

NORTHERN TERRITORY OF AUSTRALIA

FISHERIES LEGISLATION AMENDMENT ACT 2022

Act No. 27 of 2022

Table of provisions

Part 1	Preliminary matters	
1	Short title	1
2	Commencement	1
Part 2	Amendment of Fisheries Act 1988	
3	Act amended	1
4	Section 2A amended (Objects).....	1
5	Section 2B inserted	2
	2B Aboriginal rights, interests and resources of significance	
6	Section 4 amended (Interpretation)	3
7	Section 16 amended (Expiry and renewals)	3
8	Section 21 amended (Purpose of Part)	4
9	Section 24 amended (Fisheries management advisory committees).....	4
10	Section 53 repealed (Aboriginals).....	4
11	Section 70B amended (Fisheries management advisory committees).....	4
Part 3	Amendment of Fisheries Regulations 1992	
12	Regulations amended.....	4
13	Regulation 3 amended (Interpretation).....	5
Part 4	Repeal of Act	
14	Repeal of Act.....	5



NORTHERN TERRITORY OF AUSTRALIA

Act No. 27 of 2022

An Act to amend the *Fisheries Act 1988* and the *Fisheries Regulations 1992*

[Assented to 9 December 2022]

[Introduced 12 October 2022]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Fisheries Legislation Amendment Act 2022*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Fisheries Act 1988

3 Act amended

This Part amends the *Fisheries Act 1988*.

4 Section 2A amended (Objects)

(1) Section 2A, before "The"

insert

(1)

- (2) After section 2A(ab)

insert

(ac) to acknowledge the rights and interests of Aboriginal people and resources of significance to Aboriginal people referred to in section 2B(1) and to promote opportunities for Aboriginal people to benefit economically from aquatic resources; and

- (3) Section 2A(b)(i)

omit

indigenous

insert

Aboriginal

- (4) Section 2A, at the end

insert

- (2) Any person or body engaged in the administration, operation or enforcement of this Act must take into account the objects of this Act when exercising their powers and performing their duties.

5 Section 2B inserted

After section 2A

insert

2B Aboriginal rights, interests and resources of significance

- (1) For this Act, the following rights, interests and resources of significance are acknowledged:
- (a) the rights and interests of traditional owners granted under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth);
 - (b) the rights and interests of holders of native title rights recognised or capable of recognition under the *Native Title Act 1993* (Cth);
 - (c) the cultural and spiritual significance of aquatic resources to Aboriginal people in accordance with Aboriginal tradition.

Note for subsection (1)(c)

The term **Aboriginal tradition** is defined in the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

- (2) Unless expressly provided otherwise, nothing in this Act derogates or limits the right of Aboriginal people who have traditionally used the resources of an area of land or water in a traditional manner to continue to use those resources in that area in that manner.
- (3) Despite subsection (2), the right to continue to use an area of land or water in a traditional manner does not authorise a person to:
 - (a) enter an area used for aquaculture; or
 - (b) interfere with or remove fish or aquatic life from fishing gear that is the property of another person; or
 - (c) engage in a commercial activity.

6 Section 4 amended (Interpretation)

Section 4(1), definition *indigenous*

omit

7 Section 16 amended (Expiry and renewals)

- (1) Section 16(3)

omit

6

insert

5
- (2) Section 16(4)

omit, insert
- (4) If the Director receives an application under subsection (3), the licence or permit is taken not to expire until the earlier of the following:
 - (a) the day 5 months after the expiry of the licence or permit;
 - (b) the day a decision is made on the application.

- (4A) Despite subsection (4), the licence or permit does not authorise any fishing operations, other than the possession of fishing gear, from the day of its expiry until it is renewed.

Note for subsection (4A)

The applicant is allowed to be in possession of fishing gear that is prohibited without a licence or permit.

8 Section 21 amended (Purpose of Part)

Section 21(1)(a), after "maintain"

insert

Aboriginal,

9 Section 24 amended (Fisheries management advisory committees)

Section 24(2), after "representing"

insert

Aboriginal,

10 Section 53 repealed (Aboriginals)

Section 53

repeal

11 Section 70B amended (Fisheries management advisory committees)

Section 70B(2), after "representing"

insert

Aboriginal,

Part 3 Amendment of Fisheries Regulations 1992

12 Regulations amended

This Part amends the *Fisheries Regulations 1992*.

13 Regulation 3 amended (Interpretation)

Regulation 3(1)

insert

indigenous, in relation to fish or aquatic life, does not include the progeny of an introduced species of fish or aquatic life.

Part 4 Repeal of Act

14 Repeal of Act

This Act is repealed on the day after it commences.