

EXPLANATORY STATEMENT

Issued by the authority of the Assistant Minister for Regional Development and Territories,
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure, Transport
and Regional Development

*Christmas Island Applied Laws Amendment (Fish Resources Management)
Ordinance 2022*

Authority

The *Christmas Island Act 1958* (the CI Act) deals with the governance of Christmas Island (CI). CI is a Commonwealth administered territory with no state legislature. Subsection 8A(1) of the CI Act provides that the laws of Western Australia (WA) are in force in the Territory from time to time as applied laws. Applied laws may be amended or repealed by Ordinance, under subsection 8(3) of the CI Act. Ordinances are generally made to account for unique legal and administrative arrangements, or to address matters not dealt with by WA laws applied in CI. Subsection 9(1) of the CI Act provides that the Governor-General may make Ordinances for the peace, order and good government of the Territory.

The *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2022* (the Ordinance) is made under subsection 9(1) of the CI Act.

The CI Act specifies no conditions that need to be satisfied before the power to make the proposed Ordinance may be exercised.

Purpose and operation

The Ordinance amends CI applied WA legislation, namely the *Fish Resources Management Act 1994* (WA) (CI) (the Act) and the *Fish Resources Management Regulations 1995* (WA) (CI) (the Regulations), to introduce a recreational fishing management framework for CI that takes into account the unique marine ecosystem.

The amendments ensure that the Act and Regulations, as applied on CI, are relevant and appropriate to the region. The focus of the arrangement is the sustainable management of the fish resources on CI for the benefit of the community.

The Ordinance implements the following key measures:

- introduction of CI specific daily bag limits for finfish and invertebrates;
- introduction of a fish possession limit in the area of the CI Airport to manage the amount of fish that may be exported off island, including specified requirements pertaining to the type and amount of fish;
- restrictions or prohibition of fishing in specified areas;
- the power for the Minister to amend the Schedule containing the fishing regulations by rule to be able to respond in a timely manner to adaptive management arrangements for CI;
- the establishment of a CI Fisheries Management Advisory Committee to provide the Minister with advice regarding fisheries matters relating to CI; and
- no application of minimum size limits for demersal species to reduce the incidence of deep water barotrauma mortality in discarded fish.

Consultation

Fishing practices on CI have been the subject of extensive community consultations, occurring since 2005, with stakeholders including the Administrator of the Territory of Christmas Island, the Shire of Christmas Island, local businesses, community groups, other government agencies, port operators, fishers and other interested individuals.

The WA Department of Regional Development and Primary Industries (Fisheries WA) has undertaken numerous research projects and scientific studies into the fisheries and CI marine environment. This research, along with community feedback has informed the proposed Ordinance.

Consultation specific to the proposed Ordinance has been occurring since 2018. Broadly, the feedback supported the introduction of a sustainable fishery management framework with local rules, and was varied in respect to the specific sustainability measures the Ordinance introduces. The Ordinance has undergone various iterations and the final product takes account of the feedback received through all consultation periods.

Regulatory Impact Statement

The Office of Best Practice Regulation considers the proposal is likely to have no more than minor regulatory impacts on business, community organisations or individuals. A Regulatory Impact Statement is not required.

Other

The Ordinance is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Ordinance commences on the day after the instrument is registered.

Details of the Ordinance are set out in the Attachment.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2022

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of the *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2022* is to amend the *Christmas Island Applied Laws Ordinance 1992* to include ‘Part 15 – Fish Resources Management Act 1994 (WA) (CI)’, and to include and amend the *Fish Resources Management Regulations 1995 (WA) (CI)* (new Part 15A), making them appropriate for the Christmas Island (CI) context.

While it is the aim of the Australian Government to apply laws in a similar fashion to a comparable mainland location wherever possible, the unique marine ecosystem of CI requires the introduction of an amending Ordinance to introduce a tailored recreational fishing management framework for this Territory.

The amendments ensure the rules applied on CI are relevant and appropriate to the region. The focus of the arrangements is the sustainable management of the fish resources within the Territory for the benefit of the island communities today and into the future.

