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Regulations under the *Fish and Fisheries Act*

I, JOHN ARMSTRONG ENGLAND, 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 eleventh day of January, 1980.

J. A. ENGLAND
Administrator

FISH AND FISHERIES REGULATIONS

PART I — PRELIMINARY

1. SHORT TITLE

These Regulations may be cited as the Fish and Fisheries Regulations.

2. COMMENCEMENT

These Regulations shall come into operation on the date of commencement of the *Fish and Fisheries Act 1980*.†

3. DEFINITIONS

In these Regulations, unless the contrary intention appears—

“amateur’s pot” means a portable pot, net, basket or other device that—

- (a) is designed over a framework as a trap;
- (b) does not exceed one metre in length of its longest side, height or diameter;
- (c) has a cubic capacity of not more than one-half of one cubic metre; and
- (d) is not a hand-net;

“barramundi” means a fish of the species *Lates calcarifer*;

“hand-net” means a net, basket or other device that—

- (a) is designed over a framework as a trap;
- (b) has a handle that is held in the hand at all times while it is being used; and
- (c) is not operated by any means other than manually;

“handspear” means a spear that is propelled by human power only, without the use of any device;

“internal waters of Australia” means the internal waters of Australia as ascertained by international convention to which Australia is a party;

“prawn” means a fish included in the class Decapod crustacea, of the family Penaeidae;

*Notified in the *Northern Territory Government Gazette* on 18 January, 1980.

†That date was 25 January, 1980.

Fish and Fisheries Regulations

“river” includes creek, stream, billabong, lake and any other watercourse or body of water that flows, directly or indirectly, into the sea, whether seasonally or consistently throughout the year;

“sedentary organism” means a sedentary organism within the meaning of the *Continental Shelf (Living Natural Resources) Act 1968* of the Commonwealth.

PART II — AMATEUR FISHERMEN

4. AMATEUR GEAR

(1) Subject to sub-regulation (5), an amateur fisherman shall not use an item of fishing gear other than an item that is listed in column 1 of the Table in this regulation, and the items that are listed in that column are accordingly prescribed for the purposes of section 27(1)(a) of the Act.

(2) Subject to this regulation, an amateur fisherman shall not, except under and in accordance with a Class D licence, use an item of fishing gear that is listed in column 2 of the Table in this regulation, and the items that are listed in that column are accordingly prescribed for the purposes of section 27(2)(a) of the Act.

(3) It is not unlawful for an amateur fisherman without a licence to use one only amateur’s pot to which is attached a float that is clearly marked with his name or initials, either incised into the float or painted on the float in waterproof paint.

(4) Where an amateur fisherman establishes—

- (a) that he is a member of a fishing party;
- (b) that the number of amateur’s pots being used by the members of the party does not exceed the number of fishermen in the party; and
- (c) that each pot that he was using had attached to it a float that was clearly marked with the name, initials or licence number of himself, of a member of his family or of a member of the fishing party, either incised into the float or painted on the float in waterproof paint,

he does not require a licence by reason only that he is using more than one amateur’s pot.

(5) Where, immediately before the *Fish and Fisheries Act* came into operation, a person had a right to use an item of fishing gear as an amateur fisherman and, in the opinion of the Director of Fisheries, it would be harsh to deprive that person of his right immediately, the Director of Fisheries may grant to that person a temporary Class D licence to use that item for a period not exceeding 3 years and, for the purposes of this sub-regulation, all items of fishing gear are prescribed for the purposes of section 27(1)(a) and 27(2)(a) of the Act.

TABLE

Column 1 Amateur gear	Column 2 Licence required	Column 3 Exceptions
Rod and line and attachments		
Handline and attachments		
Handspaar		
Spear gun		
Hand-net		
Cast-net		
Amateur’s pot	Amateur’s pot	Regulation 4(3) and (4)
Beach seine	Beach seine	

5. LICENCE TO USE POTS

(1) The Director of Fisheries shall not license an amateur fisherman to use more than 3 amateur's pots.

(2) This regulation does not prevent a person from using more than 3 amateur's pots in pursuance of regulation 4(4).

(3) Where an amateur fisherman is licensed to use amateur's pots, a condition shall be implied in the licence that the licensee shall not use an amateur's pot at any time unless a float is attached to the amateur's pot and is clearly marked with his licence number or marked in compliance with regulation 4(a), either incised into the float or painted on the float in waterproof paint.

