



Papua New Guinea National Fisheries Authority Licensing Policy

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Version Control

Version	Approval	Date
1	Licensing Unit Review of Draft (V1)	20 October 2014
2	Licensing Unit Review of Draft (V2)	24 October 2014
3	Licensing Unit Review of Draft (V3)	31 October 2014
4	Licensing Unit Review of Draft (V4)	December 2014
5	NFA Management team review of draft	30 th April 2015
6	Approved by NFA Board (with amendments if any)	8 th May 2015
7		
8		
9		
10		
NOTE	Where this policy is in conflict with any provision of any applicable Act, Regulations, or statutory Management Plan, the provisions of the Act, Regulations or statutory Management Plan shall apply. Where the Act, Regulations or any statutory Management Plan is amended, this policy is taken to be amended.	

1. Licensing Policy

No activity requiring the issue of a licence shall take place until a licence has been lawfully issued.

1.1 Purpose of the Licensing Policy

The purpose of this licensing policy is to provide for clear procedures and transparency around licensing activities undertaken by the Papua New Guinea (PNG) National Fisheries Authority (NFA). It draws on legislation, policy, and procedures, to explain the licensing of fishing vessels and fishery related activities in PNG in accordance with primarily the PNG *Fisheries Management Act 1998 as revised 2015* (the Act), the PNG *Fisheries Management Regulation 2000* (the Regulations), and associated subordinate legislation such as fishery management plans and policies.

1.2 Scope of the licensing policy

The licensing policy covers all fishing and related activities to be licensed under the Act, including fishing vessels, fish buyers, fish storage, fish factory, fish export, aquaculture, and trial fishing licences.

1.3 Legislation

The primary legislation applicable to licensing is found in part IV of the Act, and parts II, III, IV and V of the Regulations.

1.4 Authority for the Licensing Policy

The authority for this policy is drawn from Section 4 of the Act. Under Section 4 the National Fisheries Authority is responsible for the management and sustainable development of the fisheries and the provisions of the Act.

This Licensing Policy is approved by the Managing Director of the NFA, endorsed by a decision of the NFA Board, and implemented by the NFA licensing team.

The policy includes elements to further clarify provisions relating to State Agreements, Access Agreements between PNG and other flag States, and Regional Arrangements.

1.5 Review

This policy is a living document. It can be reviewed at any time. The latest version of this policy shall be available through the NFA website www.fisheries.gov.pg

The *Version Control* shall record all changes to this Policy.

1.6 Automatic update

This shall be taken to have been updated on each occasion a licence condition is approved or varied by the Board, and on each occasion a fee is changed, and on each occasion a provision of the Act, Regulations, or other subordinate legislation instrument comes into effect.

2. Responsibilities to Manage Licensing Policy

2.1 The role of the Minister

Under Section 44 of the Act, the Minister has powers to consider an Appeal from a person whose application for a licence has been rejected by the Board. In the exercise of the Ministers power to determine an appeal, the Minister shall convene a meeting of the Licence Appeals Committee. A

decision of the Licence Appeals Committee shall be presented to the Minister for consideration and the Minister shall thereafter make a decision as to whether the appeal be accepted or rejected. The decision of the Minister under Section (6) is final and the managing Director shall give effect to the decision of the Minister. It should be noted that the Minister has the final power to issue a licence but cannot grant associated fishing days or quota under any fishery management scheme. In line with the provisions of the Fisheries (Torres Strait Protected Zone) Act 1984, the Minister signs licences for Papua New Guinea vessels operating in the Torres Strait, following their consideration and approval in the same manner as licences issued under the Act.

2.2 The role of the National Fisheries Authority Board

Section 41 of the Act provides that the Board may upon the recommendation of the Managing Director, grant licenses in accordance with the Act for any purposes which may be prescribed. This means the Board is responsible for considering each application for a license and for granting all fishing licenses, and any changes to licences. The role of the Board is to ensure all licences issued by the National Fisheries Authority are compliant with the requirements of the Act, Regulations, policy, and any Access or State Development Agreement.

The Board is required to take note of commitments to issue licences under an Access or State Development Agreement but has the ultimate responsibility for ensuring that all requirements for the issue of a licence have been met and must not approve the issue of a licence until it is so satisfied.

No licence shall be issued, reissued, or renewed, without the approval of the Board.

Under Section 19 and 21 of the Regulation, the Board, on the recommendation of the Managing Director, has the power to suspend and cancel a licence.

2.3 The role of the Managing Director

An application for a licence shall be made in accordance with such procedures and other requirements as may be approved from time to time by the Managing Director.

The Managing Director is responsible for providing applications for licenses to the Board for consideration that are made in accordance with the stipulated requirements (including fees) and that meet the criteria for issuance.

The Managing Director is responsible for issuing any licence approved by the Board. Each licence is issued on a form approved by the Managing Director. The Managing Director signs all licences issued under the Act.

The issue of any licence will be subject to prescribed terms and conditions authorized under the Act. Conditions may be contained in the regulations, or approved by the Board. These conditions are normally attached to the licence.

2.4 The role of the Licensing Advisory Committee

A Licensing Advisory Committee (LAC) is established by NFA as an internal governance control with responsibility for the consideration of all licence applications, suspensions and cancellations, and other changes to licences or administrative conditions. The LAC is representative of technical units in NFA and is a team of technical members that considers a summary of licence applications and other related matters concerning licensing. The technical members that make up the committee and their alternates are listed in Annex 1.

The LAC meets on the last Friday of each month and makes recommendation to the Managing Director for approvals. The Managing Director considers the recommendation and endorses them for consideration by the Board for their deliberation. This process applies to all licence applications and related matters.

2.5 Role of the National Fisheries Authority Licensing Unit

The Licensing Unit receives applications for all licences and manages their processing. The Licensing Unit responsibilities include:

- Acting as the point of contact between NFA and all licence applicants.
- Working with other NFA divisions to ensure compliance with licensing requirements and conditions.
- Performing the Secretariat duties for the LAC and scheduling the monthly LAC meetings.
- Preparing all Board submissions on licences and licensing issues.
- Processing licence applications and issuing all licences upon approval.
- Keeping and updating a register of licences for Papua New Guinea based operators and foreign access parties (and in future monitoring the NFA electronic vessel register).
- Inspecting or monitoring inspections of licensed operations to ensure authenticity of information is consistent with the licensing database.
- Insuring licence terms and conditions are kept consistent with international conservation and management measures, fisheries management plans or other measures that may be notified in the National Gazette.
- Monitoring that vessels remain in good standing on the FFA regional register where applicable.
- Publishing on the NFA website a list of licences issued twice a year.
- Providing a list of licensed vessels to FFA for the purposes of regional monitoring and surveillance exercises.
- Advise Finance division to raise invoices, based on licence application
- Receives payment receipts and advise from finance that licensing fees have been paid.

