

WESTERN AUSTRALIA

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**FISHERIES ADJUSTMENT  
SCHEMES AMENDMENT ACT 1994**

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**No. 54 of 1994**

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**AN ACT to amend the *Fisheries Adjustment Schemes Act 1987*.**

[Assented to 2 November 1994.]

The Parliament of Western Australia enacts as follows:

**Short title**

**1.** This Act may be cited as the *Fisheries Adjustment Schemes Amendment Act 1994*.

### **Commencement**

2. This Act comes into operation on such day as is fixed by proclamation.

### **Principal Act**

3. In this Act the *Fisheries Adjustment Schemes Act 1987\** is referred to as the principal Act.

[\* *Act No. 57 of 1987.*

*For subsequent amendments see 1993 Index to  
Legislation of Western Australia, Table 1, p. 80.]*

### **Long title amended**

4. The long title to the principal Act is amended by deleting “**surrender of certain licences under the *Fisheries Act 1905* on the payment of agreed compensation, to amend that Act consequentially and to provide for connected purposes.**” and substituting the following —

“

**surrender or cancellation of certain authorizations, or the reduction of certain entitlements, under the *Fish Resources Management Act 1994* with the payment of compensation, and for related purposes.**

”.

### **Part heading inserted**

5. Before section 1 of the principal Act the following heading is inserted —

“

**PART 1 — PRELIMINARY** ”.

**Section 3 amended**

6. (1) Section 3 (1) of the principal Act is amended —

(a) by deleting the definition of “eligible person” and substituting the following definition —

“

“**eligible person**”, in relation to a voluntary fisheries adjustment scheme, means a person who is entitled to offer the surrender of —

(a) an authorization; or

(b) part of an entitlement,

under that scheme;

”;

(b) by deleting the definition of “member” and the full stop after that definition and substituting the following —

“

“**member**” —

(a) in relation to a committee, means a member of the committee; and

(b) in relation to the Tribunal, means a member of the Tribunal;

”;

and

- (c) by inserting in the appropriate alphabetical positions the following definitions —

“

**“affected person”**, in relation to a compulsory fisheries adjustment scheme, means a person who holds —

- (a) an authorization that is to be cancelled; or
- (b) an entitlement that is to be reduced,

under that scheme;

**“compulsory fisheries adjustment scheme”** means a scheme established under section 14B;

**“fisheries adjustment scheme”** means —

- (a) a compulsory fisheries adjustment scheme; or
- (b) a voluntary fisheries adjustment scheme;

**“Fisheries Research and Development Fund”** means the Fisheries Research and Development Fund referred to in the *Fish Resources Management Act 1994*;

**“Recreational Fishing Fund”** means the Recreational Fishing Fund referred to in the *Fish Resources Management Act 1994*;

**“Tribunal”** means the Fisheries Adjustment Compensation Tribunal established under section 14O;

**“voluntary fisheries adjustment scheme”** means a scheme established under section 10B.

”.

(2) Section 3 (2) of the principal Act is amended by deleting “*Fisheries Act 1905*” and substituting the following —

“ *Fish Resources Management Act 1994* ”.

(3) After section 3 (2) of the principal Act the following subsection is inserted —

“

(3) In this Act, a reference to reducing the size of any fishery or fisheries includes a reference to —

- (a) reducing the number of persons fishing in the fishery or fisheries;
- (b) reducing the number of boats used for fishing in the fishery or fisheries;
- (c) reducing the amount of fishing gear used for fishing in the fishery or fisheries;
- (d) reducing the quantity of fish taken from the fishery or fisheries;
- (e) reducing the period of time during which fishing is engaged in within the fishery or fisheries; or
- (f) reducing the area in which fishing is engaged in within the fishery or fisheries.

”.

**Section 3A inserted**

7. After section 3 of the principal Act the following section is inserted —

“

**Application of Act to *Fish Resources Management Act 1994***

**3A.** (1) Nothing in this Act limits or affects the operation of the *Fish Resources Management Act 1994*.

(2) Without limiting subsection (1), nothing in this Act —

- (a) requires a fisheries adjustment scheme to be established under this Act before anything can be done under that Act;
- (b) requires compensation to be paid in respect of anything done or omitted to be done under that Act; or
- (c) otherwise prevents or limits the doing of anything under that Act.

”.

**Section 4 repealed**

8. Section 4 of the principal Act is repealed.

**Heading to Part 2 inserted**

9. Before section 5 of the principal Act the following heading is inserted —

“ **PART 2 — FINANCIAL PROVISIONS** ”.

