

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1991, No. 11*

Regulations under the *Fisheries Act*

I, JAMES HENRY MUIRHEAD, 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 28 March 1991.

J.H. MUIRHEAD
Administrator

AMENDMENTS OF FISH AND FISHERIES REGULATIONS

1. RESTRICTIONS ON CRAB FISHING EFFORT

Regulation 14A of the Fish and Fisheries Regulations is amended -

- (a) by inserting, in subregulation (4) after "are transferred", the words "and the prior approval of the Director is obtained"; and
- (b) by adding at the end the following:

"(5) Notwithstanding subregulation (1), the Director shall not, after the Mud Crab Fishery Management Plan becomes operative, take any action to endorse a Class A licence with a crab pot endorsement or grant, issue or renew a licence endorsed with a crab pot endorsement, unless the action is -

- (a) to consolidate, substitute or renew a licence already endorsed with the same number of crab pot endorsements; or
- (b) to complete an approved transfer under subregulation (4)."

* Notified in the *Northern Territory Government Gazette* on 10 April 1991.

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2. NEW REGULATION

The Fish and Fisheries Regulations are amended by inserting, after regulation 18A, the following:

"18B. GRANT OF BARRAMUNDI LICENCE

"The Director shall not, after the Barramundi Fishery Management Plan becomes operative, grant a licence that would permit a person to fish in the Barramundi Fishery."

3. TRANSFER OF LICENCES

Regulation 19 of the Fish and Fisheries Regulations is amended by inserting, after subregulation (2), the following:

"(3) Subject to subregulation (4), the Director shall not approve the transfer of any licence which permits a person to fish in the Barramundi Fishery unless all units of gill-netting endorsed on the licence are transferred with the licence.

"(4) Subregulation (3) does not apply to the transfer of a unit of gill-netting to the Territory."

4. NEW REGULATION

The Fish and Fisheries Regulations are amended by inserting, after regulation 52, the following:

"52A. LEVY

"(1) Subject to this regulation, the Minister may, by notice in the *Gazette*, prescribe a levy to be used for the purposes of assisting in the funding of the Northern Territory Fishing Industry Council Inc. and may also prescribe that an amount, not exceeding 10% of any levy collected, shall be credited to the Consolidated Fund.

"(2) A levy prescribed under subregulation (1) -

(a) shall not exceed -

(i) \$100 for or in respect of each licence granted, renewed or transferred; and

(ii) \$50 for or in respect of each endorsement on a licence or on a licence that is renewed or transferred; and

(b) shall be paid -

(i) in the case of a Class A1 licence -

(A) by the licensee not later than 30 days after the publication of a notice made under subregulation (1); and

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- (B) by a person to whom a Class A licence is granted, renewed or transferred; and
- (ii) in the case of a Class B or Class C licence -
 - (A) by the licensee not later than 30 days after the publication by the Minister of a notice in the *Gazette* declaring that a levy prescribed under sub-regulation (1) is to apply in respect of a Class B or Class C licence or both; and
 - (B) by a person to whom a Class B or, as the case may require, Class C licence is granted, renewed or transferred after the date of publication of such a notice of application.

"(3) Where a person is liable to pay a levy prescribed under this regulation, the Director shall not grant a licence to that person, or renew or transfer a licence of that person, if the levy has not been paid.

"(4) Subject to any amount prescribed as being payable to the Consolidated Fund, any levy collected under this regulation shall be credited to a trust account established by the Treasurer under the *Financial Administration and Audit Act* as an account forming part of the Trust Fund, within the meaning of that Act, for the purpose for which the levy is prescribed, and shall from time to time be disbursed from that account to the Northern Territory Fishing Industry Council Inc. from which a receipt, given by the secretary or other principal officer of the Council, shall be a sufficient discharge to the Treasurer."