3. Fishing Licences

3.1 Types of Fishing Licences

The Regulation Part II describes all the activities that require a fishing licence. Table 1 presents the activities that require a fishing licence and the type of fishing licence that will be required.

Table 1 Activities requiring a fishing licence

Type of fishing licence	Activities allowed by this licence
Fishing Vessel Licence (Regulation Section 3)	<p>Any vessel used in the fisheries waters for:</p> <ul style="list-style-type: none"> • Commercial fishing, other than trial fishing e.g. Purse Seine and longline • Commercial buying, storage or fish processing • Mothership operating as part of a group purse seine operation • Foreign registered vessels eg fuel tankers supplying fuel to fishing vessels • Reefer carriers receiving fish at the point of transhipment <p>Any Papua New Guinea vessel used for fishing on the high seas, or in the fisheries waters of another state, or in</p>

Type of fishing licence	Activities allowed by this licence
	accordance with a fisheries management agreement or other arrangement to which PNG is a party
Fish Buyers Licence (Regulation Section 6)	Any person or company buying fish on a commercial basis from persons engaged in authorised fishing
Fish Storage Facility Licence (Regulation Section 7)	Operating premises used for exclusively or predominantly for the commercial storage of fish
Fish Factory Licence (Regulation Section 7)	Operating premises used for exclusively or predominantly for the commercial processing or packaging of fish
Fish Export Facility Licence (Regulation Section 7)	Operating premises or a vessel or other place where fish are processed or held for export
Aquaculture Licence (Regulation Section 5)	Aquaculture facility in fisheries waters or on land
Trial Fishing Licence (Regulation Section 4)	Any vessel used for trial fishing or other trial fishing activities

It should be noted that under the Regulation a support craft used in conjunction with a fishing vessel, and which is included in the fishing vessels licence, does not require a separate licence. Similarly, unless the terms specify otherwise, a support craft used solely or in conjunction with an aquaculture facility does not require a separate licence.

3.2 Applications for more than one type of licence

In some cases a vessel or facility may require more than one type of licence – for example and aquaculture facility that processes its product on will require aquaculture and processing facility licences. A facility may be used by more than one company, which each require a licence. However in a few cases, use of facilities for more than one purpose may be contrary to approved fishery management measures or other controls – for example a group seine mother ship cannot be used as a carrier vessel. The Licensing Unit will monitor the licences held by any operation, and provide advice on when more than one type of licence has been requested for the same vessel or facility.

3.3 Eligibility for a Fishing Licence

To be eligible for a fishing licence the licence applicant must comply with general criteria and satisfy the management measures according to the current Fisheries Management Plans for designated fisheries. The management measures set the qualification to apply for a fishing licence as well as licence terms and conditions specific to the fishery. These include:

National Fishery Management Plans:

- Barramundi Fishery management plan
- The Beche-de-mer national Management Plan
- The National Tuna Management Plan
- The Gulf of Papua Prawn Management Plan
- The Torres Strait & Western Province Tropical Rock Lobster Fisheries Management Plan
- Orangerie Bay Prawn Fishery Management Plan
- The Western Province Prawn Fishery Management Plan
- The Saratoga Fishery Management Plan
- The Reef Live Fin Fish Fishery Management Plan
- The Seaweed Aquaculture Management Plan
- The Aquarium Fish Fishery Management Plan

National Fisheries Policies:

- The National Fish Aggregating Device (FAD) Management Policy
- The National Aquaculture Management Policy
- The Trial Fishing Policy
- Data sharing policy

3.3.1 Local and Domestic Licence Applicants:

Local and domestic licence applicants must be able to present a statement of endorsement for the fishing business activities by the relevant Provincial Administration – normally the Provincial Executive Council- for shore based facilities or operations in provincial waters (within 3 nautical miles).

3.3.2 Foreign Bilateral, Freelance and other Applicants:

Foreign bilateral, freelance and other applicants:

Must be able to present a signed and valid Bilateral Access Agreement; or

Must be a nominated vessel in accordance with a State Development Agreement.

4. Application for a Fishing Licence

The Managing Director will consider all licence applications processed by the Licence Advisory Committee. If the licence application satisfies all licensing requirements the Managing Director will provide the application to the Board for consideration.

The process outlined in Table 2 is used by NFA for every licence application. This process ensures all licensing requirements are assessed in a consistent manner. Detailed requirements are provided in Annex 2.

Table 2 presents each step in the application process and the approximate period of time each step will take.

The National Fisheries Authority recommends licence applicants self-assess the licence application before submission. Assessment should be made against all requirements by referring to this policy and the specific licence application requirements presented in this policy. The licence application form and checklist to satisfy all licensing requirements is also available from National Fisheries Authority Licensing Unit or the website <http://www.fisheries.gov.pg/>

With respect to the nominal processing periods listed below it is acknowledged that certain agreements contain specific and binding processing periods which shall be adhered to.

