

FISHERIES MANAGEMENT ACT 1994—REGULATION

(Relating to the rock lobster restricted fishery)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fisheries Management Act 1994, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY
Minister for Agriculture and Fisheries.

Commencement

1. This Regulation commences on 1 March 1995.

Amendments

2. The Fisheries Management (General) Regulation 1995 is amended:
 - (a) by omitting from clause 176 the number “157” and by inserting instead the number “200”;
 - (b) by omitting clause 184 (5);
 - (c) by inserting after clause 184 the following clause:

Determination of catch history

184A. (1) A person’s rock lobster catch history is to be as determined by the Director.

(2) In determining the catch history of a person, the Director may have regard only to the following:

- (a) the records, kept by the Director, of fish taken by the person;
- (b) a verified record of a commercial fishers’ co-operative;
- (c) a verified record relating to the income tax liability of a commercial fisher;

(d) a verified record of any fish processing company (whether a wholesaler or retailer).

(3) In this clause, a reference to a verified record is a reference to an original record, or a copy of a record, audited by a registered company auditor (within the meaning of the Corporations Law) or that forms part of a record audited by a registered company auditor.

(d) by inserting after clause 213 the following clause:

Cancellation of endorsement with consent of licence holder

213A. The Minister may, with the consent of the holder of a commercial fishing licence, cancel any endorsement on that licence that authorises the holder to take fish for sale in a restricted fishery.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to increase the maximum number of endorsements available in the rock lobster restricted fishery (an endorsement enables a commercial fisher to take rock lobster for sale in the restricted fishery); and
- (b) to make it clear what evidence the Director may have regard to in determining the catch history of a commercial fisher in the rock lobster fishery; and
- (c) to make it clear that the Minister can cancel an endorsement for a restricted fishery with the consent of the holder of the endorsed licence.

This Regulation is made under the Fisheries Management Act 1994, in particular section 113 (Restriction on the number of licences endorsed for restricted fishery), section 116 (Other regulations) and section 289 (the general regulation making power).
