

Serial 226
Fisheries Amendment Bill 2000
Mr Palmer

**A BILL
for
AN ACT**

to amend the *Fisheries Act*

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NORTHERN TERRITORY OF AUSTRALIA

FISHERIES AMENDMENT ACT 2000

No. of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2000

AN ACT

to amend the *Fisheries Act*

[Assented to 2000]
[Second reading 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Fisheries Amendment Act 2000*.

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. Interpretation

Section 4 of the Principal Act is amended by inserting after the definition of "trans-ship at sea" in subsection (1) the following:

" 'UTM position' means a position determined by using Universal Transverse Mercator (UTM) grid co-ordinates, which are grid co-ordinates determined by projecting global sections onto a flat surface to measure the position of specific zones or areas;"

5. New section

The Principal Act is amended by inserting after section 9 in Division 1 of Part II the following:

"9A. Registration of third party interests

"(1) A person who holds an interest in a licence as security for the payment or repayment of money (a 'third party interest') may, in the approved form, request the Director to enter on a register maintained under section 9(1) particulars of the third party interest.

"(2) Within 28 days after receiving a request in accordance with subsection (1), the Director must in writing—

- (a) acknowledge receipt of the request; and
- (b) notify the licensee that the request has been received and that the licensee has 28 days from the date of the notice within which to lodge in writing with the Director an objection to the registration of the third party interest.

"(3) If the Director receives an objection in accordance with subsection (2)(b), the Director must not register the third party interest unless the objection is subsequently withdrawn in writing by the licensee.

"(4) If the Director—

- (a) does not receive an objection in accordance with subsection (2)(b); or
- (b) receives an objection in accordance with subsection (2)(b) that is subsequently withdrawn in accordance with subsection (3),

the Director must register the third party interest.

"(5) Once the Director receives a request for registration of a third party interest in accordance with subsection (1), the Director must not approve the permanent transfer of the licence under section 12B or a temporary transfer agreement in relation to the licence under section 12A until the Director has registered or refused to register the third party interest, irrespective of whether the application for approval was received before or after the request for registration was received.

"(6) The Director must remove from a register maintained under section 9(1) particulars of a third party interest—

- (a) if requested to do so in writing by the person who holds the third party interest; or

- (b) if requested to do so in writing by the licensee in whose licence the third party interest is held and the person who holds the third party interest has consented in writing to the removal."

6. Limitations on grant or transfer

Section 12C of the Principal Act is amended by inserting after subsection (2) the following:

"(2A) If there is a third party interest registered under section 9A(4) in respect of a licence, the Director must not approve the permanent transfer of the licence under section 12B or a temporary transfer agreement in relation to the licence under section 12A unless the person who holds the third party interest consents in writing to the transfer, irrespective of whether the application for approval was received before or after the third party interest was registered."

7. Records and returns

Section 34 of the Principal Act is amended –

- (a) by omitting from subsection (1)(b) "or";
- (b) by omitting from subsection (1)(c) "disposed of." and substituting "disposed of; or"; and
- (c) by adding at the end of subsection (1) the following:
 - "(d) a person who transports or is otherwise in possession of fish or aquatic life that is intended for sale by wholesale or retail."

8. New section

The Principal Act is amended by inserting after section 34 the following:

"34A. Movement of fish without proper documents prohibited

"(1) In this section, 'person' has the same meaning as in section 34.

"(2) A person must not move from one place to another place fish or aquatic life of a class prescribed under subsection (4) unless at the time the person moves the fish or aquatic life the person has in his or her possession a document in the approved form specifying the species of fish or aquatic life being moved and the place where the fish or aquatic life was caught, taken or harvested.

"(3) A person must not receive from another person fish or aquatic life of a class prescribed under subsection (4) unless at the time the person receives the fish or aquatic life the person also receives from that other person a document in the approved form specifying the species of fish or aquatic life being received and the place where the fish or aquatic life was caught, taken or harvested.

"(4) The Director may, by notice in the *Gazette*, prescribe a class of fish or aquatic life for the purposes of subsection (2) or (3).

"(5) By way of example only and without limiting subsection (4), fish or aquatic life may be classified under section (4) according to species, number, weight or place caught, taken or harvested."

9. Averments and evidence

Section 44 of the Principal Act is amended—

(a) by omitting subsection (2)(a) and substituting the following:

"(a) the latitude and longitude, or the UTM position, of a place;"

(b) by inserting in subsection (2)(c) "or a stated UTM position" after "longitude"; and

(c) by adding at the end the following:

"(9) Evidence that a Global Positioning System (GPS) device gave a position in latitude and longitude, or as a UTM position, is evidence of that position."