



New South Wales

Fisheries Management Legislation Amendment (Licences) Regulation 2022

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*.

DUGALD SAUNDERS, MP
Minister for Agriculture

Explanatory note

The objects of this Regulation are as follows—

- (a) to amend the *Fisheries Management (General) Regulation 2019* in relation to declared commercial fishing boat activities, with the effect that boats will no longer be required to have a fishing boat licence for commercial fishing,
- (b) to set new maximum lengths for boats used in certain share management fisheries,
- (c) to exempt boats used in certain share management fisheries and the southern fish trawl restricted fishery from the maximum boat length in certain circumstances,
- (d) to provide that commercial fishing licences will be issued or renewed for 1, 5 or 10 years, as requested by the applicant, unless the Minister for Agriculture otherwise determines,
- (e) to further provide for the fees for commercial fishing licence applications and renewals,
- (f) to make other minor and consequential amendments.

This Regulation amends the following Regulations—

- (a) *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*,
- (b) *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*,
- (c) *Fisheries Management (General) Regulation 2019*,
- (d) *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*,
- (e) *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*,
- (f) *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*,
- (g) *Fisheries Management (Supporting Plan) Regulation 2006*.

Fisheries Management Legislation Amendment (Licences) Regulation 2022

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Amendment (Licences) Regulation 2022*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 **Amendment of Fisheries Management (Estuary General Share Management Plan) Regulation 2006**

[1] **Appendix**

Insert in alphabetical order in clause 2(1)—

certificate of survey for a boat means—

- (a) a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*, or
- (b) if a certificate of survey has not been issued for the boat—a document that—
 - (i) is prepared by a marine surveyor, who is accredited by the Australian Maritime Safety Authority to conduct surveys of boats, and
 - (ii) specifies the measured length of the boat determined in accordance with the National Standard for Commercial Vessels.

exempt boat means a boat exempt from the maximum boat length under clause 13A or 14.

identifying number of a boat means the identifier issued by the Secretary for the boat under the *Fisheries Management (General) Regulation 2019*, clause 125(3)(a), before its repeal.

maximum boat length—see clause 13.

National Standard for Commercial Vessels means the National Standard for Commercial Vessels within the meaning of the *Marine Safety (Domestic Commercial Vessel) National Law* of the Commonwealth.

relevant fishing boat licence—see clause 13A(1).

unique vessel identifier for a boat means the vessel identifier issued for the boat by the Australian Maritime Safety Authority under the National Standard for Commercial Vessels.

[2] **Appendix, clauses 13–14**

Omit clause 13. Insert instead—

13 Boat length restrictions

- (1) For the Act, section 68(6A), it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the fishery if the measured length of the boat is more than 16m (the **maximum boat length**).
- (2) A boat is exempt from the maximum boat length if the boat—
 - (a) is an exempt boat, and
 - (b) displays—
 - (i) the unique vessel identifier for the boat, or
 - (ii) the identifying number of the boat, in accordance with subclause (3).
- (3) The identifying number of the boat must be displayed—
 - (a) on both sides of the outside of the bow or wheelhouse, and
 - (b) following the letters “LFB”, and
 - (c) using letters and figures that are—

- (i) clearly visible, and
- (ii) in a colour that contrasts with the boat, and
- (iii) at least 300mm high and 150mm wide.

- (4) In this clause—
measured length of a boat means the measured length specified in the most recent certificate of survey for the boat.

13A Boats exempt from maximum boat length

- (1) A boat is exempt from the maximum boat length if, immediately before the commencement of this clause, a fishing boat licence that specified an “EG” exemption code (a *relevant fishing boat licence*) authorised the use of the boat for a declared commercial fishing boat activity.
- (2) A boat is exempt only if the following are provided to the Secretary within the relevant period—
 - (a) the name of the boat,
 - (b) the identifying number of the boat,
 - (c) the unique vessel identifier for the boat,
 - (d) the most recent certificate of survey for the boat.
- (3) In this clause—
relevant period means 90 days from the commencement of this clause or a longer period determined by the Secretary.

