

LEGISLATIVE COUNCIL

FISHERIES MANAGEMENT AMENDMENT BILL 2009

Schedule of Government and Greens amendments agreed to in Committee of the Whole
on Wednesday 2 December 2009

Schedule of the amendments referred to in the Legislative Council's message of 2 December 2009

No. 1 Page 13, Schedule 1. Insert after line 6:

[27] Section 21AA

Insert after section 21:

21AA Special provision for Aboriginal cultural fishing

- (1) An Aboriginal person is authorised to take or possess fish, despite section 17 or 18, if the fish are taken or possessed for the purpose of Aboriginal cultural fishing.
- (2) The authority conferred by this section is subject to any regulations made under this section.
- (3) The regulations may make provision for the management of Aboriginal cultural fishing as authorised by this section.
- (4) Without limiting the above, the regulations may:
 - (a) prescribe the circumstances in which the taking or possession of fish by Aboriginal persons for the purpose of Aboriginal cultural fishing is authorised by this section, and
 - (b) specify restrictions as to the quantity of fish of a specified species or of a specified class that may be taken by or be in the possession of Aboriginal persons for the purposes of Aboriginal cultural fishing as authorised by this section.
- (5) The Minister must not recommend the making of a regulation under this section unless an advisory council for the Aboriginal sector of the fishing industry has been established under section 229 and the Minister certifies that the advisory council has been consulted on the proposed regulation.
- (6) A person does not commit an offence against section 17 or 18 in respect of the taking or possession of fish if the taking or possession of the fish is authorised under this section.
- (7) This section does not prevent the issue of a permit under section 37 for Aboriginal cultural fishing purposes.
- (8) This section does not authorise an Aboriginal person to do anything that is inconsistent with native title rights and interests under an approved determination of native title

(within the meaning of the *Native Title Act 1993* of the Commonwealth) or with the terms of an indigenous land use agreement (within the meaning of that Act).

No. 2 Page 16, Schedule 1. Insert after line 7:

[32] Section 34C Recreational fishers required to pay fishing fee

Omit section 34C (2) (f). Insert instead:

(f) if the fisher is an Aboriginal person, or

No. 3 Page 39, Schedule 1. Insert after line 32:

[117] Section 229 Ministerial advisory bodies

Insert “, Aboriginal” after “research” in section 229 (1).