

FISHERIES LEGISLATION AMENDMENT ACT (NO. 1) 1998 No. 75, 1998

An Act to amend and repeal legislation relating to fisheries, and for related purposes

Contents

1 Short title

2 Commencement

3 Schedule(s)

4 Saving--levy and charge collection

Schedule 1--Amendment of the Fisheries Management Act 1991

Schedule 2--Amendment and repeal of the Prawn Boat Levy Act 1995

Part 1--Amendment that is taken to have commenced on 1 July 1997

Part 2--Repeal that commences 3 years after the day on which this Act receives the Royal Assent

Schedule 3--Amendment and repeal of the Prawn Export Charge Act 1995

Part 1--Amendment that is taken to have commenced on 1 July 1997

Part 2--Repeal that commences 3 years after the day on which this Act receives the Royal Assent

Schedule 4--Repeal of the Prawn Export Promotion Act 1995

[Assented to 30 June 1998]

The Parliament of Australia enacts:

SECT 1 Short title

This Act may be cited as the Fisheries Legislation Amendment Act (No. 1) 1998 .

SECT 2 Commencement

(1) Subject to this section, this Act commences 28 days after the day on which it receives the Royal Assent.

(2) This section, section 3, Part 1 of Schedule 2 and Part 1 of Schedule 3 are taken to have commenced on 1 July 1997.

(3) Section 4, Part 2 of Schedule 2, Part 2 of Schedule 3 and Schedule 4 commence 3 years after the day on which this Act receives the Royal Assent.

SECT 3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

SECT 4 Saving--levy and charge collection

Despite the repeal by this Act of the Prawn Boat Levy Act 1995 , the Prawn Export Charge Act 1995 and the Prawn Export Promotion Act 1995 :

- (a) the Act repealed; and
- (b) any regulation made under or for the purposes of the Act repealed; and
- (c) any agreement entered into between the Commonwealth and a State or Territory under the Act repealed;

continue to apply in relation to a levy or charge imposed before the repeal as if the repeal had not happened.

Schedule 1

Amendment of the Fisheries Management Act 1991

1 At the end of Part 2

Add:

15A Prohibition against taking marlin (1) A person must not, in the AFZ, take blue marlin (*Makaira mazara*) or black marlin (*Makaira indica*) unless the person:

(a) is the holder of a scientific permit that authorises the taking of the fish; or

(b) takes the fish in the course of:

(i) recreational fishing; or

(ii) using a charter boat for fishing.

Penalty: 125 penalty units.

(2) It is a defence to a prosecution for an offence against this section if the person charged satisfies the court that, upon becoming aware of the taking of the fish, he or she took steps immediately to return the fish to its natural environment.

15B Report on analysis of marlin stocks (1) Not later than 12 months after the commencement of the Fisheries Legislation Amendment Act (No. 1) 1998, the Minister must cause an analysis to be undertaken in the AFZ of the estimated numbers of blue marlin (*Makaira mazara*) and black marlin (*Makaira indica*) and the impact on the species of such fishing as is permitted under section 15A.

(2) The Minister must cause a report of an analysis under subsection (1) to be laid before each House of the Parliament as soon as practicable after the analysis is completed and, in any case, not later than 2 years after the commencement of the Fisheries Legislation Amendment Act (No. 1) 1998 .

Schedule 2

Amendment and repeal of the Prawn Boat Levy Act 1995

Part 1--Amendment that is taken to have commenced on 1 July 1997

1 Subsection 5(2)

Repeal the subsection, substitute:

(2) The following are levy periods:

(a) the financial year beginning on 1 July 1995;

(b) the financial year beginning on 1 July 1996;

(c) the period beginning on 1 July 1997 and ending on 31 December 1997.

Part 2--Repeal that commences 3 years after the day on which this Act receives the Royal Assent

2 The whole of the Act

Repeal the Act.

Schedule 3

Amendment and repeal of the Prawn Export Charge Act 1995

Part 1--Amendment that is taken to have commenced on 1 July 1997

1 At the end of section 4

Add "on or before 31 December 1997".

Part 2--Repeal that commences 3 years after the day on which this Act receives the Royal Assent

2 The whole of the Act

Repeal the Act.

Schedule 4

Repeal of the Prawn Export Promotion Act 1995

1 The whole of the Act

Repeal the Act.

[Minister's second reading speech made in--

Senate on 8 April 1998

House of Representatives on 24 June 1998]

(60/98)