



FISHERIES AMENDMENT ACT 1994

No. 54 of 1994

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**FISHERIES AMENDMENT ACT 1994**

No. 54 of 1994

AN ACT to amend the *Fisheries Act 1959***[Royal Assent 25 August 1994]**

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Fisheries Amendment Act 1994*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Fisheries Act 1959** is referred to as the Principal Act.

Section 3 amended (Interpretation)

4—Section 3 (1) of the Principal Act is amended as follows:—

(a) by inserting after the definition of “Associate Commissioner” the following definition:—

“**Australian fishing zone**” means the Australian fishing zone defined in the Commonwealth Fisheries Act;

(b) by omitting the definitions of “Commonwealth Fisheries Act” and “Commonwealth proclaimed waters” and substituting the following definition:—

“**Commonwealth Fisheries Act**” means the *Fisheries Management Act 1991* of the Commonwealth;

Section 3A amended (State fishing waters)

5—Section 3A (b) of the Principal Act is amended by omitting “Commonwealth proclaimed waters” and substituting “within the Australian fishing zone”.

Section 24A amended (Interpretation: Part IIA)

6—Section 24A (1) of the Principal Act is amended as follows:—

(a) by omitting “section 12C (1)” from the definition of “Commonwealth Minister” and substituting “section 60 (1)”;

* No. 16 of 1959. For this Act, as amended to 1 February 1987, see the continuing Reprint of Statutes. Subsequently amended by Nos. 10, 19 and 58 of 1988, Nos. 38 and 52 of 1989, No. 5 of 1990, Nos. 7 and 46 of 1991, No. 34 of 1992, Nos. 12, 24 and 62 of 1993 and Nos. 12 and 33 of 1994.

(b) by omitting the definition of “Joint Authority” and substituting the following definition:—

“**Joint Authority**” means a Joint Authority—

- (a) established under section 61 (1) of the Commonwealth Fisheries Act; and
 - (b) of which the State Minister is a member;
- (c) by omitting “section 12C (2) of the Commonwealth Fisheries Act.” from the definition of “State Minister” and substituting “section 60 (2) of the Commonwealth Fisheries Act;”;
- (d) by inserting after the definition of “State Minister” the following definition:—

“**waters relevant to a State**” means—

- (a) the coastal waters of the State; and
- (b) the Australian fishing zone.

Section 24B amended (Functions and powers of State Minister)

7—Section 24B of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “Part IVA” and substituting “Part 5”;
- (b) by omitting from subsection (2) “Part IVA” and substituting “Part 5”.

Section 24G amended (Report of Joint Authority)

8—Section 24G of the Principal Act is amended by omitting “section 12G” and substituting “section 70 (1)”.

Section 24H amended (Power to enter into arrangements for management of certain fisheries)

9—Section 24H of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “section 12J” and “section 12H (1)” and substituting “section 74” and “section 71” respectively;
- (b) by omitting from subsection (1) “adjacent” (twice occurring) and substituting “relevant”;

- (c) by omitting from subsection (2) “section 12J” and “section 12H (4)” and substituting “section 74” and “section 72” respectively;
- (d) by inserting after subsection (6) the following subsection:—

(7) An arrangement entered into by the State under this section and section 12H of the *Fisheries Act 1952* of the Commonwealth and in force immediately before the commencement of Part 5 of the Commonwealth Fisheries Act is an arrangement entered into under the Commonwealth Fisheries Act.

Section 24I amended (Application of this Act to fisheries in accordance with arrangements)

10—Section 24I of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (a) “in Commonwealth proclaimed waters” (twice occurring) and substituting “within the Australian fishing zone”;
- (b) by omitting from paragraph (b) “Commonwealth proclaimed waters” and substituting “the Australian fishing zone”.

Section 24M amended (Presumption relating to certain statements)

11—Section 24M of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (a) “adjacent” and substituting “relevant”;
- (b) by omitting from paragraph (b) “adjacent” (twice occurring) and substituting “relevant”.

*[Second reading presentation speech made in:—
House of Assembly on 11 May 1994
Legislative Council on 4 August 1994]*

