

LIVING MARINE RESOURCES MANAGEMENT ACT 1995
SECTION 75 - MINISTERIAL GUIDELINE

**SUBJECT: SECTION 87 APPROVAL FOR USE OF LICENCES BY
OTHER PERSONS AND LICENCE TRANSFERRABILITY**

This guideline replaces the guideline dated 24 May 2004.

BACKGROUND:

Section 82 of the *Living Marine Resources Management Act 1995* (the Act) provides for the transfer of licences and Section 87 provides the Minister with discretion to grant approval for the leasing, sub leasing, lending or any other arrangement for use of licences by other persons subject to resource management constraints. There are some licences for which these arrangements are not appropriate and for which approval will not be given. Justification for the refusal is based on the following reasons; it is contrary to the relevant management plan; the conditions applying to the licence or authorisation when first granted; resource management decisions and policies previously adopted as a precursor to the preparation of the respective management plan; or administratively it is unnecessary. This guideline identifies those licences that are not eligible for Section 82 transfer or Section 87 approval for alternative supervisor.

OBJECTIVES OF POLICY:

To clearly identify those licences for which approval will not be given for their use by other persons through leasing, sub-leasing, lending or other arrangements.

POLICY STATEMENT:

Approval will not be granted under Section 87 of the Act for the leasing, sub-leasing, lending, or any other arrangement for the licences listed under the following categories.

1. Unrestricted licences for which there is no restriction on the number available. These licences are all non-transferable and for which approval will not be given for use by another person include.

- All licences of the class recreational,
- Fishing licence (personal), and
- Fishing licence (marine plant)

2. Unrestricted licences for which there is no restriction on the number available. These licences are all non-transferable but for which approval will be given under section 87 for supervision by another person include.

- Fish processing licence, and
- Fish handling licence.

3. Restricted licences that are non-transferable and for which approval will not be given for use by another person include:

- The five fishing licences (abalone) each containing the eight abalone units issued to the Furneaux divers. (Refer separate guideline.)
- Fishing licence (scalefish C). (Refer to *Fisheries (Scalefish) Rules 2004*)

4. Licences which are non-transferable but for which special provisions apply in relation to their use by other persons:

- Fishing licence (general trawl),
- Fishing licence (limited trawl),
- Fishing licence (mackerel A), and
- Fishing licence (mackerel B).

5. As well, there are many non-transferable authorisations provided as permits or endorsed on fishing licences (personal). These are restricted for use by the holder of the licence only and approval will not be given for another person to use the permit or endorsement. These endorsements include:

- Special area access provisions,
- Special gear provisions, and
- Section 12 permits issued under the Act.

ADMINISTRATION

Decisions on applications received in relation to Section 87 approval for another person to use a licence will be made within the guideline provisions. Any request that is outside the provisions above will be dealt with on the merits of the case and the implications for resource management.

Approved by:



Date: 24/07/2006

David Llewellyn MHA
Minister for Primary Industries and Water