6. SPEAR-GUNS

An amateur fisherman shall not have in his possession a loaded spear-gun or use a spear-gun—

(a) except in the open sea; or

(b) within 50 metres of another person who is not in his company.

Penalty: \$100.

7. BEACH SEINES

Where an amateur fisherman is licensed to use a beach seine—

(a) a condition shall be implied in the licence that the licensee shall not use a beach seine the dimensions of which exceed 40 metres length, 2 metres drop and 65 millimetres mesh;

(b) a condition shall be implied in the licence that the licensee shall not use a beach seine at any time unless a float is attached at each end of the net and each such float is clearly marked with his licence number, either incised into the float or painted on the float in waterproof paint; and

(c) a condition shall be implied in the licence that the licensee shall not—

(i) anchor, stake or otherwise fix a beach seine; or

(ii) use a beach seine except in the waters of the sea, seawards of the seaward extremities of the mouths and estuaries of rivers.

PART III — PROFESSIONAL FISHERMEN

Division 1 — Prawn Fisheries

8. DECLARATION OF PRAWN FISHERIES

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

(2) The Prawn Fishery is declared to be comprised of 3 prawn fisheries, namely—

(a) the Northern Prawn Fishery;

(b) the West of Cape Ford Prawn Fishery; and

(c) the Internal Waters Prawn Fishery.

(3) The industry of taking prawns by trawling in the sea, in 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, is declared to be the Northern Prawn Fishery.

(4) The industry of taking prawns by trawling in the sea in areas other than the areas of the Northern Prawn Fishery and the Internal Waters Prawn Fishery is declared to be the West of Cape Ford Prawn Fishery.

(5) The industry of taking prawns by trawling in the sea in so much of the internal waters of the Northern Territory and the internal waters of Australia adjacent to the Northern Territory as is not within the area of the Northern Prawn Fishery is declared to be the Internal Waters Prawn Fishery.

9. WATERS CLOSED TO PRAWN TRAWLING

The Minister may, by notice in the *Gazette*, declare that waters are closed to trawling for prawns.

10. TRAWLING IN CLOSED WATERS

Where a person is licensed to engage in a prawn fishery, a condition shall be implied in the licence that the licensee shall not carry nets or otter-boards—

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

unless they are on board and are completely detached from the remainder of the gear and equipment.

11. TAKING FISH OTHER THAN PRAWNS

Where a person is licensed to engage in a prawn 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 trawling for prawns, was fish other than prawns, he may keep that other fish for sale or commercial purposes and process it unless the Director of Fisheries specifies otherwise.

12. MONTHLY RETURNS

Where a person is licensed to engage in a prawn fishery, a condition shall be implied in the licence—

- (a) that the licensee shall, if so required by the Director of Fisheries, 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, if lodged, shall be duly completed; and;
- (c) that the information contained in the form shall be true and correct in every detail.

13. CLASS A2 LICENSEES

Where a Class A2 licensee who is assisting in a prawn fishery is entitled to a share of the prawn trawling catch and the Class A1 licensee whom he is assisting is not in breach of the condition referred to in regulation 16, the Class A2 licensee may sell that share in his own name.

Division 2 — Crab Fishery

14. DECLARATION OF CRAB FISHERY

The industry of taking crabs by the use of pots is declared to be the Crab Fishery.

15. WATERS CLOSED TO CRABBING

All waters are closed to the taking of crabs by a Class A1 licensee except—

- (a) the waters that are not closed to gill netting; and
- (b) the waters that are described in the Table in this regulation.

TABLE

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1. The rivers that flow, directly or indirectly, into Bynoe Harbour and Port Patterson.
 2. The rivers, other than Ludmilla Creek and Rapid Creek, that flow, directly or indirectly into Darwin Harbour.
 3. The rivers, other than Mecketts Creek, King Creek and Howard River, that flow, directly or indirectly, into Shoal Bay.
 4. Leaders Creek.
 5. The Keep River Estuary, but not including the waters upstream from the seaward extremities of the mouth of the Keep River.
 6. The South Alligator River downstream from Kapalga.
 7. The Adelaide River and its tributaries downstream from, but including, the fourth major creek from the mouth on the eastern bank of the Adelaide River, being the creek commonly known as the 17 mile creek.
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16. ILLEGAL CRABBING

Where a person is licensed to engage in the Crab Fishery, a condition shall be implied in the licence that the licensee shall not—

