



New South Wales

Fisheries Management (General) Amendment (Transitional) Regulation 2005

under the

Fisheries Management Act 1994

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

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

Under Division 6 of Part 7A of the *Fisheries Management Act 1994* (*the Act*), a licence may authorise a person to take action that is likely to result in harm to a threatened species, population or ecological community, or damage to their habitat or to critical habitat. If the licence application is not accompanied by a species impact statement and the proposed action is not on land that is a critical habitat, the Director-General of the Department of Primary Industries must determine whether the action is likely to significantly affect threatened species, populations or ecological communities, or their habitats. An 8-part test under section 220ZZ of the Act must currently be taken into account in making that determination.

The object of this Regulation is to enable an application for a licence that was made before, but not determined by, the date on which the amendment to section 220ZZ of the Act made by the *Threatened Species Conservation Amendment Act 2002* commences will be determined as if that amendment had not been made.

This Regulation is made under the *Fisheries Management Act 1994*, including clause 2 (1) of Schedule 7 (savings and transitional regulations).

2005 No 709

Clause 1

Fisheries Management (General) Amendment (Transitional) Regulation
2005

**Fisheries Management (General) Amendment
(Transitional) Regulation 2005**

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Transitional) Regulation 2005*.

2 Commencement

This Regulation commences on 31 October 2005.

3 Amendment of Fisheries Management (General) Regulation 2002

The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Clause 428

Insert after clause 427:

428 Transitional provision—pending licence applications under Division 6 of Part 7A of the Act

If an application for a licence under Division 6 of Part 7A of the Act was made before, but not determined by, 31 October 2005 (the date of commencement of the amendment to section 220ZZ of the Act by the *Threatened Species Conservation Amendment Act 2002*), the application is to be determined as if that amendment had not been made.