

LIVING MARINE RESOURCES MANAGEMENT ACT 1995
SECTION 75 – MINISTERIAL GUIDELINE

SUBJECT: RENEWAL OF FISHING LICENCES

This Ministerial Guideline applies to all licences issued pursuant to the *Living Marine Resources Management Act 1995*, excluding marine farm licences and recreational fishing licences.

OBJECTIVES:

To establish administrative procedures relating to the renewal and granting of licences.

POLICY STATEMENT:

Commercial fishing licences can only be renewed if applications are received prior to or on the expiry date. A licence ceases to be in force after this date and cannot be renewed. Applications received after this date will be considered as applications for the grant of a new licence.

Fishers may apply for an extension of the due date by which licence fees are payable.

ADMINISTRATION OF THE POLICY:

Applications for renewal

1. An application for the renewal of a licence can only be made during the currency of a licence, although renewal can be completed subsequent to its ceasing to be in force. Applications will be accepted up to and including the day of the date of expiry on the licence.
2. If a licence has expired without an application for renewal having been lodged, the fisher may apply for the grant of a new licence on payment of the prescribed fee. No guarantee of future access to the wild fisheries resource can be given if licences are not renewed.
3. Endorsements attached to licences which are not renewed will lapse and reattachment to the licence will only be considered in exceptional circumstances.

Applications for extension of the due date

1. Fishers may apply in writing for an extension of the due date for the payment of licence fees, stating the reasons for the application. The application must be made during the currency of a licence, although approval for extension of the due date may be given after the expiry of the licence.

2. The fisher will be notified in writing whether the extension has been approved. If approval is granted, the notification will contain a new due date or dates by which the licence fees or instalments are payable. The fishing certificate, with the new due date or dates and a reference to the provisions of s.85 noted on it, will be issued for the full length of the licensing year.
3. The licence will cease to have effect as soon as any required payment is not received by the Department by the due date and will not have effect until that payment is received.

BACKGROUND:

Under the previous legislation, the so-called 'two month' policy applied, under which the Minister could refuse to renew a licence if the applicant had failed to apply for the licence two months after it had expired. After this date had passed, efforts were made to contact licence holders, most of whom complied with letters sent requesting that they renew their licence. Some licences slipped through this process, usually because the licensees were uncontactable, their status never defined more finally than being 'expired'. This also applied to endorsements previously attached to licences which were allowed to lapse.

The *Living Marine Resources Management Act 1995*, however, is quite clear, as s.80 states that a licence is in force for the period specified in the licence. Legal advice confirms that a licence cannot be renewed after its term has expired. Also relevant is s.85 of the Act which states that a licence is of no effect for any period during which any fees, charges or royalties are not paid by the due date, or the due date extended under Section 275.

Approved by: Bill Bonde

Minister for Primary Industry and Fisheries

Date: 11/12/1997