

Fisheries (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 24 May 1994

(Brought in by Mr Coleman and Mr Gude)

A BILL

to amend the **Fisheries Act 1968** and the **Conservation, Forests and Lands Act 1987** and for other purposes.

Fisheries (Amendment) Act 1994

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is—

(a) to amend the **Fisheries Act 1968**—

- 5
- (i) to create new abalone processors' and abalone storers' licences; and
- (ii) to enable the better enforcement of the abalone fishing provisions of the Act; and
- 10
- (iii) to increase the seizure powers of authorised officers and to enable authorised officers to obtain a warrant to search dwellings; and

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

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- (iv) to change the way fish-culture permit fees are to be calculated; and
- (v) to make other changes to improve the operation of the Act; and
- (b) to amend the **Conservation, Forests and Lands Act 1987** to extend the range of legal proceedings in which authorised officers can represent the Department. 5

2. Commencement

- (1) This section and sections 1, 4–6, 12 (1), 13, 19–26 and 28–34 come into operation on the day on which this Act receives the Royal Assent. 10
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed. 15
- (3) If a provision referred to in sub-section (2) does not come into operation before 1 December 1995, it comes into operation on that day.

3. Amendments to definitions

- In section 3 (1) of the **Fisheries Act 1968**— 20
 - (a) before the definition of “**authorised officer**” insert—
 - “**abalone processor’s licence**” means a licence to process abalone under section 13;
 - “**abalone storer’s licence**” means a licence to store abalone under section 13;’; 25
 - (b) after the definition of “**close season**” insert—
 - “**commercial abalone equipment**” means any device or mechanical contrivance which is designed for use, or is capable of being used, for or in connection with the taking of abalone and includes any underwater breathing apparatus, knife, probe, iron lever or bar; 30

“commercial fishing equipment” means—

- (a) any fish trap, crayfish pot, dredge, longline, hoop net or any kind of fishing net; or
- 5 (b) any electrical or sonar device that is designed for use, or is capable of being used, for or in connection with the taking of fish; or
- 10 (c) any other device or mechanical contrivance that is designed for use, or is capable of being used, for or in connection with the taking of fish (including any tipper used in connection with a scallop dredge); or
- 15 (d) any pot or net not more than 90 centimetres long nor more than 30 centimetres high nor more than 90 centimetres wide, which is designed for use, or is capable of being used, for or in connection with the taking of
- 20 yabbies; or
- 25 (e) any drop line or fishing line left fixed or set in water whether or not the line is set from the shore or from a buoy or other object (including fishing lines, hooks and snoods designed to be so left or fixed, but not including handlines and rods and reels); or
- 30 (f) any rod and line, handline, dip net, shrimp or minnow trap, landing net, gaff, spear gun, hand held spear, amateur hoop net, hauling net, mesh net or other amateur fishing equipment when being used by, or under the supervision of, the holder of
- 35 a commercial fishing licence under

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Part III as part of a commercial operation—

but does not include commercial abalone equipment unless, in a particular case, that equipment is also designed for use, or is capable of being used, for or in connection with the commercial taking of fish other than abalone;’;

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(c) for the definition of “**Commonwealth Act**” substitute—

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

(d) after the definition of “**public authority**” insert—

15

“**purse seine net licence**” means a licence for taking fish for sale by the use of purse seine nets, lampara nets or ring nets under section 14;’.

4. Minister may exempt aquaculture activities from the Fisheries Act

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In section 4 (1) of the Fisheries Act 1968, after “education” insert “, aquaculture”.

5. Repeal of defunct provision

Section 6A of the Fisheries Act 1968 is repealed.