**Section 5 amended**

**10. Section 5 (2) of the principal Act is amended —**

(a) by inserting after paragraph (b) the following paragraphs —

“

(ba) moneys credited to the Account from the Fisheries Research and Development Fund or the Recreational Fishing Fund;

(bb) moneys credited to the Account under section 15A (4);

(bc) moneys provided for the purposes of the Account by any government or statutory authority or otherwise by way of donations or bequests;

”;

(b) by deleting “and” after paragraph (c);

(c) by deleting the full stop after paragraph (d) and substituting the following —

“ ; and ”; and

(d) by inserting after paragraph (d) the following paragraph —

“

(e) any other moneys lawfully payable to the credit of the Account.

”.

**Section 6 amended**

11. Section 6 of the principal Act is amended —

- (a) in paragraph (a) by inserting before “fisheries” the following —

“ voluntary ”; and

- (b) by inserting after paragraph (a) the following paragraphs —

“

(aa) in payment of compensation required to be paid to a person in respect of a compulsory fisheries adjustment scheme;

(ab) to the purchase of any fishing boat or fishing gear from a person under section 15A;

”.

**Section 8 amended**

12. Section 8 of the principal Act is amended —

- (a) in subsection (1) by deleting “a licence in respect of a fishing unit to which the scheme applies” and substituting the following —

“

an authorization that authorizes fishing in a fishery to which the scheme applies

”;

- (b) by repealing subsection (1a);



(c) in subsection (3) —

(i) by deleting “by every holder of a licence in respect of each fishing unit” and substituting the following —

“ in respect of each authorization ”;

and

(ii) by deleting “, pots, or otherwise related to the fishing units of licence holders” and substituting the following —

“  
or pots being used, or the activities  
being carried out, under an  
authorization  
”;

and

(d) by inserting after subsection (3) the following subsection —

“  
(3a) If the holder of an authorization has not paid any fee referred to in subsection (1) when it becomes due, the Executive Director may, by notice in writing given to the holder —

(a) cancel the authorization; or

(b) suspend the authorization for a specified period.

”.

**Section 9 amended**

13. Section 9 of the principal Act is amended —

- (a) by deleting “and” after paragraph (a);
- (b) by inserting after paragraph (a) the following paragraph —

“

(aa) in returning that proportion of the balance attributable to moneys credited to the Account from the Fisheries Research and Development Fund or the Recreational Fishing Fund, to the credit of the fund from which the moneys came;

”;

- (c) in paragraph (b) by deleting “licences in respect of fishing units to which the scheme relates” and substituting the following —

“

authorizations that authorize fishing in a fishery to which the scheme applies

”;

- (d) by deleting the full stop after paragraph (b) and substituting the following —

“ ; and ”; and

- (e) by inserting after paragraph (b) the following paragraph —

“

(c) in the case of any other moneys, to the credit of the Fisheries Research and Development Fund or the

Recreational Fishing Fund, as the  
Minister thinks fit.

”.

### **Part heading and sections inserted**

14. After section 10 of the principal Act the following Part heading and sections are inserted —

“

### **PART 3 — VOLUNTARY FISHERIES ADJUSTMENT SCHEMES**

#### **Interpretation**

10A. In this Part —

“**scheme**” means a voluntary fisheries  
adjustment scheme.

#### **Establishment of scheme**

10B. (1) The Minister may, by notice published in the *Gazette*, establish a scheme to reduce the size of any fishery or fisheries, by enabling the surrender of authorizations, or parts of entitlements, relating to the fishery or fisheries on the payment of agreed compensation.

(2) A notice under subsection (1) must —

- (a) set out the objectives of the scheme;
- (b) identify the fishery or fisheries to which the scheme applies;

- (c) determine who is a person entitled to offer the surrender of an authorization, or part of an entitlement, under the scheme; and
- (d) contain information as to the manner of operation of the scheme and the period during which it is to operate.

(3) The Minister may by further notice published in the *Gazette* vary or revoke a notice.

### **Administration of scheme**

**10C.** (1) The Minister is to administer a scheme in accordance with the terms of the notice for that scheme.

(2) The Minister is to be assisted in the administration of the scheme by a committee of management constituted under section 11 for that scheme.

(3) When a scheme is established the Minister is to cause an invitation in the terms set out in subsection (4) to be published in a newspaper, and in a fishing magazine, circulating generally in the State.

