

**TASMANIA**

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**WHALES PROTECTION (STATE SANCTUARY)  
AMENDMENT BILL 2010**

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**WHALES PROTECTION (STATE SANCTUARY) AMENDMENT  
BILL 2010**  
*(Brought in by Cassandra Stanwell O'Connor)*

**A BILL FOR**

**An Act to amend the *Whales Protection Act 1998* to declare state waters a Tasmanian Whale Sanctuary, and to make it an offence to assist any person in taking whales in State waters.**

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 *Whales Protection (State Sanctuary) Act 2010*.

**Commencement**

2. This Act commences on a day to be proclaimed.

**Principal Act**

3. In this Act, the *Whales Protection Act 1998*\* is referred to as the Principal Act.\*

**Section 3 amended (Interpretation)**

4. Section 3 of the Principal Act is amended by inserting as follows:

(a) By inserting the following definition after that of “sell”:

**“substantial contribution”** means a contribution upon which the contravention of section 6 could not or was unlikely to have occurred.

(b) By inserting the following definition after that of “take”:

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\* No.58 of 1998.

**“Tasmanian Whale Sanctuary”** means all State waters pursuant to section 5 of the *Living Marine Resources Management Act 1995*.

### **Section 5A inserted**

After section 5 of the Principle Act, the following is inserted:

#### **5A – Tasmanian Whale Sanctuary**

- (1) The Tasmanian Whale Sanctuary is established in order to give formal recognition to the need for protection and management of whales;
- (2) The Tasmanian Whale Sanctuary consists of all State waters as defined by section 5 of the *Living Marine Resources Management Act 1995 (No. 25 of 1995)*

### **Section 6A inserted**

After section 6 of the Principle Act, the following is inserted:

#### **6A – Prohibition on assisting in the taking, &c., of whales**

- (1) A person who knows or ought to have known that their actions –
  - (a) made a substantial contribution; or
  - (b) were likely to make a substantial contribution –to assisting a person in the contravention of section 6 is guilty of an offence.

Penalty:

Fine not exceeding 1,000 penalty units.

### **Section 7A inserted**

After section 7 of the Principle Act, the following is inserted:

#### **7A – Assisting in the taking, &c., of whales permitted in certain circumstances**

- (1) The provisions of section 6A do not apply in relation to a person where that person –
  - (a) did not have knowledge of an intention to contravene section 6; or
  - (b) was of genuine belief that the contravention was in accordance with the provisions of section 7.