The Ordinance implements the following key measures:

- introduction of daily bag limits for finfish and invertebrates which are more generous than contained in the *Fish Resources Management Regulations 1995 (WA) (CI)*;
- introduction of a fish possession limit in the area of the CI Airport to manage the amount of fish that may be exported off island, including specified requirements pertaining to the type and amount of fish;
- restrictions or prohibition of fishing in specified areas;
- the power for the Minister to amend the Schedule containing the fishing regulations by rule to be able to respond in a timely manner to adaptive management arrangements for CI;
- the establishment of a CI Fisheries Management Advisory Committee to provide the Minister with advice regarding fisheries matters relating to CI; and
- no application of minimum size limits for demersal species to reduce the incidence of deep water barotrauma mortality in discarded fish.

Human rights implications

This Legislative Instrument engages the following rights under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights:

- The right to self-determination (Article 1).
- The right to non-discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2).

- The right to work (Article 6(1), 7 and 8(1)(a)).
- The right to an adequate standard of living, including food, water and housing (Article 11(1)).
- The right to enjoy and benefit from culture (Article 27 ICCPR).

The right to self-determination

At Australia's request, the United Kingdom transferred sovereignty of CI to Australia, with a \$20 million payment from the Australian Government to Singapore as compensation for the loss of earnings from the phosphate revenue. The United Kingdom's CI Act was given royal assent on 14 May 1958, enabling Britain to transfer authority over CI from Singapore to Australia by an order-in-council. The Island was officially placed under the authority of the Commonwealth of Australia on 1 October 1958.

Under the *Christmas Island Act 1958*, WA laws are enforced in the Territory, unless repealed or amended by Ordinance.

A Christmas Island Fisheries Management Committee has been established. This committee will represent the CI community on local fisheries matters.

The Ordinance will not affect any rights to self-determination. The residents of CI are free to pursue their economic, social and cultural development without outside interference.

The right to non-discrimination and the right to enjoy and benefit from culture

The right to non-discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2) of the International Covenant on Economic, Social and Cultural Rights and the right to enjoy and benefit from culture (Article 27) of the International Covenant on Civil and Political Rights has been taken into consideration during the compilation of the Ordinance.

CI is a multi-cultural community and all religions are freely practiced on the island, with the presence of a Mosque, temples and other places of worship. Many cultural celebrations are recognised with public holidays including Chinese New Year, Hari Raya Puasa and Hari Raya Haji. The Island community widely participate in these events.

The Ordinance promotes the rights to religion, or the right to enjoy and benefit from culture. Fish can be purchased from licensed commercial fishers for consumption at these events.

The right to work

The right to work (Articles 6(1), 7 and 8(1)(a)) of the International Covenant on Economic, Social and Cultural Rights is supported in the Ordinance. There are at least two licensed commercial fishing operators on CI. This provides opportunities for local employment, as well as the selling of fish to commercial premises.

The Ordinance does not have any limitations to the right to work through commercial fishing operations on CI.

The right to an adequate standard of living

The right to an adequate standard of living in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights requires that Australia ensures the availability, adequacy and accessibility of food, water and housing for all people in Australia. Considering that fish is a valuable source of protein for CI households, a per person, per day bag limit has been introduced. These bag limits exceed the limits in the current *Fish Resources Management Regulations 1995 (WA) (CI)*.

Accordingly, the Ordinance promotes the right to an adequate standard of living for future generations by ensuring that fish resources are sustainably managed on CI.

Conclusion

The Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Hon Nola Marino MP

**Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development**

ATTACHMENT – NOTES ON CLAUSES

Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2022

This attachment explains the operation of individual provisions in the *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2022* (the Ordinance).

Section 1 – Name of Ordinance

This section provides that the name of the Ordinance is the *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2022* (the Ordinance).

Section 2 – Commencement

This section provides for the Ordinance to commence on the day after the instrument is registered.

Section 3 – Authority

This section provides that the Ordinance is made under section 12(1) of the *Christmas Island Act 1958*.

Section 4 – Schedules

This section provides that each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule, and any other item in a Schedule to this Ordinance has effect according to its terms.

Schedule 1 – Amendments

Christmas Island Applied Laws Ordinance 1992

Item [1] After section 3

Item 1 inserts, after section 3 of the *Christmas Island Applied Laws Ordinance 1992*, new section 4 with the heading Rules—fish resources management.

New subsection 4(1) provides that the Minister may, by legislative instrument, make rules:

- (a) so as to amend Part 15A of Schedule 1 to this Ordinance; or
- (b) to make application, saving or transitional provisions in relation to such amendments.

New subsection 4(2) provides that to avoid doubt, the rules may not do the following:

- (a) create an offence or civil penalty;
- (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
- (c) impose a tax.