13B Transfer of entitlement to exempt boat

- (1) A person who, immediately before the commencement of this clause, held a relevant fishing boat licence may transfer the entitlement to an exempt boat to another person.
- (2) The person to whom the entitlement to an exempt boat is transferred under subclause (1) may transfer the entitlement to another person.
- (3) If a person transfers an entitlement under subclause (1) or (2)—
 - (a) the transferee is entitled to an exempt boat as if the person was the holder of the relevant fishing boat licence, and
 - (b) the transferor is no longer entitled to an exempt boat.

14 New and replacement exempt boats

- (1) An exempt boat may not be replaced after 3 years from the commencement of this clause.
- (2) A person who has an entitlement to an exempt boat may not acquire an exempt boat after 3 years from the commencement of this clause.
- (3) The Secretary may extend the 3-year period specified in subclause (1) or (2) if the Secretary is satisfied exceptional circumstances exist.
- (4) A replacement boat is exempt from the maximum boat length if—
 - (a) the boat is not longer than the maximum length specified, immediately before the commencement of this clause, on the relevant fishing boat licence for the replaced boat, and
 - (b) the following are provided to the Secretary—
 - (i) the name of the boat,

- (ii) the unique vessel identifier for the boat,
- (iii) the most recent certificate of survey for the boat,
- (iv) if the replacement boat is exempt because of the transfer of an entitlement under clause 13B—evidence that is, in the opinion of the Secretary, reasonably sufficient to demonstrate that the entitlement was transferred in accordance with that clause.

Schedule 2 **Amendment of Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006**

[1] **Appendix**

Insert in alphabetical order in clause 2(1)—

certificate of survey for a boat means—

- (a) a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*, or
- (b) if a certificate of survey has not been issued for the boat—a document that—
 - (i) is prepared by a marine surveyor, who is accredited by the Australian Maritime Safety Authority to conduct surveys of boats, and
 - (ii) specifies the measured length of the boat determined in accordance with the National Standard for Commercial Vessels.

exempt boat means a boat exempt from the maximum boat length under clause 18A or 18C.

identifying number of a boat means the identifier issued by the Secretary for the boat under the *Fisheries Management (General) Regulation 2019*, clause 125(3)(a), before its repeal.

maximum boat length means the maximum boat length for the Hawkesbury River or the maximum boat length for the Clarence and Hunter Rivers.

maximum boat length for the Clarence and Hunter Rivers—see clause 18(2).

maximum boat length for the Hawkesbury River—see clause 18(1).

National Standard for Commercial Vessels means the National Standard for Commercial Vessels within the meaning of the *Marine Safety (Domestic Commercial Vessel) National Law* of the Commonwealth.

relevant fishing boat licence—see clause 18A(1).

unique vessel identifier for a boat means the vessel identifier issued for the boat by the Australian Maritime Safety Authority under the National Standard for Commercial Vessels.

[2] **Appendix, clauses 18–18C**

Omit clause 18. Insert instead—

18 Boat length restrictions

- (1) For the Act, section 68(6A), it is a condition of a Hawkesbury River endorsement that the endorsement holder does not use a boat to take fish in the fishery if the measured length of the boat is more than 12m (the ***maximum boat length for the Hawkesbury River***).
- (2) For the Act, section 68(6A), it is a condition of a Clarence River or Hunter River endorsement that the endorsement holder does not use a boat to take fish in the fishery if the measured length of the boat is more than 16m (the ***maximum boat length for the Clarence and Hunter Rivers***).
- (3) A boat is exempt from the maximum boat length if—
 - (a) the boat is an exempt boat, and
 - (b) the boat displays—

- (i) the unique vessel identifier for the boat, or
 - (ii) the identifying number of the boat, in accordance with subclause (4).
- (4) The identifying number of the boat must be displayed—
 - (a) on both sides of the outside of the bow or wheelhouse, and
 - (b) following the letters “LFB”, and
 - (c) using letters and figures that are—
 - (i) clearly visible, and
 - (ii) in a colour that contrasts with the boat, and
 - (iii) at least 300mm high and 150mm wide.
- (5) In this clause—
measured length of a boat means the measured length specified in the most recent certificate of survey for the boat.

