

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1983, No. 1*

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 fourteenth day of January, 1983.

E.E. JOHNSTON
Administrator

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 -

(a) by omitting the definition of "river" and substituting the following:

"'river' includes a creek, stream, billabong, lake and any other watercourse or body of water that comprises or drains a permanent source of freshwater and flows, directly or indirectly, into the sea, whether seasonally or consistently throughout the year, the lower sections of which may contain saltwater;

* Notified in the *Northern Territory Government Gazette* on 17 January, 1983.

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'river mouth' includes the body of water delineated by an imaginary line, contiguous with the shape of the adjoining coast, bay or inlet, across a river;"; and

(b) by omitting from the definition of "unit of gill-netting" the words "250 metres" and substituting "100 metres".

3. REPEAL AND SUBSTITUTION

The Principal Regulations are amended by repealing regulation 8 and substituting the following:

"8. DECLARATION OF PRAWN FISHERY

The industry of taking prawns by trawling in the sea is declared to be the Prawn Fishery."

4. TRAWLING IN CLOSED WATERS

Regulation 10 of the Principal Regulation is amended by omitting "a prawn fishery" and substituting "the Prawn Fishery".

5. TAKING FISH OTHER THAN PRAWNS

Regulation 11 of the Principal Regulations is amended by omitting "a prawn fishery" and substituting "the Prawn Fishery".

6. MONTHLY RETURNS

Regulation 12 of the Principal Regulations is amended by omitting "a prawn fishery" and substituting "the Prawn Fishery".

7. CLASS A2 LICENCEES

Regulation 13 of the Principal Regulations is amended by omitting "a prawn fishery" and substituting "the Prawn Fishery".

8. REPEAL AND SUBSTITUTION

Regulation 18A of the Principal Regulations is repealed and the following substituted:

"18A. UNITS OF GILL-NETTING

"(1) The Director of Fisheries may, subject to sub-regulation (2), endorse a Class A1 licence in the Barramundi Fishery for units of gill-netting not exceeding 10 units.

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"(2) An endorsement referred to in sub-regulation (1) shall not be made unless the fee specified for a unit of gill-netting in regulation 51 is paid."

9. REPEAL AND SUBSTITUTION

Regulation 20 of the Principal Regulations is repealed and the following substituted:

"20. CLOSED SEASON

"(1) There shall be a closed season for the taking of such fish as otherwise may be taken under a Class A licence during such periods and in such areas as are declared under this regulation.

"(2) The Minister may, by notice in the Gazette, declare the species of fish, the period and the area to which the closed season under sub-regulation (1) relates.

"(3) A person who takes fish of a species during a period and in an area declared under this regulation is guilty of an offence.

Penalty: \$1,000."

10. REPEAL AND SUBSTITUTION

Regulation 21 of the Principal Regulations is repealed and the following substituted:

"21. WATERS CLOSED TO GILL-NETTING

"(1) All waters are closed to gill-netting except -

(a) the waters of the sea seawards of the extremities of river mouths; and

(b) the waters described in Table 1 in this regulation including the tributaries of the rivers that are named in that Table where those tributaries are downstream from the closure lines described in that Table.

"(2) For the purpose of these Regulations, the line described in Table 2 in this regulation shall be deemed to delineate the river mouths described in that Table.

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"TABLE 1

1. The waters of the Victoria River downstream from a line running northerly and southerly through the point of intersection of the western bank of the Baines River with the Victoria River.
2. The waters of the Fitzmaurice River downstream from a line running northerly and southerly through the point of intersection of the western bank of Cu-Eci Creek with the Fitzmaurice River.
3. The waters of the Daly River downstream from a line running northerly and southerly through the easternmost point of the island that is known as Mud Island, situated about 18 kilometres upstream from the river mouth.
4. The waters of the Finnis River downstream from a line running easterly and westerly through the place known as the Second Landing, approximately 9 kilometres upstream from the river mouth.
5. The waters of the Adelaide River downstream from a line running easterly and westerly through the point of intersection with the Adelaide River of the southern bank of the third major creek on the eastern bank of the Adelaide River, facing upstream, about 28 kilometres upstream from the river mouth.
6. The waters of the Mary River, the Wildman River, the West Alligator River and the South Alligator River downstream from a straight line joining Woolner and Point Stuart homesteads and extending eastwards to the eastern bank of the South Alligator River.
7. The waters of the East Alligator River downstream from a line running northerly and southerly through the point of intersection of the eastern bank of Cooper Creek with the East Alligator River.
8. The waters of the Roper River downstream from a line running easterly and westerly through the southernmost point of Green Island.
9. The waters of the Towns River downstream from a line running northerly and southerly through the point of intersection with the Towns River of the eastern bank of the first major creek, facing upstream, on the third bend of the Towns River.
10. The waters of the Limmen Bight River downstream from a line running northerly and southerly through the point of intersection of the eastern bank of the Nathan River with the Limmen Bight River.

