

1993—No. 479

FISHERIES AND OYSTER FARMS ACT 1935—REGULATION

(Relating to qualifications for voting and for members of the NSW
Commercial Fishing Advisory Council)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fisheries and Oyster Farms Act 1935, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY, M.P.,
Minister for Agriculture and Fisheries.

The New South Wales Commercial Fishing Advisory Council Regulation 1990 is amended:

- (a) by omitting from the definition of “approved” in clause 2 (1) the words “of Fisheries”;
- (b) by omitting clause 5 and by inserting instead the following clause:

Qualifications for voting for elected regional members of the Council

5. Both members for each electoral region are to be elected for the purposes of section 17H (2) (c) of the Act by fishermen each of whom:

- (a) is resident in the region; and
 - (b) fishes on a vessel which is the subject of a licence under section 23 or 24 of the Act.
- (c) by omitting clause 6 (2) (a) and (b) and by inserting instead the following paragraphs:

- (a) in relation to the member elected for Sector 1—be principally engaged in prawn trawling in ocean waters off New South Wales (including waters out to the 4,000 metre isobath approximately 80 nautical miles from the coast) and operate a vessel which is the subject of a licence under the Act; and
- (b) in relation to the member elected for Sector 2—be principally engaged in fin fish trawling and operate a vessel which is the subject of a licence under the Act or a licence or permit under the Commonwealth Act; and
- (d) by omitting from clauses 6 (2) (c) and 7 (c) the words “or the Commonwealth Act” wherever occurring and by inserting instead the words “, or of a licence or permit under the Commonwealth Act,”;
- (e) by omitting clause 7 (a) and (b) and by inserting instead the following paragraphs:
 - (a) in relation to the election of a member for Sector 1—is principally engaged in prawn trawling in ocean waters off New South Wales (including waters out to the 4,000 metre isobath approximately 80 nautical miles from the coast) and operates a vessel which is the subject of a licence under the Act; and
 - (b) in relation to the election of a member for Sector 2—is principally engaged in fin fish trawling and operates a vessel which is the subject of a licence under the Act or a licence or permit under the Commonwealth Act; and
- (f) by omitting from clause 18 the word “Director-General” wherever occurring and by inserting instead the word “Director”.

EXPLANATORY NOTE

The objects of this Regulation are:

- to remove the existing distinction between ocean and estuarine fishermen in relation to the qualifications for voting for elected regional members of the NSW Commercial Fishing Advisory Council (**paragraph (b)**)
- to modify the qualifications for prawn trawling fishermen and fin fish trawling fishermen to be elected as Sector 1 and as Sector 2 industry members or to vote for such members (**paragraphs (e) and (e)**)
- to recognise permits issued under the Fisheries Act 1952 of the Commonwealth and authorising certain kinds of commercial fishing (**paragraph (d)**)

- to update references to the Director of NSW Fisheries (**paragraphs (a) and (f)**).

This Regulation is made under the Fisheries and Oyster Farms Act 1935, including sections 17H and 120 (2) (uuu).