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6. Updating of various administrative references

In the Fisheries Act 1968—

(a) for sections 6B (2) (a), (b) and (c) substitute—

“(a) a Chairperson nominated by the Secretary;

(b) 2 other people nominated by the Secretary;”;

30

(b) in section 6B (3), omit “(c),”;

(c) in sections 6B (5) and (6) (d), for “chairman” substitute “Chairperson”;

- (d) in section 6C (1), **omit** “Within the Commercial Fisheries Branch”;
- (e) for sections 6C (1) (a) and (b), **substitute**—
“*(a)* a Chairperson nominated by the Secretary;
5 *(b)* another person nominated by the Secretary;”;
- (f) in section 6C (3) (a), **omit** “paragraphs (b), (c) or (d) of”;
- (g) in section 6C (3) (b), **omit** “who do not hold office *ex officio*”;
- 10 *(h)* in sections 6C (3) (d) and (4), for “chairman” **substitute** “Chairperson”;
- (i)* in sections 6D (2) (a) (i) and (d), for “chairman” **substitute** “Chairperson”;
- 15 *(j)* for section 6D (2) (a) (ii) **substitute**—
“*(ii)* one is to be a person nominated by the Secretary;”;
- (k)* in section 6D (4), for “the secretary of the Commercial Fisheries Branch” **substitute** “the registrar of the Tribunal”.
- 20

7. Updating of references to Commonwealth legislation

In the **Fisheries Act 1968**—

- (a) in section 9A—
- 25 (i) in the definition of “**Commonwealth Minister**”, for “section 12C” **substitute** “section 60”;
- (ii)* for the definition of “**Commonwealth proclaimed waters**” **substitute**—
30 “**Commonwealth proclaimed waters**” means the AFZ (Australian fishing zone) as defined under the Commonwealth Act;”;

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(iii) for the definition of **“Joint Authority”** substitute—

“Joint Authority” means any Joint Authority established under Part 5 of the Commonwealth Act of which the Minister is a member;’; 5

(b) in section 9B, for **“Part IVA”** substitute **“Part 5”**;

(c) in section 9F, for **“The provisions of section 12F sub-sections (1)–(8)”** substitute **“Sections 66, 67 and 68”**; 10

(d) in section 9G, for **“section 12G”** substitute **“section 70”**;

(e) in section 9H—

(i) for **“section 12J”** substitute **“section 74”**;

(ii) for **“section 12H”** substitute **“section 71 or 72”**. 15

8. *Creation of abalone processors’ and abalone storers’ licences*

In section 13 of the **Fisheries Act 1968**—

(a) after sub-section (1) (e) insert— 20

“(ea) to process abalone;

(eb) to store abalone;”;

(b) in sub-section (5), after **“from the shore”** insert **“or by the use of commercial abalone equipment or commercial fishing equipment”**; 25

(c) in sub-section (6), for **“fish for”** substitute **“all fish other than abalone for”**;

(d) after sub-section (6) insert—

“(6A) A licence to process abalone entitles the holder to clean, cook, preserve, pack or otherwise prepare, process or store on the premises specified in the licence abalone and other fish. 30

(6B) A licence to store abalone entitles the holder—

(a) to store (but not to otherwise prepare or process) abalone that has been packaged or processed on other premises; and

(b) to move packages of processed abalone from one container to another container—

on the premises specified in the licence.”.

9. Consequential amendments concerning new licences

In section 13D of the **Fisheries Act 1968**—

(a) for “processor’s licence endorsed for the processing of abalone” (wherever occurring) **substitute** “abalone processor’s licence”;

(b) in sub-section (6)—

(i) for “a processor’s” **substitute** “an abalone processor’s”;

(ii) for “the processor’s” (wherever occurring) **substitute** “the”;

(c) in sub-section (7), **omit** “processor’s” (wherever occurring).

10. Modification of trawl net licences and creation of purse seine net licences

(1) For section 14 (1) (d) of the **Fisheries Act 1968** **substitute**—

“(d) for taking fish for sale by the use of Danish seine nets or trawl nets;

(e) for taking fish for sale by the use of purse seine nets, lampara nets or ring nets.

(2) In section 14 (5) of the **Fisheries Act 1968**, for “, trawl nets, lampara nets, or purse seine nets” (wherever occurring) **substitute** “or trawl nets”.