- (a) use more pots than the number he is licensed to use;
- (b) use a pot unless there is attached to the pot a float that is clearly marked with his licence number, either incised into the float or painted on the float in waterproof paint;
- (c) take a crab by the use of a net;
- (d) take a crab by the use of a pot that—
 - (i) has a capacity of more than 6 cubic metres; or
 - (ii) has more than 2 openings into any one enclosure; or
- (e) have crab pots in his possession in or in the vicinity of waters that are closed to the taking of crabs by a Class A1 licensee unless—
 - (i) the pots are stowed in or on a vehicle or boat; or
 - (ii) he has them at a camp site and he has notified the Director of Fisheries of the location of the camp site and that his pots will be stored and repaired there.

17. MONTHLY RETURNS

Where a person is licensed to engage in the Crab 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 3 — Barramundi Fishery***18. DECLARATION OF BARRAMUNDI FISHERY**

The industry of taking fish other than prawns and sedentary organisms by any means other than trawling or crab pots is declared to be the Barramundi Fishery.

19. TRANSFER OF LICENCES

The Director of Fisheries shall not licence more than 108 persons, other than persons who are licensed by virtue of section 14 of the Act, to engage in the Barramundi Fishery.

20. CLOSED SEASON

The Minister may, by notice in the *Gazette*, declare a closed season for professional barramundi fishing.

21. WATERS CLOSED TO GILL NETTING

All waters are closed to gill netting except—

- (a) the waters of the sea, seawards of the seaward extremities of the mouths and estuaries of rivers; and
- (b) the waters that are described in the Table in this regulation, together with the waters of—
 - (i) the estuaries of the rivers that are named in the Table in this regulation; and
 - (ii) the tributaries of the rivers that are named in the Table in this regulation where those tributaries are downstream from the closure lines.

TABLE

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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 mouth of the river.
 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 mouth of the river.
 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 mouth of the river.
 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.
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 mouth of the river.
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 mouth of the river.
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 mouth of the river.

22. ILLEGAL FISHING

Where a person is licensed to engage in the Barramundi Fishery—

- (a) a condition shall be implied in the licence that the licensee shall not use a trawl-net or a crab pot;
- (b) a condition shall be implied in the licence that the licensee shall not use a gill-net unless there is attached to each end of the net a float that is clearly marked with his licence number, either incised into the float or painted on the float in waterproof paint;
- (c) a condition shall be implied in the licence that the licensee shall not have gill-nets in his possession in or in the vicinity of waters other than waters that are not closed to gill netting unless—
 - (i) the nets are so stored that they are not ready for immediate use; or
 - (ii) he has them at a camp site and he has notified the Director of Fisheries of the location of the camp site and that his nets will be stored and repaired there;
- (d) a condition shall be implied in the licence that the licensee shall not—
 - (i) fish for or take barramundi; or
 - (ii) have gill-nets that are ready for immediate use in his possession in a river or in the mouth or estuary of a river or above a tidal flat, during a closed season for professional barramundi fishing;
- (e) a condition shall be implied in the licence that the licensee shall not—
 - (i) close off more than half the width of a watercourse by netting, measuring all nets that are on the same headline or set within 25 metres of any part of another net;
 - (ii) use more than 1,500 metres length of gill-netting, measuring only so much of the length of headline as has gill-netting attached; or
 - (iii) use, in a river, or in the mouth or estuary of a river, a gill-net that has a mesh size less than 17.5 centimetres; and
- (f) a condition shall be implied in the licence that the licensee shall not take a barramundi that is less than—
 - (i) 57.5 centimetres in length overall; or

- (ii) 41 centimetres in length from the middle of the gill slit to the end of the tail.

23. MONTHLY RETURNS

Where a person is licensed to engage in the Barramundi 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 4 — Reef Fish and Mackerel Fishery

24. DECLARATION OF REEF FISH AND MACKEREL FISHERY

The industry of taking from the sea—

- (a) fin fish, other than barramundi; and
- (b) crayfish,

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

25. CLOSED WATERS

Where a person is licensed to engage in the Reef Fish and Mackerel Fishery, a condition shall be implied in the licence that the licensee shall not fish—

- (a) in a river or in the mouth or estuary of a river; or
- (b) above a tidal flat.

26. MARKING NETS

Where a person is licensed to engage in the Reef Fish and Mackerel Fishery, a condition shall be implied in the licence that the licensee shall not use a gill-net unless there is attached to each end of the net a float that is clearly marked with his licence number, either incised into the float or painted on the float in waterproof paint.