Table 2 Licence application process

Process	Procedure	Responsibility	Period
STEP 1	The licence applicant should contact the Licensing Unit or take information in regard to lodging a licence application from the NFA website. Licence applicants should use the check-list provided to complete the licence application form. When all requirements are met the licence applicant should submit the licence application with the required licence processing fee as a single payment per licence application .	Licence Applicant	1 week
STEP 2	The Licensing Unit will receive all licence applications and request Finance to issue an invoice for the licence processing fee. A receipt will be issued by Finance and the Licensing Unit will provide the receipt to the licence applicant and confirm the licence application is lodged for review.	Licensing Unit	1 week
STEP 3	The Licensing Unit and Licence Advisory Committee will review every application with input from relevant NFA divisions and confirm if the application meets all licensing requirements. If all requirements are not met the licence applicant shall be contacted and if additional information is not received within a reasonable period the application shall be returned. Once all requirements are met, the licence application will be summarised and passed to the Managing Director for consideration.	Licensing Unit supported by other NFA divisions	4 weeks
STEP 4	The Managing Director will review the licence summary and information provided. The Managing Director will endorse the licence application (with a view on approval or rejection) and submit the licence application to the Board.	Managing Director	1 week
STEP 5(a) - RENEWALS	The Board will review each licence due for renewal in the following 90 days and consider the Managing Director's recommendation. The Board will then either approve or refuse the licence application in principle (subject to other requirements being met).	The Board	in advance
STEP 5(b) – NEW LICENCES	The Board will review the licence application summary, to ensure the application satisfies all requirements, and consider the Managing Directors recommendation. The Board will then either approve or refuse the licence application	The Board	Up to 3 months
STEP 6	The Managing Director will notify the licence applicant if the licence application has been approved or refused. If approved, the licence applicant is required to lodge all relevant fees to finalise the licensing process as a single payment per licence application . If the licence application is declined, the licence applicant is informed why and can resubmit a new licence application.	M.D., Licensing Unit and licence applicant	1 week
STEP 7	Once all fees are received by Accounts, (refer to Tables 7 and 8), a receipt will be issued and the Licensing Unit will provide the receipt to the applicant, and issue a licence.	Licensing Unit.	1 week.
STEP 8	The licence operator will then be monitored to ensure all licence terms, conditions and requirements are satisfied at all times during the licenced period. The operator must complete a compliance report when required by NFA.	Licensing Unit and other NFA divisions	Ongoing

Applicants should not submit a licence application unless they are satisfied all licensing requirements have been met. If a licence application is returned due to inadequate information there is no review procedure and a new licence application will need to be lodged. Further lodgement of a licence application is only advised if the declined licence applicant has fully reviewed where licensing requirements were not satisfied and has taken all necessary actions to ensure all licensing requirements can be satisfied in a new licence application.

4.1 The Managing Director reviews all licence applications

As noted in step 4 of table 2 above, the Managing Director reviews all licence applications once assessed by the Licensing Unit and LAC, to ensure the licence application meets the specified criteria. These criteria are provided in Table 3.

Table 3 Criteria for evaluating licence applications

Criteria for evaluating licence applications – all criteria must be met	
1	The application must meet the requirements of all applicable policy, be submitted on the approved forms, be fully completed with all required information, and be accompanied by any required fee.
2	The application must meet the requirements of relevant Fishery Management Plans.
3	The application must meet the terms and conditions of any applicable Access or State Development Agreement.
4	The application must meet the requirements of any relevant provincial government policies.
5	The application must meet the requirements of any applicable Fisheries Management Agreement made with any other State.
6	The application must meet the requirements of any international conservation and management measure which is applicable.
7	If a fishery has not been previously exploited commercially it may require a trial fishing licence and criteria will be agreed with the applicant before the application is submitted.

The Managing Director will consider all licence applications and if the licence application satisfies all licensing requirements the Managing Director will endorse to the Board that the licence is approved.

When considering a licence application the Managing Director may request that additional information be provided and will instruct the Licensing Unit to request this from the license applicant, *e.g.* this could be additional information on land ownership or occupancy or on the potential environmental, social, or economic impact or benefits of the licence and how any impacts will be mitigated.

There are a number of circumstances where the Managing Director must recommend to the Board that a licence be declined. Box 1 highlights some, but not all, of the circumstances where the Managing Director will endorse to the Board that a licence application be declined.

1. Where any information required to be given under the Act or Regulation or any applicable access agreement is not provided, or is considered to be false, incorrect or misleading.
2. Where a material misrepresentation, omission or mis-statement of fact has been made in the licence application.
3. Where the Managing Director is satisfied that the operation of the subject of the application does not conform in a material respect to the requirements of the Act or Regulations, any applicable access agreement or other relevant agreement, or any other relevant law.
4. Where the applicant, or where the applicant is a corporate person any of the principals of the applicant, has been convicted of a relevant offence, or has been convicted of an offence involving dishonesty or declared bankrupt under any law.
5. Where, in the case of a trial fishing application, the applicant fails to submit a satisfactory trial fishing investigative proposal.
6. Where the applicant, or where the applicant is a corporate person any of the principals of the applicant, has been convicted of a relevant offence, or has been convicted of an offence under any law where this may impact on the credibility of the fishing operation, or the reputation of NFA.

4.2 The role of the NFA Board

Under Section 9 of the Regulation the Board shall consider the Managing Director's recommendations and the requirements of the Act and the Regulation. The Board will either:

- I) Grant the application and instruct the Managing Director to issue the licence; or
- II) Decline the application and direct the Managing Director to notify the applicant.

There are specific circumstances where the Board must instruct the Managing Director to decline a licence application and these are presented in Table 4.

Table 4 Circumstances where the Board will decline a licence application

Circumstances where the Board will decline a licence application	
1	Where the licence fee has not been paid.
2	Where the applicant is in breach of the Act or any other relevant legislation.
3	Where activities are prohibited under Section 30 of the Act (refer to table 6).
4	Where in the case of licence renewal there have been more than two failures to report previously.
5	Where in the case of a fishing vessel licence the catch of the vessel has been misreported.
6	Where a foreign fishing vessel does not have good standing on applicable registers.
7	Where a foreign shipping vessel has failed to provide the required port call or transshipment certificates.
8	Where a foreign shipping vessel has no applicable access agreement (noting that access agreements provide for freelance tankers and carriers).
9	Where a vessel has authorised use of a driftnet or driftnet fishing activities.
10	Where the fishing vessel is listed as an IUU vessel.
11	Where the corporate body is listed on any IUU list.

12	Where there is reason to believe that a vessel has engaged in trafficking of people or drugs; or that fish workers on board have been treated in a cruel or inhumane fashion.
13	Where there is reason to believe that PNG will not be able to exercise effectively its responsibilities under applicable international conservation and management measures.
14	Where there is reliable information that a Foreign State has withdrawn or suspended authorisation for a vessel to fish on the high seas for undermining international conservation and management measures, unless the beneficial owner of the vessel has changed.

The Board will also decline a licence application if it involves prohibited activities under Section 30 of the Act.

