# Information Relating to Notifications

This form is to be used by a licensee to advise the Director Fisheries of the appointment or change of an Approved Operator (Fishing Guide) in charge of fishing operations.

**Application Fee**

No fees apply to the appointment or change of an Approved Operator.

**Fisheries Act**

**Section 17E – Appointment of approved operator to be person in charge of fishing operations**

1. Subject to subsection (2), a licensee must appoint an approved operator to be the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge of fishing operations under the licence or permit.
2. A licensee to whom section 16B(1)(b) or (c) applies is not required to appoint an approved operator to be the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge of fishing operations under the licence or permit.
3. A licensee may cancel or vary an appointment of an approved operator under subsection (1) at any time.
4. Within 24 hours after appointing an approved operator or cancelling or varying an appointment, the licensee must give the Director notice in the approved form setting out:

(a) for an appointment:

(i) the approved operator's full name; and

(ii) the start and end date of the period for which the operator is appointed; and

(iii) if the operator is appointed to be the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge of part of fishing operations only, the part of fishing operations in relation to which the operator is appointed; and

(b) for a cancellation or variation, details of the cancellation or variation.

(5) A licensee must not contravene subsection (4).

Maximum penalty: 100 penalty units.

(6) An offence against subsection (5) is an offence of strict liability.

(7) An appointment under this section may be in relation to all of the fishing operations authorised by the licence or permit or a specified part of those fishing operations.

**Section 17G – Offence if person in charge not appointed**

(1) A licensee commits an offence if:

(a) the licensee is required under section 17E to appoint a [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge of fishing operations under the licence or permit; and

(b) a [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) engages in fishing operations under the licence or permit and the licensee is reckless in relation to that circumstance; and

(c) at the time the fishing operations are engaged in, there is no [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge of those fishing operations appointed under section 17E.

Maximum penalty: 100 penalty units.

(2) A [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) commits an offence if:

(a) a licensee is required under section 17E to appoint a [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge of fishing operations under the licence or permit; and

(b) the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) is in charge of fishing operations under the licence or permit; and

(c) at the time the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) is in charge of fishing operations, the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) is not appointed under section 17E to be the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge of those fishing operations and the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) is reckless in relation to that circumstance.

Maximum penalty: 100 penalty units.

(3) Strict liability applies to subsections (1)(a) and (c) and (2)(a) and (b).

**Section 17H - Liability of person in charge for offences by others**

(1) A [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge of fishing operations under a licence or permit commits an offence if:

1. during the conduct of fishing operations under the licence or permit, a [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) (the ***primary offender***) commits an offence against this Act (***relevant offence*** ) and the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge is reckless in relation to that circumstance; and
2. the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge failed to take reasonable steps to prevent the commission of the relevant off*ence*.

Maximum penalty: The maximum penalty that may be imposed on an individual for the relevant offence.

(2) Strict liability applies to subsection (1)(b).

(3) This section does not affect the liability of the primary offender for the relevant offence.

(4) This section applies whether or not the primary offender is prosecuted for, or found guilty of, the relevant offence.

(5) This section does not apply if the primary offender would have a defence to a prosecution for the relevant offence.

(6) A [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) is not liable to imprisonment if found guilty of an offence because of subsection (1) if the [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) would not have been found guilty of the offence if subsection (1) had not been enacted.

(7) In determining whether a [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) in charge failed to take reasonable steps as mentioned in subsection (1)(b), regard must be had to any matters set out in the Ministerial Guidelines.

**Section 17J - Liability of licensee for offences by approved operator and others**

(1) A licensee commits an offence if:

1. an approved operator, or another [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) engaged in fishing operations under the licence or permit, commits an offence against this Act (the ***relevant offence***) and the licensee is reckless in relation to that circumstance; and

(b) the licensee failed to take reasonable steps to prevent the commission of the relevant offence.

Maximum penalty: The maximum penalty that may be imposed for the relevant offence.

(2) Strict liability applies to subsection (1)(b).