27. TAKING OTHER FISH

(1) Where a person is licensed to engage in the Reef Fish and Mackerel Fishery, a provision shall be implied in the licence that, if the licensee establishes that a small quantity of his catch, taken while he was genuinely engaged in the Reef Fish and Mackerel Fishery, was barramundi, or fish other than fin fish or crayfish, he may with, and subject to, the prior approval of the Director of Fisheries, keep that fish for sale or commercial purposes and process it.

(2) Evidence that a licensee continued to fish after he commenced to catch barramundi, or fish other than fin fish, is evidence that he was not genuinely engaged in the Reef Fish and Mackerel Fishery.

28. MONTHLY RETURNS

Where a person is licensed to engage in the Reef Fish and Mackerel 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 5 — Fin Fish Trawling Fishery

29. DECLARATION OF FIN FISH TRAWLING FISHERY

The industry of taking fin fish, other than barramundi, from the sea by trawling is declared to be the Fin Trawling Fishery.

30. WATERS CLOSED TO TRAWLING

The Minister may, by notice in the *Gazette*, declare that waters are closed to trawling for fin fish.

31. CLOSED WATERS

Where a person is licensed to engage in the Fin Fish Trawling Fishery, a condition shall be implied in the licence that the licensee shall not carry nets or other fishing gear that could be used for trawling—

- (a) in a river or in the mouth or estuary of a river; or
- (b) above a tidal flat.

32. MONTHLY RETURNS

Where a person is licensed to engage in the Fin Fish Trawling 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 6 — Bait Fish Fishery

33. DECLARATION OF BAIT FISH FISHERY

The industry of taking fish, other than barramundi and thread-fin salmon, from the sea for use as bait, by the use of a beach seine, scoop-net, hoop-net or cast-net is declared to be the Bait Fish Fishery.

34. CLOSED WATERS

Where a person is licensed to engage in the Bait Fish Fishery—

- (a) a condition shall be implied in the licence that the licensee shall not have a beach seine, other than a beach seine that is stowed in or on a vehicle or boat, in a river or in the mouth or estuary of a river; and
- (b) a condition shall be implied in the licence that the licensee shall not use a beach seine the dimensions of which exceed 300 metres in length and 65 millimetres mesh.

35. MARKING NETS

Where a person is licensed to engage in the Bait Fish Fishery, a condition shall be implied in the licence that the licensee shall not use a beach seine unless there is attached to each end of the beach seine a float that is clearly marked with his licence number, either incised into the float or painted on the float in waterproof paint.

36. CLEARING NETS

Where a person is licensed to engage in the Bait Fishery, a condition shall be implied in the licence that the licensee shall clear his nets in a depth of water sufficient to allow the escape of fish that he is not allowed to sell.

37. MONTHLY RETURNS

Where a person is licensed to engage in the Bait 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 7 — Sedentary Organisms Fishery***38. DECLARATION OF SEDENTARY ORGANISMS FISHERY**

(1) The industry of taking sedentary organisms is declared to be the Sedentary Organisms Fishery.

(2) The Sedentary Organisms Fishery is declared to be comprised of 3 sedentary organisms fisheries, namely—

- (a) the Pearl Fishery;
- (b) the Wild Oyster Fishery; and
- (c) the Trepang Fishery.

(3) The industry of taking pearls and pearl shell is declared to be the Pearl Fishery.

(4) The industry of taking oysters other than pearl oysters is declared to be the Wild Oyster Fishery.

(5) The industry of taking trepang is declared to be the Trepang Fishery.

39. PROTECTION OF CERTAIN SPECIES

The Director of Fisheries shall not licence a person to take sedentary organisms other than oysters or trepang.

40. MONTHLY RETURNS

Where a person is licensed to engage in a Sedentary Organisms 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 8 — Fish Traps***41. NO FISH TRAPS IN RIVERS**

The Director of Fisheries shall not licence a person to take fish by using a fish trap except in the waters of the sea, seawards of the seaward extremities of the mouths and estuaries of rivers.

42. CLEARING FISH TRAPS

Where a person is licensed to take fish by using a fish trap, a condition shall be implied in the licence that the licensee shall clear the trap on each falling tide—

- (a) in a depth of water sufficient to allow small fish to escape; and
- (b) sufficiently often to ensure that fish are not stranded out of the water.