5. Licence Conditions

5.1 Conditions related to issue of licences¹

The Act (section 43) prescribes certain terms and conditions, summarised in Box 2.

Box 2 General provisions related to terms and conditions for licences

1. A licence granted under the Act:
 - (a) May be subject to such terms, conditions and endorsements as are imposed by the Board from time to time.
 - (b) Comes into force on a date specified in it.
 - (c) Remains in force, until the day on which it expires in accordance with the period approved by the Board.
 - (d) May be subject to a performance bond.
 - (e) Shall be subject to the licence fee prescribed.
2. Any licences for vessels issued through an access agreement shall be subject to the terms and conditions specified in the applicable access agreement.

All licences are issued subject to terms and conditions which are attached to the licence. These include general terms and conditions for all vessels (prescribed in section 43 of the Act) and those applied to all vessels licensed under an access agreement (section 35). There are also licensing terms and conditions that may be specific to a particular fishery, or a specific licence which may be approved by the Board on the advice of the LAC. The Licensing Unit will maintain a record of all licence terms and conditions and the licensed operations to which they apply. In the interests of transparency these must be published by the Managing Director in the National Gazette at intervals of six months in accordance with section 40B (6) of the revised Act.

5.2 Pre-conditions for licence issue

Compliance with certain conditions prescribed in section 43 of the Act must be checked before a licence is issued or renewed. All vessels must meet these conditional requirements before any valid fishing licence will be issued, and these form the basis of documents to be submitted in support of licence applications.

¹ It is the responsibility of every licence holder to ensure they are up to date with current licence conditions applicable to their licence. If in doubt, please seek clarification.

Table 5 Conditions that apply to licences

Pre-conditions that must be satisfied for all licenced vessels	
1	The vessel shall hold a valid registration issued by the flag State and shall not be registered in any other State.
2	The vessel shall display markings in accordance with approval given by the Managing Director.
3	The vessel shall have a position-fixing, identification and vessel monitoring system equipment is installed, maintained and fully operational at all times.
4	The vessel must be in compliance with all relevant provisions of national law relating to navigational standards and the safety of vessels at sea.

There are similarly a number of conditions that must be satisfied for all licenses issued under access agreements. These are prescribed in section 35 of the Act and presented in Table 8. All vessels licensed under access agreements must meet these conditional requirements before any valid fishing licence will be issued.

Table 6 Conditions that apply to vessels licensed under access agreements

Pre-conditions that must satisfied for all vessels licensed under access agreements.	
1	An access fee shall be required under an access agreement and shall be paid prior to the commencement of fishing operations in accordance with the Act and the applicable access agreement.
2	The vessel must keep accurate and timely reports, catch data and other information as required by the Act and the applicable access agreement, and this shall have been provided for any previous licensing period..
3	The operator shall, where required in accordance with the Act, carry on board any automatic location communicator and other specified machinery or equipment necessary for the operation of a vessel monitoring system in respect of the vessel.
4	If a performance bond is required under the access agreement, this shall have been deposited before a licence is issued.
5	A representative, resident in PNG, has been appointed by the vessel owner or operator to respond to process and official communications.
6	The vessel shall have arranged/agreed to make a port call for the purposes of inspection at the beginning of the licence period.

6. Licensing Administration

6.1 General License Administration

All licence details are recorded on a secure database. Regardless of whether a license is valid and current, suspended, terminated, cancelled or expired, the record remains, and all changes are noted in an auditable electronic record, along with the reason for the change.

A licence is only issued when approved by the Board.

The administration of licensing activities in PNG is conducted by the NFA Licensing Unit.

A secure user based login database is used for all licensing records.

For ease of administration licenses are generally grouped together by fishery and granted on a common date each year. These dates are as follows:

1. 1 January: Tuna fishery purse seine, carrier, mother boats, light boats, ranger boats and tuna processing plants, cold stores, and export facilities.
2. 1 April: Prawn fishery, trawlers, factories, cold stores, and export facilities.
3. 1 May: Tuna longline fishery, long line, carriers, mother boats, processing plants, cold stores and export facilities.
4. 1 August: Vessels operating in the 'dog-leg' under access agreements.
5. 1 October: Lobster fishery, factories, storage and export facilities.
6. 1 October: Beche-der-mer fishery, storage and export facilities.
7. At any time during the year: General fishing vessels, other dry marine product facilities, aquaculture, and Freelance fish carrier licenses issued for 3 months.

If conditions applicable to a license are changed (i.e. new conditions are added or existing conditions are varied) during a licensing period, a record of that change is recorded on the licensing database but the original dates of license issue and expiry are not varied.

A license can be suspended, terminated or cancelled, but it cannot be deleted from the NFA licensing database. Whether a license is suspended, terminated, cancelled or expires, the record remains. All changes to licenses or licence conditions are recorded, along with the reason for the change.

6.2 Duration of fishing licenses

The Regulations at section 14 prescribe that fishing licenses may not be issued for a period greater than 10 years, but subject to annual review.

In most instances they are issued for 1 year. Where a license is issued for a period of less than 1 year the license fee is the license fee for a 1 year license. Where a licence is issued for a period greater than 1 year the license fee is proportional to a 1 year license and paid annually. In line with a Board decision of 2002, a number of domestic operations are eligible for a five-year licence.

A license for a foreign vessel or a locally based foreign vessel may not be issued for a period greater than one year.

Licences are not transferable. Where a corporation with a licensed vessel changes ownership structure or a vessel changes ownership or a vessel is reflagged the Board must approve a licence be re-issued to the new entity – it is not automatic and sufficient time must be allowed for this process. In some circumstance a new application must be made.

6.3 Licence Fees and Cost Recovery

Under the Regulation Part III and Part IV all licence applications shall be accompanied by a prescribed application fee which is not refundable. An annual licence fee is payable when a licence has been approved. Fees are prescribed in Schedule 1 of the Regulation.

A management plan may require cost recovery of certain services which may be required to be paid at the time of licensing and/or during the course of the fishing year.

A new licence will not be issued at the commencement of a fishing year if there are arrears in cost recovery fees.

An administrative interest penalty applies for the late payment of fees. A simple interest penalty of 10% of the full amount of all annual cost recovery and licence fees becomes due immediately if any part of the cost recovery or licence fees are not paid by the due date.

