

CLAUSE NOTES

Living Marine Resource Management Amendment (Aquaculture Research) Bill 2021

Clause 1 **Short title**

This clause provides that, once passed, the Bill will be cited as the *Living Marine Resources Management Amendment (Aquaculture Research) Act 2021*.

Clause 2 **Commencement**

This clause provides for the amendments to commence on the day on which the Act receives the Royal Assent.

Clause 3 **Principal Act**

This clause provides that in this Act, the Principal Act is the *Living Marine Resources Management Act 1995*.

Clause 4 **Section 3 amended (Interpretation)**

This clause amends section 3 as follows:

- (a) By omitting “authorised under” and substituting ‘carried out under the authority of’ in the definition of *fishing*. This amendment ensures that activities carried out under the authority of a marine farming licence are not fishing for the purposes of the Act.
- (b) By inserting paragraph (c) under paragraph (b) in the definition to include an activity under an arrangement that is necessary for an activity under paragraph (a) or (b) to occur under that arrangement. This amendment ensures that an activity for the purposes of research under an arrangement is fishing for the purposes of the Act.

Clause 5 **Section 4 amended (Meaning of fish)**

This clause amends section 4(4) of the Principal Act by substituting sub paragraph (c)(ii) that fish includes freshwater fish that is a kind, or species, of fish that forms a fishery or part of a fishery to which an arrangement applies; and is in, has been taken from, or is to be placed or introduced into, State waters to which the arrangement relates.

This amendment ensures that freshwater salmonids (salmon and trout) are fish for the purposes of activities that are subject to an arrangement under section 161 of the Act.

Clause 6 **Section 6 amended (Meaning of fishery)**

This clause inserts subsection (3) after subsection (2) of section 6, that for the purposes of subsection (1)(g), a purpose of an activity may include, but is not limited to, a purpose of an activity specified in an arrangement entered into under Part 7. This amendment ensures that an activity specified in an arrangement is a fishing activity for the purposes of the definition of fishery.

Clause 7 Section 12 amended (Permits)

This clause inserts paragraph (ja) in Section 12(1) of the Act so that the marine farming of fish for research purposes pursuant to an arrangement under section 161 of the Act is a purpose for which a person may apply to the Minister for a permit.

Clause 8 Section 15A inserted

Clause 8 inserts section 15A (Permit for conduct of research activities under arrangement).

Clause 8 defines, for the purposes of section 15A, *Director EPA*, *finfish*, and *marine aquaculture research activities* and provides that before issuing a permit that authorises marine aquaculture research activities the Minister must consult with the Director EPA in respect of the proposed permit and, if the permit relates to the marine farming of finfish, the Minister must include in the conditions to which the permit is subject such conditions as the Director EPA considers necessary in respect of the marine aquaculture research activities.

Clause 8 provides that marine aquaculture research activities are taken to be research activities for the purposes of the *Animal Welfare Act 1993*. This ensures that the provisions of the *Animal Welfare Act 1993* that pertain to research activities apply to marine aquaculture research activities under the Principal Act.

Clause 9 Section 161 amended (Arrangements with the Commonwealth)

This clause amends section 161 of the Principal Act by inserting an avoidance of doubt provision that the marine farming of fish for research purposes is a fishery to which an arrangement under section 161 may apply.

Clause 10 Repeal of Act

This clause provides for the automatic repeal of the Amendment Act on the first anniversary of the day on which the Act received the Royal Assent.