

Western Australia

**Fisheries Adjustment Schemes Amendment
Act 2009**

As at 03 Dec 2009

No. 38 of 2009

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Fisheries Adjustment Schemes Amendment Act 2009

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Western Australia

Fisheries Adjustment Schemes Amendment Act 2009

No. 38 of 2009

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

[Assented to 3 December 2009]

The Parliament of Western Australia enacts as follows:

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1. Short title

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

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

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

4. Section 3 amended

After section 3(3) insert:

- (4) In subsection (3) —
reducing, in relation to a number, amount or quantity, includes reducing the number, amount or quantity to zero.

5. Section 8 amended

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

the holder

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

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

subsection (1) in relation to a voluntary fisheries adjustment scheme may provide —

- (a) that different fees are payable by different holders of authorisations;
- (b) that specified holders of authorisations are not liable to pay fees.

(3) In section 8(3):

- (a) delete “each authorisation” and insert:

an authorisation

- (b) after “reference to” insert:

the entitlement under an authorisation, including

(4) After section 8(3) insert:

(3AA) Without limiting subsection (3), fees may be fixed under this section for the purposes of a fisheries adjustment scheme that will allow recovery of expenditure that has been or is to be incurred in —

- (a) the payment of interest and other outgoings associated with amounts borrowed under section 7 for the purposes of the scheme; and
- (b) the administration of the scheme.

(5) In section 8(3a) delete “has not paid any fee referred to in subsection (1)” and insert:

is liable to pay any fee referred to in subsection (1) and has not paid the fee

6. Section 9 amended

In section 9:

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

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

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

and

7. Section 10B amended

In section 10B(2):

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

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

- (b) after paragraph (b) insert:

and

8. Section 14B amended

In section 14B(3):

- (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 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

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10. Section 14E amended

Before section 14E(1) insert:

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

11. Schedule 1 amended

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

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

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