Table 7 details the fees for all fishing vessel Licences and these fees apply for the annual licence period. Fish reefer carriers, motherships, light boats, fuel tankers and other support craft where subjected to an access agreement must pay these licence fees. Freelance fish carriers and fuel tankers not under access agreement licence fees pay the annual licence fee but for a 3-month period.

Table 7 Fishing vessel licence fees²

Length in metres	Domestic vessel Kina	Locally based foreign vessel Kina	Foreign vessel Kina
<10	100	500	1,000
10-15	500	1,000	1,500
15-20	1,000	1,500	2,000
20-25	1,500	2,000	2,500
25-30	2,000	2,500	3,000
30-40	2,500	3,000	3,500
40-50	3,000	3,500	4,000
>50	3,500	4,000	4,500

Table 8 details the fees for all other licence applications to be paid when a licence application is approved and before a licence can be issued.

Table 8 Other licence fees²

² Current at November 2014 – any amendment to licence fees, or other applicable charges, are taken to automatically amend this policy.

Licence Type	Licence Fees in Kina
Aquaculture	The lesser of 500 per year or 100 per hectare
Fish Buyers	100
Fish Storage / Factory	500 (fish storage combined with fish factory licence)
Fish Export	1000 per enterprise
Other activities	1000
Duplicate	100

7. Monitoring of Vessel Licence Numbers

NFA applies a number of different management measures to ensure the sustainability of national fisheries resources. In some fisheries limits are imposed on the number of licences – in others there are limits on fishing effort or catch. NFA recognises the need to avoid overcapacity in these fisheries. The Licensing Unit will maintain a record of the number of vessels in any established fishery which is not subject to a limit on licences, and where an application for new licences would increase that number by 10% or more, this will be drawn to the attention of the Board.

In these cases the relevant NFA staff will provide information on the implications of such an increase, with regard to the status of stocks in the target fishery, the implications monitoring control and surveillance, the impacts on national development and other relevant factors. Based on this analysis, the Managing Director may recommend to the Board either that the licences are approved; or that the application is rejected; or that the application is deferred until measures can be taken to reduce the number of other licensed vessels.

8. General Provisions

This policy does not contain the full provisions and requirements of the Act, Regulations and applicable Management Plans, in respect of licensing. In that regard this policy should be treated as a guide and read in conjunction with the full requirements, and noting that the Act and/or Regulations and/or management plans are subject to amendment from time to time.

8.1 Transfer of fishing licenses

Fishing licenses are not transferable.

8.2 Renewal of fishing licenses

Part III, section 8(3) of the Regulation states that an application for renewal of licence shall be treated in the same manner as a new application, that is to say a renewal of a fishing license is the grant of a new fishing license for a new period. There is no automatic right of renewal, however to avoid undue delay in renewing licences, meetings of the Board are provided with details of all licences due to expire in the next 90 days for their approval of licence renewal.

8.3 General suspension, cancellation or termination of fishing licenses

Under section 22 of the regulation: Where a licence is suspended, terminated or cancelled, the licence-holder shall, within five working days of receiving notice of the suspension, termination or cancellation, surrender the licence to the Authority. Upon the expiry of any period of suspension

of a licence, the Authority will return the licence it to the licence-holder.³

Under section 18 of the regulation any fishing activity or licence that contravenes notices of prohibition under Section 30 of the ACT will be subject to automatic suspension upon notification by the Managing Director. Similarly where the good standing of any fishing vessel is withdrawn, e.g. for non-compliance, the licence will be suspended until the good standing of the vessel is restored.

Under Regulation section 36 any licence issued under an access agreement may be suspended by the Authority if continued fishing at current levels would seriously threaten fish stocks. The licence may also be suspended on any other grounds included in an access agreement.

Under Regulation section 43 any non-compliance with licence terms and conditions may result in suspension or cancellation of the licence in accordance with the Act. In addition any penalties that apply may be imposed. Note that although the misrepresentation of fish as having been processed in Papua New Guinea is not specifically identified as an offence under the Act or Regulation, it involves practices that provide adequate grounds for suspension or termination of the fish export facility licence.

Under Regulation section 36 any licence issued under an access agreement may be terminated by the Authority if a licence holder is non-compliant to any part of an access agreement.

8.4 Suspension of a Fishing Licence

Under section 19 of the Regulation the Managing Director will make a recommendation to the Board to suspend a licence. Generally, suspension is recommended when any of the conditions presented below apply. Suspension is immediate and licence must be submitted within five days.⁴

1. The Board, on the recommendation of the Managing Director, may suspend a licence, either generally or in relation to a specified area:
 - a) where a material misrepresentation, omission or misstatement of fact has been made in the application for the licence; or
 - b) where there has been any mis-reporting or failure to report as required under the Act; or
 - c) where he has reasonable grounds to suspect that there has been a contravention of, or a failure to comply with, a term or condition of the licence, not being a ground to which he has previously exercised his powers under this section in relation to the licence; or
 - d) where any fee, charge or levy required in respect of the licence has not been paid; or
 - e) for a specified period, where he is satisfied that the suspension is necessary for the proper management of a fishery; or
 - f) where the holder of the licence has been charged with an offence involving dishonesty under any law and there has been no final determination of the charge; or
 - g) on any ground given under this Regulation for the suspension of licence; or
 - h) where any person has been convicted of an offence under the Act and a fine imposed by the Courts has not been paid within the required time; or
 - i) on any other ground under the Act for the suspension of licences.
 - j) Where a vessel loses good standing or flag state removes endorsement

³ Proposed amendments on the suspension of licences are currently being approved.

2. Before a licence is suspended, the Managing Director shall serve a notice on the holder specifying the ground for the proposed suspension and
 - a) where the licence is being suspended under subsection (1)(b) or (c), allow the holder not more than 14 days after the date of serving of the notice to remedy the contravention or the failure to comply or pay; or
 - b) where the licence is being suspended under subsection (1)(d) or (f), allow the holder not more than 14 days after the date of service of the notice to make representations as to why the licence should not be suspended.
3. Unless sooner revoked, the suspension of a licence under subsection (1) takes effect on the expiry of the time allowed in the notice under subsection (2) and continues until the suspension is rescinded by the Board or the licence expires or is cancelled.
4. On the request of the holder, the Managing Director shall allow him an opportunity to be heard and, where he is satisfied that the ground for suspension does not apply or is not sufficiently serious as to merit suspension, shall recommend to the Board that the Board rescind the notice.
5. On the application of the holder, the Managing Director shall recommend to the Board that the Board rescind a suspension under this section where the holder is performing his obligations and complying with the Act and this Regulation.
6. The Board on the recommendation of the Managing Director shall rescind a suspension under: subsection (1) (e), where the suspension is no longer required for the proper management of the fishery; and under subsection (1) (f), when there has been a final determination and, where a conviction has been recorded, any penalty has been paid.

