

1993—No. 317

FISHERIES AND OYSTER FARMS ACT 1935—REGULATION

(Relating to master fishermen's and master fishermen's block licences)

NEW SOUTH WALES



[Published in Gazette No. 80 of 16 July 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fisheries and Oyster Farms Act 1935, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY,
Minister for Agriculture and Fisheries.

Commencement

1. This Regulation commences on 16th July, 1993.

Amendments

2. The Fisheries and Oyster Farms (General) Regulation 1989 is amended:

- (a) by omitting from clause 3 (2) (b) the words “within the meaning of” and by inserting instead the words “or a master fisherman’s block licence as referred to in”;
- (b) by inserting after clause 4 the following clause:

Classes of fishermen’s licences

4A. For the purposes of section 25 (7) of the Act, the following are prescribed as classes of fishermen’s licences:

- master fishermen’s licences
 - master fishermen’s block licences.
- (c) by omitting clause 5 (2) and by inserting instead the following subclause:

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(2) For the purposes of section 25 (2) of the Act, the prescribed application:

- (a) for the issue of a fisherman's licence (not being a master fisherman's licence, a block fisherman's licence or a master fisherman's block licence)—is an application made to the Director in writing in or to the effect of Form 2; or
 - (b) for the issue of a master fisherman's licence—is an application made to the Director in writing in or to the effect of Form 2A; or
 - (c) for the renewal of a fisherman's licence (including a master fisherman's licence but not being a block fisherman's licence or a master fisherman's block licence)—is an application made to the Director in writing in or to the effect of Form 3; or
 - (d) for the issue of a block fisherman's licence (not being a master fisherman's block licence)—is an application made to the Director in writing in or to the effect of Form 4; or
 - (e) for the issue of a master fisherman's block licence—is an application made to the Director in writing in or to the effect of Form 4A; or
 - (f) for the renewal of a block fisherman's licence (including a master fisherman's block licence)—is an application made to the Director in writing in or to the effect of Form 5.
- (d) by omitting from clause 6 (2) the words “not being a block fisherman's licence” and by inserting instead the words “including a master fisherman's licence but not being a block fisherman's licence or a master fisherman's block licence”;
- (e) by inserting in clauses 6 (3), 7 (3), 8 (a) and 11 (5) after the words “block fisherman's licence” wherever occurring the words “or a master fisherman's block licence”;
- (f) by inserting in clause 11 (2) after the words “not being” the words “a master fisherman's licence, a master fisherman's block licence or” ;
- (g) by inserting after clause 11 (2) the following subclause:
- (2A) The fee payable for the issue or renewal of a master fisherman's licence is \$300.
- (h) by omitting from clause 11 (3) the matter “is \$200” and by inserting instead the words “(not being a master fisherman's block licence) is \$275”;

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(i) by inserting after clause 11 (3) the following subclause:

(3A) The fee payable for the issue or renewal of a master fisherman’s block licence is \$300, together with an additional \$50 for each member of the authorised unlicensed crew in relation to the licence.

(j) by omitting from clause 11 (6) (a) the words “licence; and” and by inserting instead the words “licence or a master fisherman’s block licence; and” ;

(k) by inserting after Form 2 in Schedule 1 the following Form:

Form 2A

FISHERIES AND OYSTER FARMS ACT 1935
(Fisheries and Oyster Farms (General) Regulation 1989)

(C1.5)

Application for issue of master fisherman’s licence

Full name:

Address:

Telephone No.:

File Number: FL

Have you submitted catch returns other than as master of a vessel, for instance as a vessel owner on behalf of a skipper? YES [] NO [] (if yes, please provide details on a separate sheet)—(see note (1) at end of this form).

I enclose the prescribed fee.

I declare that if a master fisherman’s licence is issued to me I propose:

- (a) to derive the major portion of my income from personal exertion from the taking and sale of fish; and
- (b) to spend the major portion of my time spent in producing income by personal exertion in taking and selling fish.

I declare that—(see notes (2) and (3) at the end of this form):

1. I have held a current fisherman’s licence for a consecutive period of at least 3 years out of the last 5 years and have been actively fishing during that consecutive period of at least 3 years.
2. I have been actively fishing for a minimum period of 9 months during each year in that consecutive period of at least 3 years.
3. I have been actively fishing for a minimum period of 12 days in each such period of 9 months.
4. I have not been convicted of any offence under the Fisheries and Oyster Farms Act 1935 (or the regulations under that Act) in the last 5 years.

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5. I hold: [tick appropriate course/certificate(s) and attach a copy(s)]:

- (a) A Master Class V and/or, []
- (b) Coxswain Certificate and/or []
- (c) Small Fishing Vessel Operator's Course Certificate []

I have attached 2 identical photographs (see note (4) at the end of this form) and declare that the above particulars are correct and true to the best of my knowledge.

.....
Applicant's signature and date

[The following section is not to be completed by the applicant—see note (5) at the end of this form.]

I verify that this applicant possesses the necessary fish handling knowledge and skills required to market fish for sale (verification provided from either of the following):

..... Fisheries Officer (Signature) Co-operative Manager (Signature)
Name:	Name:
Date:	Date:

OR

This applicant is registered to attend a Seafood Handling course as planned by the NSWFITC.

