

Aquatic Resources Management Amendment Bill 2020

Contents

1.	Short title		2
2.	Commencement		2
3.	Act amended		2
4.	Section 3 amended		2
5.	Section 4 amended		2
6.	Section 16 amended		3
7.	Section 25 amended		4
8.	Section 33 replaced		4
	33. CEO to notify TAC and catch	4	
9.	Section 79 deleted		5
10.	Section 86 amended		5
11.	Section 107 amended		5
12.	Section 108 amended		5
13.	Section 109 amended		6
14.	Section 146 amended		6
15.	Sections 148 and 149 replaced		6
	148. CEO to give notice of when reviewable decision has effect	6	
	149. SAT to give notice of decision on review	7	
16.	Section 266A inserted		7
	266A. Review of Act	7	

Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

**Aquatic Resources Management Amendment
Bill 2020**

A Bill for

An Act to amend the *Aquatic Resources Management Act 2016*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Aquatic Resources Management Amendment*
3 *Act 2020*.

4 **2. Commencement**

5 This Act comes into operation as follows —

6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;

8 (b) the rest of the Act — on the day after that day.

9 **3. Act amended**

10 This Act amends the *Aquatic Resources Management Act 2016*.

11 **4. Section 3 amended**

12 In section 3(1) in the definition of *resource share* delete “a
13 share” and insert:

14

15 a share, of any type,

16

17 **5. Section 4 amended**

18 (1) In section 4(1) renumber paragraphs (c) and (d) as
19 paragraphs (a) and (b).

20 (2) In section 4(2):

21 (a) in paragraph (b) delete “characteristic.” and insert:

22

23 characteristic; and

24

- 1 (b) after paragraph (b) insert:
2
3 (c) a species of aquatic organism limited by
4 reference to the way in which the organism is
5 taken.
6

7 **6. Section 16 amended**

8 In section 16(1):

- 9 (a) delete paragraph (g) and insert:
10
11 (g) the method to be used in calculating the
12 following —
13 (i) the total allowable catch (TAC) for the
14 aquatic resource;
15 (ii) the quantity of TAC available for
16 commercial fishing for the aquatic
17 resource, including the quantity of TAC
18 available for a type of resource share in
19 the aquatic resource;
20
21 (b) delete paragraph (j) and insert:
22
23 (j) the type or types of resource shares in the
24 aquatic resource that are to be made available
25 to the commercial sector;
26 (ja) the number of a type of resource share in the
27 aquatic resource that is to be made available to
28 the commercial sector;
29

s. 7

1 **7. Section 25 amended**

2 Delete section 25(1)(h) and insert:

3

4 (h) specify —

5 (i) the type or types of resource shares in
6 the aquatic resource available under the
7 ARUP; and

8 (ii) the number of a type of resource share
9 in the aquatic resource available under
10 the ARUP;

11 and

12

13 **8. Section 33 replaced**

14 Delete section 33 and insert:

15

16 **33. CEO to notify TAC and catch**

17 (1) At least 30 days before the commencement of each
18 fishing period for a managed aquatic resource the CEO
19 must publish in the *Gazette* a notice setting out the
20 following in respect of the fishing period —

21 (a) the TAC for the resource, calculated in
22 accordance with the ARMS for the resource;

23 (b) the quantity of TAC available for commercial
24 fishing for the resource, including the quantity
25 of TAC available for a type of resource share in
26 the resource, calculated in accordance with the
27 ARMS for the resource;

28 (c) the quantity of TAC available for recreational
29 fishing for the resource, calculated in
30 accordance with the ARMS for the resource;

- 1 (d) the catch to be allocated for a type of resource
2 share in the resource.
- 3 (2) For the purposes of subsection (1)(d), the catch to be
4 allocated for a type of resource share in a resource for a
5 fishing period is the quantity of TAC available for that
6 type of resource share divided by the number of that
7 type of resource share in the resource.
8
- 9 **9. Section 79 deleted**
- 10 Delete section 79.
- 11 **10. Section 86 amended**
- 12 In section 86 delete “on” and insert:
13
- 14 an
15
- 16 **11. Section 107 amended**
- 17 In section 107(1) in the Penalty paragraph (a) delete “if” and
18 insert:
19
- 20 of
21
- 22 **12. Section 108 amended**
- 23 In section 108 in the Penalty paragraph (a) delete “if” and
24 insert:
25
- 26 of
27

s. 13

1 **13. Section 109 amended**

2 (1) In section 109(2) delete “on” and insert:

3

4 an

5

6 (2) In section 109(4) in the Penalty paragraph (a) delete “if” and
7 insert:

8

9 of

10

11 **14. Section 146 amended**

12 In section 146(1) delete “item 5 or 8” and insert:

13

14 item 8

15

16 **15. Sections 148 and 149 replaced**

17 Delete sections 148 and 149 and insert:

18

19 **148. CEO to give notice of when reviewable decision has**
20 **effect**

21 (1) When the CEO gives effect to a reviewable decision
22 the CEO must give notice in accordance with this
23 section.

24 (2) The notice must be given —

25 (a) to each person who received notice under
26 section 146(1)(a) in respect of the reviewable
27 decision; and

28 (b) in writing or in such other manner as is
29 prescribed.

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149. SAT to give notice of decision on review

- (1) When the State Administrative Tribunal determines an application made under section 147 the State Administrative Tribunal must give notice of its decision and the reasons for its decision in accordance with this section.
- (2) The notice must be given —
 - (a) to each person who received notice under section 146(1)(a) in respect of the reviewable decision; and
 - (b) in writing or in such other manner as is prescribed.

16. Section 266A inserted

At the end of Part 16 insert:

266A. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which section 268 comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

