



Western Australia

Aquatic Resources Management Amendment Act 2021

As at 24 Aug 2021

No. 14 of 2021

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Aquatic Resources Management Amendment Act 2021

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Western Australia

Aquatic Resources Management Amendment Act 2021

No. 14 of 2021

An Act to amend the *Aquatic Resources Management Act 2016*.

[Assented to 24 August 2021]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Aquatic Resources Management Amendment Act 2021*.

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 *Aquatic Resources Management Act 2016*.

4. Section 3 amended

In section 3(1) in the definition of *resource share* delete “a share” and insert:

a share, of any type,

5. Section 4 amended

- (1) In section 4(1) renumber paragraphs (c) and (d) as paragraphs (a) and (b).
- (2) In section 4(2):
 - (a) in paragraph (b) delete “characteristic.” and insert:

characteristic; and

- (b) after paragraph (b) insert:
 - (c) a species of aquatic organism limited by reference to the way in which the organism is taken.

6. Section 16 amended

In section 16(1):

- (a) delete paragraph (g) and insert:
 - (g) the method to be used in calculating the following —
 - (i) the total allowable catch (TAC) for the aquatic resource;
 - (ii) the quantity of TAC available for commercial fishing for the aquatic resource, including the quantity of TAC available for a type of resource share in the aquatic resource;
- (b) delete paragraph (j) and insert:
 - (j) the type or types of resource shares in the aquatic resource that are to be made available to the commercial sector;
 - (ja) the number of a type of resource share in the aquatic resource that is to be made available to the commercial sector;

7. Section 25 amended

Delete section 25(1)(h) and insert:

- (h) specify —
 - (i) the type or types of resource shares in the aquatic resource available under the ARUP; and
 - (ii) the number of a type of resource share in the aquatic resource available under the ARUP;
- and

8. Section 33 replaced

Delete section 33 and insert:

33. CEO to notify TAC and catch

- (1) At least 30 days before the commencement of each fishing period for a managed aquatic resource the CEO must publish in the *Gazette* a notice setting out the following in respect of the fishing period —
 - (a) the TAC for the resource, calculated in accordance with the ARMS for the resource;
 - (b) the quantity of TAC available for commercial fishing for the resource, including the quantity of TAC available for a type of resource share in the resource, calculated in accordance with the ARMS for the resource;
 - (c) the quantity of TAC available for recreational fishing for the resource, calculated in accordance with the ARMS for the resource;

(d) the catch to be allocated for a type of resource share in the resource.

(2) For the purposes of subsection (1)(d), the catch to be allocated for a type of resource share in a resource for a fishing period is the quantity of TAC available for that type of resource share divided by the number of that type of resource share in the resource.

9. Section 79 deleted

Delete section 79.

10. Section 86 amended

In section 86 delete “on” and insert:

an

11. Section 107 amended

In section 107(1) in the Penalty paragraph (a) delete “if” and insert:

of

12. Section 108 amended

In section 108 in the Penalty paragraph (a) delete “if” and insert:

of

s. 13

13. Section 109 amended

- (1) In section 109(2) delete “on” and insert:

an

- (2) In section 109(4) in the Penalty paragraph (a) delete “if” and insert:

of

14. Section 146 amended

In section 146(1) delete “item 5 or 8” and insert:

item 8

15. Sections 148 and 149 replaced

Delete sections 148 and 149 and insert:

148. CEO to give notice of when reviewable decision has effect

- (1) When the CEO gives effect to a reviewable decision the CEO must give notice in accordance with this section.
- (2) The notice must be given —
- (a) to each person who received notice under section 146(1)(a) in respect of the reviewable decision; and

- (b) in writing or in such other manner as is prescribed.

149. SAT to give notice of decision on review

- (1) When the State Administrative Tribunal determines an application made under section 147 the State Administrative Tribunal must give notice of its decision and the reasons for its decision in accordance with this section.
- (2) The notice must be given —
 - (a) to each person who received notice under section 146(1)(a) in respect of the reviewable decision; and
 - (b) in writing or in such other manner as is prescribed.

16. Section 266A inserted

At the end of Part 16 insert:

266A. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which section 268 comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.