New subsection 4(3) provides that that the Minister may, by legislative instrument, make rules amending the Ordinance after consultation with an advisory committee established under section 42 of the *Fish Resources Management Act 1994 (WA)* as it applies in the Territory.

This amendment provides the Minister with the power to amend the fishing rules in the Ordinance when required. This will facilitate an adaptive fisheries management approach, enabling timely changes to fishing rules in response to potential future issues such as: changed environmental conditions; new research findings; and other issues impacting the sustainability of CI fisheries.

Item [2] After Part 14 of Schedule 1

Item 2 inserts, after Part 14 of Schedule 1 to the *Christmas Island Applied Laws Ordinance 1992*, new Part 15—Fish Resources Management Act 1994 (WA) (CI).

Item 1 of Part 15, inserts at the end of section 42 of the *Fish Resources Management Act 1994 (WA) (CI)*, new subsection 42(4), containing paragraph 42(4)(a) and paragraph 42(4)(b), that requires the Commonwealth Minister administering this Act to establish an advisory committee as soon as practicable after the commencement of the Ordinance, and to ensure that at least one committee is established at any time.

The effect of this amendment ensures the establishment and ongoing existence of a formal advisory committee. The purpose of the advisory committee is to provide advice on fisheries matters to the Minister.

Part 15A—Fish Resources Management Regulations 1995 (WA) (CI)

Item 2 also inserts, after new Part 15 of Schedule 1 to the *Christmas Island Applied Laws Ordinance 1992*, new Part 15A— *Fish Resources Management Regulations 1995 (WA) (CI)*.

Part 15A amends the *Fish Resources Management Regulations 1995 (WA) (CI)* as it applies in the Territory, which has the effect of tailoring fisheries management to the unique marine environment of Christmas Island.

Item 1 of Part 15A—Subregulation 31(1) (definition of day trip)

Item 1 repeals the definition of ‘day trip’ and substitutes it with a new definition for ‘day trip’, which is defined as a voyage undertaken by a person on a boat, except a voyage which has taken place over more than one day, which is appropriate to apply at Christmas Island.

Item 2 of Part 15A— Subregulation 31(1) (definition of one day)

Item 2 repeals the definition of ‘one day’ and substitutes it with a new definition for ‘one day’, meaning a period of 24 hours commencing at midnight.

Item 3 of Part 15A —Regulations 14

Item 3 repeals regulations 14 and substitutes it with new regulation 14:

14 Finfish to be landed as whole fish, or as fish trunks or fillets

- (1) A person must not be in possession of a finfish on a boat or bring a finfish onto land unless it is:
 - (a) a whole fish; or
 - (b) a fish trunk that has the skin and scales attached; or
 - (c) a fillet that:
 - (i) has the skin and scales attached; and
 - (ii) is packaged flat; and
 - (iii) is packaged so that it is easily accessible for identification; and
 - (iv) if the fish is frozen—can be measured and identified without being thawed.

If these conditions are not met, a fine of \$3,000 would apply as well as a penalty under section 222 of the *Fish Resources Management Act 1994* (WA) (CI).

- (2) Subregulation (1) does not apply to:
 - (a) finfish taken for a commercial purpose in accordance with an authorisation; or
 - (b) finfish on a boat if the finfish is:
 - (i) being consumed; or
 - (ii) prepared, or being prepared, for immediate consumption by persons on the boat.

Item 4 of Part 15A —Regulations 16D, 16DB, 16E, 16GA, 22 and 22AA

Item 4 repeals regulations 16D, 16E, 16GA, 22 and 22AA which removes the Western Australian state-wide land and sea finfish and rock lobster possession limits and labelling requirements, and replaces them with an island specific possession limit to apply in the area of the Christmas Island Airport. Item 4 also repeals regulation 16DB which removes the mainland limit on tuna and mackerel species as they apply to commercial fishing boats, this is to enable the continuation of the longstanding Christmas Island licensed commercial fishing activity.

Item 5 of Part 15A —Subregulation 31(1) and (3)

Item 5 repeals subregulations 31(1) and (3) as they are not required for recreational fishers, and there is no commercial rock lobster fishing in Christmas Island.

Item 6 of Part 15A —Subregulation 31(4)

Item 6 omits ‘or (3)’ from subregulation 31(4) which removes the application of an allowed time for the tail clipping and tail punching of rock lobster.