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(3) After section 14 (5) of the **Fisheries Act 1968**
insert—

“(5A) A licence for taking fish for sale by the use of
 purse seine nets, lampara nets or ring nets may
 be issued only to the person registered as the
 owner of a boat and entitles the person to
 employ the boat to take fish by the use of purse
 seine nets, lampara nets or ring nets except in
 any bay or inlet of the sea.”.

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(4) After section 15 (1) (j) of the **Fisheries Act 1968**
insert—

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“(k) for a purse seine net licence—\$125 or such
 greater amount as is prescribed from time to
 time.”.

**11. Fees for abalone processors’ and abalone storers’
 licences**

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After section 15 (1) (e) of the **Fisheries Act 1968**
insert—

“(ea) for an abalone processor’s licence—

(i) for the period before 1 April 1995, an
 impost calculated in accordance with the
 formula—

20

$$\$20\,000 \times \frac{D}{365}$$

where—

25

D is the number of days between the
 date the licence is acquired and 1
 April 1995;

(ii) from 1 April 1995, an annual impost
 calculated in accordance with the
 formula—

30

$$\$20\,000 \times \frac{BP \text{ Year X}}{BP \text{ Year Y}}$$

where—

BP Year X is the average beach price of abalone in the 12 months immediately preceding 1 April in the year in which the licence is issued or renewed;

BP Year Y is the average beach price of abalone in the period starting on 1 April 1993 and ending on 31 March 1994;

(*eb*) for an abalone storer's licence—\$500 or such greater amount as is prescribed from time to time;”.

12. Changes to fees provisions

(1) In section 15 (1) of the **Fisheries Act 1968**—

- (a) in paragraph (a), **omit** “not exceeding \$160”;
- (b) in paragraph (a) (i), **omit** “not exceeding \$40”;
- (c) in paragraphs (a) (ii), (iii) and (iv), **omit** “not exceeding \$140”;
- (d) in paragraph (a), **omit** “not exceeding \$30”;
- (e) in paragraph (c), **omit** “not exceeding \$130”;
- (f) in paragraph (c), **omit** “not exceeding \$40”;
- (g) in paragraph (e) (i), **omit** “not exceeding \$1100”;
- (h) in paragraph (e) (ii), **omit** “not exceeding \$400”;
- (i) in paragraph (e) (iii), **omit** “not exceeding \$180”;
- (j) in paragraph (e) (iii), **omit** all words and expressions after “from time to time”;
- (k) in paragraph (e) (iv), **omit** “not exceeding \$360”;
- (l) in paragraph (f), **omit** “not exceeding \$500”;
- (m) in paragraph (g), **omit** “not exceeding \$14”;

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- (n) in paragraph (g), for “\$50” **substitute** “\$100 or such greater amount as is prescribed from time to time”;
- (o) in paragraphs (h) (i) and (ii), **omit** “not exceeding \$5000”; 5
- (p) in paragraph (h) (iii), **omit** “not exceeding \$8000”;
- (q) in paragraph (i) (i), **omit** “not exceeding \$130”;
- (r) in paragraph (i) (ii), **omit** “not exceeding \$250”; 10
- (s) in paragraph (i) (iii), **omit** “not exceeding \$380”;
- (t) in paragraph (i) (iv), **omit** “not exceeding \$500”;
- (u) in paragraph (j), **omit** “not exceeding \$250”. 15
- (2) In section 15 (5) of the **Fisheries Act 1968**, for “sub-section (6)” **substitute** “sub-sections (6), (7) and (8)”.
- (3) After section 15 (6) of the **Fisheries Act 1968** **insert**— 20
- “(7) In the case of an abalone processor’s licence, the surcharge payable under sub-section (5) is \$180.
- (8) In the case of a fish culture permit (other than a permit which relates to the raising of prescribed types of aquarium fish), the surcharge payable 25
- under sub-section (5)—
- (a) in the case of a permit with respect to Victorian waters or Crown lands, is \$100; and
- (b) on the case of a permit with respect to 30
- private property, is \$20.”.
- 13. Licence conditions prescribed by regulation to automatically apply to licences and repeal of related redundant phrase**
- (1) In section 16 (4) of the **Fisheries Act 1968**, for “such conditions limitations and restrictions as the Minister 35

thinks fit or are prescribed and are expressed or referred to in the licence” **substitute—**

5 “(a) the conditions, limitations and restrictions that the Secretary thinks appropriate and that are expressed or referred to in the licence; and

(b) all relevant conditions, limitations and restrictions that are set out in the regulations—”.