(4) An invitation shall invite eligible persons —

- (a) to offer the surrender of their authorization or part of their entitlement (as the case may be) under the scheme; and
- (b) for that purpose, to submit to the committee for the scheme, within a specified period, an offer in the form approved by the committee stating the

amount of compensation for which the person will surrender their authorization or part of their entitlement.

(5) The Minister is to respond in writing to every offer made under this section by an eligible person and is to either accept or decline the offer or make a counter offer.

(6) An eligible person may, by notice in writing given to the Minister, surrender an authorization in accordance with an agreement to do so under a scheme and the authorization ceases to have effect when the notice is given.

(7) An eligible person may, by notice in writing given to the Minister, surrender part of their entitlement in accordance with an agreement to do so under a scheme and the Executive Director may reduce the entitlement accordingly.

(8) If in accordance with an agreement under a scheme an authorization is surrendered or part of an entitlement is reduced, the Minister is to pay the agreed amount of compensation to the eligible person.

(9) Compensation is to be paid from the Account.

”

### **Section 11 amended**

**15.** Section 11 of the principal Act is amended —

(a) in subsection (1) by inserting before “fisheries adjustment scheme” the following —

“ voluntary ”;

(b) in subsection (2) by inserting before “fisheries adjustment scheme” in each place where it occurs the following —

“ voluntary ”; and

(c) in subsection (3) by deleting paragraph (c).

#### **Part 4 inserted**

16. After section 14 of the principal Act the following Part is inserted —

“

### **PART 4 — COMPULSORY FISHERIES ADJUSTMENT SCHEMES**

#### ***Division 1 — Schemes***

#### **Interpretation**

14A. In this Part —

“**scheme**” means a compulsory fisheries adjustment scheme.

#### **Establishment of scheme**

14B. (1) The Minister may, by notice published in the *Gazette*, establish a scheme to reduce the size of any fishery or fisheries by enabling the cancellation of authorizations, or the reduction of entitlements, relating to the fishery or fisheries on the payment of compensation.

(2) The Minister must not establish a scheme under this section unless in the Minister’s opinion it is

either not possible, or not appropriate, to achieve the necessary reduction in the size of the fishery or fisheries by a voluntary fisheries adjustment scheme.

(3) A notice under subsection (1) must —

- (a) specify the objectives of the scheme;
- (b) identify the fishery or fisheries to which the scheme applies;
- (c) specify —
  - (i) why the reduction in the size of the fishery or fisheries is required; and
  - (ii) why such a scheme is necessary to achieve that reduction;
- (d) identify the authorizations that are to be cancelled, or the parts of entitlements that are to be reduced, under the scheme;
- (e) specify how the authorizations or parts of entitlements referred to in paragraph (d) have been selected; and
- (f) specify the manner and form in which, and the period within which, affected persons may apply to the Minister for compensation.

(4) The Minister may by further notice published in the *Gazette* vary or revoke a notice under this section.

**Procedure before establishing scheme**

**14C.** Before establishing a scheme the Minister must —

- (a) consult with the Executive Director and any relevant advisory committee established under the *Fish Resources Management Act 1994*; and
- (b) consider any representations made under section 14D (3) concerning the scheme.

**Objections to proposed scheme**

**14D.** (1) Not less than 3 months before establishing a scheme, the Minister must cause —

- (a) a notice to be published in a newspaper circulating generally in the State; and
- (b) a copy of the notice to be sent by certified post to —
  - (i) each person who holds an authorization relating to the fishery or fisheries to which the proposed scheme will apply; and
  - (ii) any body that, in the Minister's opinion, represents such persons.

(2) The notice referred to in subsection (1) must —

- (a) specify the objectives of the proposed scheme;



- (b) identify the fishery or fisheries to which the proposed scheme will apply;
  - (c) specify —
    - (i) why the reduction in the size of the fishery or fisheries is required; and
    - (ii) why the proposed scheme is necessary to achieve that reduction;
  - (d) if the authorizations that are to be cancelled, or the parts of entitlements that are to be reduced, under the proposed scheme have already been selected —
    - (i) identify those authorizations or entitlements; and
    - (ii) specify how they were selected;
  - (e) if the authorizations that are to be cancelled, or the parts of entitlements that are to be reduced, under the proposed scheme have yet to be selected, specify how they are to be selected; and
  - (f) invite persons who wish to comment on the proposed scheme to make representations to the Minister.
- (3) A person may within 60 days after notice is published under subsection (1) (a) make representations in writing to the Minister concerning the proposed scheme.
- (4) If —
- (a) a notice is published in accordance with subsection (1) (a); and

- (b) the notice identifies the authorizations that are to be cancelled, or the entitlements that are to be reduced, under the proposed scheme,

the Minister must not proceed to establish the scheme with a modification that amends the authorizations or entitlements to which the scheme applies, unless the Minister complies again with this section.