8.5 Automatic termination of a fishing licence

Under section 20 of the regulation any fishing licence will be automatically cancelled when the following conditions apply:

- I) Where the flag state registry or ownership of a licenced vessel changes, or it is established that the licensed vessel has more than one flag state registration, or a change of ownership has not been approved by the Board under section 16 of the Regulation, any current licence in respect of the vessel shall terminate automatically.
- II) Where the good standing of a licensed vessel is withdrawn any current licence in respect of the vessel shall automatically terminate.
- III) Where the flag state has removed the endorsement to operate outside its own waters

8.6 Cancellation of a fishing licence by the Board

Under section 21 of the Regulation the Managing Director can make a recommendation to the Board to cancel a licence. If the Board proposes to cancel a licence it will instruct the Managing Director to serve a notice on the licenses outlining the intention to cancel and the reasons why. The licensee has fourteen days to present why the licence should not be cancelled. If the licensee makes no representations within fourteen days the Managing Director will cancel the licence. If representations are made within fourteen days the Managing Director will forward a written report

to the Board and the Board shall make a decision whether to cancel the licence and instruct the Managing Director accordingly.

1. The Board, on the recommendation of the Managing Director, may cancel a licence:
 - a) where it is satisfied that information required to be given or reported under the Act or this Regulation and any applicable access agreement is false, incomplete, incorrect or misleading; or
 - b) where the licensee (or where the licensee is a corporate person, any of the principals of the licensee)
 - I) is convicted of an offence against the Fisheries Act 1994 (repealed), the Act, this Regulation or any other law concerning fisheries matters; or
 - II) is convicted of an offence involving dishonesty under any law; or
 - III) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
 - c) where it is satisfied on reasonable grounds that the licensed activity is not being conducted in accordance with the requirements of the Act and this Regulation, any applicable access agreement or other agreement, or any other relevant law, or that there has been a significant change in the circumstances of the licensee sufficient to justify cancellation of the licence; or
 - d) where it is satisfied that there has been serious mis-reporting or consistent failure to report as required under this Act; or
 - e) where any fee, charge or levy required in respect of the licence has not been paid; or
 - f) where there have been more than two consecutive failures to provide a report as required under this Act; or
 - g) on any other ground under this Act for the cancellation of a licence.
2. For the purposes of subsection (1), “principals” in respect of a corporate person includes director, manager, company secretary or other similar officer or any person purporting to act in such a capacity.
3. Where the Board proposes to cancel a licence under this section, the Managing Director shall serve a notice on the licensee—
 - a) advising him of the intention to cancel the licence and of the reasons for the intended cancellation; and
 - b) requiring him, within 14 days from the date of service of the notice, to show cause as to why the licence should not be cancelled.
4. On the request of the licensee within 14 days from the date of the service of the notice under subsection (3), the Managing Director shall allow the licensee an opportunity to be heard.
5. Where the licensee does not make, within 14 days, representations under subsection (3) (b) or a request to be heard under subsection (4), the Board shall cancel the licence.
6. Where representations have been made under subsection (3) (b) or there has been a hearing under subsection (4), the Managing Director shall forward to the Board a written report on the representations or hearing, and the Board shall consider the report in reaching its decision.

PLEASE NOTE:

Any representation, statement, opinion or advice expressed or implied in this policy is made in good faith and on the basis that the National Fisheries Authority (NFA), its agents and employees do not accept any liability for any injury, loss or damage incurred by use of or reliance on the information in this policy. The policy will be updated from time to time and it along with relevant amendments is available on the NFA website or from the Senior Licensing Officer. Before relying on the information in this policy, users should carefully evaluate its accuracy, currency, completeness and relevance for their purposes, and should obtain any appropriate professional advice relevant to their particular circumstances. The NFA cannot guarantee and assumes no legal liability or responsibility for the accuracy, currency or completeness of the information in this guide.

Annex 1

As approved by the National Fisheries Board at their meeting of 16-18 November 2012, the following or their nominees are the members of the Licensing Advisory Committee (LAC):

Core members:

EXECUTIVE MANAGER, LICENSING (Chair)

SENIOR LICENSING OFFICER (Admin. Officer)

LEGAL OFFICER

EXECUTIVE MANAGER, MCS or a representative from each of the units VMS, ENFORCEMENT and ACU

Non-Core Members (who sit with respect to licence applications for fishery or fishery related activities under their area of responsibility⁴)

EXECUTIVE MANAGER, FISHERIES MANAGEMENT or a delegate from any of the units SEDENTARY, INSHORE and TUNA as appropriate

EXECUTIVE MANAGER, PSID or a delegate of any of the units INDUSTRY and PROVINCIAL as appropriate

EXECUTIVE MANAGER – AQUACULTURE AND INSHORE FISHERIES or a delegate of the relevant section as appropriate

PROJECTS MANAGER or a delegate of the relevant section as appropriate

Quorum

A quorum for the LAC is four, representing a minimum of three Core Members, plus one Non-Core Member or nominated delegate relevant to the licence being considered.

⁴ As position titles change over time, a position referred to in this Policy may be taken to be any position currently exercising the relevant functions of that position.