.....
Representative NSWFITC
(Signature and Name)

NOTES:

- (1) If an applicant has submitted catch returns as the owner of a vessel, without having been master of that vessel for part of the return period, the applicant is required to declare this fact and indicate the actual number of days worked as master.
- (2) Criteria 1, 2, 3 and 4 will be verified by NSW Fisheries' catch returns and conviction data base. Applicants are required to certify on the application form that they meet this criteria.
- (3) Criteria 5 requires the applicant to lodge a copy of the appropriate certificate with the application form.
- (4) Applicants are required to submit 2 passport size photograph's (head and shoulders) with their application form.
- (5) Verification on the application form by the local Fisheries Officer, Co-operative Manager or proof of registration to attend a fish handling course is required. Courses are being organised at all major ports by the NSW Fishing Industry Training Council.

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- (l) by inserting in Form 3 in Schedule 1 after the words “*Application for renewal of fisherman’s licence*” the matter “* /*master fisherman’s licence*”;
- (m) by inserting at the end of Forms 3, 5, 7 and 8 in Schedule 1 the words “(* *delete whichever is inapplicable*)”;
- (n) by inserting after Form 4 in Schedule 1 the following Form:

Form 4A

FISHERIES AND OYSTER FARMS ACT 1935
(Fisheries and Oyster Farms (General) Regulation 1989)

(C1.5)

Application for issue of master fisherman’s block licence

Full name:

Address:

Telephone No.:

File Number: FL

Have you submitted catch returns other than as master of a vessel, for instance as a vessel owner on behalf of a skipper? YES [] NO [] (if yes, please provide details on a separate sheet)—(see note (1) at the end of this form).

Maximum number of crew (other than the licensee or other licensees) required to be authorised by the licence:

I enclose the prescribed fee for the issue of the licence, plus the sum of \$ for each member of the crew (other than the licensee) to be authorised by the licence.

I declare that if a master fisherman’s licence is issued to me I propose:

- (a) to derive the major portion of my income from personal exertion from the taking and sale of fish; and
- (b) to spend the major portion of my time spent in producing income by personal exertion in taking and selling fish.

I declare that (see notes (2) and (3) at the end of this form):

1. I have held a current fisherman’s licence for a consecutive period of at least 3 years out of the last 5 years and have been actively fishing during that consecutive period of at least 3 years.
2. I have been actively fishing for a minimum period of 9 months during each year in that consecutive period of at least 3 years.
3. I have been actively fishing for a minimum period of 12 days in each such period of 9 months.
4. I have not been convicted of any offence under the Fisheries and Oyster Farms Act 1935 (or the regulations under that Act) in the last 5 years.

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5. I hold: [tick appropriate course/certificate(s) and attach a copy(s)]:

- (a) A Master Class V and/or, []
- (b) Coxswain Certificate and/or []
- (c) Small Fishing Vessel Operator's Course Certificate []

I have attached 2 identical photographs—see note (4) at the end of this form—and declare that the above particulars are correct and true to the best of my knowledge.

.....
Applicant's signature and date

[The following section is not to be completed by the applicant—see note (5) at the end of this form.]

I verify that this applicant possesses the necessary fish handling knowledge and skills required to market fish for sale (verification provided from either of the following):

..... Fisheries Officer (Signature) Co-operative Manager (Signature)
Name:	Name:
Date:	Date:

OR

This applicant is registered to attend a Seafood Handling course as planned by the NSW FITC.

.....
Representative NSWFITC
(Signature and Name)

NOTES:

- (1) If an applicant has submitted catch returns as the owner of a vessel, without having been master of that vessel for part of the return period, the applicant is required to declare this fact and indicate the actual number of days worked as master.
- (2) Criteria 1, 2, 3 and 4 will be verified by NSW Fisheries' catch returns and conviction data base. Applicants are required to certify on the application form that they meet this criteria.
- (3) Criteria 5 requires the applicant to lodge a copy of the appropriate certificate with the application form.
- (4) Applicants are required to submit 2 passport size photograph's (head and shoulders) with their application form.
- (5) Verification on the application form by the local Fisheries Officer, Co-operative Manager or proof of registration to attend a fish handling course is required. Courses are being organised at all major ports by the NSW Fishing Industry Training Council.

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- (o) by inserting in Form 5 in Schedule 1 after the words “Application for renewal of block fisherman’s licence” the matter “ * /master fisherman’s block licence”;
- (p) by inserting in Form 7 in Schedule 1 after the words “Fisherman’s licence” the matter “ * /Master fisherman’s licence *” ;
- (q) by inserting in Form 8 in Schedule 1 after the words “Block fisherman’s licence” the matter “ * /Master fisherman’s block licence *” .

EXPLANATORY NOTE

The object of this Regulation is to amend the Fisheries and Oyster Farms (General) Regulation 1989 to prescribe master fishermen’s licences and master fishermen’s block licences as classes of fishermen’s licences. A master fisherman’s licence will be available to experienced commercial fishermen who can meet the criteria set out in the application form for the licence (e.g. have held a fisherman’s licence for a consecutive period of at least 3 years in the last 5 years and have been actively fishing during that period).

The fee for a master fisherman’s licence will be \$300 (which is \$25 more than the current fee for a fisherman’s licence). The fee for a master fisherman’s block licence will also be \$300 (together with an additional \$50 for each member of the authorised unlicensed crew).

This Regulation also increases the fee for the issue or renewal of a block fisherman’s licence (not being a master fisherman’s block licence) from \$200 to \$275 (but with no increase in respect of each additional crew member).

This Regulation is made under the Fisheries and Oyster Farms Act 1935, including section 25 (7) and (13).
