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**FISHERIES AMENDMENT (COMMONWEALTH-STATE  
ARRANGEMENTS) ACT 1981**

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# FISHERIES AMENDMENT (COMMONWEALTH-STATE ARRANGEMENTS) ACT 1981

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No. 40 of 1981

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**AN ACT to amend the Fisheries Act 1959 for the purpose of enabling arrangements with respect to certain fisheries to be entered into between, and given effect to by, the Commonwealth and the State and for other purposes.**

[Royal Assent 30 September 1981]

**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:—

**1**—This Act may be cited as the *Fisheries Amendment (Commonwealth-State Arrangements) Act 1981*. Short title.

**2**—(1) This section and section 1 shall commence on the date on which this Act receives the Royal Assent. Commence-  
ment.

(2) Except as provided in subsection (1), this Act shall commence on the date on which sections 12 and 13 of the *Fisheries Amendment Act 1980* of the Commonwealth come into operation.

(3) Where particular regulations could be made under section 9 of the Principal Act if section 9 of this Act were in operation, such regulations may be made for the purposes of giving effect to the Principal Act, as proposed to be amended by this Act, notwithstanding that section 9 of this Act has not yet commenced, but no such regulations shall take effect before the commencement of section 9 of this Act.

(4) Where particular regulations could be made under section 36 of the Principal Act if section 11 of this Act were in operation, such regulations may be made for the purposes of giving effect to the Principal Act, as proposed to be amended by this Act, notwithstanding that section 11 of this Act has not yet commenced, but no such regulation shall take effect before the commencement of section 11 of this Act.

Principal Act.

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

Amendment of section 3 of Principal Act (Interpretation).

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

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

“Commonwealth Fisheries Act” means the *Fisheries Act 1952* of the Commonwealth, as amended by subsequent Acts of the Commonwealth, whether before or after the commencement of section 4 of the *Fisheries Amendment (Commonwealth-State Arrangements) Act 1981*;

“Commonwealth proclaimed waters” means waters that, by virtue of a proclamation in force under the Commonwealth Fisheries Act, are proclaimed waters within the meaning of section 4 of that Act;

(b) by inserting the following definition after the definition of “fishing industry”:—

“foreign boat” has the meaning assigned to that expression by the Commonwealth Fisheries Act;.

\* Act No. 16 of 1959. For this Act, as amended to 1968, see Appendix C to the 1968 Volume of Statutes, Part I. Subsequently amended by Nos. 37 and 47 of 1970, No. 102 of 1973, Nos. 77 and 105 of 1974, Nos. 61 and 114 of 1977, and No. 4 of 1980.

5—Section 3A of the Principal Act is repealed and the following section is substituted:—

Substitution  
of section  
3A of Principal  
Act.

3A—A reference in this Act to State fishing waters is—

State fishing  
waters.

- (a) a reference to all waters that are within the limits of the State, other than inland waters;
- (b) except for purposes in relation to a fishery that is to be managed in accordance with the law of the Commonwealth pursuant to an arrangement under Division 3 of Part IIA and except for purposes specified by paragraph (d)—a reference to any waters of the sea that are not within the limits of the State but are on the landward side of waters adjacent to the State that are Commonwealth proclaimed waters;
- (c) for purposes in relation to a fishery that is to be managed in accordance with the law of the State pursuant to an arrangement under Division 3 of Part IIA—a reference to any waters to which the legislative powers of the State extend with respect to that fishery, whether by virtue of section 5 of the *Coastal Waters (State Powers) Act 1980* of the Commonwealth or otherwise; and
- (d) for purposes in relation to activities to which this Act applies, being activities that are, within the meaning of the Commonwealth Fisheries Act, carried on for private purposes otherwise than by the use of a foreign boat—a reference to any waters to which the legislative powers of the State extend with respect to those activities.

6—(1) After section 3A of the Principal Act, the following section is inserted:—

Insertion in  
Principal Act  
of new  
section 3B.