- (5) Subsection (4) does not apply to a modification that reduces the class of authorizations or entitlements to which the scheme applies.

### **Selection of authorizations or entitlements**

**14E.** (1) The authorizations that are to be cancelled or the entitlements that are to be reduced under a scheme may be selected in such manner as the Minister thinks fit.

(2) Without limiting subsection (1), the authorizations or entitlements may be selected by ballot or lottery.

(3) If the authorizations or entitlements are to be selected by ballot or lottery —

- (a) the ballot or lottery must not be held before the Minister has complied with section 14C; and
- (b) the notice referred to in section 14D (1) must specify the time and the place at which it is proposed to hold the ballot or lottery.

**Notification of affected persons**

**14F.** (1) The Minister must, as soon as practicable after establishing a scheme, notify each affected person in writing —

- (a) that the scheme has been established;
- (b) that the person may apply to the Minister for compensation; and
- (c) of how, when and in what form the person may make an application referred to in paragraph (b).

(2) When the Minister notifies a person under subsection (1) that a scheme has been established, the Minister must also cause a copy of the notice that establishes the scheme to be sent to the person.

**Compensation for loss suffered**

**14G.** (1) An affected person is entitled to fair compensation for any loss suffered by the person as a result of the cancellation of an authorization, or the reduction of an entitlement, under a scheme.

(2) The value of an authorization that is to be cancelled, or part of an entitlement that is to be reduced, under a scheme, is to be assessed as the market value of the authorization or entitlement.

(3) The market value referred to in subsection (2) is to be assessed as the market value immediately before the day on which a notice was published under section 14D (1) (a).

**Affected person may apply for compensation**

**14H.** (1) An affected person may apply to the Minister for compensation.

(2) An application under subsection (1) must be made in the manner and form, and within the period, specified in the notice under section 14B.

**Agreement as to amount of compensation**

**14I.** (1) If an affected person applies to the Minister in accordance with section 14H, the Minister is to conduct negotiations with the person with a view to settling the amount of compensation payable to the person.

(2) If the amount of compensation is agreed under subsection (1) the Minister is to enter into an agreement with the person setting out the terms of the agreement.

**Application to Tribunal if no agreement**

**14J.** (1) An affected person or the Minister may apply to the Tribunal to determine the amount of compensation payable to the person if an agreement relating to the amount of compensation payable to the person has not been entered into under section 14I within 60 days of the person applying under section 14H.

(2) An application to the Tribunal under subsection (1) may be made at any time after the expiration of the period specified in that subsection.

**Minister to determine amount of compensation if person does not apply for compensation**

**14K.** (1) If an affected person does not apply to the Minister in accordance with section 14H, the Minister is to determine the amount of compensation payable to the person.

(2) The Minister must, as soon as practicable after determining the amount of compensation under subsection (1), notify the person in writing of the amount determined.

**Application to Tribunal to review Minister's determination**

**14L.** (1) An affected person may apply to the Tribunal to review the amount of compensation payable to the person if the person is aggrieved by the amount of compensation determined by the Minister under section 14K.

(2) An application to the Tribunal under subsection (1) must be made within 28 days after notice is given under section 14K (2).

**Agreement may be entered into despite proceedings**

**14M.** The Minister may enter into an agreement with an affected person as to the amount of compensation payable to the person notwithstanding that proceedings have been instituted before the Tribunal.

**Minister to give effect to agreement or determination**

14N. (1) If —

- (a) the Minister and an affected person have entered into an agreement as to the amount of compensation payable to the person;
- (b) the amount of compensation payable to an affected person has been determined by the Minister under section 14K and the person has not applied to the Tribunal to review that amount in accordance with section 14L; or
- (c) the Tribunal has determined the amount of compensation payable to an affected person,

the Minister is to pay the amount of compensation to the person and is to reduce the person's entitlement or, by notice in writing given to the affected person, to cancel the person's authorization (as the case may be) in accordance with the scheme.

(2) Compensation is to be paid out of the Account.

***Division 2 — Fisheries Adjustment Compensation  
Tribunal***

**Establishment of Tribunal**

14O. (1) A tribunal called the Fisheries Adjustment Compensation Tribunal is established.