PART IV — REGISTRATION OF BOATS**43. NORTHERN TERRITORY FISHERY REGISTRATION**

(1) The Director of Fisheries shall not register a boat for taking prawns in the Northern Prawn Fishery, or renew the registration of a boat for taking prawns in that fishery, 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 that fishery.

(2) The Director of Fisheries shall not register a boat for trans-shipping prawns in the Northern Prawn Fishery, or renew the registration of a boat for trans-shipping prawns in that fishery, 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 that fishery.

44. REGISTRATION MARKINGS

(1) The prescribed manner of marking a boat, whether it is a registered boat or a tender boat, for the purposes of section 12(2) of the Act, is to mark, and keep marked, the registration number of the boat—

- (a) on the outside of the hull, on each side of the bow, as high as practicable above the waterline, or on either side of the wheelhouse; and
- (b) if the boat has a wheelhouse or deck, on top of the wheelhouse or foredeck, in black characters on a yellow background, so that the registration number is conspicuous and clearly identifiable from a distance with the naked eye.

(2) A registration number shall not be regarded as clearly identifiable for the purposes of sub-regulation (1) unless the letters and figures constituting the registration number are—

- (a) if the overall length of the boat exceeds 6 metres — not less than 40 centimetres high and not less than 5 centimetres in thickness of lettering; or
- (b) if the overall length of the boat does not exceed 6 metres — not less than 15 centimetres high and not less than 2 centimetres in thickness of lettering.

(3) Where a boat is first registered under the Act, the Director of Fisheries may, on such conditions he thinks fit, allow a period not exceeding 12 months for compliance with this regulation and, where he does so, a boat is adequately marked during that period if it complies with those conditions.

45. MEANING OF “TRANS-SHIP”

For the purposes of the definitions of “landed” and “trans-ship” in section 5 of the Act—

- (a) Gove Harbour;
- (b) Caledon Bay, northward of a line extending from Point Alexander on a true bearing of 275°;
- (c) Maria Island;
- (d) Port Essington;

- (e) Paradise Bay; and
 (f) Buckingham Bay,
 are prescribed places.

46. TRANS-SHIPPING

(1) Where a boat is registered as a trans-shipping boat, a condition shall be implied in the registration that the person who is in command of that boat—

- (a) shall not allow fish to be trans-shipped to the boat unless the fish are in containers that are marked with—
- (i) the name or registration number of the boat that took them; and
 - (ii) the date on which they were taken; and
- (b) shall maintain, and produce to a fisheries officer on demand, a true and correct record of all trans-shipping operations.

(2) Where an endorsement on the certificate of registration of a boat provides that the boat may be used as a trans-shipping boat in the Northern Prawn Fishery, a condition shall be implied in the registration that the person who is in command of the boat shall not, except under and in accordance with the approval of the Director of Fisheries granted in an emergency, allow prawns to be trans-shipped to the boat within 60 nautical miles of a shore-based prawn processing factory at Darwin, Groote Eylandt or Bartalumba Bay.

(3) Where an endorsement on the certificate of registration of a boat provides that the boat may be used as a trans-shipping boat for fish other than prawns, a condition shall be implied in the registration that the person who is in command of the boat shall not allow prawns to be trans-shipped to the boat.

PART V — EXOTIC FISH, FISH CULTURE, &c.

47. EXOTIC FISH

The fish that are listed in the Table in this regulation are prescribed for the purposes of section 51(5) of the Act.

TABLE

Genus and species	Family	Common name
<i>Abramites microcephalus</i>	Anostomidae	Marbled Headstander
<i>Anoptichthys jordani</i>	Characidae	Blind Cavefish
<i>Anostromus anostomus</i>	Anostomidae	Striped Headstander
<i>Aphyocharax rubripinnis</i>	Characidae	Bloodfin
<i>Aphyosemion</i> (all species)	Cyprinodontidae	Lyretails, Cularis, &c.
<i>Apistogramma agassizi</i>	Cichlidae	Dwarf Cichlid
<i>Apistogramma ramirezi</i>	"	Ram
<i>Astyanax mexicanus</i>	(see <i>Anoptichthys jordani</i>)	—
<i>Astyanax ruberrimus</i>	Characidae	Redfin Tetra
<i>Balantiocheilus melsnopyrtus</i>	Cyprinidae	Silver Shark
<i>Barbodes everetti</i>	"	Clown Barb
<i>Barbodes fasciatus</i>	"	Striped Barb
<i>Barbodes hexazona</i>	"	Tiger Barb
<i>Barbodes lateristriga</i>	"	Spanner Barb
<i>Barbodes pentazona</i>	"	Banded Barb
<i>Bedotia geayi</i>	Atherinidae	Madagascar Rainbow
<i>Betta splendens</i>	Belontiidae	Siamese Fighter (betta)