18A Boats exempt from maximum boat length

- (1) A boat is exempt from the maximum boat length for the Hawkesbury River if, immediately before the commencement of this clause—
 - (a) a fishing boat licence that specified an “EPT” exemption code (a ***relevant fishing boat licence***) authorised the use of the boat for a declared commercial fishing boat activity, and
 - (b) the holder of the fishing boat licence held estuary prawn trawl—Hawkesbury River shares.
- (2) A boat is exempt from the maximum boat length for the Clarence and Hunter Rivers if, immediately before the commencement of this clause, a fishing boat licence that specified an “EPT” exemption code (a ***relevant fishing boat licence***) authorised the use of the boat for a declared commercial fishing boat activity.
- (3) A boat is exempt only if the following are provided to the Secretary within the relevant period—
 - (a) the name of the boat,
 - (b) the identifying number of the boat,
 - (c) the unique vessel identifier for the boat,
 - (d) the most recent certificate of survey for the boat.
- (4) In this clause—
relevant period means 90 days from the commencement of this clause or a longer period determined by the Secretary.

18B Transfer of entitlement to exempt boat

- (1) A person who, immediately before the commencement of this clause, held a relevant fishing boat licence may transfer the entitlement to an exempt boat to another person.
- (2) The person to whom the entitlement to an exempt boat is transferred under subclause (1) may transfer the entitlement to another person.
- (3) If a person transfers an entitlement under subclause (1) or (2)—
 - (a) the transferee is entitled to an exempt boat as if the person was the holder of the relevant fishing boat licence, and

- (b) the transferor is no longer entitled to an exempt boat.

18C New and replacement exempt boats

- (1) An exempt boat may not be replaced after 3 years from the commencement of this clause.
- (2) A person who has an entitlement to an exempt boat may not acquire an exempt boat after 3 years from the commencement of this clause.
- (3) The Secretary may extend the 3-year period specified in subclause (1) or (2) if the Secretary is satisfied exceptional circumstances exist.
- (4) A replacement boat is exempt from the maximum boat length if—
 - (a) the boat is not longer than the maximum length specified, immediately before the commencement of this clause, on the relevant fishing boat licence for the replaced boat, and
 - (b) the following are provided to the Secretary—
 - (i) the name of the boat,
 - (ii) the unique vessel identifier for the boat,
 - (iii) the most recent certificate of survey for the boat,
 - (iv) if the replacement boat is exempt because of the transfer of an entitlement under clause 18B—evidence that is, in the opinion of the Secretary, reasonably sufficient to demonstrate that the entitlement was transferred in accordance with that clause.

Schedule 3 Amendment of Fisheries Management (General) Regulation 2019

[1] Clause 3 Definitions

Omit clause 3(1), definitions of *certificate of survey*, *declared commercial fishing boat activity*, *licensed fishing boat* and *measured length*.

Insert in alphabetical order—

certificate of survey for a boat means—

- (a) for Part 9, Division 2—see clause 144, or
- (b) otherwise—a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*.

[2] Clauses 107(b) and (c), 112(2) and 170(4)(b)

Omit “Class 1” wherever occurring.

[3] Clause 107(d)

Omit the paragraph.

[4] Clause 108

Omit clauses 108 and 109. Insert instead—

108 Commercial fishing licence application terms and fees

- (1) An application for a commercial fishing licence must nominate one of the following terms of duration for the licence—
 - (a) 1 year,
 - (b) 5 years,
 - (c) 10 years.
- (2) The fee for an application for the issue of a commercial fishing licence is the amount specified in Schedule 6.
- (3) The Minister may issue a licence for—
 - (a) the nominated term, or
 - (b) if satisfied that it is in the public interest—a term that is shorter than the nominated term.
- (4) If the Minister issues a licence for a shorter term, the Minister must refund the applicant a proportionate amount of the application fee.

[5] Clause 111 Conditions of commercial fishing licence

Omit “any unlicensed crew member” wherever occurring in clause 111(1)(b)–(e).

Insert instead “a crew member”.

[6] Clause 111(1)(d)(i)

Omit “1 unlicensed crew member”. Insert instead “1 crew member”.

[7] Clause 111(2)

Omit the subclause.

