



New South Wales

Fisheries Management (General) Amendment (Fishing Boat Licences) Regulation 1998

under the

Fisheries Management Act 1994

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

Bob Martin

Minister for Fisheries

Explanatory note

The object of this Regulation is to amend the *Fisheries Management (General) Regulation 1995* so as:

- (a) to enable the holder of a fishing boat licence that is in abeyance to apply for a renewal of the licence in relation to the original boat the subject of that licence, and
- (b) to provide for the payment of additional fees for the issue or renewal of a fishing boat licence that has been held in abeyance, and
- (c) to enable the Minister to refuse:
 - (i) to renew a fishing boat licence if that licence has been in abeyance for more than 2 years, or
 - (ii) to issue a fishing boat licence if the application for the licence is an application for renewal of a licence that is treated (in accordance with the Regulation) as an application for a new licence and was received by the Minister more than 2 years after the licence would otherwise have expired.

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Explanatory note

This Regulation is made under the *Fisheries Management Act 1994*, including sections 108 (in particular section 108 (2), (3), (4) (c) and (8)) and 289 (the general regulation-making power).

Fisheries Management (General) Amendment (Fishing Boat Licences) Regulation 1998

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Fishing Boat Licences) Regulation 1998*.

2 Amendment of Fisheries Management (General) Regulation 1995

The *Fisheries Management (General) Regulation 1995* is amended as set out in Schedule I.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] **Clause 143 Fee to accompany application for issue of fishing boat licence**

Insert at the end of the clause:

- (2) An application (made after the commencement of this subclause) for the issue of a fishing boat licence that is for a boat that replaces a boat for which a fishing boat licence is in abeyance under clause 149 must be accompanied by an additional fee referred to in subclause (3) for each year or part of a year for which the licence has been in abeyance.
- (3) The additional fee (with a pro rata adjustment in the fee for any period of less than one year) for an application referred to in subclause (2) is to be determined as follows:
 - (a) if the application relates to a boat that is 3 metres or less in length—the fee is \$40,
 - (b) if the application relates to a boat that is more than 3 metres in length—the fee is \$40 plus \$20 for each metre or part of a metre by which the length of the boat exceeds 3 metres.

[2] **Clause 144 Grounds for refusal to issue fishing boat licence**

Insert after clause 144 (b):

- (b1) the application for the fishing boat licence is an application for renewal of an expired fishing boat licence that is treated as an application for issue of a fishing boat licence in accordance with clause 146 (8) and that is received by the Minister more than 2 years after the date the licence would (but for clause 146 (6)) have expired, or

[3] **Clause 146 Renewal of fishing boat licence**

Insert at the end of clause 146 (3) (f):

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- (g) the licence has been in abeyance under clause 149 for a period of more than 2 years.

[4] Clause 146 (9), (10)

Insert after clause 146 (8):

- (9) An application (made after the commencement of this subclause) for the renewal of a fishing boat licence that has been in abeyance under clause 149 must be accompanied by an additional fee referred to in subclause (10) for each year or part of a year for which the licence has been in abeyance.
- (10) The additional fee is to be determined (with a pro rata adjustment in the fee for any period of less than one year) as follows:
 - (a) if the application relates to a boat that is 3 metres or less in length—the fee is \$40,
 - (b) if the application relates to a boat that is more than 3 metres in length—the fee is \$40 plus \$20 for each metre or part of a metre by which the length of the boat exceeds 3 metres.

[5] Clause 147 Additional licensing fee for fishing boat operating in the east coast prawn trawl fishery

Omit clause 147 (6). Insert instead:

- (6) If an application is for:
 - (a) the issue of a licence that relates to a boat that replaces another boat the licence for which is in abeyance under clause 149, or
 - (b) the renewal of a licence that relates to a boat the licence for which is in abeyance under clause 149,the application must be accompanied by an additional fee (calculated by multiplying the total unitage of the relevant boat by \$1.50) for each year or part of a year in which the licence has been in abeyance under clause 149, with a pro rata adjustment in the fee for any period of less than one year.

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Schedule 1 Amendments

[6] Clause 149 Licence may be placed in abeyance during period boat cannot be used

Omit clause 149 (2). Insert instead:

- (2) The holder of a fishing boat licence for a boat (*the original boat*) that is in abeyance under this clause may apply in writing:
 - (a) for the issue of a fishing boat licence for a boat that replaces the original boat, or
 - (b) for the renewal of the licence for the original boat.