

TASMANIA

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**LIVING MARINE RESOURCES MANAGEMENT  
AMENDMENT (BIOSECURITY) BILL 2007**

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**LIVING MARINE RESOURCES MANAGEMENT  
AMENDMENT (BIOSECURITY) BILL 2007**

*(Brought in by the Minister for Primary Industries and Water,  
the Honourable David Edward Llewellyn)*

**A BILL FOR**

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

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:

**1. Short title**

This Act may be cited as the *Living Marine Resources Management Amendment (Biosecurity) Act 2007*.

**2. Commencement**

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

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**3. Principal Act**

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

**4. Section 270 substituted**

Section 270 of the Principal Act is repealed and the following section is substituted:

**270. Biosecurity – dealing with marine pests and diseases**

- (1) The Minister, by order published in the *Gazette*, may issue directions aimed at –
  - (a) preventing the introduction or re-introduction into State waters of any harmful disease or harmful pest; or
  - (b) preventing any harmful disease or harmful pest present in State waters from spreading to the waters of any other jurisdiction; or
  - (c) controlling or eradicating any harmful disease or harmful pest.
- (2) A person must not contravene a direction under subsection (1).

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Penalty: Fine not exceeding 2 000 penalty units or imprisonment for a term not exceeding 12 months.

- (3) An order under subsection (1) –
- (a) takes effect on the day on which it is published in the *Gazette* or on such later day as is specified in the order; and
  - (b) is to specify the pest or disease in respect of which it has been made; and
  - (c) is to indicate why it has been made; and
  - (d) may provide for any matter by incorporating, either specifically or by reference and either wholly or in part and with or without modification, any codes, standards, guidelines, rules or specifications relevant to the prevention, control or eradication of harmful pests or harmful diseases, whether as in force at a particular time or as from time to time amended and whether published or issued before or after the commencement of this section; and
  - (e) may, in addition to directions, contain such explanatory and

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ancillary provisions as the  
Minister considers necessary or  
expedient.

- (4) A direction under subsection (1) may be inconsistent with a management plan and, in such a case, the direction prevails to the extent of the inconsistency.
- (5) An order under subsection (1) expires 12 months after the day on which it takes effect or at such earlier time as is specified in the order but this subsection is not to be taken as preventing the Minister from making, on or after that expiry, a further order under subsection (1) in the same or similar terms as the expired order if the Minister reasonably considers that circumstances require it.
- (6) In this section –

**“control”** includes monitor;

**“harmful”** means –

- (a) known to be harmful or potentially harmful to any fish, any fishery or any part of the marine environment; or
- (b) reasonably suspected by the Minister of posing any kind of biological,

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ecological or other threat  
to any fish, any fishery or  
any part of the marine  
environment;

**“prevent”** includes slow and restrict.