3B—(1) Subject to this section, a reference in this Act to inland waters is a reference to—

Inland waters.

- (a) waters, other than waters of a river, lying within the limits of the State that are, by a regulation made under subsection (2), declared to be inland waters for the purposes of this Act;
- (b) waters specified in Part I of the third Schedule;

- (c) in relation to a river specified in the first column of Part II of the third Schedule, waters lying on the landward side of the seaward limit specified in relation to that river in the second column of that Part;
  - (d) waters lying on the landward side of the seaward limit of a river as determined by a regulation made under subsection (2), by order made under subsection (3), or in accordance with subsection (4); and
  - (e) waters in respect of which a fish farm licence is in force.
- (2) Subject to this section, the Governor may make—
- (a) regulations declaring any waters within the limits of the State, other than waters of a river, to be inland waters;
  - (b) regulations determining for the purposes of this Act the seaward limit of any river specified in those regulations, including a river specified in Part II of the third Schedule; and
  - (c) regulations prescribing the manner in which the seaward limits of rivers may be indicated or marked.
- (3) Where the Minister considers, in relation to any river the seaward limit of which is not determined by a regulation made under subsection (2), that a particular place should be the seaward limit of the river for the purposes of this Act, he may make an order determining that place as the seaward limit of the river for the purposes of this Act.
- (4) If, in relation to any particular river, the seaward limit is not determined under subsection (2) or (3), the seaward limit of the river is the place where the waters of the river meet the waters of the sea or of any harbour or bay at low water of ordinary spring tides.
- (5) In relation to a river the seaward limit of which is determined under subsection (2) or (3), the Minister shall, as far as practicable, cause that limit to be indicated or marked in accordance with regulations referred to in subsection (2) (c).

(6) Where the seaward limit of a river is marked, then, if in any legal proceedings a question arises as to the location of the seaward limit of the river, it shall be presumed until the contrary is established that the place at which the seaward limit is marked or indicated is the seaward limit of the river.

(7) A reference in this section to the waters of a river on the landward side of its seaward limit includes a reference to any waters flowing into or connecting with the waters of that river on the landward side of its seaward limit but not ordinarily flowing into or connecting with the sea otherwise than through that river.

(8) Where a regulation is made determining the seaward limit of a river specified in Part II of the third Schedule, the Governor may, by order, amend that Part by omitting the matter relating to that river and its seaward limit and may provide in that order for the amendment to take effect on the same day as the day on which the regulation takes or took effect.

(2) Where, immediately before the commencement of this section, regulations are in force under section 3A of the Principal Act, as in force immediately before that commencement, those regulations shall continue in force after that commencement, as if they were regulations made under section 3B of that Act, as in force after that commencement.

(3) Where, immediately before the commencement of this section, the seaward limit of a river is indicated or marked as provided in section 3A of the Principal Act, as in force immediately before that commencement, the indication or mark shall be deemed to indicate or mark the seaward limit of the river for the purposes of section 3B of that Act, as in force after that commencement.

**7**—Section 4 (1) (b) of the Principal Act is amended by omitting “tidal” and substituting “State fishing”.

*Amendment of  
section 4 of  
Principal Act  
(Application  
of Act to  
private  
fisheries).*

**8**—Section 8 (1) of the Principal Act is amended by omitting “tidal” and substituting “State fishing”.

*Amendment of  
section 8 of  
Principal Act  
(Powers of  
Minister).*

Amendment of  
section 9 of  
Principal Act  
(Regulations  
under Part  
II).

