

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1984, No. 18*

Regulations under the *Fish and Fisheries Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Fish and Fisheries Act*.

Dated this 29th day of March, 1984.

E. E. JOHNSTON

Administrator

By His Honour's Command

N. M. DONDAS

Minister for Health, Youth, Sport, Recreation and Ethnic Affairs
for and on behalf of the
Minister for Primary Production

AMENDMENTS OF THE FISH AND FISHERIES REGULATIONS

1. PRINCIPAL REGULATIONS

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

2. DEFINITIONS

Regulation 3 of the Principal Regulations is amended by inserting after the definition of "barramundi" the following:

"'electrofishing' means the technique of stunning or killing fish using equipment which passes an electrical current between a cathode and an anode immersed in water;"

* Notified in the *Northern Territory Government Gazette* on 30 MAR —, 1984.

G. L. DUFFIELD, Government Printer of the Northern Territory

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3. NEW REGULATION

The Principal Regulations are amended by inserting in Part II after regulation 7A the following:

"7B. CONDITIONS FOR ABORIGINAL LICENCE FOR NON-COMMERCIAL FISHING

"Where the Director of Fisheries grants an application for a Class D licence to a member of an Aboriginal community, a condition shall be implied in the licence that the licensee shall not -

- (a) use gill-netting exceeding 200 metres in length;
- (b) use gill-netting except in waters referred to in regulation 21; or
- (c) supply or dispose of fish except to an Aboriginal community.

Penalty: \$500."

4. REPEAL AND SUBSTITUTION

Regulation 10 of the Principal Regulations is repealed and the following substituted:

"10. TRAWLING IN CLOSED WATERS

"Where a person is licensed to engage in the Prawn Fishery, a condition shall be implied in the licence that the licensee shall not carry trawl apparatus -

- (a) in waters that are closed to trawling; or
- (b) in a river or river mouth,

unless -

- (c) the vessel carrying such apparatus is lying at anchor in an area that is recognised by the Director of Fisheries as a recognised anchorage area;
- (d) the apparatus is stowed below deck on board the vessel; or
- (e) the apparatus is suspended in board of the vessel from a mast or a boom so as to be in full view and no part of the apparatus is touching or submerged in the water.

Penalty: \$1,000."

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5. CLASS A2 LICENSEES

Regulation 13 of the Principal Regulations is amended by omitting "regulation 16" and substituting "regulation 10".

6. WATERS CLOSED TO CRABBING

The Table to Regulation 15 of the Principal Regulations is amended -

- (a) by omitting from item 3 the words "and Howard River" and substituting ", Howard River and Buffalo Creek"; and
- (b) by omitting items 6 and 7 and substituting the following:

"6. MAP SHEET - KAPALGA 5372

The waters downstream of a straight line running across the South Alligator River the co-ordinates of which are:

221450 E to 221800 E
8604700 N to 8604700 N

"7. MAP SHEET - KOOLPINYAH 5173

The waters downstream of a straight line running across the Adelaide River the co-ordinates of which are:

748400 E to 748900 E
8632250 N to 8632250 N".

7. ILLEGAL CRABBING

Regulation 16 of the Principal Regulations is amended -

- (a) by inserting after "the licence that" the words "the licensee shall mark with a consecutive number each pot he is licensed to use and that";
- (b) by omitting from paragraph (d)(i) the words "6 cubic metres" and substituting "0.5 cubic metres".

8. REPEAL AND SUBSTITUTION

Regulation 18 of the Principal Regulations is repealed and the following substituted:

"18. DECLARATION OF BARRAMUNDI FISHERY

"(1) The industry of taking barramundi and fish of the family *Polynemidae* by any means other than trawling or crab pots is declared to be the Barramundi Fishery.

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"(2) A person who is licensed in the Barramundi Fishery shall not engage in that Fishery outside the seaward limit of the Fishery defined by an imaginary line 3 nautical miles from the shore at low water mark and parallel to the shore or to a river mouth or parallel to the delineation of the river mouths described in Table 2 in regulation 21.

Penalty: \$1,000."