Genus and species	Family	Common name
<i>Brachydanio albolineatus</i>	Cyprinidae	Pearl Danio
<i>Brachydanio nigrofasciatus</i>	"	Spotted Danio
<i>Brachydanio rerio</i>	"	Zebra Danio
<i>Brachygobius xanthazona</i>	Gobiidae	Bumblebee
<i>Capoeta arulius</i>	Cyprinidae	Longfin Barb
<i>Capoeta hulstaerti</i>	"	Butterfly Barb
<i>Capoeta melanampix</i>	"	Ember Barb
<i>Capoeta oligolepis</i>	"	Checker Barb
<i>Capoeta partipentazona</i>	"	Tiger Barb
<i>Capoeta semifasciolatus</i>	"	Half Striped Barb
<i>Capoeta tetrazona</i>	"	Tiger Barb
<i>Capoeta titteya</i>	"	Cherry Barb
<i>Carassius auratus</i>	Cyprinidae	Goldfish
<i>Carnegiella</i> (all species)	Gasteropelidae	Hatchfishes (4 species)
<i>Cheirodon axelrodi</i>	Characidae	Cardinal Tetra
<i>Chilodus punctatus</i>	Anostomidae	Spotted Headstander
<i>Colisa</i> (all species)	Belontiidae	Dwarf Gourami, &c.
<i>Copeina arnoldi</i>	Lebiasinidae	Splash Tetra
<i>Copeina guttata</i>	"	Redspot Copeina
<i>Copella arnoldi</i>	(see <i>Copeina arnoldi</i>)	—
<i>Corydoras</i> (all species)	Callichthyidae	Various Corydoras
<i>Corynopoma rusei</i>	Characidae	Swordtail Characin
<i>Ctenobrycon spiluru</i>	"	Silver Tetra
<i>Danio Malabaricus</i>	Cyprinidae	Giant Danio
<i>Epalzeorhynchus kallopterus</i>	"	Flying Fox
<i>Garra taeniata</i>	"	Siamese Flying Fox
<i>Gasteropelecus levis</i>	Gasteropelecidae	Silver Hatchetfish
<i>Gasteropelecus sternicla</i>	"	Hatchetfish
<i>Gymnocorymbus ternetzi</i>	Characidae	Black Tetra, Black Widow
<i>Gyrinocheilus aymonieri</i>	Gyrinocheilidae	Algae Eater, Sucking Catfish
<i>Helestoma temminckii</i>	Helostomatidae	Kisser, Kissing Gourami
<i>Hemigrammus</i> (all species)	Characidae	Tetra (6 species)
<i>Hoplosternum littorale</i>	Callichthyidae	Hoplo Catfish
<i>Hypessobrycon</i> (all species)	Characidae	Tetra (7 species)
<i>Kryptopterus bicirrhis</i>	Siluridae	Glass Catfish
<i>Labeo bicolor</i>	Cyprinidae	Redtail Shark
<i>Leporinus fasciatus</i>	Anostomidae	Banded Leporinus
<i>Leporinus maculatus</i>	"	Spotted Leporinus
<i>Megalamphodus megalopterus</i>	Characidae	Black Phantom Tetra
<i>Megalamphodus sweglesi</i>	"	Swegles Tetra
<i>Micralestes interruptus</i>	(see <i>Phenacogrammus interruptus</i>)	—
<i>Moenkhausia oligolepis</i>	Characidae	Glass Tetra
<i>Moenkhausia pitteri</i>	"	Diamond Tetra
<i>Morulius chrysophekadion</i>	Cyprinidae	Black Shark
<i>Nannostomus anomalus</i>	(See <i>Nannostomus beckfordi</i>)	—
<i>Nannostomus beckfordi</i>	Lebiasinidae	Pencilfish
<i>Nannostomus marginatus</i>	"	Pencilfish
<i>Nannostomus trifasciatus</i>	"	Three Striped Pencilfish
<i>Nannostomus unifasciatus</i>	"	One-line Pencilfish

