TASMANIA

WHALES PROTECTION (STATE SANCTUARY)
AMENDMENT BILL 2010

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 5A inserted
   5A – Tasmanian Whale Sanctuary
6. Section 6A inserted
   6A – prohibition on assisting in the taking, &c., of whales
7. Section 7A inserted
   7A – Assisting in the taking, &c., of whales permitted in certain circumstances

[Bill no 66]
A BILL FOR

An Act to amend the Whales Protection Act 1998 to declare state waters a Tasmanian Whale Sanctuary, and to make it an offence to assist any person in taking whales in State waters.

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 Whales Protection (State Sanctuary) Act 2010.

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

Principal Act
3. In this Act, the Whales Protection Act 1998* is referred to as the Principal Act.*

Section 3 amended (Interpretation)
4. Section 3 of the Principal Act is amended by inserting as follows:

(a) By inserting the following definition after that of “sell”:

“substantial contribution” means a contribution upon which the contravention of section 6 could not or was unlikely to have occurred.

(b) By inserting the following definition after that of “take”:

* No.58 of 1998.
“Tasmanian Whale Sanctuary” means all State waters pursuant to section 5 of the Living Marine Resources Management Act 1995.

Section 5A inserted

After section 5 of the Principle Act, the following is inserted:

5A – Tasmanian Whale Sanctuary

(1) The Tasmanian Whale Sanctuary is established in order to give formal recognition to the need for protection and management of whales;

(2) The Tasmanian Whale Sanctuary consists of all State waters as defined by section 5 of the Living Marine Resources Management Act 1995 (No. 25 of 1995)

Section 6A inserted

After section 6 of the Principle Act, the following is inserted:

6A – Prohibition on assisting in the taking, &c., of whales

(1) A person who knows or ought to have known that their actions –

(a) made a substantial contribution; or

(b) were likely to make a substantial contribution – to assisting a person in the contravention of section 6 is guilty of an offence.

Penalty:
Fine not exceeding 1,000 penalty units.

Section 7A inserted

After section 7 of the Principle Act, the following is inserted:

7A – Assisting in the taking, &c., of whales permitted in certain circumstances

(1) The provisions of section 6A do not apply in relation to a person where that person –

(a) did not have knowledge of an intention to contravene section 6; or

(b) was of genuine belief that the contravention was in accordance with the provisions of section 7.