

Western Australia

LEGISLATIVE ASSEMBLY

**Fish Resources Management Amendment Bill
1999**

A Bill for

An Act to amend the *Fish Resources Management Act 1994*.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Fish Resources Management Amendment Act 1999*.

2. Commencement

This Act comes into operation on a day fixed by proclamation.

3. The Act amended

The amendments in this Act are to the *Fish Resources Management Act 1994**.

[* Act No. 53 of 1994.

For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, pp. 95-6.]

4. Section 3 amended

Section 3(2)(c) is amended by deleting “and aquatic eco-tourism” and inserting instead —

“ , aquatic eco-tourism and other tourism reliant on fishing ”.

5. Section 4 amended

Section 4(1) is amended by inserting in the appropriate alphabetical position the following definition —

“

“**fishing tour**” means a tour a central purpose of which is to provide an opportunity for recreational fishing and may include the provision of fishing guidance, fishing gear, accommodation or transport;

”.

6. Section 33 amended

Section 33(2) is amended as follows:

(a) by deleting “14” and inserting instead —

“ 15 ”;

(b) after paragraph (c) by inserting —

“

5 (ca) one is to be a person appointed by the Minister who in the Minister’s opinion represents interests involved in fishing tours, aquatic eco-tourism and charter boats used for recreational fishing;

”.

7. **Section 191 amended**

10 Section 191(1)(r)(ii) is amended by inserting after “aquaculture” —

“ , fishing tours ”.

8. **Section 202A inserted**

After section 202 the following section is inserted —

15 “

202A. Liability of person in charge of a fishing tour

20 (1) If a person (in this section referred to as “**the principal offender**”) commits an offence against this Act while taking part in a fishing tour, the person in charge of the fishing tour is taken to have committed the same offence.

(2) It is a defence in proceedings against a person in charge of a fishing tour for an offence against this Act (by the application of subsection (1)) for that person to prove that —

25 (a) he or she issued proper instructions and took reasonable precautions to ensure compliance with this Act;

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- 5
- (b) the offence was committed by the principal offender without the knowledge of the person in charge of the fishing tour; and
- (c) he or she could not by the exercise of reasonable diligence have prevented the commission of the offence.
- 10
- (3) A person in charge of a fishing tour may be proceeded against and convicted of an offence against this Act by virtue of subsection (1) whether or not the principal offender has been proceeded against and convicted of the offence.
- (4) In this section —
- 15
- “**fishing tour**” means a fishing tour provided by a person who holds a licence under section 257(1)(g);
- 20
- “**person in charge of a fishing tour**” means the natural person in charge of the day to day operation of the tour, who is not necessarily the person who holds the relevant licence under section 257(1)(g).

”.

9. Section 239 amended

After section 239(3)(a)(iii) the following subparagraphs are inserted —

- 25
- “
- (iv) licences for charter boats used for recreational fishing; and
- (v) licences for persons engaged in aquatic eco-tourism, or the provision of fishing tours;
- 30

”.

10. Section 257 amended

Section 257(1)(g) is amended by inserting after “eco-tourism” —

“ or the provision of fishing tours ”.

5 **11. Section 258 amended**

(1) Section 258(c) is amended by deleting “charter boats used for aquatic eco-tourism” and inserting instead —

“ boats used for aquatic eco-tourism or fishing tours ”.

(2) Section 258(n) is amended by inserting after “aquaculture” —

10 “ , fishing tours ”.

(3) Section 258(o) is amended by inserting after “aquaculture” —

“ , fishing tours ”.

(4) Section 258(p) is amended by inserting after “aquaculture” —

“ , fishing tours ”.

15 (5) After section 258(w) the following paragraph is inserted —

“

(wa) regulate fishing tours provided for a commercial purpose, and the persons engaged or employed in providing such tours;

20

”.

