

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1982, No. 3 *

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 12th day of January, 1982.

E.E. JOHNSTON
Administrator

By His Honour's Command

N.M. DONDAS

Minister for Transport and Works
acting for and on behalf of the
Minister for Primary Production
and Tourism

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 adding at the end thereof, after the definition of "sedentary organism", the following:

"unit of gill-netting" means a total of 250 metres of gill-netting, measuring only so much of the length of headline as has gill-netting attached."

* Notified in the *Northern Territory Government Gazette* on 13 January, 1982.

Price: 50 cents

3. REPEAL

Regulation 19 of the Principal Regulations is repealed and the following substituted:

"18A. UNITS OF GILL-NETTING

"The Director of Fisheries may endorse a Class A1 licence for the Barramundi Fishery with a unit or units of gill-netting, but no Class A1 licence for the Barramundi Fishery may be endorsed for more than 4 units of gill-netting.

"19. TRANSFER OF LICENCES

"(1) Subject to sub-regulation (2) and the approval of the Director of Fisheries, a licence may be transferred.

"(2) A person who is licensed to engage in the Barramundi Fishery shall not transfer any interest, right or other power in or relating to his licence."

4. ILLEGAL FISHING

Regulation 22 of the Principal Regulations is amended by omitting paragraph (e)(ii) and substituting the following:

"(ii) use in a river, in the mouth or estuary of a river, above a tidal flat or elsewhere for the taking of Barramundi more gill-netting than the unit or units of gill-netting endorsed on the licence; or".

5. NEW REGULATION

The Principal Regulations are amended by inserting in Division 3 in Part II after regulation 23 the following:

"23A. A SURRENDER OF LICENCE OR UNIT OF GILL-NETTING

"(1) Without limiting the right of a licensee to surrender or apply to vary his licence, a Class A1 licensee for the Barramundi Fishery may apply to the Director of Fisheries to surrender his licence or a unit of gill-netting in consideration of \$1,000 for each unit of gill-netting, before or on 30 June in the year of his application.

"(2) Where a person was a Class A1 licensee in the Barramundi Fishery in the immediately preceding year and if he applied for renewal of his licence the application may be reviewed and processed by the Director of Fisheries under section 26(2) of the Act, he is deemed to be licensed for the purposes of sub-regulation (1), upon the same terms and conditions as his previous licence.

"(3) Notwithstanding the surrender of a licence or unit of gill-netting under sub-regulation (1), the person who was the licensee remains liable for -

(a) an act or omission done, caused, permitted or made by him; and

(b) all liabilities incurred by him under the Act, whilst he was so licensed."

6. FEES

Regulation 51 of the Principal Regulations is amended by omitting from the Table in the regulation the following:

" to engage in the
Barramundi Fishery 75"

and substituting the following:

" to engage in the
Barramundi Fishery
for each unit of
gill-netting 150"

7. SICK, &c., LICENSEES

Regulation 54 of the Principal Regulations is amended by omitting sub-regulation (1) and substituting the following:

"(1) For the purposes of section 35(3) of the Act, the Director of Fisheries may, where a Class A1 licensee or a person who is nominated for the purposes of regulation 53 is deceased, sick, aged or temporarily absent, approve the carrying on of the fishing operations of the licensee for one continuous period of up to 12 weeks during the period of the licence by a Class A1 or A2 licensee."

8. TRANSITIONAL

(1) Where a person was a Class A1 licensee in the Barramundi Fishery on 31 December 1981, he is deemed until -

(a) his licence is renewed or surrendered; or

(b) 30 June 1982,

whichever first occurs, to have had 4 units of gill-netting endorsed on his licence in 1981.

(2) Where a person was a Class A1 licensee in the Barramundi Fishery on 31 December 1981 and he applies, or has applied, for a renewal of his licence together with

4 units of gill-netting, he may apply to use up to a further 500 metres of gill-netting (measuring only so much of the length of headline as has gill-netting attached) in excess of the 4 units of gill-netting endorsed on his licence.

(3) Notwithstanding regulation 18A of the Principal Regulations as amended by these Regulations, where the Director of Fisheries -

- (a) receives an application under sub-regulation (2) before or on 30 June 1982; and
- (b) he is satisfied from the monthly returns under regulation 23 of the Principal Regulations, and any other records available to him, that the applicant on a reasonably regular basis throughout the years 1979, 1980 and 1981 lawfully used more than 1,000 metres of gill-netting in his fishing operations in the Barramundi Fishery,

the Director of Fisheries may, in his discretion, endorse the applicant's licence with an endorsement that the licensee may use up to 500 metres of gill-netting (measuring only so much of the headline as has gill-netting attached) in excess of the 4 units endorsed on his licence but for the purposes of the Principal Regulations as amended by these Regulations, a length of gill-netting so endorsed shall not be construed as a unit or units of gill-netting.

(4) Where a Class A1 licence is endorsed under sub-regulation (3), the Class A1 licensee may -

- (a) use up to 500 metres of gill-netting (measuring only so much of the headline as has gill-netting attached) in his fishing operations in the Barramundi Fishery, notwithstanding regulation 22(e)(ii) of the Principal Regulations, as amended by these Regulations;
- (b) surrender his right to the 500 metres of gill-netting at any time but regulation 23A of the Principal Regulations as amended by these Regulations shall have no application to such a surrender; and
- (c) apply to surrender a unit of gill-netting under 23A of the Principal Regulations as amended by these Regulations only after he has surrendered his right to the 500 metres of gill-netting in pursuance of paragraph (b).