

TASMANIA

**MARINE FARMING PLANNING AMENDMENT
BILL 2016**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 91 amended (Obstruction of execution of plans)
5. Section 121 substituted
 121. Demerit point by penalty
6. Section 122 inserted
 122. Demerit point by infringement notice
7. Repeal of Act

MARINE FARMING PLANNING AMENDMENT BILL 2016

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
18 August 2016

*(Brought in by the Minister for Primary Industries and Water,
the Honourable Jeremy Page Rockliff)*

A BILL FOR

An Act to amend the *Marine Farming Planning Act 1995*

Be it enacted by Her 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 *Marine Farming Planning Amendment Act 2016*.

2. Commencement

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

Marine Farming Planning Amendment Act 2016
Act No. of

s. 3

3. Principal Act

In this Act, the *Marine Farming Planning Act 1995** is referred to as the Principal Act.

4. Section 91 amended (Obstruction of execution of plans)

Section 91 of the Principal Act is amended by inserting after subsection (2) the following subsections:

- (3) A court must, in relation to an offence under subsection (1), impose a special penalty of an amount –
 - (a) prescribed by the regulations; or
 - (b) calculated in accordance with a method prescribed by the regulations.
- (4) A special penalty imposed under subsection (3) is in addition to a fine, if any, imposed under subsection (1) or an amount, if any, ordered to be paid under subsection (2).
- (5) Regulations for the purposes of subsection (3) in relation to an offence under subsection (1) may prescribe different amounts, or different methods, that are to apply according to –

*No. 31 of 1995

- (a) the paragraph of subsection (1) to which the offence relates; or
- (b) circumstances specified in the regulations.

5. Section 121 substituted

Section 121 of the Principal Act is repealed and the following section is substituted:

121. Demerit point by penalty

- (1) If a person is convicted by a court of an offence under this Act or regulations or rules made under this Act, one demerit point for each penalty unit imposed by way of a penalty (other than a special penalty imposed under section 91(3)) for that offence is allocated –
 - (a) to the person; and
 - (b) to the marine farming licence determined under subsection (2).
- (2) The court is to determine to which marine farming licence any demerit point is to be allocated.

6. Section 122 inserted

After section 121 of the Principal Act, the following section is inserted in Division 8:

Marine Farming Planning Amendment Act 2016
Act No. of

s. 7

122. Demerit point by infringement notice

- (1) If a person accepts an infringement notice in respect of an offence under section 91 and the infringement notice is not withdrawn, one demerit point for each penalty unit imposed by way of a penalty for that offence is allocated –
 - (a) to the person; and
 - (b) to the marine farming licence determined under subsection (2).
- (2) The Secretary is to determine to which marine farming licence any demerit point is to be allocated.
- (3) Despite section 20 of the *Monetary Penalties Enforcement Act 2005*, a person to whom that section applies in relation to an infringement notice under this Act is not to be taken, for the purposes of section 121 of this Act, to have been convicted by a court of the offence, or offences, to which the infringement notice relates.

7. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.