

TASMANIA

**LIVING MARINE RESOURCES
MANAGEMENT (VALIDATION OF
DOCUMENTS) BILL 2002**

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**LIVING MARINE RESOURCES
MANAGEMENT (VALIDATION OF
DOCUMENTS) BILL 2002**

*(Brought in by the Minister for Primary Industries, Water
and Environment, the Honourable Bryan Alexander Green)*

A BILL FOR

An Act to validate certain documents issued or used for the purposes of the *Living Marine Resources Management Act 1995*, to remove uncertainty regarding the construction of some statutory references to dockets used in the regulation of the commercial abalone fishery and for related purposes

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 *Living Marine Resources Management (Validation of Documents) Act 2002*.

Commencement

2. (1) This Act, other than section 5, commences on the day on which this Act receives the Royal Assent.

(2) Section 5 commences on a day to be proclaimed.

Interpretation

3. (1) In this Act, unless the contrary intention appears –

“Act” means the *Living Marine Resources Management Act 1995*;

“Department” means a department that was, at any time during the validation period, the responsible Department in relation to the Act;

“issued” means issued by a Department or its Secretary;

“used” means used by a Department or its Secretary;

“validation period” means the period commencing on 31 May 1996 (the day on which the Act commenced) and expiring immediately before the day on which this Act receives the Royal Assent.

(2) For the purposes of the Act, a document is taken to have been issued to a person if it has been –

- (a) handed or otherwise given directly to the person; or
- (b) sent to the person by post, courier or facsimile transmission; or
- (c) collected by the person or by someone authorised to collect it on the person’s behalf; or
- (d) left for the person at a place and time agreed to by the person; or
- (e) used by the person or on the person’s behalf; or

- (f) accepted, copied or adapted for use by the person or on the person's behalf.

Validation of documents required to be in approved form, &c.

4. For the avoidance of doubt –

- (a) any application of the kind referred to in section 12(1) or 77(1) of the Act that was made during the validation period is, if accepted for consideration by the Minister administering the Act at the time of its lodgment, taken to have been in a form approved for the purposes of that section at that time; and
- (b) any permit or licence issued or purportedly issued under section 14 or 79 of the Act during the validation period is taken to have been in a form approved for the purposes of that section when it was so issued or purportedly so issued; and
- (c) any identity card issued or purportedly issued under section 164 or 165 of the Act during the validation period is taken to have been in a form approved for the purposes of that section when it was so issued or purportedly so issued; and
- (d) any infringement notice served or purportedly served under Division 5 of Part 9 of the Act during the validation period is taken to have been in a form approved for the purposes of that Division when it was so served or purportedly so served; and
- (e) any document issued or used, or purportedly issued or used, during the validation period for

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the purposes of section 145(1) of the Act is taken to have been –

- (i) properly approved for issue or use for the purposes of that section; and
- (ii) in a form approved for the purposes of that section when it was so issued or used or purportedly so issued or used.

Construction of *Fisheries (Abalone) Rules 2000*

5. (1) In this section –

“adjustment period” means the period commencing on 1 January 2000 (the day on which the Rules took effect) and expiring immediately before the day proclaimed under section 2(2);

“Rules” means the *Fisheries (Abalone) Rules 2000*.

(2) The Rules are to be read and construed as if, throughout the adjustment period –

- (a) the expression “third copy” in rule 17(1)(c)(i) of the Rules were “yellow sheet”; and
- (b) the expression “white copy” in rule 29(4)(b) of the Rules were “white sheet”; and
- (c) the expression “the pink sheet and each copy” in rule 29(5) of the Rules were “each sheet”.

Administration of Act

6. Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Primary Industries, Water and Environment; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Primary Industries, Water and Environment.