10 (2) In section 13 (2) of the **Fisheries Act 1968**, omit “and subject to this Act the conditions limitations and restrictions of the licence and the regulations and any fisheries notice”.

(3) Section 16 (4) of the **Fisheries Act 1968** (as amended by this section) applies to all licences in force on the date this section comes into operation.

15 **14. *Offences concerning the taking and processing etc. of abalone***

(1) After section 17 (1) of the **Fisheries Act 1968** **insert—**

20 “(1A) A person must not use any commercial abalone equipment to take more than the prescribed bag limit of abalone on one day unless the person holds an abalone licence.

Penalty: 100 penalty units or imprisonment for 6 months.

25 (1B) The holder of an abalone processor’s licence or an abalone storer’s licence must comply with any condition, limitation or restriction to which the licence is subject.

Penalty: 100 penalty units or imprisonment for 6 months.”.

30 (2) For section 17 (2) of the **Fisheries Act 1968** **substitute—**

35 “(2) The holder of any other licence under this Act must comply with any condition, limitation or restriction to which the licence is subject.

Penalty: 10 penalty units.”.

15. Changes concerning fish culture permits

In section 25 of the **Fisheries Act 1968**—

- (a) sub-sections (1) (b) (i) and (3) are **repealed**;
- (b) in sub-section (2), **omit** “made in the prescribed form”; 5
- (c) in sub-section (5), **omit**—
 - (i) “shall be in the prescribed form.”;
 - (ii) “as are prescribed and”;
- (d) in sub-section (6)—
 - (i) for “ten” **substitute** “21”; 10
 - (ii) **omit** all words and expressions after “applicant”.

16. Change to method of setting fish-culture permit fees

- (1) In section 26 (1) of the **Fisheries Act 1968**, for “A fee” **substitute** “An impost”. 15
- (2) In section 26 (2) of the **Fisheries Act 1968**, for “fee” (wherever occurring) **substitute** “impost”.
- (3) For section 26 (3) of the **Fisheries Act 1968 substitute**—
 - “(3) The impost to be paid for a fish-culture permit is to be the amount specified in the permit by the Secretary having regard to the commercial value of the permit. 20
- (4) In determining an impost, the Secretary must take into account— 25
 - (a) the nature of the operation to be carried out under the permit and its likely output;
 - (b) the size of the operation and the size of the area of the waters and land that will be used in the operation; and 30
 - (c) the status and future prospects of the aquaculture industry and the operation to be carried out under the permit;

5 (d) the amount already spent by the Government of Victoria on aquaculture development, with a view to recouping any amount that can fairly and practicably be recouped under the permit;

10 (e) the costs likely to be incurred by the Government of Victoria in relation to the granting of the permit and future assistance to, and supervision of, the permit holder, with a view to recouping those costs if practicable;

(f) the cost to the permit holder of—

15 (i) the installation and maintenance of any navigation marks required by the permit;

(ii) any contributions the conditions of the permit require the permit holder to make to any Statewide Stock Compensation arrangement;

20 (iii) any monitoring of water and product quality the permit requires the permit holder to undertake;

25 (iv) any premiums the permit holder is required to pay in respect of any public or product liability or other insurance the permit requires the permit holder to take out;

30 (v) any other service or activity the conditions of the permit require the holder to provide or undertake.

(5) Despite sub-section (4), the Secretary may set the impost for a fish-culture permit by accepting—

35 (a) the amount tendered by anyone responding to a public call for such tenders by the Secretary; or

(b) the amount determined by the Valuer-General (acting as an expert) at the invitation of the Secretary.