(2) The Tribunal is to consist of 3 persons appointed by the Minister of whom —

- (a) one is to be a practitioner as defined in the *Legal Practitioners Act 1893* of not less than 8 years standing and experience;
- (b) one is to be a member of either the Institute of Chartered Accountants of Australia or the Australian Society of Accountants who has had not less than 5 years experience of accounting relating to the fishing or aquaculture industry; and
- (c) one is to be a broker who has had not less than 5 years experience broking in the fishing or aquaculture industry.

(3) The person referred to in subsection (2) (a) is to be the chairperson of the Tribunal.

#### **Term of office of members**

**14P.** (1) A member of the Tribunal is to hold office for such term not being more than 3 years as is specified in the member's instrument of appointment and may from time to time be reappointed.

(2) A member may resign from office by notice in writing delivered to the Minister.

(3) The Minister may remove a member from office on the grounds of —

- (a) mental or physical incapacity to carry out satisfactorily the duties of a member;
- (b) neglect of duty;

- (c) misconduct; or
- (d) the member ceasing to hold any qualification by virtue of which he or she was appointed.

### **Acting members**

**14Q.** (1) If a member of the Tribunal —

- (a) is ill or absent; or
- (b) disqualifies himself or herself in respect of a particular matter, whether by reason of a possibility of a conflict of interest or otherwise,

the Minister may appoint another eligible person to act as a member in his or her place during the illness or absence or in the particular matter.

(2) A person appointed under subsection (1) has, while acting as a member, all the powers, duties and entitlements of, and the protection given to, the member in whose place the person is appointed to act.

### **Remuneration of members**

**14R.** (1) A member of a Tribunal is, subject to subsection (2), entitled to such remuneration and allowances in respect of the performance of his or her functions as the Minister from time to time determines on the recommendation of the Minister for Public Sector Management.

(2) Subsection (1) does not apply to a person employed in the Public Service.



### **Jurisdiction of Tribunal**

**14S.** The Tribunal is to hear and determine applications made to it under section 14J and section 14L.

### **Proceedings of Tribunal**

**14T.** (1) The chairperson of the Tribunal is to appoint the time and place for sittings of the Tribunal and may adjourn its sittings from time to time.

(2) At a sitting of the Tribunal —

- (a) all 3 members are required to be present to constitute a quorum; and
- (b) the chairperson of the Tribunal is to preside and is to determine any question of law or procedure.

(3) Except as provided in subsection (2) (b), a question arising before the Tribunal is to be decided by a majority of the members of the Tribunal.

(4) The Tribunal is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(5) To the extent that it is not prescribed by the regulations the Tribunal is to determine its own procedure.

(6) The Tribunal is to cause an accurate record to be kept of its proceedings.

**Parties to proceedings**

**14U.** (1) The parties to proceedings instituted before the Tribunal shall be the person who applied to the Tribunal and —

- (a) if the person who applied was the Minister, the affected person; or
- (b) if the person who applied was the affected person, the Minister.

(2) The Tribunal is to —

- (a) give to a person who is a party to proceedings reasonable notice of the time and place at which it intends to conduct those proceedings; and
- (b) afford any such person a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses, and to make submissions to the Tribunal.

(3) If a person to whom notice has been given under subsection (2) does not attend at the time and place fixed by the notice, the Tribunal may conduct the proceedings in the person's absence.

(4) A party to proceedings before the Tribunal may appear personally or be represented in those proceedings by counsel or, with the leave of the Tribunal, by any other person.

(5) A person who, not being a certificated practitioner within the meaning of the *Legal Practitioners Act 1893*, demands or receives any fee or reward for representing a person in proceedings before the Tribunal commits an offence and is liable to a fine not exceeding \$1 000.

**Case stated**

**14V.** (1) If a question of law arises in proceedings before the Tribunal, the Tribunal may, in accordance with the rules of court, state a case for the opinion of the Supreme Court upon the question.

(2) The Supreme Court has jurisdiction to consider and determine any case stated and to make such orders as it thinks fit with regard to the case and to the costs of and incidental to the consideration and determination of the case.