[8] Clause 112 Renewal of commercial fishing licence

Omit clause 112(2). Insert instead—

- (2) An application for the renewal must nominate one of the following terms of duration for the licence—
 - (a) 1 year,
 - (b) 5 years,
 - (c) 10 years.
- (2A) The fee for an application for the renewal is the amount specified in Schedule 6.
- (2B) The Minister may renew a licence for—
 - (a) the nominated term, or
 - (b) if satisfied that it is in the public interest—a term that is shorter than the nominated term.
- (2C) If the Minister renews a licence for a shorter term, the Minister must refund the applicant a proportionate amount of the application fee.

[9] Clause 112(4)

Omit the subclause.

[10] Clause 114, heading

Omit “**Unlicensed crew**”. Insert instead “**Crew**”.

[11] Clause 114(1)

Omit the subclause. Insert instead—

- (1) A person who is a member of a crew of a fishing boat must not sell any fish taken by the person while working under the supervision of the holder of a commercial fishing licence.
Maximum penalty—100 penalty units.

[12] Clause 114(2)

Omit “an unlicensed person”. Insert instead “a person”.

[13] Clause 114(3)

Omit the subclause.

[14] Clause 115

Omit clauses 115–124. Insert instead—

115 Provisions relating to fishing boat licences

- (1) For the Act, section 108(3), the Minister may refuse an application for a fishing boat licence if there are no commercial fishing boat activities declared under the Act, section 107(2).
- (2) For the Act, section 108(4)(d), the Minister may cancel a fishing boat licence if there are no commercial fishing boat activities declared under the Act, section 107(2).

[15] Clause 125 Boat marking requirements for commercial fishing boats

Omit clause 125(3)(a) and (c).

[16] Clause 125(3)(b) and (d)

Omit “that have not been declared” wherever occurring.

[17] Clause 141 Reports to be made before taking sea urchin and turban shell

Omit clause 141(1)(d).

[18] Clause 144 Definitions

Insert in alphabetical order—

certificate of survey for a boat means—

- (a) a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*, or
- (b) if a certificate of survey has not been issued for the boat—a document that—
 - (i) is prepared by a marine surveyor, who is accredited by the Australian Maritime Safety Authority to conduct surveys of boats, and
 - (ii) specifies the measured length of the boat determined in accordance with the National Standard for Commercial Vessels.

exempt boat means a boat exempt from the maximum boat length under clause 150A or 150C.

identifying number of a boat means the identifier issued by the Secretary for the boat under clause 125(3)(a) before its repeal.

maximum boat length—see clause 150.

National Standard for Commercial Vessels means the National Standard for Commercial Vessels within the meaning of the *Marine Safety (Domestic Commercial Vessel) National Law* of the Commonwealth.

relevant fishing boat licence—see clause 150A(1).

unique vessel identifier for a boat means the vessel identifier issued for the boat by the Australian Maritime Safety Authority under the National Standard for Commercial Vessels.

[19] Clauses 150–150C

Omit clause 150. Insert instead—

150 Boat length restrictions

- (1) For the Act, section 112(2), it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the restricted fishery if the measured length of the boat is more than 20m (the *maximum boat length*).
- (2) A boat is exempt from the maximum boat length if the boat—
 - (a) is an exempt boat, and
 - (b) displays—
 - (i) the unique vessel identifier for the boat, or
 - (ii) the identifying number of the boat, in accordance with subclause (3).
- (3) The identifying number of the boat must be displayed—

- (a) on both sides of the outside of the bow or wheelhouse, and
- (b) following the letters “LFB”, and
- (c) using letters and figures that are—
 - (i) clearly visible, and
 - (ii) in a colour that contrasts with the boat, and
 - (iii) at least 300mm high and 150mm wide.
- (4) In this clause—
measured length of a boat means the measured length specified in the most recent certificate of survey for the boat.