9. WATERS CLOSED TO GILL-NETTING

Regulation 21 of the Principal Regulations is amended -

(a) by omitting Table 1 and substituting the following:

"TABLE 1

MAP SHEET - MILLIK MONMIR 4967

The waters downstream of a straight line running across the Victoria River the co-ordinates of which are:

621000 E to 621000 E
8292000 N to 8293200 N

MAP SHEET - KEYLING 4868

The waters downstream of a straight line running across the Fitzmaurice River the co-ordinates of which are:

617000 E to 617000 E
8366250 N to 8364800 N

MAP SHEET - ANSON 4971

The waters downstream of a straight line running across the Daly River the co-ordinates of which are:

641000 E to 641000 E
8513175 N to 8514250 N

MAP SHEET - FOG BAY 4972

The waters downstream of a straight line running across the Finnis River the co-ordinates of which are:

649600 E to 649600 E
8573500 N to 8573420 N

MAP SHEET KOOLPINYAH 5173

The waters downstream of a straight line running across the Adelaide River the co-ordinates of which are:

749300 E to 748500 E
8639850 N to 8639850 N

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MAP SHEET - POINT STUART 5273

The waters downstream of a straight line running across Tommy Cut Creek the co-ordinates of which are:

794325 E to 794500 E
8632250 N to 8632250 N

MAP SHEET - POINT STUART 5273

The waters downstream of a straight line running across Sampan Creek the co-ordinates of which are:

802490 E to 802500 E
8632250 N to 8632250 N

MAP SHEET - FIELD ISLAND 5373

The waters downstream of a straight line running across Wildman River the co-ordinates of which are:

187500 E to 187700 E
8632250 N to 8632250 N

MAP SHEET - FIELD ISLAND 5373

The waters downstream of a straight line running across the West Alligator River the co-ordinates of which are:

198350 E to 198550 E
8632250 N to 8632250 N

MAP SHEET - FIELD ISLAND 5373

The waters downstream of a straight line running across the South Alligator River the co-ordinates of which are:

214850 E to 216500 E
8632250 N to 8632250 N

MAP SHEET - EAST ALLIGATOR 5473

The waters downstream of a straight line running across the East Alligator River the co-ordinates of which are:

247800 E to 247800 E
8659600 N to 8656350 N

MAP SHEET - ROPER 5968

The waters downstream of a straight line running across the Roper River the co-ordinates of which are:

512250 E to 512900 E
8365600 N to 8365600 N

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MAP SHEET - ROPER 5968

The waters downstream of a straight line running across the Towns River the co-ordinates of which are:

544000 E to 544000 E
8346450 N to 8346750 N

MAP SHEET - MOUNT YOUNG 6067

The waters downstream of a straight line running across the Limmen Bight River the co-ordinates of which are:

556400 E to 556400 E
8313200 N to 8313950 N

MAP SHEET - PELLEW 6266

The waters downstream of a straight line running across the McArthur River the co-ordinates of which are:

663950 E to 663950 E
8240800 N to 8242100 N

MAP SHEET - WEARYAN 6265

The waters downstream of a straight line running across the Wearyan River the co-ordinates of which are:

696500 E to 696500 E
8229750 N to 8229850 N

MAP SHEET - ROBINSON 6365

The waters downstream of a straight line running across the Robinson River the co-ordinates of which are:

723300 E to 723600 E
8215500 N to 8215500 N

MAP SHEET - CALVERT RIVER 6465

The waters downstream of a straight line running across the Calvert River the co-ordinates of which are:

786000 E to 786650 E
8189750 N to 8189750 N",

and

(b) by -

(i) omitting from Table 2 all that item "MAP SHEET - FIELD ISLAND 5373" and substituting the following:

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"MAP SHEET - FIELD ISLAND 5373

A straight line running across the South Alligator River, the co-ordinates of which are:

211600 E to 218600 E
8649900 N to 8649500 N

A straight line running across the West Alligator River, the co-ordinates of which are:

201250 E to 207900 E
8647000 N to 8647000 N

A straight line running across the Wildman River, the co-ordinates of which are:

180500 E to 181000 E
8638000 N to 8638000 N"; and

(ii) by omitting from item "MAP SHEET KOOLPINYAH 5173 the figures and letters -

" 745050 E to 745150 E
8646750 N to 8646900 N"

and substituting:

" 741600 E to 742900 E
8647200 N to 8648500 N".

10. NEW REGULATION

The Principal Regulations are amended by inserting after regulation 22 the following:

"22A. TAKING FISH OTHER THAN BARRAMUNDI, &c.