**Costs**

**14W.** The Tribunal may make such orders for costs as it thinks fit.

**Powers of Tribunal**

**14X.** The Tribunal may —

- (a) by summons require any person —
  - (i) to attend before the Tribunal;
  - (ii) to produce any document before the Tribunal;
- (b) inspect any document produced before it, and retain it for such reasonable period as is required, and make copies of the document or any of its contents;
- (c) require any person to swear to answer truly any relevant question put to that person by the Tribunal or any person

appearing before the Tribunal (and for that purpose may administer any oath or affirmation);

- (d) require any person attending before the Tribunal (whether that person has been summoned to appear or not) to answer any relevant question put to that person by the Tribunal or any person appearing before the Tribunal;
- (e) inspect anything for the purpose of assessing the amount of compensation payable in respect of the thing.

### **Offences**

**14Y.** (1) A person who —

- (a) having been served with a summons to attend before the Tribunal, fails without reasonable excuse (proof of which lies upon that person) to attend in obedience to the summons;
- (b) having been served with a summons to produce before the Tribunal any document, fails without reasonable excuse (proof of which lies upon that person) to comply with the summons;
- (c) misbehaves before the Tribunal, wilfully insults the Tribunal or a member thereof, or interrupts the proceedings of the Tribunal;
- (d) refuses or fails without reasonable excuse (proof of which lies upon that person) to

swear, or to answer any question, when required to do so by the Tribunal; or

- (e) makes, before the Tribunal, a statement that —
  - (i) the person knows to be false or misleading in a material particular; or
  - (ii) omits anything without which the statement is, to the person's knowledge, misleading in a material particular,

commits an offence and is liable to a fine not exceeding \$2 000.

(2) For the purposes of subsection (1) (d), it is not a reasonable excuse for a person to refuse or fail to answer any question, on the ground that the answer to the question might incriminate the person or render the person liable to a penalty.

(3) Despite subsection (2), an answer given by a person pursuant to a requirement under section 14X is not admissible in evidence against the person in any criminal proceedings other than proceedings for perjury or for an offence against this section.

### **Decision of Tribunal final**

**14Z.** A decision of the Tribunal under this Division is final.

### **Protection of members**

**14ZA.** A member of the Tribunal is not personally liable for anything done or omitted to be done in good

faith by that person in the performance or purported performance of any function under this Act.

### **Staff of Tribunal**

**14ZB.** There are to be appointed under Part 3 of the *Public Sector Management Act 1994* such officers as are necessary to assist the Tribunal to perform its functions under this Act.

### **Regulations relating to Tribunal**

**14ZC.** (1) The regulations may provide for any matter necessary or convenient to enable the Tribunal to perform its functions.

(2) Without limiting subsection (1), the regulations may —

- (a) prescribe matters relating to the practice and procedure of the Tribunal;
- (b) provide for the enforcement of orders of the Tribunal;
- (c) prescribe fees payable in respect of anything done in relation to the Tribunal.

”.

### **Heading inserted**

**17.** Before section 15 of the principal Act the following heading is inserted —

“ **PART 5 — MISCELLANEOUS** ”.

**Section 15 amended**

**18.** Section 15 of the principal Act is amended —

(a) in subsection (1) by deleting “Director” and substituting the following —

“ Minister, the Executive Director ”; and

(b) in subsection (2) —

(i) by deleting “Director” and substituting the following —

“ Minister, the Executive Director ”; and

(ii) by deleting “\$1 000” and substituting the following —

“ \$5 000 and a daily penalty of \$100 ”.

**Section 15A inserted**

**19.** After section 15 of the principal Act the following section is inserted —

“

**Purchase of fishing boat or fishing gear**

**15A.** (1) The Minister may enter into an agreement with —

(a) an affected person in the case of a compulsory fisheries adjustment scheme; or

(b) an eligible person in the case of a voluntary fisheries adjustment scheme,

to purchase the person’s fishing boat or fishing gear.

(2) The purchase price is to be paid out of the Account.

(3) The Minister may sell or otherwise dispose of any fishing boat or fishing gear purchased under this section.

(4) Proceeds of the sale by the Minister of any fishing boat or fishing gear under this section are to be paid to the credit of the Fisheries Adjustment Schemes Trust Account.

”

### **Section 16 amended**

20. Section 16 of the principal Act is amended by deleting “\$2 000” and substituting the following —

“ \$5 000 ”.

### **Section 18 amended**

21. Section 18 of the principal Act is amended by repealing subsection (2) and substituting the following subsection —

“

(2) In this section, “**officer**” has the same meaning as in the Corporations Law but does not include an employee of the body corporate unless he or she was concerned in the management of the body corporate.

”

### **Section 20 repealed**

22. Section 20 of the principal Act is repealed.