(3) This section does not affect the liability of the approved operator or other [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) for the relevant offence.

(4) This section applies whether or not the approved operator or other [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) is prosecuted for, or found guilty of, the relevant offence.

(5) This section does not apply if the approved operator or other [person](http://www.austlii.edu.au/au/legis/nt/num_act/flaa201623o2016348/s21.html#person) would have a defence to a prosecution for the relevant offence.

(6) A licensee is not liable to imprisonment if found guilty of an offence because of subsection (1) if the licensee would not have been found guilty of the offence if subsection (1) had not been enacted.

(7) In determining whether a licensee failed to take reasonable steps as mentioned in subsection (1)(b), regard must be had to any matters set out in the Ministerial Guidelines.

**Instructions for completing a notification or an appointment of change of an Approved Operator (Fishing Guide)**

1. Before completing the form please read these instructions**. Please use BLOCK LETTERS** when completing the form.
2. **Licence Holder details:** Specify your full name. If you have a trading or business name, please provide these details.
3. **Licence number:** Specify your licence number (i.e. A4/9999).
4. **Replacing an existing operator:** If you are removing or replacing an operator, you must indicate this by ticking the appropriate box and stating the person you are removing and the date of removal.
5. **New Approved Operator details:** Specify your full name, approved operator card number and period of appointment.
6. **Nominated vessel:**  If you use a vessel as part of any commercial operations of your licence, it must be registered and you must provide these details on this notification.
7. **Execution of Notification Form:** Licensee and applicant must sign and date the notification form.
8. **Contact details:** If your contact details have changed you must update your details within 28 days. It is an offence under Section 40A of the Fisheries Act not to give the Director written notice of any changes to your details.

**Declaration**

Under section 35A of the *Fisheries Act* making false or misleading statements in notifications is an offence.

**Changes to legislation**

Please note that the *Fisheries Act*, regulations and management plans are amended from time to time. Current versions of these documents are available on the Internet and may be viewed at nt.gov.au.

**Privacy Statement**

Details in this application will be recorded in a Fisheries Register and certain personal details may be released, but will only be done so, in accordance with section 9 of the *Fisheries Act*.

For any queries please contact the Fisheries Licensing Office on (08) 8999 2183.

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| **Office Address:** | **Contacts:** | **Postal Address:** Fisheries Licensing |
| Berrimah Business Park | Tel: (08) 8999 2183 | Department of Industry, Tourism |
| 33 Vaughan Street | Fax: (08) 8999 2057 | and Trade |
| BERRIMAH NT 0828 | Email: [fisherieslicensing@nt.gov.au](mailto:fisherieslicensing@nt.gov.au) | GPO Box 3000 |
|  |  | DARWIN NT 0801 |

1. **LICENCE HOLDERS DETAILS**

Full name of Individual: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Licence/Trading Name (if applicable) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Licence number

\*If your contact details have changed, you must update your details on the approved form within 28 days.

1. **REPLACED APPROVED OPERATOR DETAILS**

Are you replacing an existing Approved Operator: No Yes

Name of Approved Operator you are replacing: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_

Approved Operator card number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **NEW APPROVED OPERATORS DETAILS**

Full name of Approved Operator: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved Operator card number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Period of appointment: From: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*If your contact details have changed, you must update your details on the approved form within 28 days.

4. **NOMINATED VESSEL** (UVI number)

Full name of vessel: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DECLARATION AND CONSENT**

1. I declare that I have read the ‘Information Relating to Applications’ and the ‘Instructions for completing a notification of an appointment of change of an Approved Operator (Fishing Guide).
2. I declare that the information contained in this application is true and correct.

|  |  |
| --- | --- |
| SIGNATURE OF LICENSEE & DATE | SIGNATURE OF APPROVED OPERATOR & DATE |

|  |  |
| --- | --- |
| **OFFICE USE ONLY**  This notification has been noted and recorded: YES / NO | |
|  |  |
| Director of Fisheries or Delegate Date |