"Where a person is licensed to engage in the Barramundi Fishery, a provision shall be implied in the licence that, if the licensee establishes that a part of his catch, taken while he was genuinely fishing for barramundi or fish of the family *Polynemidae* was fish other than barramundi or fish of the family *Polynemidae*, he may, unless the Director of Fisheries directs otherwise by notice in writing, keep that other fish for sale or commercial purposes and process it."

11. SURRENDER OF LICENCE OR UNIT OF GILL-NETTING

Regulation 23A of the Principal Regulations is amended -

(a) by omitting from sub-regulation (1A) "1983" and substituting "1984";

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- (b) by inserting after sub-regulation (1B) the following:

"(1C) Where a licensee surrenders, pursuant to sub-regulation (1) or (1B), all the gill-netting in his possession he may apply to the Director of Fisheries for payment of \$500 for each unit of gill-netting in addition to the consideration referred to in those sub-regulations."; and

- (c) by inserting in sub-regulation (3) after "sub-regulation (1)" the words "or (1B)".

12. NEW DIVISIONS

The Principal Regulations are amended by repealing Division 4 of Part III and substituting the following:

Division 4 - Inshore Reef Fish Fishery

"24. DECLARATION OF INSHORE REEF FISH FISHERY

"(1) The industry of taking from the sea -

- (a) fin fish, other than barramundi and fish of the family *Polynemidae*; and
- (b) crayfish,

by the use of gear that does not include a trawl-net, gill-net, drift-net, mobile fish trap or crab-pot, is declared to be the Inshore Reef Fish Fishery.

"(2) A person who is licensed in the Inshore Reef Fish Fishery shall not engage in that Fishery except in an area defined by an imaginary line -

- (a) on the landward limit - along the shore at high water mark and a river mouth or the delineation of the river mouths described in Table 2 in regulation 21; and
- (b) on the seaward limit - by a line 2 nautical miles from the shore at low water mark and parallel to the shore or a river mouth or the delineation of the river mouths described in Table 2 in regulation 21.

Penalty: \$1,000.

"25. MONTHLY RETURNS

"Where a person is licensed to engage in the Inshore Reef Fish Fishery, a condition shall be implied in the licence -

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- (a) that the licensee shall, within 14 days after the end of each month, lodge with the Director of Fisheries a monthly return in a form approved by the Director of Fisheries;
- (b) that the form shall be duly completed; and
- (c) that the information contained in the form shall be true and correct in every detail.

"Division 4A - Offshore Reef Fish Fishery

"26. DECLARATION OF OFFSHORE REEF FISH FISHERY

"(1) The industry of taking from the sea -

- (a) fin fish, other than barramundi and fish of the family *Polynemidae*; and
- (b) crayfish,

by the use of gear that does not include a trawl-net, surface or midwater gill-net, or crab-pot, is declared to be the Offshore Reef Fish Fishery.

"(2) A person who is licensed in the Offshore Reef Fish Fishery shall not engage in that Fishery except in the sea seawards of an imaginary line 2 nautical miles from the shore at low water mark and parallel to the shore or to a river mouth the delineation of the river mouths described in Table 2 in regulation 21.

"27. MONTHLY RETURNS

"Where a person is licensed to engage in the Offshore Reef Fish Fishery, a condition shall be implied in the licence -

- (a) that the licensee shall, within 14 days after the end of each month, lodge with the Director of Fisheries a monthly return in a form approved by the Director of Fisheries;
- (b) that the form shall be duly completed; and
- (c) that the information contained in the form shall be true and correct in every detail.

"Division 4B - Pelagic Fish Fishery

"28. DECLARATION OF PELAGIC FISH FISHERY

"(1) The industry of taking from the sea fin fish, other than barramundi and fish of the family *Polynemidae*, by the use of gear that does not include a trawl-net, a bottom drift-net, handlines, automatic drop lines, fish traps or a crab-pot, is declared to be the Pelagic Fish Fishery.

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"(2) A person who is licensed in the Pelagic Fish Fishery shall not engage in that Fishery except in the sea seawards of an imaginary line 2 nautical miles from the shore at low water mark and parallel to the shore or to a river mouth or the delineation of the river mouths described in Table 2 in regulation 21.