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

(a) by omitting paragraph (y) of subsection (1) and substituting the following paragraph:—

(y) providing for a contravention of, or a failure to comply with, a provision of the regulations to be an offence and—

(i) providing in respect of any such offence for the imposition of a penalty not exceeding \$2 000 and, where the offence is of a continuing nature, a daily penalty not exceeding \$100 for each day during which the offence continues;

(ii) prescribing a minimum penalty for any such offence and, subject to subparagraph (i), prescribing different maximum penalties for successive offences;

(iii) providing in respect of any such offence for the imposition of a special penalty not exceeding \$100 in relation to each fish, or fish of any kind or species, taken, bought, sold, offered, or exposed for sale in or in connection with the commission of the offence, or in the possession of any person committing the offence, or in relation to each net, engine, or other article of any kind used or in the possession of a person committing the offence; and

(iv) providing that any special penalty referred to in subparagraph (iii) may be imposed for an offence in addition to any other penalty that may be imposed for the offence;

(b) by omitting from subsections (2), (2A), and (5) “tidal” wherever occurring and substituting “State fishing”;

- (c) by inserting in subsection (2D) “ issued under regulations made ” after “ Licences ”;
- (d) by omitting from subsection (2E) “ manufacture ” and substituting “ processing ”;
- (e) by omitting paragraph (c) of subsection (5) and substituting the following paragraph:—

(c) may provide for a contravention of, or failure to comply with, a provision of the order to be an offence and for the imposition in respect of any such offence of a penalty or penalties similar to that or those which may be prescribed under subsection (1) (y) in respect of an offence against regulations under subsection (1).

**10**—After Part II of the Principal Act, the following Part is inserted:—

Insertion in  
Principal Act  
of new Part  
IIA.

## PART IIA

### JOINT COMMONWEALTH-STATE MANAGEMENT OF CERTAIN FISHERIES IN STATE FISHING WATERS

#### *Division 1—Preliminary*

**24A**—(1) In this Part, unless the contrary intention appears—

Interpretation:  
Part IIA.

“ arrangement ” means an arrangement made by the State with the Commonwealth under Division 3, whether or not it is also made with another State or other States;

“ coastal waters ”, in relation to the State, means—

(a) the part or parts of the territorial sea of Australia that is or are adjacent to the State, other than any part referred to in subsection (3); and

(b) any marine or tidal waters that are on the landward side of any part of the territorial sea of Australia and are adjacent to the State but are not within the limits of the State;

“Commonwealth Minister” means the Minister for the time being administering the Commonwealth Fisheries Act and any other Minister performing and exercising functions and powers pursuant to section 12c (1) of the Commonwealth Fisheries Act;

“fishery” means a class of activities by way of taking fish, being a class that is identified in an arrangement under this Part as a fishery to which the arrangement applies;

“Joint Authority” means—

(a) the South Eastern Fisheries Joint Authority established under section 12d (1) of the Commonwealth Fisheries Act; and

(b) any other Joint Authority established under section 12d (6) of that Act of which the State Minister is a member;

“Joint Authority fishery” means a fishery in respect of which there is in force an arrangement under Division 3, being an arrangement providing for the fishery to be under the management of a Joint Authority;

“State Minister” means the Minister of this State for the time being administering the laws of Tasmania relating to marine fishing, and includes a Minister acting for and on behalf of that Minister in accordance with section 12c (2) of the Commonwealth Fisheries Act.

(2) Without limiting the matters by reference to which a fishery may be identified in an arrangement under Division 3, those matters include all or any of the following:—

(a) a species of fish;

(b) a description of fish by reference to sex or other characteristics;

(c) an area of waters or of seabed;

(d) a method of fishing;

(e) a kind or class of vessels;

(f) a class of persons;

(g) a purpose of activities.

(3) If at any time the breadth of the territorial sea of Australia is determined or declared to be greater than 3 nautical miles, a reference to the coastal waters of this State does not include, for the purposes of this Act, any part of the territorial sea of Australia that would not be within the limits of that territorial sea if the breadth of the territorial sea had continued to be 3 nautical miles.

### *Division 2—Joint Authority*

24B—(1) The State Minister may perform any function and exercise any power conferred on him by Part IVA of the Commonwealth Fisheries Act, including any function or power of the State Minister as a member of a Joint Authority. Functions and powers of State Minister.

