

WESTERN AUSTRALIA

**PEARLING AMENDMENT
ACT 1994**

No. 23 of 1994

AN ACT to amend the *Pearling Act 1990*.

[Assented to 22 June 1994.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Pearling 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 *Pearling Act 1990** is referred to as the principal Act.

[* Act No. 88 of 1990.

For subsequent amendments see Acts Nos. 6 and 21 of 1993.]

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 Fisheries Act;

”;

and

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

“

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

”.

(2) Section 3 (2) 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 Fisheries 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 Fisheries Act,

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

”.

Section 44 amended

5. Section 44 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

6. (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 *Fisheries Act 1905* (as in force immediately before the commencement of the *Fisheries Amendment Act 1994*).