Item 7 of Part 15A —Paragraphs 32(1)(b) and 32(1)(c)

Item 7 repeals existing paragraphs 32(1)(b) and 32(1)(c) and substitutes them with new paragraph 32(1)(b). This would provide clarification for a pot set or pulled from a licensed fishing boat, which is marked by branding or stamping with legible characters not less than 60 mm high and not less than 10 mm wide showing the licensed fishing boat number of the boat.

Item 8 of Part 15A —Paragraph 36(1)(b)

Item 8 repeals paragraph 36(1)(b) as recreational rock lobster fishing does not require a recreational licence.

Item 9 of Part 15A —Subregulation 36(2B)

Item 9 repeals subregulation 36(2B) which means that subregulation 36(2B) does not apply in respect of a person who is on board a boat that is specified on a fishing tour operator's licence, or a restricted fishing tour operator's licence, granted under regulation 128J.

Item 10 of Part 15A —Regulation 37

Item 10 repeals regulation 37 and substitutes it with new regulation 37 which allows for a defence for proceedings against an offence against regulation 36(1)(c).

Item 11 of Part 15A —Regulation 42

Item 11 repeals regulation 42 as molluscs may have been shucked at sea or within 200m of the high water mark.

Item 12 of Part 15A —at the end of Division 8 of Part 4

Item 12 inserts new regulation 64AB at the end of Division 8 of Part 4.

New subregulation 64AB(1) prevents the possession of fish by a person in the area of the Christmas Island Airport unless the following conditions are met:

64AB(1)(a) the maximum quantity of fish that a person may possess is 10 kg;

64AB(1)(b) if the fish is finfish, it must:

- (i) have the skin attached; and
- (ii) be packaged flat;

64AB(1)(c) the fish must be packaged so that it is easily accessible for identification;

64AB(1)(d) if the fish is frozen, it must be able to be identified without being thawed.

Subregulation 64AB(2) provides for a fine of \$3,000 to apply and a penalty under section 222 of the *Fish Resources Management Act 1994* (WA) (CI) for a person who does not meet the requirement of subregulation 64AB(1).

New subregulation 64AB(3) provides a defence in proceedings for an offence against subregulation 64AB(2), as follows:

64AB(3)(a) the fish were taken for a commercial purpose in accordance with an authorisation; or

64AB(3)(b) the fish were kept, bred, hatched, cultured or harvested in accordance with an aquaculture licence; or

64AB(3)(c) the fish were taken under an authority to fish for scientific purposes issued under regulation 178.

New subregulation 64AB(4) defines the area of Christmas Island Airport as lot 598 on Deposited Plan 37939.

Item 13 of Part 15A —Subregulation 64E(3)

Item 13 repeals subregulation 64E(3) so that traditional practice of using more than 3 baits or lures is allowed. However the penalty of \$2,000 is maintained.

Item 14 of Part 15A —Subregulations 64F(1) and 64F(2)

Item 14 repeals subregulations 64F(1) and 64F(2) replaces them with:

- 64F(1) A person must not fish by means of using a fishing net, unless the persons uses only one net at any one time and the net is:
- (a) a throw net that:
 - (i) has a length not exceeding 3 m measured from the centre retrieval line to the lead line; and
 - (ii) has a mesh of not more than 25 mm; or
 - (b) A hand-held landing net with a hoop or ring not exceeding 1 m in diameter.

Item 15 of Part 15A —At the end of Division 2 of Part 4A

Item 15 inserts new regulation 64LA to the end of Division 2 of Part 4A. New regulation 64LA prohibits spearfishing (spear or spear gun) while using compressed air breathing apparatus. A fine of \$3,000 applies as well as a penalty under section 222 of the *Fish Resources Management Act 1994* (WA) (CI).

Item 16 of Part 15A —At the end of Division 4 of Part 4A

Item 16 inserts a new regulation 64U at the end of Division 4 of Part 4A. New regulation 64U- Spearfishing prohibited in area of Flying Fish Cove provides that a person must not fish with a spear gun, harpoon, Hawaiian sling or other pointed instrument in the waters of the area described in subregulation 64U(2).

