

TABLING NOTE FOR SUBORDINATE LEGISLATION

SUBORDINATE LEGISLATION NO. 4 OF 2017

MUD CRAB FISHERY MANAGEMENT PLAN AMENDMENT 2017

Purpose

The Mud Crab Fishery Management Plan Amendment 2017 was signed by the Minister for Primary Industry and Resources on 3 March 2017 and published in *Gazette* G12 of 22 March 2017.

The amended Management Plan removes the definitions of '**approval**', '**approved person**' and '**prescribed offence**', and also prescribed offences.

Summary of key provisions

Recent amendments to the NT *Fisheries Act* introduced the provision that a person in charge of a commercial fishing operation must be an 'approved operator'. To qualify as an Approved Operator an applicant must pass a 'fit and proper test' which includes obtaining a National Police Certificate, and must not have committed a major fishing related offence, or other significant offence, within the last five years.

These changes to the NT *Fisheries Act* now supersede the definitions in the Mud Crab Fishery Management Plan relating to '**approved person**', and '**approval**'. The 'fit and proper test' now takes into account an operator's history and replaces the requirement for prescribed offence provisions in the Mud Crab Management Plan.

The specific changes are:

- Amendment of Clause 6 to remove definitions '**approval**', '**approved person**', and '**prescribed offence**';
- Amendment of Clause 18 (2), Clause 19(2), Clause 26 (2), Clause 31 (3) to remove the requirement to be a 'prescribed offence';
- Amendment of Part 4 to remove Division 3 'Revocation and refusal of approvals', where the Director of Fisheries must revoke a commercial operator's approval to operate if found guilty of a prescribed offence; and
- Removal of Part 8 'Transitional matters for Mud Crab Fishery Management Plan 2010', relating to offences occurring prior to 2010 when prescribed offences were introduced.

Legislative Authority

Section 25A of the *Fisheries Act*.

NORTHERN TERRITORY OF AUSTRALIA
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NORTHERN TERRITORY OF AUSTRALIA

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Mud Crab Fishery Management Plan Amendment 2017

I, Kenneth Edward Vowles, Minister for Primary Industry and Resources, under section 25A of the *Fisheries Act*, approve the following amendments to the *Mud Crab Fishery Management Plan*.

Dated 3 March 2017

K. E. VOWLES
Minister for Primary Industry and Resources

* Notified in the *Northern Territory Government Gazette* on 22 March 2017.

1 Citation

This instrument may be cited as the *Mud Crab Fishery Management Plan Amendment 2017*.

2 Plan amended

This instrument amends the *Mud Crab Fishery Management Plan*.

3 Clause 6 amended

Clause 6, definitions ***approval, approved person*** and ***prescribed offence***

omit

4 Clause 18 amended

(1) Clause 18(1)

omit

(1)

(2) Clause 18(2)

omit

5 Clause 19 amended

(1) Clause 19(1)

omit

(1)

(2) Clause 19(2)

omit

6 Part 4, Division 2, Subdivision 4, heading replaced

Part 4, Division 2, Subdivision 4, heading

omit, insert

Subdivision 4 Other controls

7 Clause 26 amended

(1) Clause 26(1)

omit

(1)

(2) Clause 26(2)

omit

8 Clause 31 amended

Clause 31(3)

omit

9 Clause 32 amended

(1) Clause 32, heading, after "**taken**"

insert

or possessed

(2) Clause 32

omit

all words from "use" to "following"

insert

take or have possession of the following species

10 Part 4, Division 3 and Part 8 repealed

Part 4, Division 3 and Part 8

repeal

11 Expiry of instrument

This instrument expires on the day after it commences.