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11. The waters of the McArthur River System downstream from a line running northerly and southerly through the place known as Batten Creek Landing, approximately 25 kilometres upstream from the river mouth.
12. The waters of the Wearyan River downstream from a line running easterly and westerly through the Manangoora Landing.
13. The waters of the Robinson River downstream from a line running easterly and westerly through the southernmost point of the island known as Rock Island, situated about 16 kilometres upstream from the river mouth.
14. The waters of the Calvert River downstream from a line running easterly and westerly through the southernmost point of the first island, facing upstream, approximately 14 kilometres upstream from the river mouth.

"TABLE 2

MAP SHEET - ROPER 5968

- A straight line running across the Roper River, the co-ordinates of which are: 540900 E to 540900 E
8371850 N to 8373550 N
- A straight line running across the Towns River, the co-ordinates of which are: 546500 E to 546250 E
8351100 N to 8351550 N

MAP SHEET - FIELD ISLAND 5373

- A straight line running across the South Alligator River, the co-ordinates of which are: 215780 E to 219100 E
8645000 N to 8645000 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: 182000 E to 183200 E
8635000 N to 8635000 N

MAP SHEET - EAST ALLIGATOR 5473

- A straight line running across the East Alligator River, the co-ordinates of which are: 244000 E to 244000 E
8661600 N to 8658000 N

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MAP SHEET - ANSON 4971

A straight line running across the Daly River, the
co-ordinates of which are: 638850 E 637600 E
 8528700 N to 8525550 N

MAP SHEET - KOOLPINYAH 5173

A straight line running across the Adelaide River, the
co-ordinates of which are: 745050 E 745150 E
 8646750 N to 8646900 N

MAP SHEET - FOG BAY 4972

A straight line running across the Finniss River, the
co-ordinates of which are: 645000 E 645150 E
 8575100 N to 8575000 N

MAP SHEET - KEYLING 4868

A straight line running across the Fitzmaurice River, the
co-ordinates of which are: 582400 E 582400 E
 8358950 N to 8360500 N

MAP SHEET - VICTORIA RIVER 4867

A straight line running across the Victoria River, the
co-ordinates of which are: 556300 E 567350 E
 8340000 N to 8340000 N

MAP SHEET - PELLEW 6266

A straight line running across the McArthur River, the
co-ordinates of which are: 679350 E 679350 E
 8250750 N to 8251400 N

A straight line running across the Wearyan River, the
co-ordinates of which are: 698800 E 699200 E
 8240000 N to 8239600 N

MAP SHEET - MOUNT YOUNG 6067

A straight line running across the Limmen Bight River, the
co-ordinates of which are: A 575000 E 575000 E
 8329750 N to 8330250 N

B 577000 E 577000 E
 8328100 N to 8329350 N

MAP SHEET - CALVERT RIVER 6465

A straight line running across the Calvert River, the
co-ordinates of which are: 792850 E 793550 E
 8199650 N to 8199650 N

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MAP SHEET - ROBINSON 6365

A straight line running across the South Alligator River, the co-ordinates of which are: 742100 E 742250 E
8226400 N to 8225800 N".

11. ILLEGAL FISHING

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

"(iii) use a gill net that has a mesh size of less than 17.5 centimetres in the parts of a river open to gill-netting upstream of the line described in Table 2 in regulation 21."

12. SURRENDER OF LICENCE OR UNIT OF GILL-NETTING

Section 23A of the Principal Regulations is amended by omitting sub-regulation (1) and substituting the following:

"(1) Without limiting the right of a licensee to surrender or apply for a variation of his licence, a Class A1 licensee in the Barramundi Fishery may, subject to sub-regulation (1A), apply to the Director of Fisheries to surrender his licence or a unit or units of gill-netting in consideration of \$1000 for each unit of gill-netting.