(2) Where, in the exercise of the power conferred on him by Part IVA of the Commonwealth Fisheries Act, the State Minister appoints a deputy, the deputy may perform the functions and exercise the powers conferred by that Act on the deputy of a member of a Joint Authority other than the Commonwealth Minister.

24C—All courts and persons acting judicially shall take judicial notice of the signature of a person who is or has been a member of a Joint Authority or a deputy of a member of a Joint Authority and of the fact that he is, or was at a particular time, such a member or deputy. Judicial notice.

24D—A Joint Authority has such functions in relation to a fishery in respect of which an arrangement is in force under Division 3 as are conferred on the Authority by the law in accordance with which, in accordance with the arrangement, the fishery is to be managed. Functions of Joint Authority.

24E—(1) A Joint Authority may, by instrument in writing, either generally or as otherwise provided by the instrument, delegate to a person any of its powers under this Act, other than this power of delegation. Delegation of powers of Joint Authority.

(2) Where a power delegated under subsection (1) is performed or exercised by the delegate, the powers shall, for the purposes of this Act, be deemed to have been exercised by the Joint Authority.

(3) A delegation under this section may be expressed as a delegation to the person from time to time holding, or performing the duties of, a specified office, including an office—

(a) in the service of;

(b) in the service of an authority of; or

(c) under the law of,

the Commonwealth, another State, or a Territory of the Commonwealth.

(4) A delegate of a Joint Authority is, in the exercise of his delegated powers, subject to the directions of the Joint Authority.

(5) A delegation of a power under this section—

(a) may, by instrument in writing, be revoked by the Joint Authority (whether or not constituted by the persons constituting the Joint Authority at the time the power was delegated);

(b) does not prevent the exercise of the power by the Joint Authority; and

(c) continues in force notwithstanding any change in the membership of the Joint Authority.

(6) Section 23A of the *Acts Interpretation Act* 1931 applies in relation to a delegation under this section as if the Joint Authority were a person.

(7) A certificate signed by a member of a Joint Authority stating any matter with respect to a delegation under this section by the Joint Authority is evidence of that matter.

(8) A document purporting to be a certificate referred to in subsection (7) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

(9) Nothing in this Part is intended to prevent the delegation by a Joint Authority, in accordance with the law of the Commonwealth, of powers conferred on the Joint Authority by the law of the Commonwealth.

## 24F—(1) At a meeting of a Joint Authority—

Procedure  
of Joint  
Authority.

- (a) the Commonwealth Minister shall preside, if he is present;
  - (b) if deputies of members only are present, the deputy of the Commonwealth Minister shall preside; and
  - (c) if neither paragraph (a) nor paragraph (b) is applicable, the members present shall select one of their number, being a Minister, to preside.
- (2) Meetings of a Joint Authority shall be convened by the Commonwealth Minister, and he shall convene such a meeting at the request of any other member.
- (3) The quorum for a meeting of a Joint Authority is—
- (a) if there are 2 members—2 members; or
  - (b) if there are more than 2 members—the Commonwealth Minister or his deputy and other members not less in number than 2 and not less in number than half the number of States represented on the Joint Authority.
- (4) If, at a meeting of a Joint Authority, the members present are not agreed as to the decision to be made on a matter, the Commonwealth Minister may, subject to subsection (5), decide that matter and his decision shall have effect as the decision of the Joint Authority.
- (5) Before deciding a matter in accordance with subsection (4), the Commonwealth Minister shall submit the matter for consideration by the members of the body of Commonwealth and State Ministers known as the Australian Fisheries Council and shall, for that purpose, if so requested by a member of that Council, convene a meeting of that Council, but a decision of the Commonwealth Minister shall not be called in question in any legal proceedings on a ground arising out of this subsection.
- (6) A member of a Joint Authority may, by written or other communication, submit a matter within the functions of the Joint Authority for consideration by the other member, or each of the other members, of the Joint Authority and, if all the members of the Joint Authority are agreed as to the decision to be made on the matter, the Joint Authority shall

be taken to have made a decision accordingly and the Commonwealth Minister shall, on being satisfied that the members are so agreed, record the decision as a decision of the Joint Authority.