- (6) The Secretary must review the amount of a fish-culture permit impost every 3 years.
- (7) If, after a review, the Secretary and the permit holder cannot agree on the amount of the impost, the permit holder may require the Secretary to seek the opinion of the Valuer-General (acting as an expert) as to what is a fair impost having regard to the matters listed in sub-section (4). 5
- (8) In forming an opinion the Valuer-General must also have regard to any written submissions made by the Secretary or the permit holder. 10
- (9) If the Valuer-General has been asked to give an opinion under sub-section (7), the impost to be paid for the fish-culture permit is the amount determined by the Valuer-General.” 15

17. Substitution of section 27

For section 27 of the **Fisheries Act 1968** substitute—

“27. Variation of permits 20

The Secretary may vary the conditions of a fish-culture permit at any time with the written consent of the permit holder.”

18. Changes to the fish-culture permit transfer provisions

In section 29 of the **Fisheries Act 1968**— 25

- (a) before “A fish-culture” insert “(1)”; 25
- (b) for “prescribed fee” substitute “transfer impost fixed by the Secretary having regard to the commercial value of the permit after consultation with the permit holder”; 30
- (c) at the end of the section insert—
 - “(2) If the permit holder believes the impost fixed by the Secretary is too high, the permit holder may require the Secretary to

seek the opinion of the Valuer-General (acting as an expert) as to what is a fair transfer impost having regard to the commercial value of the permit.

5 (3) In forming an opinion the Valuer-General must have regard to any written submissions made by the Secretary, the permit holder and any person seeking to take over the permit, and to anything else
10 the Valuer-General considers relevant.

(4) If the Valuer-General has been asked to give an opinion under sub-section (2), the transfer impost to be paid is the amount determined by the Valuer-General.”.

15 **19. *Widening of grounds for cancellation of fish-culture permits***

After section 35 (1) (b) of the **Fisheries Act 1968** insert—

20 “(c) that the holder of a fish-culture permit has ceased operations in the area to which the permit relates—”.

20. *Increase in special fishing equipment permit fee for taking noxious fish*

25 In section 42A (3) of the **Fisheries Act 1968**, for “\$25” substitute “\$100 or such greater amount as is prescribed from time to time”.

21. *Authorised officers may seize contaminated fish*

30 In section 48 (1) (ea) of the **Fisheries Act 1968**, after “symptom” insert “or are contaminated in a way, or are in a state, that might render them dangerous for consumption by humans or animals”.

22. *Authorised officers to be able to inspect and seize documents*

After section 48 (1) (f) of the **Fisheries Act 1968** insert—

- “(g) inspecting any document kept in connection with the taking, processing, marketing, storage, carriage, purchase, sale or distribution of any fish; 5
- (h) seizing any such document if, in the reasonable belief of the authorised officer, the document may assist in the enforcement of this Act.”. 10

23. *Insertion of sections 48A and 48B*

After section 48 of the **Fisheries Act 1968** insert—

- “48A. *Authorised officers’ powers to search dwellings*** 15
- (1) A magistrate may issue a warrant to an authorised officer or a member of the police force to enter any dwelling-house specified in the warrant at any time.
 - (2) A magistrate may only issue the warrant if he or she is satisfied by information on oath that there are reasonable grounds for suspecting— 20
 - (a) that an offence against this Act, a regulation or a fisheries notice has just occurred or is occurring or is about to occur at the dwelling-house; or 25
 - (b) that evidence of an offence against this Act, a regulation or a fisheries notice is present at the dwelling-house. 30
 - (3) The warrant authorises the authorised officer or member of the police force to—

(a) enter and search the dwelling-house specified in the warrant;

(b) seize any evidence of an offence against any law (including fish, equipment and documents) found at the dwelling-house and anything that the officer or member believes, on reasonable grounds, may be evidence of an offence against this Act, a regulation or a fisheries notice;

(c) seize and destroy any noxious fish and any fish which he or she believes on reasonable grounds—

(i) is suffering from any prescribed notifiable disease or is exhibiting any prescribed notifiable symptom; or

(ii) is contaminated in a way, or is in a state, that might render it dangerous for consumption by humans or animals—

that are found at the dwelling-house;

(d) use any assistance or force that may be reasonably necessary to do any of the things listed in paragraph (a), (b) or (c).

