

# Aquatic Resources Management Amendment Bill 2020

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Western Australia

LEGISLATIVE ASSEMBLY

**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**

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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

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1    **7.       Section 25 amended**

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

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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**

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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.

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