Genus and species	Family	Common name
<i>Nematobrycon palmeri</i>	Charactidae	Emperor Tetra
<i>Noemacheilus botia</i>	Cobitidae	Mottled Loach
<i>Noemacheilus fasciatus</i>	"	Barred Loach
<i>Nothobranchius</i>	Cyprinodontidae	Fire Killie &c., (2-10 species)
<i>Otocinclus affinis</i>	Lorincariidae	Dwarf Otocinclus
<i>Otocinclusarnoldi</i>	"	Sucker Catfish
<i>Pantodon buchholzi</i>	Pantodontidae	Butterflyfish
<i>Paracheiroidon innesi</i>	Characidae	Neon Tetra
<i>Pelvicachromis pulcher</i>	Cichlidae	Kribensis
<i>Phenacogrammus interruptus</i>	Characidae	Congo Tetra
<i>Poecilia (Lebistes) Reticulata</i>	Poeciliidae	Guppy
<i>Poecilia (Molliensia)</i> (all species)	"	Molly
<i>Poesilobrycon unifasciatus</i>	(see <i>Nannostomus unifasciatus</i>)	—
<i>Poesilobrycon trifasciatus</i>	(see <i>Nannostomus trifasciatus</i>)	—
<i>Pristella riddlei</i>	Characidae	Pristella
<i>Pterophyllum</i>	Cichlidae	Angelfish
<i>Puntius filamentosus</i>	Cyprinidae	Black Spot Barb
<i>Puntius gelius</i>	"	Dwarf Barb
<i>Puntius nigrofasciatus</i>	"	Black Ruby Barb
<i>Puntius stoliczkae</i>	"	Stoliczka's Barb
<i>Puntius ticto</i>	"	Tic Tac Toe Barb
<i>Rasbora</i> (all species)	"	Rasbora, Harlequin, Scissortails (14 species)
<i>Sphaerichthys osphromenoides</i>	Belontiidae	Chocolate Gourami
<i>Symphysodon</i> (all species)	Cichlidae	Discusfish
<i>Tanichthys albonubes</i>	Cyprinidae	White Clouds
<i>Thayeria obliqua</i>	Characidae	Penguinfish
<i>Trichogaster leeri</i>	Belontiidae	Pearl Gourami
<i>Trichogaster microlepis</i>	"	Moonbeam Gourami
<i>Trichogaster pectoralis</i>	"	Snakeskin Gourami
<i>Trichogaster trichopterus</i>	"	Blue Gourami
<i>Trichopsis pumilis</i>	"	Dwarf Gourami
<i>Xiphophorous maculatus</i>	Poeciliidae	Platy
<i>Xiphophorous helleri</i>	"	Swordtail
<i>Xiphophorous variatus</i>	"	Platy

48. NOXIOUS FISH

The fish that are listed in the Table in this regulation are noxious fish.

TABLE

Genus and species	Common name
<i>Barbus schwanenfeldi</i>	Tinfoil Barb
<i>Channa</i> (all species)	Snakehead
<i>Cichlasoma coryphaenoides</i>	Chocolate Cichlid
<i>Cyprinus carpio</i>	European Carp
Family <i>Clariidae</i> (all species)	Walking Catfish
<i>Gambusia</i> (all species)	Mosquito fish
<i>Serrasalmus</i> , <i>Pygopristis</i>	Piranha
<i>Pygocentrus</i> (all species)	
<i>Tilapia</i> (all species)	Mouthbreeder

49. DISEASE CONTROL, &c.

The Director of Fisheries shall not grant, renew or approve the transfer of—

- (a) a permit to bring into the Northern Territory a live fish, or an egg, fry or larva of a fish; or
- (b) a Class C licence,

unless he is completely satisfied, having regard to the applicant's character, experience and reasons for making the application and to all other factors that in the opinion of the Director of Fisheries are relevant, that the proposed operation is viable and will not cause problems with the environment and disease control.

50. OUTDOOR PONDS

Where a person is licensed to culture or keep a live fish that is listed in the Table in regulation 50, a condition shall be implied in the licence that the licensee shall not keep that fish in an outdoor pond unless he has a permit to release it in the vicinity of the pond.

PART VI — MISCELLANEOUS*Division 1 — Fees and Disposal of Fees***51. FEES**

The fee for 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.

