

CLAUSE NOTES

Inland Fisheries Amendment (Royalties) Bill 2019

Clause 1 **Short title**

Provides that, once passed, the Bill will be cited as the *Inland Fisheries Amendment (Royalties) Act 2019*.

Clause 2 **Commencement**

Provides for commencement on the day on which the Act receives Royal Assent.

Clause 3 **Principal Act**

Provides that the Principal Act to which the amendments apply is the *Inland Fisheries Act 1995*.

Clause 4 **Section 16 amended (Funds of Director)**

Amends section 16(1)(b) by inserting “and royalties” after “fees”, to include “royalties” as funds of the Director of Inland Fisheries.

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

Amends section 194 to:

(a) allow the Governor to make regulations providing for the payment of royalties in respect of the taking of eels;

(b) allow the regulations to prescribe a “fee, charge or royalty” by a set amount;

(c) allow the regulations to prescribe a “fee, charge or royalty” by any other method of calculation.

Clause 6 **Section 195 amended (Waiving and refund of fees)**

Amend section 195 to allow the Director of Inland Fisheries to waive or refund any “fees, charges or royalties” or part of any “fees, charges or royalties” payable under the Act.

Clause 7 **Section 197C inserted**

Adds a new provision in Part 8 Division 9:

197C. Validation of royalties and fees

Subsection (1) defines the following terms:

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) to the Director of Inland Fisheries;

fish farm licence fee means an amount paid under the former regulations by the holder of a fish farm licence to the Director of Inland Fisheries;

former regulations means the three sets of previous regulations pursuant to the Principal Act, being:

- (a) the *Inland Fisheries Regulations 1996*;
- (b) the *Inland Fisheries (Commercial Nets and Fees) Regulations 1999*; and
- (c) the *Inland Fisheries (General) Regulations 2009*.

Subsection (2) provides that an eel royalty, or fish farm licence fee, 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.

Subsection (3) protects the Crown, or the Director, against 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.

Clause 8

Repeal of Act

This clause repeals this Amendment Act on the first anniversary of the day on which it commenced.