TASMANIA

LIVING MARINE RESOURCES MANAGEMENT AMENDMENT (LICENSING) BILL 2009

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LIVING MARINE RESOURCES MANAGEMENT AMENDMENT (LICENSING) BILL 2009

(Brought in by the Honourable James Scott Wilkinson)

A BILL FOR

An Act to amend the Living Marine Resources Management Act 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:

1. Short title

This Act may be cited as the Living Marine Resources Management Amendment (Licensing) Act 2009.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the Living Marine Resources Management Act 1995* is referred to as the Principal Act.

*No. 25 of 1995
4. **Section 78A inserted**

After section 78 of the Principal Act, the following section is inserted in Division 5:

**78A. Grant of licence previously cancelled**

(1) Despite section 78(2A), the Minister may grant an application for a licence, subject to any condition the Minister determines, if satisfied that –

(a) the licence is to replace a former licence of the same kind; and

(b) it has been at least 5 years since the date of the offence that resulted in the 200th demerit point being allocated to the licence; and

(c) the former licence ceased to be in force before the commencement of the *Living Marine Resources Management (Miscellaneous Amendments) Act 2007*; and

(d) the applicant –

(i) was the holder of the former licence at the time the licence ceased to be in force; and

(ii) was not the person convicted of any of the
(iii) is a fit and proper person to hold the licence; and

(iv) has satisfied the Minister that he or she has not received, and is unlikely to receive, compensation for the former licence through any other action; and

(v) has complied with this Act; and

(vi) within 5 years before the date of the application, has not been convicted of any offence under this Act, any other Act or a corresponding law which the Minister considers relevant to the holding of a licence; and

(e) granting the application is unlikely to contravene a management plan; and

(f) there are no environmental or resource constraints in granting the application; and
(g) the applicant is, in the case of a natural person who is applying for a licence for commercial purposes, an adult; and

(h) the applicant has paid the appropriate levies, fees and charges; and

(i) it is appropriate to do so.

(2) The Minister may refuse to grant a licence if not satisfied as required under subsection (1).

(3) The Minister may delegate to any person the power to grant or refuse an application under this section for particular types or classes of licences.

(4) For the purposes of Division 3 of Part 10, a decision to grant or refuse an application for a licence under this section is a prescribed decision.

(5) This section expires one year after the *Living Marine Resources Management Amendment (Licensing) Act 2009* commences.

(6) In this section –

“former licence” means a licence that ceased to be in force under section 247, as in force at the time the licence ceased to be in
force, as a result of having 200 demerit points allocated to it.