

TASMANIA

SOUTHERN PITT WATER PROTECTION (MARINE FARM RESTRICTION) BILL 2003

CONTENTS

1. Short title
2. Commencement
3. Interpretation
4. Act binds the Crown
5. Marine farm expansion restricted
6. Crown is not liable
7. Schedule 1 – Definition of Southern Pitt Water

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SOUTHERN PITT WATER PROTECTION (MARINE FARM RESTRICTION)

BILL 2003

(Brought in by Tim Morris MHA)

A BILL FOR

An Act to prohibit further expansion of marine farms into Southern Pitt Water.

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 *Southern Pitt Water Protection (Marine Farm Restriction) Act 2003*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Interpretation

3. In this Act –
 - “**area**” includes waters
 - “**authorisation**” means a permit, licence or other authority permitting a person to undertake an activity;
 - “**development**” has the same meaning as in *the Land Use Planning and Approvals Act 1993*;
 - “**lease**” has the same meaning as in the *Marine Farming Planning Act 1995*;
 - “**licence**” means a licence in force under the *Living Marine Resources Management Act 1995*;
 - “**marine farm**” means an area to which a marine farming licence relates within which marine farming is carried out;
 - “**marine farming**” includes the farming, culturing, ranching, enhancement or breeding of fish or marine life for trade, business or research;

“marine farming development plan” has the same meaning as in the *Marine Farming Planning Act 1995*;

“relevant agency” has the same meaning as in the *Marine Farming Planning Act 1995*;

“Southern Pitt Water” as established in Schedule 1;

“structure” includes a platform, pontoon, jetty, raft, building or any other thing used in connection with marine farming;

“waters” has the same meaning as in the *Marine Farming Planning Act 1995*.

Act binds the Crown

4. This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

Marine farm expansion restricted

5. No relevant agency shall grant authorisation for:
 - (a) The development of any new marine farms or any structures used for marine farming purposes in the area of Southern Pitt Water;
 - (b) The extension of any existing or proposed marine farming development plans, leases or licences in the area of Southern Pitt Water.

Crown is not liable

6. The Crown is not liable should the commencement of this Act amend any current or proposed marine farming development plans, leases or licences.

Schedule 1 – Definition of Southern Pitt Water

7. Pitt Water Estuary is situated on the south east coast of Tasmania, centered on 42 degrees 48' south 147 degrees 30' east, and consists of all that area within the Pitt Water Estuary to the high water mark beginning from the south at an imaginary line drawn at the Sorell Causeway running from Pitt Water Bluff to Midway Point, thence south, excluding Orielson Lagoon, including Iron Creek Bay and finishing at the mouth of the Estuary at Sandy Point, with an approximate area of 2392 hectares.