In subregulation 64U(2) the area is bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area where spearfishing prohibited-Flying Fish Cove

Item	Description
1	The northernmost point of the Port of Christmas Island jetty
2	Westerly along the geodesic towards the point 10°25.690'S, 105°39.895'E to its intersection by the high water line
3	Generally easterly along that high water line to its intersection by the eastern side of the jetty
4	Generally northerly along the eastern side of the jetty to the starting point

A fine of \$3,000 would apply as well as a penalty under section 222 of the *Fish Resources Management Act 1994* (WA) (CI).

Item 17 of Part 15A —Subparagraph 64W(1)(b)(i)

Item 17 repeals subparagraph 64W(1)(b)(i) “in accordance with regulation 16D(1) Table items 1, 2 and 4”.

Item 18 of Part 15A —Paragraph 64W(1)(c)

Item 18 repeals paragraph 64W(1)(c) to remove the mainland state-wide finfish and rock lobster possession limits that apply on boats at sea, to be replaced with an island specific possession limit to apply in the area of the Christmas Island Airport.

Item 19 of Part 15A —Regulation 64X—Counting pieces of fish for bag limits

Item 19 repeals Regulation 64X and substitutes it with a new regulation 64X:

For the purpose of determining the number of fish in relation to a bag limit:

64X(a) 2 pieces of finfish are taken to be equivalent to one whole finfish; and

64X(b) a piece of clam meat is taken to be equivalent to a whole clam.

Item 20 of Part 15A —Division 2 of Part 4B

Item 20 repeals Division 2 of Part 4B and substitutes it with new Division 2—Bag limits for Territory, 64Y Territory bag limits.

For the purposes of section 50 of the *Fish Resources Management Act 1994* (WA) (CI), the quantity of fish appearing under the heading “Species, or group of species, bag limit” in a Part of Schedule 3 is the bag limit in respect of fish of that species or group of species in the Territory.

Item 21 of Part 15A —Subregulation 117(1)

Item 21 inserts in subregulation 117(1) ‘granted under regulation 118 as it applies in the Territory’ after ‘current fishing boat licence’. This would mean that the applied Western Australian legislation applies to commercial fishing boat licences in the waters of Christmas Island.

Item 22 of Part 15A —At the end of subregulation 121(1)

Item 22 inserts at the end of subregulation 121(1) the words ‘granted under regulation 122 as it applies in the Territory’. This means that Western Australian legislation applies to commercial fishing boat licences in the waters of Christmas Island.

Item 23 of Part 15A —Division 2 of Part 11

Item 23 repeals Division 2 of Part 11 to remove the requirement for recreational fishing licences on Christmas Island.

Item 24 of Part 15A —Regulation 156 (table)

Item 24 inserts ‘64AB, 64LA, 64U,’ after ‘64AA(2B),’ in Regulation 156 (table) so that penalties created by this Ordinance would apply under subsection 222(1) of the *Fish Resources Management Act 1994* (WA) (CI).

Item 25 of Part 15A —Part 1 of Schedule 2

Item 25 omits Billfish (marlins, sailfish and spearfish) in Part 1 of Schedule 2 to allow these fish to be commercially caught.

Item 26 of Part 15A —Part 1 of Schedule 2

Item 26 omits ‘and Rays, other than sharks or rays that are totally protected fish’ in Part 1 of Schedule 2.

Item 27 of Part 15A —Part 2 of Schedule 2

Item 27 repeals Part 2 of Schedule 2 and substitutes ‘Part 2—Totally protected fish’ with a new list of Totally protected fish species found on Christmas Island, as follows:

Part 2—Totally protected fish

Division 1—Certain reproducing crustaceans

Totally protected fish—reproducing crustaceans

Item	Description of totally protected fish
1	Female crab with eggs or spawn attached beneath its body
2	Female rock lobster with eggs or spawn attached beneath its body

Division 2—Miscellaneous

Totally protected fish—miscellaneous

Item	Description of totally protected fish
1	Clams
2	Cod, Potato
3	Cod, White Banded
4	Coral and Live Rock
5	Coral Trout
6	Groper, Queensland
7	Parrotfish, Humphead
8	Rays
9	Wrasse, Humphead Maori

Item 28 of Part 15A —Part 3 of Schedule 2

Item 28 repeals Part 3 of Schedule 2 and substitutes ‘Part 3—Recreationally protected fish’, to allow for the provision of recreationally protected fish in the future.

Item 29 of Part 15A —Schedule 3

Item 29 repeals Schedule 3 and substitutes ‘Schedule 3—Bag limits’, to provide bag limits for fish species found in Christmas Island.

