

WESTERN AUSTRALIA

**FISHERIES AMENDMENT
ACT 1994**

No. 22 of 1994

AN ACT to amend the *Fisheries Act 1905*.

[Assented to 22 June 1994.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Fisheries 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 Act 1905** is referred to as the principal Act.

[* *Reprinted as at 15 July 1986.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, pp.76-78 and Gazettes of 5 March, 15 October, 2 November and 21 December 1993 and 11 March 1994.]

Section 3 amended

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

(a) by inserting in the appropriate alphabetical position the following definition —

“

“**Australian fishing zone**” has the same meaning as in the Commonwealth Act;

”;

and

(b) by deleting the definition of “Commonwealth Act” and substituting the following definition —

“

“**Commonwealth Act**” means the *Fisheries Management Act 1991* of the Commonwealth;

”.

(2) Section 3 (3) of the principal Act is amended —

(a) in paragraph (b) by deleting “that, within the meaning of that Part, are Commonwealth proclaimed waters” and substituting the following —

“ that are in the Australian fishing zone ”; and

(b) by deleting paragraph (d) and substituting the following paragraph —

“

(d) for purposes relating to recreational fishing, within the meaning of the Commonwealth Act, other than recreational fishing —

(i) carried on by the use of a foreign boat; or

(ii) prohibited or regulated by a plan of management determined under section 17 of the Commonwealth Act,

is a reference to any waters to which the legislative powers of the State extend with respect to such fishing.

”.

Section 8A amended

5. Section 8A (1) of the principal Act is amended —

(a) by deleting the definitions of “coastal waters” and “Commonwealth proclaimed waters”;

- (b) in the definition of “Commonwealth Minister” by deleting “section 12C” and substituting the following —

“ section 60 ”; and

- (c) by deleting the definition of “Joint Authority” and substituting the following definition —

“ **“Joint Authority”** means —

(a) the Western Australian Fisheries Joint Authority continued in existence by the *Fisheries Legislation (Consequential Provisions) Act 1991* of the Commonwealth; and

(b) any other Joint Authority established under the Commonwealth Act of which the Minister is a member;

”.

Section 8B amended

6. Section 8B of the principal Act is amended by deleting “Part IVA” in both places where it occurs and substituting in each place the following —

“ Part 5 ”.

Section 8F amended

7. Section 8F (1) of the principal Act is amended by deleting “The provisions of subsections (1) to (8) (inclusive) of section 12F” and substituting the following —

“ Sections 66 to 68 (inclusive) ”.

Section 8G amended

8. Section 8G of the principal Act is amended by deleting “section 12G” and substituting the following —

“ section 70 ”.

Section 8H amended

9. Section 8H (1) of the principal Act is amended —

(a) by deleting “section 12J” and substituting the following —

“ section 74 ”; and

(b) by deleting “section 12H” and substituting the following —

“ section 71 or 72 ”.

Section 8I amended

10. Section 8I of the principal Act is amended by deleting “Commonwealth proclaimed waters” in each place where it occurs and substituting in each place the following —

“ the Australian fishing zone ”.

Savings

11. (1) Nothing in this Act affects the continued operation of —

(a) any arrangement in force immediately before the commencement of this Act;

- (b) anything done under an arrangement before the commencement of this Act; or
- (c) anything done by a Joint Authority before the commencement of this Act.

(2) In this section, “**arrangement**” and “**Joint Authority**” have the same respective meanings as in Part IIA of the principal Act (as in force immediately before the commencement of this Act).