150A Boats exempt from maximum boat length

- (1) A boat is exempt from the maximum boat length if, immediately before the commencement of this clause, a fishing boat licence that specified an “OT” exemption code (a *relevant fishing boat licence*) authorised the use of the boat for a declared commercial fishing boat activity.
- (2) A boat is exempt only if the following are provided to the Secretary within the relevant period—
 - (a) the name of the boat,
 - (b) the identifying number of the boat,
 - (c) the unique vessel identifier for the boat,
 - (d) the most recent certificate of survey for the boat.
- (3) In this clause—
relevant period means 90 days from the commencement of this clause or a longer period determined by the Secretary.

150B Transfer of entitlement to exempt boat

- (1) A person who, immediately before the commencement of this clause, held a relevant fishing boat licence may transfer the entitlement to an exempt boat to another person.
- (2) The person to whom the entitlement to an exempt boat is transferred under subclause (1) may transfer the entitlement to another person.
- (3) If a person transfers an entitlement under subclause (1) or (2)—
 - (a) the transferee is entitled to an exempt boat as if the person was the holder of the relevant fishing boat licence, and
 - (b) the transferor is no longer entitled to an exempt boat.

150C New and replacement exempt boats

- (1) An exempt boat may not be replaced after 3 years from the commencement of this clause.
- (2) A person who has an entitlement to an exempt boat may not acquire an exempt boat after 3 years from the commencement of this clause.
- (3) The Secretary may extend the 3-year period specified in subclause (1) or (2) if the Secretary is satisfied exceptional circumstances exist.
- (4) A replacement boat is exempt from the maximum boat length if—

- (a) the boat is not longer than the maximum length specified, immediately before the commencement of this clause, on the relevant fishing boat licence for the replaced boat, and
- (b) the following are provided to the Secretary—
 - (i) the name of the boat,
 - (ii) the unique vessel identifier for the boat,
 - (iii) the most recent certificate of survey for the boat,
 - (iv) if the replacement boat is exempt because of the transfer of an entitlement under clause 150B—evidence that is, in the opinion of the Secretary, reasonably sufficient to demonstrate that the entitlement was transferred in accordance with that clause.

[20] Schedule 6 Fees

Omit items 13–17. Insert instead—

13	Application for issue of commercial fishing licence for 1 year term (clause 108(2))	\$297
14	Application for issue of commercial fishing licence for 5 year term (clause 108(2))	\$471
15	Application for issue of commercial fishing licence for 10 year term (clause 108(2))	\$645
16	Application for renewal of commercial fishing licence for 1 year term (clause 112(2A))	\$171
17	Application for renewal of commercial fishing licence for 5 year term (clause 112(2A))	\$345
17A	Application for renewal of commercial fishing licence for 10 year term (clause 112(2A))	\$519

[21] Schedule 8 Penalty notice offences

Omit the matters relating to section 108(7).

Schedule 4 Amendment of Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006

[1] Appendix

Insert in alphabetical order in clause 2(1)—

certificate of survey for a boat means—

- (a) a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*, or
- (b) if a certificate of survey has not been issued for the boat—a document that—
 - (i) is prepared by a marine surveyor, who is accredited by the Australian Maritime Safety Authority to conduct surveys of boats, and
 - (ii) specifies the measured length of the boat determined in accordance with the National Standard for Commercial Vessels.

exempt boat means a boat exempt from the maximum boat length under clause 18A or 18C.

identifying number of a boat means the identifier issued by the Secretary for the boat under the *Fisheries Management (General) Regulation 2019*, clause 125(3)(a), before its repeal.

maximum boat length—see clause 18(2).

National Standard for Commercial Vessels means the National Standard for Commercial Vessels within the meaning of the *Marine Safety (Domestic Commercial Vessel) National Law* of the Commonwealth.

relevant fishing boat licence—see clause 18A(1).

unique vessel identifier for a boat means the vessel identifier issued for the boat by the Australian Maritime Safety Authority under the National Standard for Commercial Vessels.

[2] Appendix, clauses 18–18C

Omit clause 18. Insert instead—

18 Boat length restrictions

- (1) For the Act, section 68(6A), it is a condition of a hauling net (general purpose) endorsement that the endorsement holder does not use a boat to take fish in the fishery if the measured length of the boat is more than 6m.
- (2) For the Act, section 68(6A), it is a condition of a garfish net (hauling) endorsement, pilchard, anchovy and bait net (hauling) endorsement or purse seine net endorsement that the endorsement holder does not use a boat to take fish in the fishery if the measured length of the boat is more than 20m (the *maximum boat length*).
- (3) A boat is exempt from the maximum boat length if—
 - (a) the boat is an exempt boat, and
 - (b) the boat displays—
 - (i) the unique vessel identifier for the boat, or
 - (ii) the identifying number of the boat, in accordance with subclause (4).

