



Western Australia

Fishing and Related Industries Compensation (Marine Reserves)
Act 1997

Fishing and Related Industries Compensation (Marine Reserves) Regulations 1998

Reprint 1: The regulations as at 14 December 2006

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 14 December 2006

Western Australia

Fishing and Related Industries Compensation (Marine Reserves) Regulations 1998

CONTENTS

1.	Citation	1
2.	Time prescribed for the purpose of section 5(7)	1
3.	Application to Minister for compensation	1
Schedule 1 — Forms		
Notes		
	Compilation table	5



Reprinted under the
Reprints Act 1984 as
at 14 December 2006

Western Australia

Fishing and Related Industries Compensation (Marine Reserves)
Act 1997

Fishing and Related Industries Compensation (Marine Reserves) Regulations 1998

1. Citation

These regulations may be cited as the *Fishing and Related Industries Compensation (Marine Reserves) Regulations 1998*¹.

2. Time prescribed for the purpose of section 5(7)

For the purpose of section 5(7) of the Act, the prescribed time is 30 days.

3. Application to Minister for compensation

- (1) An application to the Minister for compensation under section 7(1) must be in the form of Form 1 in Schedule 1.
- (2) An application may be dealt with notwithstanding that the application has not been made substantially in the prescribed form.

Schedule 1 — Forms

[r. 3]

Form 1

Fishing and Related Industries Compensation (Marine Reserves) Act 1997

APPLICATION FOR COMPENSATION

Application¹ is made to the Minister for Fisheries by
.....
..... of
..... for compensation under section 5
of the Act.²

Details of authorisation³ held by the applicant	
---	--

Event⁴ on which the claim for compensation is based	
---	--

Amount of compensation claimed⁵	\$
---	----

Manner in which amount of compensation claimed was calculated	
--	--

Dated:

.....

Applicant

NOTES

1. An application must be made within the period specified in the notice of the event published by the Minister for Fisheries.
2. Within 30 days after receiving this application, the Minister for Fisheries is to decide whether or not you are entitled to compensation under the Act and advise you in writing of the decision. If the Minister decides that, or the State Administrative Tribunal determines that, you are entitled to compensation, the Minister must conduct negotiations with you with a view to settling the amount of the compensation. If you and the Minister agree on the amount of compensation, the Minister must enter into an agreement with you setting out the terms of the agreement.

If an agreement on the amount of compensation has not been entered into within 60 days of advice to you that the Minister has decided that, or of the State Administrative Tribunal determining that, you are entitled to compensation, you or the Minister may apply to the State Administrative Tribunal for a determination of the amount of compensation. An agreement as to the amount of compensation may be entered into even though an application has been made to the Tribunal.

If the Minister advises you that he or she has decided that you are not entitled to compensation, you may apply to the State Administrative Tribunal for a review of the decision.

An application to the Tribunal cannot be made later than 21 days after the day on which the advice is received from the Minister.

If you do not receive advice from the Minister, within 30 days of the Minister receiving the application, that you are entitled to compensation, you may apply to the State Administrative Tribunal to determine whether or not you are entitled to compensation.

An application to the Tribunal cannot be made later than 21 days after the expiration of the period within which the Minister is to advise you whether or not he or she has decided that you are entitled to compensation.

An agreement as to the amount of compensation may be entered into even though an application has been made to the Tribunal.

3. The types of authorisation in respect of which an application for compensation may be made by you are —
 - (a) an aquaculture lease;
 - (b) an aquaculture licence;
 - (c) a commercial fishing licence;
 - (d) a fishing boat licence;
 - (e) a fish processor's licence;
 - (f) a managed fishery licence;
 - (g) an interim managed fishery permit;

**Fishing and Related Industries Compensation (Marine Reserves)
Regulations 1998**

Schedule 1 Forms

- (h) a farm lease;
 - (i) a hatchery licence;
 - (j) a hatchery permit;
 - (k) a pearling licence; or
 - (l) a pearling permit.
4. A claim by you for an entitlement to compensation under the Act can be based on the following events —
- (a) the coming into operation of section 10 of the *Acts Amendment (Marine Reserves) Act 1997*;
 - (b) the coming into operation of an order under section 13(1) of the *Conservation and Land Management Act 1984* constituting or adding to a marine nature reserve or marine park;
 - (c) the coming into operation under Division 1 of Part V of the *Conservation and Land Management Act 1984* of —
 - (i) an amendment to a management plan; or
 - (ii) a substituted management plan,so that the renewal of an authorisation would no longer be consistent with a management plan;
 - (d) the classification of an area of a marine park by notice under section 62 of the *Conservation and Land Management Act 1984* as —
 - (i) a sanctuary area;
 - (ii) a recreation area; or
 - (iii) a special purpose area which, or that part of a special purpose area which, the Minister for the Environment has declared in the notice to be an area where a commercial activity specified in the notice would be incompatible with a conservation purpose specified in the notice.
5. You are entitled to fair compensation for any loss suffered as a result of the event on which the claim for compensation is based.

[Schedule 1 amended in Gazette 30 Dec 2004 p. 6967-8.]

**Fishing and Related Industries Compensation (Marine Reserves)
Regulations 1998**

Notes

- ¹ This reprint is a compilation as at 14 December 2006 of the *Fishing and Related Industries Compensation (Marine Reserves) Regulations 1998* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Fishing and Related Industries Compensation (Marine Reserves) Regulations 1998</i>	28 Aug 1998 p. 4745-7	28 Aug 1998
<i>Fishing and Related Industries Compensation (Marine Reserves) Amendment Regulations 2004</i>	30 Dec 2004 p. 6967-8	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
Reprint 1: The <i>Fishing and Related Industries Compensation (Marine Reserves) Regulations 1998</i> as at 15 Dec 2006 (includes amendments listed above)		