(4) A magistrate may issue the warrant to have effect for up to 72 hours after it is issued.

(5) A warrant has no force unless it is signed by the magistrate who issued it and there is included on it—

(a) the address of the dwelling-house in respect of which it has been issued; and

(b) the name of the person to whom it has been issued; and

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- (c) the date and time at which it expires;
and
- (d) a copy of this section.

48B. Provisions relating to the seizure of items

- (1) If an authorised officer or a member of the police force seizes any thing under section 48 (1) or 48A from a person who is present at the time of the seizure, the officer or member must immediately give the person a written receipt for the thing seized. 5
10
- (2) In all other cases, if an authorised officer or a member of the police force seizes a thing and it is not possible to immediately give the owner of the thing, or an appropriate agent of the owner, a receipt for it, the officer or member must as soon as is practicable send a receipt for it by post to the last known address of the owner of the thing. 15
20
- (3) If it is not possible to ascertain the identity or the address of the owner of any thing that has been seized, the receipt must be left with, or be posted to, the owner of the premises from which the thing was seized. 25
- (4) A receipt must contain sufficient detail to enable the thing seized to be identified.
- (5) An authorised officer or a member of the police force who seizes a document must also, as soon as is practicable, give or send a copy of the document to the person from whom the document was seized or to the owner of the document.”. 30

24. Extension of seizure power of authorised officers

(1) After section 49 (1) of the **Fisheries Act 1968** insert—

5 “(1A) An authorised officer or member of the police force may seize any thing (including boats, trailers, aircraft, motor vehicles, non-motor vehicles, communications equipment, viewing or scanning devices, fishing equipment, diving equipment, processing equipment, fish, tools, electronic equipment, provisions and materials) that is being used by, or that is in the possession of, a person who has just committed, is committing or appears to be just about to commit, an offence against this Act, the regulations or a fisheries notice.”

(2) In section 49 (2) of the **Fisheries Act 1968**, after “sub-section (1)” insert “or (1A)”.

(3) For section 49 (4) of the **Fisheries Act 1968** substitute—

20 “(4) If the use of any thing seized is not prohibited by this Act or the regulations or a fisheries notice, a court finding any offence in respect of which the seizure was made proven may order the forfeiture of the thing or order that it be returned to the defendant or its owner (as the case requires).”

(4) In section 49 of the **Fisheries Act 1968**—

(a) in sub-section (5)—

30 (i) for “Where equipment” substitute “If any thing”;

(ii) for “28 days” substitute “60 days”;

(iii) for “such equipment” substitute “the thing”;

35 (b) in sub-section (6), for “equipment” substitute “thing”.

(5) Sections 17 (5), (6) and (7) of the Fisheries Act 1968 are repealed.

25. Insertion of section 62A

After section 62 of the Fisheries Act 1968 insert—

“62A. Contaminated fish not to be taken, processed or sold

- (1) A person must not take any fish from any water that is contaminated by algal blooms or by any other visible form of contamination that might render the fish poisonous for consumption by humans or animals. 1
- (2) A person must not take any fish from any water that the person knows is contaminated in a way that might render the fish poisonous for consumption by humans or animals. 1
- (3) A person must not process, sell or offer, expose or consign for sale any fish that the person knows was taken from water contaminated by algal blooms or by anything else that might render the fish poisonous for consumption by humans or animals. 2
- (4) A person must not attempt to do anything that is prohibited by this section. 2
Penalty: 20 penalty units.”

26. Insertion of section 73A

After section 73 of the Fisheries Act 1968 insert—

“73A. Reversal of onus of proof concerning possession of abalone 30

A person who is in a boat, aircraft, car or other vehicle, or on any premises, in or on which there is abalone is deemed to be in

possession of that abalone until the contrary is proved.”.

