

**TASMANIA**

**INLAND FISHERIES (SAVINGS AND TRANSITIONAL)
ACT 1995**

No. 111 of 1995

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**INLAND FISHERIES (SAVINGS AND TRANSITIONAL)
ACT 1995**

No. 111 of 1995

AN ACT to provide for matters of a savings and transitional nature arising as a consequence of the repeal of the *Fisheries Act 1959*

[Royal Assent 8 December 1995]

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:—

PART 1

PRELIMINARY

Short title

1—This Act may be cited as the *Inland Fisheries (Savings and Transitional) Act 1995*.

Commencement

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

Interpretation

3—In this Act—

- “**commencement day**” means the day on which the new Act commences;
- “**commercial licence**” means a commercial licence within the meaning of the new Act;
- “**Commission**” means the Inland Fisheries Commission established under the new Act;
- “**fish farm licence**” means a fish farm licence within the meaning of the new Act;
- “**former Act**” means the *Fisheries Act 1959*;
- “**former regulations**” means the *Inland Fisheries Regulations 1973*;
- “**new Act**” means the *Inland Fisheries Act 1995*;
- “**recreational licence**” means a recreational licence within the meaning of the new Act.

PART 2**LICENCES, PERMITS AND REGISTRATIONS****Applications for licences**

4—Any application for a licence made under Part III of the former Act or the former regulations and not determined before the commencement day ceases to have effect on that day.

Recreational licences

5—(1) An angling licence or a licence to take whitebait in force under the former regulations immediately before the commencement day is, on that day, a recreational licence under the new Act.

(2) A recreational licence—

- (a) is subject to the same conditions as it was under the former regulations; and
- (b) is taken to have commenced on the date of issue of the licence under the former regulations; and
- (c) continues in force for the remainder of its term unless the Commission sooner cancels it.

(3) The Commission may revoke or vary any condition of a licence referred to in subsection (1).

Exemptions

6—(1) An exemption from holding an angling licence in force under the former regulations immediately before the commencement day continues, on that day, to be in force until the Commission revokes it.

(2) An exemption is subject to the same conditions as it was under the former regulations.

Commercial licences

7—(1) Any of the following licences in force under the former regulations immediately before the commencement day is, on that day, a commercial licence under the new Act:—

- (a) a feeding eel licence;
- (b) a migrating eel licence;
- (c) an assistant eel fisherman's licence;
- (d) a juvenile eel licence.

(2) A commercial licence—

- (a) is subject to the same conditions as it was under the former regulations; and
- (b) is taken to have commenced on the date of issue of the licence under the former regulations; and
- (c) continues in force for the remainder of its term unless the Commission sooner cancels it.

(3) The Commission may revoke or vary any condition of a licence referred to in subsection (1).

Fish farm licences

8—(1) A fish farm licence in force under the former Act immediately before the commencement day is, on that day, a fish farm licence under the new Act.

(2) A fish farm licence—

- (a) is subject to the same requirements as it was under the former Act; and
- (b) is taken to have commenced on the date of issue of the licence under the former Act; and
- (c) continues in force for a period of 2 years from the commencement day unless the Minister sooner cancels it.

(3) The Minister may revoke or vary any requirement to which a fish farm licence is subject.

(4) The Minister must not vary a requirement of a fish farm licence by reducing the level of production of Atlantic salmon below any level of production—

- (a) for transfer to a marine farm licensed under the former Act during the period 1 July 1995 to 30 June 1996 inclusive; and
- (b) as determined by the Minister.

Permits for certain purposes

9—(1) A permit issued by the Commission and in force under the former Act immediately before the commencement day continues, on that day, to be in force until whichever of the following occurs first:—

- (a) the permit expires;
- (b) the Commission cancels it;
- (c) a period of 12 months after the commencement day has elapsed.

(2) A permit is subject to the same conditions as it was under the former Act.

Wholly private fishery

10—(1) A wholly private fishery registered under the former regulations immediately before the commencement day is, on that day, a registered private fishery under the new Act.

- (2) The registration of a private fishery—
- (a) is subject to the same requirements and restrictions as it was under the former regulations; and
 - (b) is taken to have commenced on the date of issue of the certificate of registration under the former regulations; and
 - (c) continues in force for the remainder of its term unless the Commission sooner cancels it.

PART 3**MISCELLANEOUS****Seizure**

11—Anything seized under the former Act and not dealt with before the commencement day may be dealt with under that Act.

Officers

12—A person who was an officer for the purposes of Part III of the former Act immediately before the commencement day is, on that day, an officer under the new Act for—

- (a) a period of 6 months; or
- (b) a lesser period the Secretary of the Department determines.

Employees

13—A person who was an employee for the purposes of Part III of the former Act immediately before the commencement day is, on that day, an employee for the purposes of the new Act.

Commissioner

14—(1) The Commissioner of Inland Fisheries appointed under the former Act and holding office immediately before the commencement day is, on that day, the Commissioner of Inland Fisheries under the new Act until—

- (a) the original appointment expires; or
- (b) the Governor sooner terminates the appointment.

(2) An Associate Commissioner of Inland Fisheries appointed under the former Act and holding office immediately before the commencement day is, on that day, an Associate Commissioner of Inland Fisheries under the new Act until—

- (a) the original appointment expires; or
- (b) the Governor sooner terminates the appointment.

Registers

15—Any register kept by the Commission under the former Act immediately before the commencement day is, on that day, a register kept under section 196 of the new Act.

Returns and records

16—Any returns or records kept or lodged for the purposes of Part III of the former Act immediately before the commencement day are, on that day, records kept under the new Act.

Regulations continue

17—(1) Former regulations in force immediately before the commencement day continue, on that day, to be in force until whichever of the following occurs first:—

(a) they are rescinded;

(b) a period of 12 months after the commencement day has elapsed.

(2) A provision of the new Act or of any regulations, orders, declarations or notices made under that Act which is inconsistent with the provision of the former regulations prevails over the latter provision to the extent of that inconsistency.

Regulations

18—(1) The Governor may make regulations for the purpose of this Act.

(2) The regulations may provide for matters of a savings and transitional nature in relation to this Act or the former Act.

(3) Regulations made under this section may take effect from the commencement of this Act or a later date.

Administration of Act

19—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Minister for Inland Fisheries; and
- (b) the Department responsible to the Minister for Inland Fisheries in relation to the administration of this Act is the Department of Environment and Land Management.

*[Second reading presentation speech made in:—
House of Assembly on 14 November 1995
Legislative Council on 15 November 1995]*