"28A. MONTHLY RETURNS

"Where a person is licensed to engage in the Pelagic Fish Fishery, a condition shall be implied in the licence -

- (a) that the licensee shall within 14 days after the end of each month, lodge with the Director of Fisheries a monthly return in a form approved by the Director of Fisheries;
- (b) that the form shall be duly completed; and
- (c) that the information contained in the form shall be true and correct in every detail."

13. NEW DIVISION

The Principal Regulations are amended by inserting in Part III after regulation 42G the following:

"Division 11 - Special Purpose Fishery

"42H. DECLARATION OF SPECIAL PURPOSE FISHERY

"The industry of taking fish for experimental or investigation purposes or for the development of the fish and fisheries industry is declared to be the Special Purpose Fishery.

"42J. MONTHLY RETURNS

"Where a person is licensed to engage in the Special Purpose Fishery, a condition shall be implied in the licence -

- (a) that the licensee shall within 14 days after the end of each month, lodge with the Director of Fisheries a monthly return in a form approved by the Director of Fisheries;
- (b) that the form shall be duly completed; and
- (c) that the information contained in the form shall be true and correct in every detail."

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14. FEES

Regulation 51 of the Principal Regulations is amended by omitting the Table and substituting the following:

"TABLE

Matter	Fee
	\$
Grant or renewal of -	
Class A1 licence	30
Class A2 licence, other than a Class A2 licence granted to a tourist operator	30
Class A2 licence granted to a tourist operator	250
Class B licence	30
Class C licence	30
Class D licence -	
to engage in fishing using 3 amateur's pots	5
to engage in fishing using a beach seine	5
to engage in non-commercial fishing for Aboriginal community	5
Grant or renewal of the registration of a boat	25
Approval of the transfer of a licence or of the ownership of a boat	25
The making or renewal of an endorsement on a Class A1 licence or on the renewal of a Class A1 licence the effect of which is to license a person -	
to engage in the Prawn Fishery other than in the area of waters west of Cape Ford	100
to engage in the Prawn Fishery in the area of waters west of Cape Ford	30
to engage in the Crab Fishery -	30
and in addition for each pot, with a minimum of 40 pots -	5

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Matter	Fee
	\$
to engage in the Barramundi Fishery - for each unit of gill-netting	100
to engage in the Inshore Reef Fish Fishery	30
to engage in the Offshore Reef Fish Fishery	100
to engage in the Pelagic Fishery	100
to engage in the Fin Fish Trawling Fishery	100
to engage in the Bait Fish Fishery	30
to engage in the Pearl Fishery	30
to engage in the Trepang Fishery	30
to engage in the Wild Oyster Fishery	30
to engage in a Special Purpose Fishery	30
to take fish by using a fish trap	30
The making of an endorsement on a Class B licence or on the renewal of a Class B licence the effect of which is to license a person -	
to buy and process fish for export from Australia	1,100
to buy and process fish otherwise than for export from Australia	50
The making of an endorsement on the certificate of registration of a boat or on the renewal of the certificate of registration of a boat the effect of which is to register the boat for use -	
in the Prawn Fishery other than in the area of waters west of Cape Ford where the overall length of the boat is:	

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Matter	Fee
	\$
less than 15 metres	12 per metre or part thereof
not less than 15 metres but less than 17 metres	21 per metre or part thereof
not less than 17 metres but less than 20 metres	30 per metre or part thereof
not less than 20 metres but less than 25 metres	45 per metre or part thereof
not less than 25 metres	60 per metre or part thereof
in the Prawn Fishery in the area of waters west of Cape Ford	12
in the Crab Fishery	12
in the Barramundi Fishery	12
in the Inshore Reef Fish Fishery	12
in the Offshore Reef Fish Fishery	12
in the Pelagic Fish Fishery	12
in the Fin Fish Trawling Fishery	12
in the Bait Fish Fishery	12
in the Pearl Fishery	12
in the Trepang Fishery	12

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Matter	Fee
	\$
in a Fishery under a Special Purpose Licence	12
as a trans-shipping boat in the Prawn Fishery other than in the area of waters west of Cape Ford	600
as a trans-shipping boat in the Prawn Fishery in the area of waters west of Cape Ford	300

15. NEW REGULATION

The Principal Regulations are amended by inserting in Division 2 of Part VI after regulation 58 the following:

"58A. ELECTROFISHING EQUIPMENT

"A person shall not, except in accordance with such limitations, if any, as the Director of Fisheries imposes, use electrofishing equipment to take fish.

Penalty: \$500."