27. *Compulsory suspension or cancellation of abalone processor's etc. licence*

5 For section 76B (1) of the **Fisheries Act 1968**
substitute—

0 “(1) If a court finds proven an offence by a person relating to the taking, possession or control of abalone under this Act or the regulations or a fisheries notice, on the application of the informant or a person authorised by the informant, the court must—

5 (a) in the case of the first such offence—
suspend for one month any abalone, abalone processor's or abalone storer's licence held by that person; and

0 (b) in the case of a second such offence—
suspend for 6 months any abalone, abalone processor's or abalone storer's licence held by that person; and

5 (c) in the case of a third or subsequent offence—cancel any abalone, abalone processor's or abalone storer's licence held by that person and disqualify the person from obtaining such a licence for a period of not less than 12 months.”.

28. *Substitution of section 77*

For section 77 of the **Fisheries Act 1968**
substitute—

10 “**77. *Cancellation or suspension of licence etc. if offence proven***

15 (1) This section applies if a court finds proven an offence against this Act or the regulations or a fisheries notice by the holder of any licence, permit or authority under this Act or the regulations.

(2) In addition to, or in place of, any other penalty the court may impose, the court may order that the licence, permit or authority be suspended for the period the court thinks appropriate or be cancelled.

(3) If the court orders the cancellation of a licence, permit or authority, it may disqualify the person against whom the offence was found proven from obtaining such a licence, permit or authority again for any period it thinks appropriate.”

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29. Fisheries notices may be extended by 9 months

(1) In section 80 (2) (c) of the **Fisheries Act 1968**, for “3” substitute “12”.

(2) Section 80 (2) (c) of the **Fisheries Act 1968** as amended by sub-section (1) only applies to fisheries notices published after the commencement of this section.

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30. Boat registration fees etc.

In section 81 (1) (c) of the **Fisheries Act 1968**, omit “of \$30 or such greater amount not exceeding \$60 per annum”.

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31. Regulations may provide for exemptions

(1) After section 81 (1) (d) of the **Fisheries Act 1968** insert—

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“(da) exempting any person or body, or a specified class of people or bodies, from having to hold a licence under this Act in specified circumstances;”

(2) After section 81 (2A) of the **Fisheries Act 1968** insert—

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“(2B) Any such regulation may provide for the exemption of a specified person, body or thing or a specified class of people, bodies or things from any of the provisions of the

3

regulations, either unconditionally or on specified conditions, and either partly or wholly.”.

5 **32. Extension of list of legal proceedings authorised officers to be able to take on behalf of the Department**

In section 96 (1) of the **Conservation, Forests and Lands Act 1987**, for all words after “may take” substitute—

-)
- “(a) proceedings for an offence against a relevant law;
 - (b) other proceedings provided for in this Act;
 - (c) proceedings on behalf of the Department or the Secretary.”.

5 **33. Changes to outdated references to Director-General**

(1) In section 3 (1) of the **Fisheries Act 1968**—

- (a) the definition of “**Director-General**” is **repealed**;
- (b) after the definition of “**regulation**” insert—

)

“**Secretary**” means the body corporate called the Secretary to the Department of Conservation and Natural Resources established by Part 2 of the **Conservation, Forests and Lands Act 1987**;’.

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- (2) In sections 6B (9), 6C (6), 6D, 7, 8, 9K (2), 13, 13A, 13B, 13C, 14, 14A, 15, 16, 21 (1), 25, 27, 28, 29, 30, 33, 35, 40, 42, 42A, 43B, 44, 49 (5), 55, 56, 57, 62 (4), 63, 72 (3), 78 and 80 (1) (f) of the **Fisheries Act 1968**, for “**Director-General**” (wherever occurring) substitute “**Secretary**”.
 - (3) In sections 13AA and 13AB of the **Fisheries Act 1968**, for “**Director**” (wherever occurring) substitute “**Secretary**”.
-)

34. Statute law revision

- (1) Section 2 (2) of the **Fisheries Act 1968** is repealed.
- (2) In section 81 (1) (*am*) of the **Fisheries Act 1968**, for “Division” substitute “Department”.

