

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1994, No. 19*

Regulations under the *Fisheries Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Fisheries Act*.

Dated 30 June 1994.

K.J.A. ASCHE
Administrator

AMENDMENTS OF FISHERIES REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation on 1 July 1994.

2. INTERPRETATION

Regulation 3(1) of the Fisheries Regulations is amended by inserting after the definition of "broodstock" the following:

"'coastline' means -

- (a) except in relation to the mouth of a river, an imaginary line drawn along the coast at the Highest Astronomical Tide; or
- (b) in relation to the mouth of a river, an imaginary line, contiguous with the adjacent coastline, drawn across the mouth of the river;"

* Notified in the *Northern Territory Government Gazette* on 1 July 1994.

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3. REPEAL AND SUBSTITUTION

Regulation 9 of the Fisheries Regulations is repealed and the following substituted:

"9. CERTAIN FISH NOT TO BE TAKEN

"A person shall not take cod, groper or any other fish of the genus *Epinephelus* if the cod, groper or other fish is more than 1.2 m long."

4. PERMIT TO IMPORT FISH OR AQUATIC LIFE

Regulation 26(12)(a)(ii) of the Fisheries Regulations is amended by omitting "Schedule 6" and substituting "a Schedule".

5. REPEAL AND SUBSTITUTION

Regulation 93 of the Fisheries Regulations is repealed and the following substituted:

"93. SURRENDER AND TRANSFER OF LICENCE

"(1) Subject to subregulation (2), a person who is the holder of an unrestricted licence may take fish under the licence and may transfer the licence to another person.

"(2) A person to whom an unrestricted licence is transferred on or after 1 July 1994 may not take fish under the licence but may transfer the licence to another person.

"(3) A person who is the holder of a restricted licence may take fish under the licence but may not transfer the licence.

"(4) Notwithstanding subregulations (1), (2) and (3), where a person is the holder of 2 Spanish Mackerel licences, being -

(a) 2 restricted licences;

(b) 2 unrestricted licences; or

(c) a restricted licence and an unrestricted licence,

the person may surrender both licences to the Territory and the Territory shall issue to the person another Spanish Mackerel licence (not being a restricted licence or an unrestricted licence) which shall as far as is practicable be subject to the same terms and conditions as the licences which the person surrendered to the Territory, except that the licence issued shall not be subject to a term or condition which prohibits the transfer of the licence.

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"(5) A person who holds a Spanish Mackerel licence issued pursuant to subregulation (4) may -

- (a) take fish under the licence; and
- (b) transfer the licence."

6. COMPANY STRUCTURE

Regulation 121 of the Fisheries Regulations is amended -

- (a) by omitting from subregulation (4) "beneficial" and substituting "legal or beneficial"; and
- (b) by omitting from subregulation (5) "beneficial" and substituting "legal or beneficial".

7. NEW REGULATION

The Fisheries Regulations are amended by inserting after regulation 135 the following:

"135A. TRANSFER OF LICENCES

"A person who holds a Trepang Fishery licence may transfer the licence."

8. COMPANY STRUCTURE

Regulation 180 of the Fisheries Regulations is amended -

- (a) by omitting from subregulation (4) "beneficial" and substituting "legal or beneficial"; and
- (b) by omitting from subregulation (5) "beneficial" and substituting "legal or beneficial".

9. NTFIC LEVY PAYABLE

Regulation 207 of the Fisheries Regulations is amended by omitting subregulation (1) and substituting the following:

"(1) Subject to subregulation (1), the Minister may, by notice in the Gazette, prescribe a levy to be paid (for the purpose of assisting the Northern Territory Fishing Industry Council) by an applicant for the grant, renewal or transfer of a licence listed in Schedule 3.

"(1A) The Minister shall not prescribe a levy pursuant to subregulation (1) unless he has consulted with the Northern Territory Fishing Industry Council for the purpose of determining the amount of the levy."

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10. SCHEDULE 2

Schedule 2 to the Fisheries Regulations is amended -

- (a) by omitting "LICENCE OR PERMIT "and substituting "MATTER"
- (b) by omitting "Permit under section 16 or 17 of the Act"; and
- (c) by inserting, in the appropriate alphabetical position, the following items:

- "Development licence";
- "Landing permit";
- "Permanent transfer of licence";
- "Temporary transfer of licence";
- "Vessel registration".

11. SCHEDULE 3

Schedule 3 to the Fisheries Regulations is amended by inserting, in the appropriate alphabetical position, "Development licence".

12. TRANSITIONAL

(1) In this regulation, "former Regulations" means the Fisheries Regulations as in force immediately before 1 July 1994.

(2) A person who has surrendered a Spanish Mackerel licence to the Territory for the purposes of regulation 93(1)(b) of the former Regulations may, on or after the commencement of these Regulations, surrender the licence he holds to the Territory and regulation 93(4) and (5) of the Fisheries Regulations as substituted by regulation 5 of these Regulations shall apply accordingly as if the person surrenders 2 Spanish Mackerel licences.