"(1A) An application under sub-section (1) shall be made to the Director of Fisheries not later than 31 December 1983.

"(1B) Where, in pursuance of section 19 of the Act, the endorsement on a Class A1 licence in the Barramundi Fishery is not renewed, the licensee may surrender the gill-netting to the Director of Fisheries and apply in consideration of non-renewal for payment of \$1000 for each unit of gill-netting."

13. NEW SECTION

The Principal Regulations are amended by inserting after section 23A in Division 3 the following:

"23B. ENDORSEMENT

"(1) Where in pursuance of regulation 8 of Regulations 1982, No. 3, a Class A1 licence was endorsed 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 units endorsed

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on his licence pursuant to regulation 18A, the applicant for renewal of that licence may apply for renewal of that endorsement.

"(2) The Director of Fisheries may, in his discretion, endorse the applicant's licence in accordance with sub-regulation (1).

"(3) Where a Class A1 licence is endorsed under sub-regulation (2), 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);
- (b) surrender his right to the 500 metres of gill-netting at any time but regulation 23A shall have no application to such a surrender; and
- (c) apply to surrender a unit of gill-netting under regulation 23A only after he has surrendered his right to the 500 metres of gill-netting in pursuance of paragraph (b).

"(4) A length of gill-netting endorsed under sub-regulation (2) shall not be construed as a unit or units of gill-netting.

"(5) For the purposes of regulation 19(2), the endorsement of a licence is an interest that shall not be transferred."

14. NEW DIVISION

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

"Division 9 - Processing of Fish

"42A. MONTHLY RETURNS

"It is an implied condition of a Class B licence that -

- (a) 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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"Division 10 - Fish Culture

"42B. DECLARATION OF FISH CULTURE

"The industry of -

- (a) capturing, culturing, keeping, breeding and rearing fish; and
- (b) the processing of fish cultured, kept, bred and reared,

in accordance with a Class C licence is declared to be Fish Culture.

"42C. ILLEGAL TAKING OF LIVE FISH

"Where a person is licensed to engage in Fish Culture, a condition shall be implied in the licence that he shall -

- (a) not use a -
 - (i) net or longline unless there is attached to each end of the net or longline a float; or
 - (ii) pot, trap or like means unless there is attached to it a float,
that is clearly marked with his licence number, either incised into the float or painted on the float in waterproof paint; and
- (b) clear his net, pot, trap or like device in a depth of water sufficient to allow the escape of fish as frequently as reasonably consistent with good husbandry in the industry to prevent the capture or mortality of surplus fish sought for fish culture and fish not required for that purpose.

"42D. IMPLIED CONDITIONS IN CLASS C LICENCES

"It shall be implied in a Class C licence that a licensee shall -

- (a) prior to engaging in the capture of live fish -
 - (i) give to the Director of Fisheries reasonable notice of his intention to capture live fish; and
 - (ii) facilitate the oversighting of that capture by a fisheries officer nominated by the Director of Fisheries;

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- (b) notify the Director of Fisheries of the name and address of all persons employed by the licensee for the purpose of assisting him in the capture of live fish; and
- (c) sell, keep or dispose of fish in accordance with, and shall not contravene the conditions of, his licence.

"42E. SECURITY OF FISH

"(1) Where a person is licensed to engage in fish culture, a condition shall be implied in the licence -

- (a) that fish kept for culture purpose are maintained in ponds or cages suitable for culturing, keeping, breeding or rearing, as the case may be;
- (b) that fish kept under paragraph (a) are secured from accidental release into natural waterways; and
- (c) that access to ponds or cages containing fish referred to in paragraph (a) shall be provided at all reasonable times by the licensee to the Director of Fisheries or a fisheries officer.

"42F. CLOSED SEASON

"(1) There shall be a closed season for the taking of such fish as otherwise may be taken under a Class C licence during such periods and in such areas as are declared under this regulation.

"(2) The Minister may, by notice in the Gazette, declare the species of fish, the period and the area to which the closed season under sub-regulation (1) relates.