Annex 2 – Documents and process for a licence application

2(a) New vessel (domestic):

(i) Documents required

- Completed NFA Vessel Datasheet
- Photographs taken from Port, Starboard and Aerial view
- Declaration of Ownership/Ownership Certificate
- Certificate of Registration
- Radio Safety Certificate
- Sea Worthy/Safety Certificate
- Cargo Ship Safety Certificate
- Crew list
- Photograph of the fishing master
- Plan/Specification
- Mobile Transmission Unit (MTU) Certificate
- Proof of local ownership:
 - Contract or Deed of Sale/Purchase – if not imported
 - Bill of Sale – Imported
 - Certificate of Deletion – Imported

(ii) Process followed

Application received by licensing unit

Stamped 'received date'

Check for completeness of documentation & follow up with applicant for any missing documents

Application fee paid and receipt issued by accounts

Register application in the database

Summarise and circulate to members of the LAC

LAC meeting – recommendation made

Prepare submission to Fisheries Board

Board submission approved by MD

Board meeting – application approved or rejected

If approved

Notify applicant and invoice for licence fee

Arrange inspection

Licence fee paid and receipted

Issue licence for signature by MD

Deliver signed licence to applicant

If rejected

Notify applicant with reasons for decision

Applicant may appeal to Minister

Licence appeals committee meeting

Final decision by Minister

Follow 'approved' procedure if approved

OR notify applicant if rejected

2 (b) New vessel licence - Foreign Bilateral or Foreign Freelance

(i) Documents required

- *Signed access agreement (except freelance tankers and carriers)*
- *Completed NFA Vessel Datasheet*
- *Photographs taken from Port, Starboard and Aerial view*
- *Declaration of Ownership/Ownership Certificate*
- *Certificate of Registration*
- *Radio Safety Certificate*
- *Sea Worthy/Safety Certificate*
- *Cargo Ship Safety Certificate*
- *Crew list*
- *Photo of Fishing Master*
- *International oil pollution prevention certificate*
- *Plan/Specification*
- *Mobile Transmission Unit (MTU) Certificate*
- *WCPFC endorsement*
- *FFA Good Standing Certificate*

(ii) Process followed

Access negotiation resulting in signed agreement

Access party nominates vessel for licensing

Application received by licensing unit

Stamped 'received date'

Check for completeness of documentation & follow up with applicant for any missing documents

Application fee paid and receipt issued by accounts

Register application in the database

Summarise and circulate to members of the LAC

LAC meeting – recommendation made

Prepare submission to Fisheries Board

Board submission approved by MD

Board meeting – application approved or rejected

If approved

Notify applicant and invoice for licence fee

Arrange inspection

Licence fee paid and receipted

Issue licence for signature by MD

Deliver signed licence to applicant

If rejected

Notify applicant with reasons for decision

Applicant may appeal to Minister

Licence appeals committee meeting

Final decision by Minister

Follow 'approved' procedure if approved

OR notify applicant if rejected

2(c) New vessel licence – Torres Strait Fishery

(iii) Documents required

- Completed Torres Strait Licence Application Form
- Photographs taken from Port, Starboard and Aerial view
- Declaration of Ownership/Ownership Certificate
- Certificate of Registration
- Radio Safety Certificate
- Sea Worthy/Safety Certificate
- Cargo Ship Safety Certificate
- Crew list
 - Photo of Fishing Master
- Plan/Specification
- Mobile Transmission Unit (MTU) Certificate
- Proof of local ownership:
 - Contract or Deed of Sale/Purchase – if not imported
 - Bill of Sale – Imported
 - Certificate of Deletion from overseas registry – Imported
- IPA approval/Company Registration Certificate
- Bank Statement
- Provincial Endorsement (for operation in Provincial waters)
- Application Fee - Bank Cheque/Deposit

(iv) Process followed

Application received by licensing unit

Stamped 'received date'

Check for completeness of documentation & follow up with applicant for any missing documents

Application fee paid and receipt issued by accounts

Register application in the database

Summarise and circulate to members of the LAC

LAC meeting – recommendation made

Prepare submission to Fisheries Board

Board submission approved by MD

Board meeting – application approved or rejected

If approved

Notify applicant and invoice for licence fee

Arrange inspection

Licence fee paid and receipted

Issue licence for signature by Minister

Deliver signed licence to applicant

If rejected

Notify applicant with reasons for decision

Applicant may appeal to Minister

Licence appeals committee meeting

Final decision by Minister

Follow 'approved' procedure if approved

OR notify applicant if rejected

2 (d) New premises licence – fish storage facility, fish factory, fish export facility

(i) Documents required

- *Premises Information Sheet – Provided by NFA*
- *Inspection Report – Provided by PFO (Provincial Fisheries Officer) – Dry Products*
- *Preliminary Audit Report – Provided by NFA Audit & Certification Officer – Wet Products*
- *Lease/Rental Agreement*
- *Plans & Specification of the facility*
- *Proposed business plan*
- *IPA approval/Company Registration Certificate*
- *Photo of business owner*
- *Bank Statement*
- *Provincial Endorsement (for operation in Provincial waters)*
- *Application Fee - Bank Cheque/Deposit*

(ii) Process followed

Application received by licensing unit

Stamped 'received date'

Check for completeness of documentation & follow up with applicant for any missing documents

Application fee paid and receipt issued by accounts

Register application in the database

Request pre-audit inspection (food safety)

Summarise and circulate to members of the LAC

LAC meeting – recommendation made

Prepare submission to Fisheries Board

Board submission approved by MD

Board meeting – application approved or rejected

If approved

Notify applicant and invoice for licence fee

Arrange final audit inspection (food safety)

Licence fee paid and receipted

Issue licence for signature by MD

Deliver signed licence to applicant

If rejected

Notify applicant with reasons for decision

Applicant may appeal to Minister

Licence appeals committee meeting

Final decision by Minister

Follow 'approved' procedure if approved

OR notify applicant if rejected

2 (e) New Fish buyer's licence

(i) Documents required:

- Completed application form
- 2 passport size photos of nominated buyer
- Official ID (proof of citizenship) – passport, or birth certificate, or ID card

(ii) Process followed:

Application received by licensing unit

Stamped 'received date'

Check for completeness of documentation & follow up with applicant for any missing documents

Application fee paid and receipt issued by accounts

Register application in the database

Summarise and circulate to members of the LAC

LAC meeting – recommendation made

Prepare submission to Fisheries Board

Board submission approved by MD

Board meeting – application approved or rejected

If approved

Notify applicant and invoice for licence fee

Licence fee paid and receipted

Issue licence for signature by MD

Deliver signed licence to applicant

If rejected

Notify applicant with reasons for decision

Applicant may appeal to Minister

Licence appeals committee meeting

Final decision by Minister

Follow 'approved' procedure if approved

OR notify applicant if rejected

2 (f) New Aquaculture Licence

(i) Documents required:

- Preliminary Audit Report – Provided by NFA Audit & Certification Officer – Wet Products
- Lease/Rental Agreement
- Plans & Specification of the facility
- Resource Owner's Approval
- Water Treatment or Discharge Plan
- Department of Environment and Conservation – Environmental Permit
- National Agriculture Quarantine Inspection Authority – Certificate of Fitness
- Proposal/Business Plan - Model is provided by NFA
- IPA Incorporation/Registration Certificate
- Photo of business owner
- Bank Statement
- Provincial Endorsement
- Application Fee - Bank Cheque/Deposit

Process followed:

Application received by licensing unit

Stamped 'received date'

Check for completeness of documentation & follow up with applicant for any missing documents

Application fee paid and receipt issued by accounts

Register application in the database

Request pre-audit inspection (food safety)

Summarise and circulate to members of the LAC

LAC meeting – recommendation made

Prepare submission to Fisheries Board

Board submission approved by MD

Board meeting – application approved or rejected

If approved

Notify applicant and invoice for licence fee

Arrange final audit inspection (food safety)

Licence fee paid and receipted

Issue licence for signature by MD

Deliver signed licence to applicant

If rejected

Notify applicant with reasons for decision

Applicant may appeal to Minister

Licence appeals committee meeting

Final decision by Minister

Follow 'approved' procedure if approved

OR notify applicant if rejected

LICENSING REQUIREMENTS FOR PNG BASED APPLICANT

DOCUMENTS REQUIRED

- Complete Export Documentation Status
- Application and License Fee - Bank Cheque/Deposit

a. SHOREBASE

BUYERS – citizen only

- 2x passport size nominated buyer's photos
- Monthly Buying Report

PREMISES (*if same*)

- Information Sheet – Provided by NFA
- Inspection Report – Provided by PFO (Provincial Fisheries Officer) – Dry Products
- Audit Report – Provided by NFA Audit & Certification Officer – Wet Products
- End-of-Season Holding Report
- Complete Export Documentation Status

AQUACULTURE

- Audit Report – Provided by NFA Audit & Certification Officer – Wet Products
- Monthly Holding and Mortality Report

b. VESSEL

- Vessel's photograph
- Audit Reports on facility or vsl (excluding foreign bilateral vsls) handling wet products – NFA ACU officer
- Sea Worthy/Safety Certificate
- WCPFC Endorsement – Foreign vsls (*applicable to tuna fishery only*)
- FFA Good Standing Certificate – Foreign vsls (*applicable to tuna fishery only*)
- Crewlist

LICENSING REQUIREMENTS FOR FOREIGN BILATERAL AND FREELANCE

- Signed Bilateral Access Agreement
- Application form
- Datasheet – Provided by NFA

- Photographs taken from Port, Starboard and Aerial view
- Sea Worthy/Safety Certificate
- Cargo Ship Safety Certificate
- Crew list
- WCPFC Endorsement – Foreign vsls (*applicable to tuna fishery only*)
- FFA Good Standing Certificate – Foreign vsls (*applicable to tuna fishery only*)
- License and Access Fees

(iii) Process followed

Licence identified as due for renewal within 90 days from licensing database

Summarise and circulate to members of the LAC

LAC meeting – recommendation made

Prepare submission to Fisheries Board

Board submission approved by MD

Board meeting – application approved or rejected

If approved

Licensing unit confirms with licence holder that renewal is required

Request documentation & follow up with applicant for any missing documents

Application fee paid and receipt issued by accounts

Register renewal application in the database

Notify applicant and invoice for licence fee

Arrange inspection (vessel or food safety)

Licence fee paid and receipted

Issue licence for signature by MD

Deliver signed licence to applicant

If rejected

Notify applicant with reasons for decision

Applicant may appeal to Minister

Licence appeals committee meeting

Final decision by Minister

Follow 'approved' procedure if approved

OR notify applicant if rejected

2 (h) Amendment and Cancellation

Amendment or replacement of lost/defaced licence requirements:

- Application fee
- Application Form
- Letter – stating licence particular to amend and basis for amendment
- Duplication Fee of K100 per licence

Voluntary cancellation requirements:

- Letter on company letter head signed by the Company's Managing Director – stating basis for cancellation
- Copy of Licence

Automatic suspension requirements:

- A notice of prohibition issued under section 30 of the Act which makes activities permitted by the licence illegal; or
- Notification from FFA that the good standing of the vessel on the FFA regional register is withdrawn; or
- Advice from Accounts that the performance bond required under an access arrangement has not been paid.

The suspension requires signed approval from the Managing Director on these grounds but does not require a submission to the Board.

Suspension by the NFA Board:

The Licensing Unit, after consulting with the LCA, prepares a submission for the Board providing documentary evidence of one or more of the following:

- Misrepresentation made in licence application;
- Misreporting or failure to report;
- Failure to comply with terms and conditions of the licence;
- Charges, levy, or fee for renewal of multi-year licence not paid;
- Licensee charged with offence involving dishonesty under any law and there has been no final determination of the charge;
- A determination by the Managing Director that a suspension for a specified period is necessary for the management of the fishery.

Automatic cancellation requirements:

- Evidence that the flag state registry of a vessel has changed; or
- Evidence that the ownership of a vessel has changed without the approval of the board; or
- Evidence that a vessel has more than one flag state registration; or
- Notification that the vessel's good standing on the FFA regional register has been withdrawn (*note the MD would seem to have the discretion to suspend or cancel the licence in this event*).

The cancellation requires signed approval from the Managing Director on these grounds but does not require a submission to the Board.

Requirements for cancellation by a decision of the Board:

The Licensing Unit, after consulting with the LCA, prepares a submission for the Board providing documentary evidence of one or more of the following:

- The licensee is convicted of an offence under the Act, or of an offense involving dishonesty under any law;
- The licensee has become bankrupt;
- Information required to be provided under the Act, Regulation or applicable Access Agreement is false, incomplete, incorrect or misleading;
- The licensed activity is not being conducted in accordance with legal requirements;
- Fees, charges or levies have not been paid;
- There have been more than two consecutive failures to report;
- A vessel has been placed on the IUU list of any RFMO;
- The master, owner or operator has a history of IUU fishing.