(7) A Joint Authority may establish advisory committees, consisting of such persons as it thinks fit, to provide information and advice to the Joint Authority on scientific, economic, and technical matters related to any fishery.

(8) Subject to this section, a Joint Authority may adopt its own rules of procedure.

(9) A written record of a decision of a Joint Authority, if signed by the Commonwealth Minister, or his deputy, who took part in or made the decision is evidence that the decision, as recorded, was duly made.

(10) In proceedings before a court, an instrument or other document signed on behalf of a Joint Authority by a member of the Joint Authority shall be deemed to have been duly executed by the Joint Authority and, unless the contrary is proved, shall be deemed to be in accordance with a decision of the Joint Authority.

Report  
of Joint  
Authority.

24G—The State Minister shall cause a copy of every report of a Joint Authority prepared under section 12G of the Commonwealth Fisheries Act to be laid before each House of Parliament within 14 sitting days after the report is first received by him.

*Division 3—Arrangements with respect to the management of  
particular fisheries*

Power to  
enter into  
arrangements  
for manage-  
ment of certain  
fisheries.

24H—(1) The State may, in accordance with section 12J of the Commonwealth Fisheries Act, enter into an arrangement referred to in section 12H (1) of that Act for the management by a Joint Authority of a particular fishery in waters adjacent to the State or adjacent to States including the State.

(2) The State may, in accordance with section 12J of the Commonwealth Act, enter into an arrangement referred to in section 12H (4) of that Act with respect to a particular fishery in waters adjacent to the State (being a fishery other than one to which an arrangement under subsection (1) applies)—

(a) that, in the case of a fishery wholly or partly in the coastal waters of the State, the fishery is to be managed in accordance with the law of the Commonwealth; or

(b) that, in the case of a fishery wholly or partly in waters on the seaward side of the coastal waters of the State, the fishery is to be managed in accordance with the law of Tasmania.

(3) After an arrangement has been entered into but before it takes effect—

(a) licences, endorsements, and other instruments may be issued, renewed, made, or executed for the purposes of the operation of this Act as affected by the arrangement; and

(b) regulations may be made for those purposes, as if the arrangement had taken effect, but such a licence, endorsement, instrument, or regulation does not have effect before the arrangement takes effect.

(4) An arrangement may be terminated as provided by the Commonwealth Fisheries Act.

(5) On the termination of an arrangement, all licences, endorsements, and other instruments issued, made, or executed, and all regulations made, for the purposes of the operation of this Act, as affected by the arrangement, cease to have effect.

(6) After action for the purpose of the termination of an arrangement has been taken, but before the termination takes effect—

(a) licences and other instruments may be issued, renewed, made, or executed for the purposes of the operation of this Act, as affected by the termination of the arrangement; and

(b) regulations may be made for those purposes, as if the arrangement had been terminated, but such licences, instruments, or regulations do not have effect before the termination of the arrangement takes effect.

Application  
of this Act  
to fisheries  
in accordance  
with arrange-  
ments.

24I—Where an arrangement is in force under which a particular fishery is to be managed in accordance with the law of Tasmania, the provisions of this Act in so far as they relate to sea fisheries apply to and in relation to the fishery, except that those provisions do not apply to or in relation to that fishery—

- (a) in respect of foreign boats in Commonwealth proclaimed waters or operations on or from foreign boats, or persons on foreign boats, in Commonwealth proclaimed waters; or
- (b) in respect of matters that occurred in or in relation to Commonwealth proclaimed waters before the arrangement took effect.

Additional  
functions of  
Joint  
Authority.

24J—Where a Joint Authority fishery is to be managed in accordance with the law of Tasmania, the Joint Authority managing the fishery has the functions of—

- (a) keeping constantly under consideration the condition of the fishery;
- (b) formulating policies and plans for the good management of the fishery; and
- (c) for the purposes of the management of the fishery, exercising the powers conferred on it by this Act and co-operating and consulting with other authorities, including other Joint Authorities within the meaning of the Commonwealth Fisheries Act, in matters of common concern.