"(3) A person who takes fish of a species during a period and in an area declared under this regulation is guilty of an offence.

Penalty: \$1,000.

"42G. MONTHLY RETURNS

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

- (a) 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) the form shall be duly completed; and

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(c) the information contained in the form shall be true and correct in every detail."

15. REPEAL AND SUBSTITUTION

The Principal Regulations are amended by repealing regulation 43 and substituting the following:

"43. NORTHERN TERRITORY FISHERY REGISTRATION

"(1) The Director of Fisheries shall not register a boat for taking prawns in the Prawn Fishery, or renew the registration of a boat for taking prawns in that fishery, other than for the taking of prawns in that fishery in the area of waters west of Cape Ford unless there is in respect of that boat a licence under section 9 of the *Fisheries Act* 1952 of the Commonwealth, being a licence that, by virtue of an endorsement under sub-section (4) of that section, extends to authorizing the taking of prawns in the areas of waters specified in sub-regulation (3).

"(2) The Director of Fisheries shall not register a boat for trans-shipping prawns in the Prawn Fishery, or renew the registration of a boat for trans-shipping prawns in that fishery, other than for the trans-shipping of prawns in that fishery in the area of waters west of Cape Ford unless there is in respect of that boat a licence under section 9 of the *Fisheries Act* 1952 of the Commonwealth, being a licence that, by virtue of an endorsement under sub-section (4) of that section, extends to authorizing the carrying of prawns in the area of waters specified in sub-regulation (3).

"(3) For the purposes of this section, "the area of waters" is the area that is described in the schedule to the proclamation that was made under section 8(1)(d) of the *Fisheries Act* 1952 of the Commonwealth on 29 January 1977 and published in the *Australian Government Gazette* No. S13 on 2 February 1977 as Fisheries Notice No. 74.

16. REPEAL AND SUBSTITUTION

Regulation 51 of the Principal Regulations is repealed and the following substituted:

"51. FEES

"The fee payable in respect of a matter specified in column 1 of the Table in this regulation is the fee specified in column 2 of the Table in relation to the matter specified.

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"TABLE

Matter	Fee
	\$
Grant or renewal of -	
Class A1 licence	25
Class A2 licence, other than a Class A2 licence granted to a tourist operator	25
Class A2 licence granted to a tourist operator	200
Class B licence	20
Class C licence	20
Class D licence -	
to engage in fishing using 3 amateur's pots	2.50
to engage in fishing using a beach seine	2.50
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	200
to engage in the Crab Fishery	200
to engage in the Barramundi Fishery Unit for each unit of gill-netting	60
to engage in the Reef Fish and Mackerel Fishery	200
to engage in the Fin Fish Trawling Fishery	200
to engage in the Bait Fish Fishery	50
to engage in the Pearl Fishery	50

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Matter	Fee
	\$
to engage in the Trepang Fishery	50
to engage in the Wild Oyster Fishery	50
to take fish by using a fish trap	50
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	1,000
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 -	
(a) subject to paragraph (b), where the overall length of the boat is:	
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

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Matter	Fee
	\$
not less than 25 metres	60 per metre or part thereof
(b) in the area of waters west of Cape Ford	12
in the Crab Fishery	12
in the Barramundi Fishery	12
in the Reef Fish and Mackerel 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
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

17. NEW DIVISION

The Principal Regulations are amended by adding at the end thereof the following:

"Division 4 - Processing, Packaging, &c.

"60. PROCESSING SURFACES, &c.

"(1) Surfaces used for the processing of fish shall be -

- (a) constructed of smooth material that is easily cleaned and free from cracks; and
- (b) resistant to wear and corrosion and impervious to water.

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"(2) Areas where fish are processed, packed, stored or frozen shall be kept in a clean and hygienic condition free from contamination.

"61. PACKAGING OF FISH

"(1) Fish or a fish product processed pursuant to a licence granted under the Act shall be packed in a plastic wrapping of sufficient thickness or quality to be reasonably proof against accidental tearing.

"(2) A person shall not prepare fillets of fish to be frozen unless they are frozen in a regularly shaped block of which the least dimension does not exceed 80mm.