Note: See Regulation 64Y.

Part 1—Pelagic species

Bag limits for pelagic species

Item	Fish	Species, or group of species, bag limit
1	Barracuda	4
2	Billfish and Swordfish	4
3	Dolphinfish (Mahi Mahi)	4
4	Tuna (all species except Dogtooth Tuna)	4
5	Tuna, Dogtooth	1
6	Wahoo	4
7	All species in items 1 to 6, combined	4

Part 2—Demersal species

Bag limits for demersal species

Item	Fish	Species, or group of species, bag limit
1	All of the following: (a) Cod (Groupers) (except totally protected species); (b) Emperors; (c) Sepat, Red and Black; (d) Snappers; (e) Trevally	15

Part 3—Crustaceans and molluscs

Bag limits for crustaceans and molluscs

Item	Fish	Species, or group of species, bag limit
1	Rock Lobster	4

Item 30 of Part 15A —Schedule 4

Item 30 repeals Schedule 4 and substitutes ‘Schedule 4—Categories of Fish’, providing penalty categories for various fish species.

Schedule 4—Categories of Fish

Note: See regulation 180.

Part 1—Category 1 fish

Category 1 fish

Item	Type of Fish
1	Billfish
2	Bonefish
3	Clams
4	Cod, Potato

5	Cod, White Banded
6	Coral
7	Coral Trout
8	Coronation Trout
9	Crab, Mud
10	Dolphinfish (Mahi Mahi)
11	Groper, Queensland
12	Live Rock
13	Parrotfish, Humphead
14	Rays
15	Rock Lobster
16	Sharks
17	Swordfish
18	Tuna (all species)
19	Wahoo
20	Wrasse, Humphead Maori

Part 2—Category 2 fish

Category 2 fish

Item	Type of Fish
1	Cod (except species listed as category 1 fish)
2	Emperors
3	Parrotfish (except Humphead Parrotfish)
4	Sepat, Red and Black
5	Snappers
6	Trevally

Part 3—Category 3 fish

Category 3 fish

Item	Type of Fish
1	Milkfish
2	Mullet, Diamond Scale
3	Mullet, Sea
4	Silveries

Part 4—Category 4 fish

Category 4 fish

Item	Type of Fish
1	Any species of fish not specified in this Schedule to be category 1 fish, category 2 fish or category 3 fish.

Item 31 of Part 15A —Schedule 7

Item 31 repeals Schedule 7 and substitutes ‘Schedule 7—List of common and scientific names’, so that there would be a list of common and scientific names for the purpose of accurately identifying fish species in Christmas Island.

Note: See subregulation 3(2).

Schedule 7—List of common and scientific names

Common and scientific names of fish

Item	Common name	Scientific name
1	Barracuda	<i>Sphyraena</i> spp.
2	Billfish	Family Istiophoridae
3	Bonfish	<i>Albula</i> spp.
4	Clam, Giant	<i>Tridacna gigas</i>
5	Clams	<i>Tridacna</i> spp.
6	Cod	Family Epinephelidae
7	Cod, Potato	<i>Epinephelus tukula</i>
8	Cod, White Banded	<i>Anyperodon leucogrammicus</i>
9	Coral	Class Anthozoa and Class Hydrozoa
10	Coral Trout	<i>Plectropomus</i> spp.
11	Coronation Trout	<i>Variola</i> spp.
12	Crab, Mud	<i>Scylla</i> spp.
13	Dolphinfish (Mahi Mahi)	<i>Coryphaena</i> spp.
14	Emperors	Family Lethrinidae
15	Groper, Queensland	<i>Epinephelus lanceolatus</i>
16	Live Rock	Family Corallinaceae, Class Polychaeta, Class Crinoidea, Class Ascidiacea, Class Ophiuroidea, Phylum Bryozoa and Phylum Porifera and dead fish of Class Anthozoa and Class Hydrozoa
17	Milkfish	<i>Chanos chanos</i>
18	Mullet, Diamond Scale	<i>Liza vaigiensis</i>
19	Mullet, Sea	<i>Mugil cephalus</i>
20	Parrotfish	Subfamily Scarinae
21	Parrotfish, Humphead	<i>Bolbometopon muricatum</i>
22	Rays	Superorder Batoidea
23	Rock Lobster	<i>Panulirus</i> spp.
24	Sepat, Red and Black	Families Berycidae and Bramidae
25	Sharks	Orders Squatiniformes, Pristiophoriformes, Squaliformes, Hexanchiformes, Carcharhiniiformes, Lamniformes, Orectolobiformes and Heterodontiformes
26	Shark, Whale	<i>Rhincodon typus</i>
27	Silveries	<i>Gerres</i> spp.
28	Snappers	Family Lutjanidae
29	Swordfish	Family Xiphiidae