- (4) The identifying number of the boat must be displayed—
 - (a) on both sides of the outside of the bow or wheelhouse, and
 - (b) following the letters “LFB”, and
 - (c) using letters and figures that are—
 - (i) clearly visible, and
 - (ii) in a colour that contrasts with the boat, and
 - (iii) at least 300mm high and 150mm wide.
- (5) In this clause—

measured length of a boat means the measured length specified in the most recent certificate of survey for the boat.

18A Boats exempt from maximum boat length

- (1) A boat is exempt from the maximum boat length if, immediately before the commencement of this clause, a fishing boat licence that specified an “OH” exemption code (a ***relevant fishing boat licence***) authorised the use of the boat for a declared commercial fishing boat activity.
- (2) A boat is exempt only if the following are provided to the Secretary within the relevant period—
 - (a) the name of the boat,
 - (b) the identifying number of the boat,
 - (c) the unique vessel identifier for the boat,
 - (d) the most recent certificate of survey for the boat.
- (3) In this clause—

relevant period means 90 days from the commencement of this clause or a longer period determined by the Secretary.

18B Transfer of entitlement to exempt boat

- (1) A person who, immediately before the commencement of this clause, held a relevant fishing boat licence may transfer the entitlement to an exempt boat to another person.
- (2) The person to whom the entitlement to an exempt boat is transferred under subclause (1) may transfer the entitlement to another person.
- (3) If a person transfers an entitlement under subclause (1) or (2)—
 - (a) the transferee is entitled to an exempt boat as if the person was the holder of the relevant fishing boat licence, and
 - (b) the transferor is no longer entitled to an exempt boat.

18C New and replacement exempt boats

- (1) An exempt boat may not be replaced after 3 years from the commencement of this clause.
- (2) A person who has an entitlement to an exempt boat may not acquire an exempt boat after 3 years from the commencement of this clause.
- (3) The Secretary may extend the 3-year period specified in subclause (1) or (2) if the Secretary is satisfied exceptional circumstances exist.
- (4) A replacement boat is exempt from the maximum boat length if—
 - (a) the boat is not longer in length than—

- (i) the maximum length specified, immediately before the commencement of this clause, on the relevant fishing boat licence for the replaced boat, or
 - (ii) if the replaced boat was, immediately before the commencement of this clause, subject to an exemption by the Minister granted in relation to a boat used to catch fish under a Commonwealth tuna longline fishing authority—the length of the replaced boat, and
- (b) the following are provided to the Secretary—
 - (i) the name of the boat,
 - (ii) the unique vessel identifier for the boat,
 - (iii) the most recent certificate of survey for the boat,
 - (iv) if the replacement boat is exempt because of the transfer of an entitlement under clause 18B—evidence that is, in the opinion of the Secretary, reasonably sufficient to demonstrate that the entitlement was transferred in accordance with that clause.

Schedule 5 Amendment of Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

[1] Appendix

Insert in alphabetical order in clause 2(1)—

certificate of survey for a boat means—

- (a) a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*, or
- (b) if a certificate of survey has not been issued for the boat—a document that—
 - (i) is prepared by a marine surveyor, who is accredited by the Australian Maritime Safety Authority to conduct surveys of boats, and
 - (ii) specifies the measured length of the boat determined in accordance with the National Standard for Commercial Vessels.

exempt boat means a boat exempt from the maximum boat length under clause 10A or 10C.

identifying number of a boat means the identifier issued by the Secretary for the boat under the *Fisheries Management (General) Regulation 2019*, clause 125(3)(a), before its repeal.

maximum boat length—see clause 10.

