

Western Australia

Fisheries Adjustment Schemes Amendment Bill 2009

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Western Australia

LEGISLATIVE COUNCIL

**Fisheries Adjustment Schemes Amendment
Bill 2009**

A Bill for

An Act to amend the *Fisheries Adjustment Schemes Act 1987*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Fisheries Adjustment Schemes Amendment Act 2009*.

3 **2. Commencement**

4 This Act comes into operation as follows —

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

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

8 **3. Act amended**

9 This Act amends the *Fisheries Adjustment Schemes Act 1987*.

10 **4. Section 3 amended**

11 After section 3(3) insert:

12

13 (4) In subsection (3) —

14 *reducing*, in relation to a number, amount or quantity,
15 includes reducing the number, amount or quantity to
16 zero.

17

18 **5. Section 8 amended**

19 (1) In section 8(1) delete “every holder” and insert:

20

21 the holder

22

23 (2) After section 8(1) insert:

24

25 (2A) Without limiting the *Interpretation Act 1984*
26 section 45, regulations made for the purposes of

- 1 subsection (1) in relation to a voluntary fisheries
2 adjustment scheme may provide —
- 3 (a) that different fees are payable by different
4 holders of authorisations;
- 5 (b) that specified holders of authorisations are not
6 liable to pay fees.
7
- 8 (3) In section 8(3):
- 9 (a) delete “each authorisation” and insert:
10
11 an authorisation
12
- 13 (b) after “reference to” insert:
14
15 the entitlement under an authorisation, including
16
- 17 (4) After section 8(3) insert:
18
- 19 (3AA) Without limiting subsection (3), fees may be fixed
20 under this section for the purposes of a fisheries
21 adjustment scheme that will allow recovery of
22 expenditure that has been or is to be incurred in —
- 23 (a) the payment of interest and other outgoings
24 associated with amounts borrowed under
25 section 7 for the purposes of the scheme; and
26 (b) the administration of the scheme.
27
- 28 (5) In section 8(3a) delete “has not paid any fee referred to in
29 subsection (1)” and insert:
30
31 is liable to pay any fee referred to in subsection (1) and
32 has not paid the fee
33

1 **6. Section 9 amended**

2 In section 9:

3 (a) in paragraph (b) delete “applies; and” and insert:

4

5 applies and have paid fees under section 8 in
6 respect of those authorisations; and

7

8 (b) after each of paragraphs (a) and (aa) insert:

9

10 and

11

12 **7. Section 10B amended**

13 In section 10B(2):

14 (a) in paragraph (a) delete “scheme;” and insert:

15

16 scheme, including, if applicable, the objective
17 of enabling the surrender of all the
18 authorisations relating to the fishery or
19 fisheries; and

20

21 (b) after paragraph (b) insert:

22

23 and

24

25 **8. Section 14B amended**

26 In section 14B(3):

27 (a) in paragraph (a) delete “scheme;” and insert:

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29 scheme, including, if applicable, the objective
30 of cancelling all the authorisations relating to
31 the fishery or fisheries; and

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(b) in paragraph (e) before “specify” insert:

if not all the authorisations relating to the fishery or fisheries are to be cancelled,

(c) after each of paragraphs (b), (c) and (d) insert:

and

9. Section 14D amended

In section 14D(2):

(a) in paragraph (a) delete “scheme;” and insert:

scheme, including, if applicable, the objective of cancelling all the authorisations relating to the fishery or fisheries; and

(b) in paragraphs (d) and (e) after “if” insert:

not all the authorisations relating to the fishery or fisheries are to be cancelled and

(c) after each of paragraphs (b), (c) and (d) insert:

and

s. 10

1 **10. Section 14E amended**

2 Before section 14E(1) insert:

3

4 (1A) This section does not apply to a scheme under which
5 all the authorisations relating to the fishery or fisheries
6 are to be cancelled.

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8 **11. Schedule 1 amended**

9 In Schedule 1 clause 5 delete “telegram or telex” and insert:

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11 telegram, telex, facsimile transmission, email or other
12 similar means

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