Joint Authority  
to exercise  
certain powers  
to the exclu-  
sion of State  
Minister.

24K—(1) Subject to this section, a licence issued or renewed under regulations made under section 9 does not authorize the doing of any act or thing in or in relation to a Joint Authority fishery.

(2) In respect of a Joint Authority fishery that is to be managed in accordance with the law of Tasmania, the powers conferred before or after the commencement of section 10 of the *Fisheries Amendment (Commonwealth-State Arrangements) Act 1981* on the Minister, his delegate, or an officer by or under this Act (this Part excepted) and by regulations made under section 9 (including his powers with respect to the issue, renewal, cancellation, and suspension of licences) are exercisable by the Joint Authority to the exclusion of the State Minister, his delegate, and any such officer.

(3) A licence issued under this Act by a Joint Authority shall provide that it does not apply in relation to a Joint Authority fishery, or Joint Authority fisheries, not managed by that Joint Authority.

(4) A Joint Authority may endorse a licence issued under regulations made under section 9 (including such a licence issued by that Joint Authority or by another Joint Authority) so as to extend the operation of the licence to matters to which the licensing powers of the Joint Authority under this Part are applicable and, where such an endorsement is made—

(a) the endorsement ceases to have effect if the licence ceases to have effect; and

(b) the Joint Authority may cancel or suspend the endorsement as if the endorsement were a licence granted or issued by the Joint Authority.

(5) Subject to section 24N (1) (a) and (b), where, at a time when a fishery becomes a Joint Authority fishery, a regulation, order, or notification under this Act would, but for this subsection, apply to the fishery, the regulation, order, or notification, as the case may be, ceases to apply to the fishery.

(6) This section does not empower a Joint Authority to issue, or to take other action in relation to, a licence in respect of a foreign boat or to endorse such a licence.

24L—For the purposes of the prosecution of a person for an offence against regulations made under section 9 in respect of anything done to or in relation to fish to which a Joint Authority fishery relates or otherwise in relation to a Joint Authority fishery—

Application of certain provisions relating to offences against regulations under section 9.

(a) a reference in those regulations to a fishing-boat licence shall be read as a reference to a licence, or to an endorsement of a licence, renewed, issued, or made by the relevant Joint Authority, in relation to the boat alleged to have been used in the commission of the offence;

- (b) a reference in those regulations to a fisherman's licence shall be read as a reference to a licence, or an endorsement of a licence, issued, renewed, or made by the relevant Joint Authority authorizing the holder, subject to this Act and those regulations, to use a fishing-boat for or in connection with the taking of fish or to sell fish;
- (c) a reference in those regulations to any kind of commercial licence shall be read as a reference to a licence, or an endorsement of a licence, issued, renewed, or made by the relevant Joint Authority authorizing, subject to this Act and those regulations—
  - (i) the taking commercially of fish of a kind specified in the licence;
  - (ii) the use of a specified kind of equipment for the purpose of enabling fish, or fish of a specified kind, to be taken commercially; or
  - (iii) the use of a specified method for the purpose of enabling fish, or fish of a specified kind, to be taken commercially, as the circumstances of the case require; and
- (d) a reference in those regulations to taking fish, or a particular kind of fish, from State fishing waters, or a specified part of State fishing waters, shall be read as a reference to taking fish to which the Joint Authority fishery relates.

Presumption  
relating to  
certain  
statements.

24M—A statement in an arrangement to the effect that specified waters—

- (a) in the case of an arrangement to which the Commonwealth and the State are the only parties—are waters adjacent to the State; and
- (b) in the case of any other arrangement—are waters adjacent to the States that are parties to the arrangement or are waters adjacent to a specified State or States,

shall, for the purposes of this Act, be conclusively presumed to be correct.