National Standard for Commercial Vessels means the National Standard for Commercial Vessels within the meaning of the *Marine Safety (Domestic Commercial Vessel) National Law* of the Commonwealth.

relevant fishing boat licence—see clause 10A(1).

unique vessel identifier for a boat means the vessel identifier issued for the boat by the Australian Maritime Safety Authority under the National Standard for Commercial Vessels.

[2] Appendix, clauses 10–10C

Omit clause 10. Insert instead—

10 Boat length restrictions

- (1) For the Act, section 68(6A), it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the fishery if the measured length of the boat is more than 20m (the **maximum boat length**).
- (2) A boat is exempt from the maximum boat length if the boat—
 - (a) is an exempt boat, and
 - (b) displays—
 - (i) the unique vessel identifier for the boat, or
 - (ii) the identifying number of the boat, in accordance with subclause (3).
- (3) The identifying number of the boat must be displayed—
 - (a) on both sides of the outside of the bow or wheelhouse, and
 - (b) following the letters “LFB”, and
 - (c) using letters and figures that are—

- (i) clearly visible, and
- (ii) in a colour that contrasts with the boat, and
- (iii) at least 300mm high and 150mm wide.

- (4) In this clause—
measured length of a boat means the measured length specified in the most recent certificate of survey for the boat.

10A Boats exempt from maximum boat length

- (1) A boat is exempt from the maximum boat length if, immediately before the commencement of this clause, a fishing boat licence that specified an “OTL” exemption code (a *relevant fishing boat licence*) authorised the use of the boat for a declared commercial fishing boat activity.
- (2) A boat is exempt only if the following are provided to the Secretary within the relevant period—
- (a) the name of the boat,
 - (b) the identifying number of the boat,
 - (c) the unique vessel identifier for the boat,
 - (d) the most recent certificate of survey for the boat.
- (3) In this clause—
relevant period means 90 days from the commencement of this clause or a longer period determined by the Secretary.

10B Transfer of entitlement to exempt boat

- (1) A person who, immediately before the commencement of this clause, held a relevant fishing boat licence may transfer the entitlement to an exempt boat to another person.
- (2) The person to whom the entitlement to an exempt boat is transferred under subclause (1) may transfer the entitlement to another person.
- (3) If a person transfers an entitlement under subclause (1) or (2)—
- (a) the transferee is entitled to an exempt boat as if the person was the holder of the relevant fishing boat licence, and
 - (b) the transferor is no longer entitled to an exempt boat.

10C New and replacement exempt boats

- (1) An exempt boat may not be replaced after 3 years from the commencement of this clause.
- (2) A person who has an entitlement to an exempt boat may not acquire an exempt boat after 3 years from the commencement of this clause.
- (3) The Secretary may extend the 3-year period specified in subclause (1) or (2) if the Secretary is satisfied exceptional circumstances exist.
- (4) A replacement boat is exempt from the maximum boat length if—
- (a) the boat is not longer than the maximum length specified, immediately before the commencement of this clause, on the relevant fishing boat licence for the replaced boat, and
 - (b) the following are provided to the Secretary—
 - (i) the name of the boat,

- (ii) the unique vessel identifier for the boat,
- (iii) the most recent certificate of survey for the boat,
- (iv) if the replacement boat is exempt because of the transfer of an entitlement under clause 10B—evidence that is, in the opinion of the Secretary, reasonably sufficient to demonstrate that the entitlement was transferred in accordance with that clause.

Schedule 6 Amendment of Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006

[1] Appendix

Insert in alphabetical order in clause 2(1)—

certificate of survey for a boat means—

- (a) a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*, or
- (b) if a certificate of survey has not been issued for the boat—a document that—
 - (i) is prepared by a marine surveyor, who is accredited by the Australian Maritime Safety Authority to conduct surveys of boats, and
 - (ii) specifies the measured length of the boat determined in accordance with the National Standard for Commercial Vessels.

exempt boat means a boat exempt from the maximum boat length under clause 9A or 9C.

identifying number of a boat means the identifier issued by the Secretary for the boat under the *Fisheries Management (General) Regulation 2019*, clause 125(3)(a), before its repeal.

maximum boat length—see clause 9.

