimetres is to be used to measure the distance between opposite knots or, in the case of a mesh without knots, opposite corners of a mesh when the mesh is closed;
- (c) the mesh is closed when the sides of the mesh are as close to touching each other as practicable by the use of sufficient tension by hand or other means but without the use of such tension as to stretch the net material or the mesh past its natural length;
- (d) the measurement of the mesh is to be taken to be the average measurement of 10 meshes at least 30 cm from each other."

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3. ENTRY CRITERIA AND NUMBER OF LICENCES

Regulation 96B of the Principal Regulations is amended by omitting from subregulation (2) "38" and substituting "39".

4. TAKING OF FISH

Regulation 96D of the Principal Regulations is amended -

(a) by omitting from subregulation (1) "The holder" and substituting "Subject to subregulation (1A), the holder"; and

(b) by inserting after subregulation (1) the following:

"(1A) A person to whom a restricted Shark Fishery licence is transferred on or after the commencement of this subregulation must not take fish under that licence."

5. TRANSFER OF LICENCE

Regulation 97 of the Principal Regulations is amended -

(a) by omitting subregulation (4); and

(b) by omitting subregulation (5) and substituting the following:

"(5) The holder of 3 restricted Shark Fishery licences may transfer those licences to the Territory and the Joint Authority must approve the transfer."

6. UNRESTRICTED LICENCES

Regulation 98 of the Principal Regulations is amended by omitting from subregulation (1) "in all Regions specified in regulation 96C" and substituting "in the Region or Regions specified in regulation 96C in which the taking of fish was permitted under the transferred licences".

7. FISHING GEAR

Regulation 100 of the Principal Regulations is amended -

(a) by omitting from subregulation (1) all the words from and including "The holder" to and including "other than -" and substituting the following:

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"The holder of a restricted Shark Fishery licence endorsed for the Coastal Region or an unrestricted Shark Fishery licence endorsed for the Coastal Region but not for either the Arafura Region or the Gulf of Carpentaria Region must not use under the licence fishing gear other than -";

- (b) by omitting from subregulation (2) all the words from and including "The holder" to and including "other than -" and substituting the following:

"The holder of a restricted Shark Fishery licence endorsed for the Arafura Region or the Gulf of Carpentaria Region or an unrestricted Shark Fishery licence endorsed for the Arafura Region, the Gulf of Carpentaria Region or both but not for the Coastal Region must not use under the licence fishing gear other than -"; and

- (c) by omitting from subregulation (3) all the words from and including "The holder" to and including "other than -" and substituting the following:

"The holder of an unrestricted Shark Fishery licence endorsed for the Arafura Region, the Gulf of Carpentaria Region or both and for the Coastal Region must not use under the licence fishing gear other than -".

8. REPEAL

Division 11 of Part 8 of the Principal Regulations is repealed.

9. PERIOD OF LICENCE, &c.

Regulation 140 of the Principal Regulations is amended by omitting from paragraph (b) "twice" and substituting "4 times".

10. SCHEDULE 2

Schedule 2 to the Principal Regulations is amended by omitting "Fixed Fish Trap Fishery licence".

11. SCHEDULE 3

Schedule 3 to the Principal Regulations is amended by omitting "Fixed Fish Trap Fishery licence".