"62. LABEL TO BE PLACED INSIDE PACKAGE

"A licensee shall place inside every package containing fish or fish product a label which shall -

- (a) be of waterproof paper not less than 100mm²;
- (b) marked with indelible ink that is not in any way dangerous to health;
- (c) contain particulars including -
 - (i) the licence number of the licensee holding the Class A1 licence in respect of which the catch was made;
 - (ii) a description by the accepted common name of the contents; and
 - (iii) in the case of a fish product -
 - (A) a description of the type of product; and
 - (B) the method of preservation of the product.

"63. MARKING ON PACKAGE

"(1) For the purposes of this regulation, words or particulars that are marked on a label attached to the outside of a package shall be deemed to be marked on the package.

"(2) A processor shall, subject to this Division, cause to be marked in indelible ink, on any face of a package, particulars including -

- (a) the licence number of the processor;

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- (b) the name and address of the processor;
- (c) a description by the accepted common name of the contents;
- (d) in the case of a fish product, a description of the type of product;
- (e) the net quantity by mass of the fish or fish product; and
- (f) where the package is packed at sea -
 - (i) if the processor is the holder of a Class A licence - the words "processed at sea"; or
 - (ii) in any other case - the words "processed at sea for" and the name and number of the Class B licence of the processor.

"(3) The particulars required to be marked on a package shall be of uniform size and clearly printed.

"(4) An adhesive label used in accordance with this Division on the outside of a package shall not be affixed over any other adhesive label.

"(5) Where particulars on a package marked in accordance with this Division relate to a specific product, the contents of the package shall comprise that specific product only and shall not contain mixed products.

"64. INCORRECT DESCRIPTION

"Where fish or a fish product that is in a package and -

- (a) the package or the label attached to it, bears a statement, word, brand, mark, design or device regarding the contents that is false or misleading in a material particular;
- (b) the package is marked so as to mislead or deceive, or to be likely to mislead or deceive a purchaser;
- (c) the package is sold under a name that conveys or is likely to convey a false indication of type or specifies of the contents, or to lead a purchaser to suppose that it is fish or a fish product other than that which it is; or
- (d) the package is not marked in accordance with this Division,

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the licensee who packed it or on whose behalf or with whose authority it was packed is guilty of an offence.

Penalty: \$1,000.

"65. FREEZING

"(1) A freezer used for freezing and storing fish or a fish product shall be capable of reducing the temperature to -18°C or below and of maintaining that temperature.

"(2) A compartment of a freezer referred to in sub-regulation (1) shall be fitted with a thermometer mounted externally to indicate the internal temperature of the freezing compartment.

"(3) A thermometer referred to in sub-regulation (2) shall be capable of accurate measurement and shall be clearly marked with 0.5°C graduations.

"66. HYGIENE, &c.

"(1) A condition shall be implied in a registration certificate for a boat that the licensee shall maintain his boat in accordance with regulation 60 and if the boat is fitted with a freezer for freezing and storing fish or a fish product, that the freezer is in accordance with regulation 65.

"(2) A grant or renewal of the registration of a boat and the making of an endorsement on a certificate of registration shall be subject to inspection by a fisheries officer to ensure compliance with regulations 60 and 65.

"67. TRANSPORT OF FROZEN FISH

"Fish and fish products shall be transported in insulated compartments that are capable of maintaining the temperature of the fish or fish product at or below -18°C for the entire period of the transportation."

18. SCHEDULE

The Principal Regulations are further amended in accordance with the Schedule.

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SCHEDULE

Provision	Amendment	
	omit	substitute
Regulation 7(c)(ii)	"mouths and estuaries of rivers"	"rivers and river mouths"
Regulation 10(b)	"the mouth or estuary of a river"	"river mouth"
Regulation 15 - TABLE -		
Item 5	"the mouth"	"the river mouth"
Item 7	"the mouth"	"the river mouth"
Regulation 22(d)(ii)	"the mouth or estuary of a river"	"a river mouth"
Regulation 22(e)(ii)	"the mouth or estuary of a river"	"a river mouth"
Regulation 25(a)	"the mouth or estuary of a river"	"a river mouth"
Regulation 31(a)	"the mouth or estuary of a river"	"a river mouth"
Regulation 34(a)	"the mouth or estuary of a river"	"a river mouth"
Regulation 41	"the mouths and estuaries of rivers"	"river mouths"