

NORTHERN TERRITORY OF AUSTRALIA

FISHERIES AMENDMENT ACT 2004

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Act No. 32 of 2004

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 32 of 2004

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## AN ACT

to amend the *Fisheries Act*

[Assented to 4 June 2004]  
[Second reading 1 April 2004]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Fisheries Amendment Act 2004*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Fisheries Act* is in this Act referred to as the Principal Act.

**4. New section 2A**

The Principal Act is amended by inserting after section 2 the following:

**"2A. Objects**

"The objects of this Act are –

- (a) to manage the aquatic resources of the Territory in accordance with the principles of ecologically sustainable development, whether

managing a single fish species or an ecosystem, to ensure the promotion of appropriate protection of fish and fish habitats;

- (b) to maintain a stewardship of aquatic resources that promotes fairness, equity and access to aquatic resources by all stakeholder groups, including –
  - (i) indigenous people;
  - (ii) commercial operators and aquaculture farmers;
  - (iii) amateur fishers; and
  - (iv) others with an interest in the aquatic resources of the Territory; and
- (c) by means of a flexible approach to the management of aquatic resources and their habitats, to promote the optimum utilisation of aquatic resources to the benefit of the community."

## **5. Interpretation**

Section 4 of the Principal Act is amended by inserting in subsection (1) in alphabetical order the following:

" 'corporation' has the same meaning as in the Corporations Act 2001;

'ecologically sustainable development' means using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be increased;"

## **6. Licences**

Section 11 of the Principal Act is amended –

- (a) by inserting after subsection (3) the following:

"(3A) The Director must determine an open and public process for –

- (a) the allocation of licences for a new fishery; and
- (b) if an existing fishery is expanded – the allocation of additional licences, and the review of the conditions attaching to existing licences, for the fishery."; and

- (b) by omitting subsection (4) and substituting the following:

"(4) In considering an application under this section –

*Fisheries Amendment Act 2004*

- (a) the Director's primary regard must be for the sustainability of the fishery; and
- (b) the Director must also have regard to any requirements or matters prescribed in the Regulations as being relevant to an application or a nominated person, or both, as the case may be, for the type of licence applied for."

**7. Expiry and renewals**

Section 12 of the Principal Act is amended by omitting subsections (3) and (4)(b).

**8. Temporary transfer of licence**

Section 12A of the Principal Act is amended by omitting from subsection (4) "Subject to section 12C, the" and substituting "The".

**9. Permanent transfer of licence**

Section 12B of the Principal Act is amended by omitting from subsection (3) "Subject to section 12C, the" and substituting "The".

**10. Repeal of section 12C**

Section 12C of the Principal Act is repealed.

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