24N—(1) Where a Joint Authority is to manage a fishery <sup>Regulations.</sup> in accordance with the law of Tasmania, the Governor may, for the purpose of giving effect to a decision of the Joint Authority—

- (a) make regulations for the management of the fishery;
- (b) make a regulation that provides for another regulation, which is made otherwise than pursuant to this section, to apply to or in relation to the fishery; or
- (c) amend a regulation made otherwise than pursuant to this section so that it is expressed to apply to the fishery, whether or not it also applies to any other fishery.

(2) The power conferred on the Governor to make regulations under a provision of this Act other than subsection (1) does not extend to the making of a regulation of a kind referred to in subsection (1) (a) or (b) or to the amendment of a regulation in the manner referred to in subsection (1) (c).

(3) Where a regulation affecting a fishery that is to be managed by a Joint Authority is expressed to be made pursuant to this section, it shall be conclusively presumed that it was made for the purpose of giving effect to a decision of the Joint Authority.

11—Section 36 of the Principal Act is amended as follows:—

Amendment of  
section 36  
of Principal  
Act (Regula-  
tions under  
Part III).

(a) by omitting paragraph (p) of subsection (1) and substituting the following paragraph:—

(p) providing for a contravention of, or a failure to comply with, a provision of the regulations to be an offence and—

- (i) prescribing in respect of any such offence a penalty not exceeding \$2 000 and, where the offence is of a continuing nature, a daily penalty not exceeding \$100 for each day during which the offence continues;

- (ii) prescribing a minimum penalty for any such offence and, subject to subparagraph (i), prescribing different maximum penalties for successive offences;
  - (iii) providing in respect of any such offence for the imposition of a special penalty not exceeding \$100 in relation to each fish, or fish of any kind or species, taken, bought, sold, offered, or exposed for sale in or connection with the commission of the offence, or in the possession of any person committing the offence, or in relation to each net, engine, or other article of any kind used by or in the possession of a person committing the offence; and
  - (iv) providing that any special penalty referred to in subparagraph (iii) may be imposed for an offence in addition to any other penalty that may be imposed for the offence;
- (b) by omitting from subsection (3) "tidal" and substituting "State fishing".

Amendment of  
section 45 of  
Principal Act  
(Penalties for  
certain  
offences).

**12**—Section 45 (a) of the Principal Act is amended by omitting "tidal" and substituting "State fishing".

Amendment of  
section 52A  
of Principal  
Act (Prohibition  
on use,  
&c., of  
explosives,  
noxious  
materials, &c.,  
in water).

**13**—Section 52A of the Principal Act is amended by omitting "tidal", wherever occurring, and substituting "State fishing".

Amendment of  
section 52B  
of Principal  
Act (Removing  
fish from  
traps, &c.).

**14**—Section 52B of the Principal Act is amended by omitting "tidal" and substituting "State fishing".

**15**—Section 54 (1) of the Principal Act is amended as follows:—

Amendment of  
section 54  
of Principal  
Act (Entry  
on lands).

- (a) by inserting “State fishing or inland ” after “ borders of any ”;
- (b) by inserting “ such ” after “ enter upon any ”;
- (c) by inserting “ such ” after “ communicating with any ”.

**16**—Section 68 (1) of the Principal Act is amended as follows:—

Amendment of  
section 68 of  
Principal Act  
(Evidence of  
source of  
fish).

- (a) by inserting “, including a Joint Authority fishery within the meaning of section 24A that is managed in accordance with the law of Tasmania,” after “ every fishery ”;
- (b) by inserting “ such ” after “ from any ”.

**17**—(1) The heading to the third Schedule to the Principal Act is amended by omitting the reference to section 3A and substituting a reference to section 3B.

Amendment of  
third Schedule  
to Principal  
Act (Seaward  
limit of  
certain  
rivers).

(2) Part II of the third Schedule to the Principal Act is amended by omitting the matter relating to the Great Forester River and the Kermadie River.

