



MESSAGE No. 166

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Aquatic Resources Management Bill 2015* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

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Hon Barry House
President of the Legislative Council

Legislative Council Chamber
Perth, 16 November 2016

Schedule indicating the amendments made by the Legislative Council in the Aquatic Resources Management Bill 2015

No. 1

New Part 19 Division 1, page 210, after line 1 — To insert —

Division 1 — *Biodiversity Conservation Act 2016* amended

288A Act amended

This Division amends the *Biodiversity Conservation Act 2016*.

288B Section 5 amended

- (1) In section 5(1) delete the definitions of:

fish

pearl oyster

- (2) In section 5(1) insert in alphabetical order:

aquatic organism has the meaning given in the *Aquatic Resources Management Act 2016* section 3(1);

- (3) In section 5(1) in the definition of *biodiversity conservation measures* delete paragraph (g)(v) and insert:

- (v) aquatic resource use plans and management plans under the *Aquatic Resources Management Act 2016* and measures under Part 6 of that Act relating to the control of declared organisms or biological threats;

- (4) In section 5(1) in the definition of *fauna processing establishment* delete “fish or pearl oyster,” and insert:

aquatic organisms,

288C Section 7 amended

In section 7(1) in the definition of *relevant authorisation* delete paragraphs (d) and (e) and insert:

- (d) the *Aquatic Resources Management Act 2016*; or

288D Section 12 amended

Delete section 12(1) and insert:

- (1) This Act, other than Part 9, does not apply to or in relation to any aquatic organism that is the subject of —
 - (a) aquaculture, as defined in the *Aquatic Resources Management Act 2016* section 3(1); or
 - (b) commercial fishing, as defined in the *Aquatic Resources Management Act 2016* section 3(1); or
 - (c) recreational fishing, as defined in the *Aquatic Resources Management Act 2016* section 3(1).

288E Section 54 amended

In section 54(2)(b) delete “*Fish Resources Management Act 1994.*” and insert:

Aquatic Resources Management Act 2016.

288F Section 132 amended

Delete section 132(3)(a)(ii) and (iii) and insert:

- (ii) if the species to which the order relates is a species of aquatic organism — the Minister responsible for the administration of the *Aquatic Resources Management Act 2016*;

288G Section 145 amended

In section 145 in the definition of *fauna* delete “fish or pearl oyster.” and insert:

aquatic organisms.

288H Section 151 amended

- (1) In section 151(1)(a) delete “fish or pearl oyster); and” and insert:

aquatic organisms); and
- (2) In section 151(2)(a)(i) delete “fish or pearl oyster); and” and insert:

aquatic organisms); and

288I Section 153 amended

- (1) In section 153(3)(a) delete “fish or pearl oyster); and” and insert:

aquatic organisms); and

- (2) In section 153(4(a)(i) delete “fish or pearl oyster); and” and insert:

aquatic organisms); and

288J Section 158 amended

In section 158(1) in the definition of *fauna* delete “fish or pearl oyster.” and insert:

aquatic organisms.

288K Section 166 amended

In section 166 in the definition of *flora* delete “fish.” and insert:

aquatic organisms.

288L Section 190 amended

In section 190 in the definition of *aquatic-eco tourism* delete “*Fish Resources Management Act 1994* section 4(1);” and insert:

Aquatic Resources Management Act 2016 section 3(1);

288M Section 194 amended

In section 194(3) delete “*Fish Resources Management Act 1994*” and insert:

Aquatic Resources Management Act 2016

288N Section 274 amended

In section 274(1) in the definition of *information sharing agency* —

- (a) after paragraph (a) insert:

(aa) the department of the Public Service principally assisting in the administration of the *Aquatic Resources Management Act 2016*;

- (b) delete paragraphs (e) and (h).

2880 Schedule 1 amended

In Schedule 1 item 2 delete “fish or pearl oyster),” and insert:

aquatic organisms),

No. 2

Clause 312, page 220, line 22 to page 221, line 8 — To delete the lines and insert:

(2) Delete section 101B(3)(a) and (b) and insert:

(a) the *Aquatic Resources Management Act 2016*,

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Clerk of the Legislative Council