30	Trevally	Family Carangidae
31	Tuna, Albacore	<i>Thunnus alalunga</i>
32	Tuna, Bigeye	<i>Thunnus obesus</i>
33	Tuna, Dogtooth	<i>Gymnosarda unicolor</i>
34	Tuna, Longtail	<i>Thunnus tonggol</i>
35	Tuna, Skipjack	<i>Katsuwonus pelamis</i>
36	Tuna, Southern Bluefin	<i>Thunnus maccoyii</i>
37	Tuna, Yellowfin	<i>Thunnus albacares</i>
38	Wahoo	<i>Acanthocybium solandri</i>
49	Wrasse, Humphead Maori	<i>Cheilinus undulatus</i>

Item 32 of Part 15A —Schedule 9

Item 32 repeals Schedule 9 and substitutes ‘Schedule 9—Determining the value of fish’, that provides the applicable additional penalty by weight or number for each species of fish for the purposes of Section 222.

Schedule 9—Determining the value of fish

Note: See regulation 157.

Value of fish species			
Item	Species of fish	Value per unit of weight (\$/kg)	Value per fish (\$)
1	Barracuda	2.00	10.00
2	Billfish	2.00	100.00
3	Bonefish	8.00	24.00
4	Clam, Giant	10.00	100.00
5	Clams (except Giant Clam) (shucked)	60.00	5.00
6	Clams (except Giant Clam) (whole)	25.00	5.00
7	Cod (Groupers))except species listed separately)	9.50	38.00
8	Cod, Potato	10.00	100.00
9	Cod, White Banded	10.00	100.00
10	Coral and Live Rock	80.00	-
11	Coral Trout	10.00	100.00
12	Coronation Trout	8.00	24.00
13	Crab, Mud	25.00	14.00
14	Dolphinfish (Mahi Mahi)	2.00	4.00
15	Emperors	8.00	24.00
16	Groper, Queensland	10.00	100.00
17	Milkfish	4.50	3.00
18	Mullet, Diamond Scale	4.50	3.00
19	Mullet, Sea	4.50	3.00
20	Parrotfish (except Humphead Parrotfish)	6.00	12.00
21	Parrotfish Humphead	25.00	100.00
22	Rock Lobster	30.00	15.00

23	Sepat, Red and Black	8.00	24.00
24	Sharks and Rays (except Whale Shark)	6.00	90.00
25	Shark, Whale	10.00	500.00
26	Silveries	4.50	3.00
27	Snappers	8.00	24.00
28	Swordfish	2.00	100.00
29	Trevally	3.50	8.00
30	Tuna, Dogtooth	5.00	25.00
31	Tuna (except Dogtooth Tuna)	2.00	20.00
32	Wahoo	7.00	28.00
33	Wrasse, Humphead Maori	25.00	100.00
34	All fish not otherwise listed in this Schedule	1.00	1.00

Item 33 of Part 15A —Schedule 12 (table headed ‘Part 2—Regulations’, item 4)

Item 33 inserts ‘64LA’ after ‘64E’ in Schedule 12 (table headed ‘Part 2—Regulations’, item 4). This provides modified penalties for Infringement Notices for newly created regulations.

Item 34 of Part 15A —Schedule 12 (table headed ‘Part 2—Regulations’ item 4)

Item 34 inserts ‘64U’ after ‘64QA’ Schedule 12 (table headed ‘Part 2—Regulations’, item 4), for the modified penalties for Infringement Notices for the newly created regulations.

Item 35 of Part 15A —Schedule 15

Item 35 inserts ‘Zone 5: Christmas Island The Territory’ at the end of Schedule 15, to provide a Tour Management Zone for the purpose of fishing tour operators’ licences.

Item [3] – Schedule 4

Item 3 omits “*Fisheries Act 1905 (WA) (CI)*” from Schedule 4 of the *Christmas Island Applied Laws Ordinance 1992* because this Act is no longer in force in Western Australia.