

TASMANIA

**INLAND FISHERIES AMENDMENT (ROYALTIES)
BILL 2019**

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**INLAND FISHERIES AMENDMENT (ROYALTIES)
BILL 2019**

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

A BILL FOR

An Act to amend the *Inland Fisheries 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 *Inland Fisheries Amendment (Royalties) Act 2019*.

2. Commencement

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

3. Principal Act

In this Act, the *Inland Fisheries Act 1995** is referred to as the Principal Act.

*No. 110 of 1995

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4. Section 16 amended (Funds of Director)

Section 16(1)(b) of the Principal Act is amended by inserting “and royalties” after “fees”.

5. Section 194 amended (Regulations relating to fees, charges and royalties)

Section 194 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):

(1A) The Governor may make regulations providing for the payment of royalties in respect of the taking of eels.

- (b) by omitting from subsection (2) “fee or charge” first occurring and substituting “fee, charge or royalty”;

- (c) by omitting from subsection (2)(b) “fee or charge” and substituting “fee, charge or royalty”.

6. Section 195 amended (Waiving and refund of fees)

Section 195 of the Principal Act is amended as follows:

- (a) by omitting “fees or charges” first occurring and substituting “fees, charges or royalties”;

- (b) by omitting “fees or charges” second occurring and substituting “fees, charges or royalties”.

7. Section 197C inserted

After section 197B of the Principal Act, the following section is inserted in Division 9:

197C. Validation of royalties and fees

- (1) In this section –

amending Act means the *Inland Fisheries Amendment (Royalties) Act 2019*;

commercial freshwater fishing licence (eel) means a commercial freshwater fishing licence that authorises the taking of eel;

eel royalty means an amount paid under the former regulations by the holder of a commercial freshwater fishing licence (eel) –

- (a) on the renewal of that licence; and
- (b) for each kilogram of fish caught under the authority of that licence during the previous year;

fish farm licence fee means an amount paid under the former regulations

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by the holder of a fish farm licence in respect of the issue or renewal of that licence where the amount paid was based on –

- (a) megalitres of commissionial water rights; or
- (b) each megalitre of a water allocation on a licence under the *Water Management Act 1999*;

former regulations means the following regulations:

- (a) the *Inland Fisheries Regulations 1996*;
 - (b) the *Inland Fisheries (Commercial Nets and Fees) Regulations 1999*;
 - (c) the *Inland Fisheries (General) Regulations 2009*.
- (2) An eel royalty, or fish farm licence fee, prescribed, and collected by the Director, before the commencement of the amending Act is not invalid solely on the basis that the provisions of the former regulations that purportedly prescribed such a royalty, or fee, were invalid.

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- (3) No action lies against the Crown in right of Tasmania, or the Director, in relation to any loss incurred by a person if the loss is only incurred as a consequence of the imposition or the payment of an eel royalty or a fish farm licence fee, that, but for this section, would not have been validly imposed or collected.

8. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.