

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1988, No. 52*

Regulations under the 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 Fisheries Act.

Dated 23 December 1988.

E.E. JOHNSTON
Administrator

AMENDMENT OF THE FISH AND FISHERIES REGULATIONS

1. PRINCIPAL REGULATIONS

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

2. INTERPRETATION

(1) Regulation 3 of the Principal Regulations is amended by inserting after the definition of "electro-fishing" the following:

"'gill net' means a net or part of a net (including any warp, rope, chain, material, device, or thing used in conjunction with or attached to the net or part) that -

- (a) has a mesh size of not less than 65 mm; and
- (b) is used or is capable of being used to catch fish or aquatic life."

* Notified in the Northern Territory Government Gazette on 23 December 1988.

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3. NEW REGULATIONS

The Principal Regulations are amended by inserting after regulation 58A the following:

"58B. GILL NETS

"(1) No person shall have a gill net in possession unless the person -

- (a) has it in possession under and in accordance with a licence, permit, or authority granted or given by or under the Act;
- (b) is registered with the Director as a seller of nets of that kind;
- (c) is registered with the Director as a maker or repairer of nets of that kind;
- (d) is the employee of a person referred to in paragraph (a), (b) or (c) and the employee has the gill net in possession in the course of that employment; or
- (e) has it in possession with and in accordance with the approval in writing of the Director.

Penalty: For a first offence - \$5,000 or imprisonment for 6 months.

For a second or subsequent offence - \$10,000 or imprisonment for 12 months.

"(2) A person shall not sell a gill net to, or make or repair a gill net for, a person who is not the holder of a licence, permit, or authority granted or given by or under the Act.

Penalty: \$5,000 or imprisonment for 6 months.

"58C. PROCESSING, BUYING, OR SELLING FISH OR AQUATIC LIFE

"(1) No person shall sell fish or aquatic life unless -

- (a) the person is the holder of a licence to take the fish or aquatic life, and sells the fish or aquatic life -
 - (i) to the holder of a licence to buy fish or aquatic life; or
 - (ii) to a person for purposes other than resale (whether such resale would be direct or after processing or otherwise); or

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- (b) the person has lawfully obtained that fish or aquatic life from a person other than the person who took that fish or aquatic life.

"(2) No person, other than the holder of a licence to buy fish or aquatic life, shall buy fish or aquatic life for the purposes of resale from the person who took that fish or aquatic life.

"(3) No person shall process fish or aquatic life for sale except -

- (a) in an hotel, restaurant, retail fish shop, or like place; or
- (b) under and in accordance with a licence to take or to buy fish or aquatic life.

"(4) No person shall process fish or aquatic life that the person did not take unless the person from whom the fish or aquatic life was received obtained that fish or aquatic life lawfully.

Penalty: For a first offence against this regulation - \$5,000 or imprisonment for 6 months.

For a second or subsequent offence - \$10,000 or imprisonment for 12 months."

