

TASMANIA

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**LIVING MARINE RESOURCES MANAGEMENT  
AMENDMENT (LICENSING) BILL 2009**

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**LIVING MARINE RESOURCES MANAGEMENT  
AMENDMENT (LICENSING) BILL 2009**

*(Brought in by the Honourable James Scott Wilkinson)*

**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 (Licensing) Act 2009*.

**2. Commencement**

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

**3. Principal Act**

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

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\*No. 25 of 1995

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**4. Section 78A inserted**

After section 78 of the Principal Act, the following section is inserted in Division 5:

**78A. Grant of licence previously cancelled**

- (1) Despite section 78(2A), the Minister may grant an application for a licence, subject to any condition the Minister determines, if satisfied that –
- (a) the licence is to replace a former licence of the same kind; and
  - (b) it has been at least 5 years since the date of the offence that resulted in the 200th demerit point being allocated to the licence; and
  - (c) the former licence ceased to be in force before the commencement of the *Living Marine Resources Management (Miscellaneous Amendments) Act 2007*; and
  - (d) the applicant –
    - (i) was the holder of the former licence at the time the licence ceased to be in force; and
    - (ii) was not the person convicted of any of the

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- offences that resulted in the demerit points being allocated to the former licence; and
- (iii) is a fit and proper person to hold the licence; and
  - (iv) has satisfied the Minister that he or she has not received, and is unlikely to receive, compensation for the former licence through any other action; and
  - (v) has complied with this Act; and
  - (vi) within 5 years before the date of the application, has not been convicted of any offence under this Act, any other Act or a corresponding law which the Minister considers relevant to the holding of a licence; and
- (e) granting the application is unlikely to contravene a management plan; and
  - (f) there are no environmental or resource constraints in granting the application; and

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- (g) the applicant is, in the case of a natural person who is applying for a licence for commercial purposes, an adult; and
  - (h) the applicant has paid the appropriate levies, fees and charges; and
  - (i) it is appropriate to do so.
- (2) The Minister may refuse to grant a licence if not satisfied as required under subsection (1).
  - (3) The Minister may delegate to any person the power to grant or refuse an application under this section for particular types or classes of licences.
  - (4) For the purposes of Division 3 of Part 10, a decision to grant or refuse an application for a licence under this section is a prescribed decision.
  - (5) This section expires one year after the *Living Marine Resources Management Amendment (Licensing) Act 2009* commences.
  - (6) In this section –

**“former licence”** means a licence that ceased to be in force under section 247, as in force at the time the licence ceased to be in

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force, as a result of having 200  
demerit points allocated to it.