National Standard for Commercial Vessels means the National Standard for Commercial Vessels within the meaning of the *Marine Safety (Domestic Commercial Vessel) National Law* of the Commonwealth.

relevant fishing boat licence—see clause 9A(1).

unique vessel identifier for a boat means the vessel identifier issued for the boat by the Australian Maritime Safety Authority under the National Standard for Commercial Vessels.

[2] Appendix, clauses 9–9C

Omit clause 9. Insert instead—

9 Boat length restrictions

- (1) For the Act, section 68(6A), it is a condition of an endorsement that the endorsement holder does not use a boat to take fish in the fishery if the measured length of the boat is more than 20m (the *maximum boat length*).
- (2) A boat is exempt from the maximum boat length if the boat—
 - (a) is an exempt boat, and
 - (b) displays—
 - (i) the unique vessel identifier for the boat, or
 - (ii) the identifying number of the boat, in accordance with subclause (3).
- (3) The identifying number of the boat must be displayed—
 - (a) on both sides of the outside of the bow or wheelhouse, and
 - (b) following the letters “LFB”, and
 - (c) using letters and figures that are—
 - (i) clearly visible, and

- (ii) in a colour that contrasts with the boat, and
 - (iii) at least 300mm high and 150mm wide.
- (4) In this clause—
measured length of a boat means the measured length specified in the most recent certificate of survey for the boat.

9A Boats exempt from maximum boat length

- (1) A boat is exempt from the maximum boat length if, immediately before the commencement of this clause, a fishing boat licence that specified an “OT” exemption code (a *relevant fishing boat licence*) authorised the use of the boat for a declared commercial fishing boat activity.
- (2) A boat is exempt only if the following are provided to the Secretary within the relevant period—
 - (a) the name of the boat,
 - (b) the identifying number of the boat,
 - (c) the unique vessel identifier for the boat,
 - (d) the most recent certificate of survey for the boat.
- (3) In this clause—
relevant period means 90 days from the commencement of this clause or a longer period determined by the Secretary.

9B Transfer of entitlement to exempt boat

- (1) A person who, immediately before the commencement of this clause, held a relevant fishing boat licence may transfer the entitlement to an exempt boat to another person.
- (2) The person to whom the entitlement to an exempt boat is transferred under subclause (1) may transfer the entitlement to another person.
- (3) If a person transfers an entitlement under subclause (1) or (2)—
 - (a) the transferee is entitled to an exempt boat as if the person was the holder of the relevant fishing boat licence, and
 - (b) the transferor is no longer entitled to an exempt boat.

9C New and replacement exempt boats

- (1) An exempt boat may not be replaced after 3 years from the commencement of this clause.
- (2) A person who has an entitlement to an exempt boat may not acquire an exempt boat after 3 years from the commencement of this clause.
- (3) The Secretary may extend the 3-year period specified in subclause (1) or (2) if the Secretary is satisfied exceptional circumstances exist.
- (4) A replacement boat is exempt from the maximum boat length if—
 - (a) the boat is not longer than the maximum length specified, immediately before the commencement of this clause, on the relevant fishing boat licence for the replaced boat, and
 - (b) the following are provided to the Secretary—
 - (i) the name of the boat,
 - (ii) the unique vessel identifier for the boat,

- (iii) the most recent certificate of survey for the boat,
- (iv) if the replacement boat is exempt because of the transfer of an entitlement under clause 9B—evidence that is, in the opinion of the Secretary, reasonably sufficient to demonstrate that the entitlement was transferred in accordance with that clause.

[3] Appendix, clause 10(5)

Insert in alphabetical order—

certificate of survey for a boat means—

- (a) a certificate of survey in force under the National law, within the meaning of the *Marine Safety Act 1998*, or
- (b) if a certificate of survey has not been issued for the boat—a document that—
 - (i) is prepared by a marine surveyor, who is accredited by the Australian Maritime Safety Authority to conduct surveys of boats, and
 - (ii) specifies the measured length, moulded depth and moulded breadth of the boat determined in accordance with the National Standard for Commercial Vessels.

[4] Appendix, clause 10(5), definition of “required information”

Omit paragraph (c).

Schedule 7 Amendment of Fisheries Management (Supporting Plan) Regulation 2006

Appendix, clause 20

Omit clause 20(3) and (4).