

TASMANIA

**LIVING MARINE RESOURCES MANAGEMENT
AMENDMENT (AQUACULTURE RESEARCH)
BILL 2021**

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**LIVING MARINE RESOURCES MANAGEMENT
AMENDMENT (AQUACULTURE RESEARCH)
BILL 2021**

*(Brought in by the Minister for Primary Industries and Water,
the Honourable Guy Barnett)*

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
(Aquaculture Research) Act 2021*.

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.

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4. Section 3 amended (Interpretation)

The definition of *fishing* in section 3 of the Principal Act is amended as follows:

- (a) by omitting “authorised under” and substituting “carried out under the authority of”;
- (b) by inserting the following paragraph after paragraph (b):
 - (c) an activity under an arrangement that is necessary for an activity under paragraph (a) or (b) to occur under that arrangement;

5. Section 4 amended (Meaning of fish)

Section 4(4) of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:

- (c) freshwater fish as defined in the *Inland Fisheries Act 1995*, other than –
 - (i) freshwater fish that –
 - (A) is of a kind or species declared not to be freshwater fish in an order made and in force under section 4(1)(b) of that Act; and

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- (B) is in, or has been taken from, State waters that are not excepted waters as defined in that Act; or
- (ii) freshwater fish that –
 - (A) is of a kind, or species, of fish that forms a fishery or part of a fishery to which an arrangement applies; and
 - (B) is in, has been taken from, or is to be placed or introduced into, State waters to which the arrangement referred to in subparagraph (ii)(A) relates.

6. Section 6 amended (Meaning of fishery)

Section 6 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) For the purposes of subsection (1)(g), a purpose of an activity may include, but is not limited to, a purpose of an activity specified in an arrangement entered into under Part 7.

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7. Section 12 amended (Permits)

Section 12(1) of the Principal Act is amended by inserting after paragraph (j) the following paragraph:

- (ja) the marine farming of fish for research purposes pursuant to an arrangement under section 161;

8. Section 15A inserted

After section 15 of the Principal Act, the following section is inserted in Division 2:

15A. Permit for conduct of research activities under arrangement

- (1) In this section –

Director, EPA has the same meaning as in section 92A;

finfish has the same meaning as it has in the *Environmental Management and Pollution Control Act 1994*;

marine aquaculture research activities means the marine farming of fish for research purposes pursuant to an arrangement under section 161.

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- (2) Before issuing a permit that authorises marine aquaculture research activities, the Minister must –
 - (a) consult with the Director, EPA in respect of the proposed permit; and
 - (b) if the permit relates to the marine farming of finfish, include in the conditions to which the permit is subject such conditions as the Director, EPA considers are necessary in respect of the marine aquaculture research activities.
- (3) Marine aquaculture research activities are taken to be research activities for the purposes of the *Animal Welfare Act 1993*.

9. Section 161 amended (Arrangements with Commonwealth)

Section 161 of the Principal Act is amended by inserting after subsection (5) the following subsection:

- (6) For the avoidance of doubt, the marine farming of fish for research purposes is a fishery to which an arrangement under this section may apply.

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10. Repeal of Act

This Act is repealed on the first anniversary of
the day on which it received the Royal Assent.