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

Matter	Fee
	\$
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	20
Approval of the transfer of a licence or of the ownership of a boat	20
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 Northern Prawn Fishery	25
to engage in the West of Cape Ford Prawn Fishery	25
to engage in the Internal Waters Prawn Fishery	25
to engage in the Crab Fishery	25
to engage in the Barramundi Fishery	75
to engage in the Reef Fish and Mackerel Fishery	25
to engage in the Fin Fish Trawling Fishery	25
to engage in the Bait Fish Fishery	25
to engage in the Pearl Fishery	25
to engage in the Trepang Fishery	25
to engage in the Wild Oyster Fishery	25
to take fish by using a fish trap	25
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	980
to buy and process fish otherwise than for export from Australia	30
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 Northern Prawn Fishery where the length overall of the boat is:	
less than 15 metres	10 per metre or part thereof
not less than 15 metres but less than 17 metres	17.50 per metre or part thereof
not less than 17 metres but less than 20 metres	25 per metre or part thereof

Matter	Fee
	\$
not less than 20 metres but less than 25 metres	37.50 per metre or part thereof
not less than 25 metres	50 per metre or part thereof
in the West of Cape Ford Prawn Fishery	10
in the Internal Waters Prawn Fishery	10
in the Crab Fishery	10
in the Barramundi Fishery	10
in the Reef Fish and Mackerel Fishery	10
in the Fin Fish Trawling Fishery	10
in the Bait Fish Fishery	10
in the Pearl Fishery	10
in the Trepang Fishery	10
as a trans-shipping boat in the Northern Prawn Fishery	500
as a trans-shipping boat in fisheries other than the Northern Prawn Fishery	250

52. DISPOSAL OF FEES

For the purposes of section 71(1)(b) of the Act—

- (a) the prescribed percentage of licence fees is 0%;
- (b) the prescribed percentage of renewal of licence fees is 0%;
- (c) the prescribed percentage of transfer fees is 0%;
- (d) the prescribed percentage of permit fees is 0%; and
- (e) the prescribed percentage of lease rentals is 0%.

Division 2 — Miscellaneous

53. INCORPORATED LICENSEES

(1) Where an applicant for a Class A1 licence, or a proposed transferee of a Class A1 licence, is an incorporated person, the Director of Fisheries shall not grant the licence, or approve the transfer, unless—

- (a) a natural person who is the holder of a Class A2 licence is nominated as the person who will, for the purposes of section 35(1) of the Act, at all times be in the vicinity of and maintain direct physical control of the fishing operations of the proposed licensee;
- (b) the Director of Fisheries is satisfied that the nominated person—
 - (i) is competent to control the fishing operations of the proposed licensee; and

- (ii) will in fact control them, having regard to the structure, ownership and management of the proposed licensee and in particular to the ability of the nominated person to influence the policy of the proposed licensee.

(2) Where a Class A1 licence is granted or transferred to an incorporated person, the licensee shall be deemed to be in the vicinity of and in direct physical control of its fishing operations for the purposes of section 35(1) of the Act if, and only if, the person nominated for the purposes of sub-regulation (1) in relation to the licence is in the vicinity of and in direct physical control of the fishing operations.

54. SICK, &c., LICENSEES

(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 59 is deceased, sick, aged or temporarily absent, approve the carrying on of the fishing operations of the licensee for a period by a Class A2 licensee.

(2) Where the Director of Fisheries approves a person for the purposes of sub-regulation (1) in relation to a licence—

- (a) the licensee shall be deemed to be in the vicinity of and in direct physical control of his fishing operations for the purposes of section 35(1) of the Act if, and only if, the person so approved is in the vicinity of and in direct physical control of the fishing operations; and
- (b) for the purposes of paragraph (a), if the licensee is deceased, the executor or administrator of the estate of the licensee shall be deemed during the period of the approval to be the licensee.

55. POSSESSION OF BARRAMUNDI

Barramundi is prescribed for the purposes of section 74 of the Act.

56. PROTECTED FISH

(1) A person shall not fish for or take—

- (a) a turtle; or
- (b) a dugong.

Penalty: \$1,000.

(2) Sub-regulation (1) does not prohibit an Aboriginal who lawfully takes a turtle by reason of section 93 of the Act from selling the shell or using the shell for commercial purposes.

57. FISH POTS

A Class A1 licensee shall not use a fish-pot except with and subject to the approval of the Director of Fisheries.

58. GEAR FOR TOURIST OPERATORS

Where a tourist operator holds a Class A1 licence, a provision shall be implied in the licence, unless the contrary intention appears, that, while the Class A1 licensee is not acting as a tourist operator, he may use professional fishing gear.
