

TASMANIA

**LIVING MARINE RESOURCES MANAGEMENT
AMENDMENT BILL 2017**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 40 amended (Miscellaneous matters)
5. Section 255A inserted
255A. Possession and use of trawl nets
6. Section 279 amended (Industry levy)
7. Repeal of Act

LIVING MARINE RESOURCES MANAGEMENT AMENDMENT BILL 2017

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
11 April 2017

*(Brought in by the Minister for Primary Industries and Water,
the Honourable Jeremy Page Rockliff)*

A BILL FOR

An Act to amend the *Living Marine Resources Management Act 1995*

Be it enacted by Her 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 Act 2017*.

2. Commencement

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

Living Marine Resources Management Amendment Act 2017
Act No. of

s. 3

3. Principal Act

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

4. Section 40 amended (Miscellaneous matters)

Section 40 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Minister, by public notice,” and substituting “Minister”;
- (b) by inserting the following subsection after subsection (2):
 - (3) If the rules provide for the Minister to make a determination, the rules must specify how that determination is to be notified.

5. Section 255A inserted

After section 255 of the Principal Act, the following section is inserted in Division 8:

255A. Possession and use of trawl nets

- (1) In this section –

board trawl net means a funnel-shaped, or cone-shaped, net that –

*No. 25 of 1995

Living Marine Resources Management Amendment Act 2017
Act No. of

s. 5

- (a) uses trawl doors or otter boards to assist in holding the net mouth open when towed through the water; and
- (b) ends with a bag or cod end; and
- (c) when in use, is towed by a fishing vessel;

pair trawl net means a funnel-shaped, or cone-shaped, net that –

- (a) has a mouth that, when towed through the water, is held open by warps or lines that are connected to 2 fishing vessels; and
- (b) ends with a bag or cod end; and
- (c) when in use, is towed by 2 fishing vessels;

trawl net means the following nets:

- (a) board trawl net;
- (b) pair trawl net.

- (2) A person must not be in possession of a trawl net on a fishing vessel in State waters, unless the possession of the trawl net on that fishing vessel is authorised under the law of another jurisdiction.

Living Marine Resources Management Amendment Act 2017
Act No. of

s. 6

Penalty: Fine not exceeding 5 000 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (3) A person must not use a trawl net in State waters.

Penalty: Fine not exceeding 5 000 penalty units or imprisonment for a term not exceeding 2 years, or both.

6. Section 279 amended (Industry levy)

Section 279 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (2A) The amount of levy determined to be payable under subsection (2) may be expressed in fee units as if it were a fee within the meaning of the *Fee Units Act 1997*.

7. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.