

## FISHERIES MANAGEMENT AMENDMENT BILL

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Schedule of the amendments referred to in the Legislative Council's Message of 5 December 1997.

- No. 1 Page 2, clause 3, line 9. Omit "6". Insert instead "5".
- No. 2 Page 2, clause 4, line 11. Omit "7". Insert instead "6".
- No. 3 Page 3, Schedule 1 [1], line 11. Insert ", including the conservation of biological diversity" after "ecologically sustainable development".
- No. 4 Page 3, Schedule 1 [2]. Insert after line 20:
- biological diversity* means the diversity of life and is made up of the following 3 components:
- (a) genetic diversity - the variety of genes (or units of heredity) in any population,
  - (b) species diversity - the variety of species,
  - (c) ecosystem diversity - the variety of communities or ecosystems.
- No. 5 Page 11, Schedule 1 [9] (proposed section 220D (1)), line 8. Omit "The Governor may, by proclamation". Insert instead "The Minister may, by order".
- No. 6 Page 11, Schedule 1 [9] (proposed section 220D (2)), line 19. Omit "The Governor may, by proclamation". Insert instead "The Minister may, by order".
- No. 7 Page 11, Schedule 1 [9] (proposed section 220D (4)), line 29. Omit "A proclamation". Insert instead "An order".
- No. 8 Page 11, Schedule 1 [9] (proposed section 220D (4)), line 31. Omit "proclamation". Insert instead "order".
- No. 9 Page 13, Schedule 1 [9] (proposed section 220F (2)), line 5. Omit "viable population". Insert instead "reproducing population".
- No. 10 Page 13, Schedule 1 [9] (proposed section 220F (3)), lines 17 and 18. Omit "recognisable type of ecological community that is likely to become extinct". Insert instead "type of ecological community that is likely to become extinct".
- No. 11 Page 14, Schedule 1 [9] (proposed section 220F (6)), lines 9-11. Omit all words on those lines.
- No. 12 Page 17, Schedule 1 [9] (proposed section 220M), lines 24-37 on page 17 and lines 1-11 on page 18. Omit all words on those lines. Insert instead:

**220M Decision by Minister or Committee on listing**

- (1) The Minister must, as soon as practicable (and in any event within 2 months) after receiving a recommendation by the Fisheries Scientific Committee for the amendment of Schedule 4, 5 or 6:
  - (a) accept the recommendation, or
  - (b) refer the recommendation back to the Committee for further consideration.
- (2) The Minister may only refer a matter back to the Committee for reasons of a scientific nature provided to the Committee. In the case of a nomination, the Committee is to notify the person who made the nomination that the matter has been referred back to the Committee and of the Minister's reasons for doing so.
- (3) If the recommendation is referred back to the Committee for further consideration:
  - (a) the Committee may decide to proceed with the recommendation, to change the recommendation or not to proceed with the recommendation, and
  - (b) the Committee is to make that decision within 3 months, and
  - (c) the Minister cannot refer the matter back to the Committee again after it has made that decision.
- (4) The Minister must make an order to give effect to a recommendation of the Committee:
  - (a) immediately after the Minister accepts the recommendation under subsection (1) (a), or
  - (b) if the matter has been referred back to the Committee for further consideration, immediately after the Minister is notified of the Committee's decision (unless the Committee decides not to proceed with the matter).

- No. 13 Page 18, Schedule 1 [9] (proposed section 220N (2)), line 27. Insert "(including sections 220H and 220I)" after "this Subdivision".
- No. 14 Page 18, Schedule 1 [9] (proposed section 220N (2)), line 27. Insert ", except that the Minister is not entitled to refer a recommendation for a provisional listing back to the Committee under section 220M (1) (b)" after "recommendation".
- No. 15 Page 18, Schedule 1 [9] (proposed section 220N (3)), line 28. Omit "A proclamation". Insert instead "An order".

No. 16 Page 19, Schedule 1 [9] (proposed section 220O (2)), lines 8-12. Omit all words on those lines. Insert instead:

(2) The Minister is to give the Committee the reasons for any rejection of such a recommendation of the Committee.

No. 17 Page 60, Schedule 1 [16]. Insert after line 6:

**Fish**

Trout cod .. .. . *Maccullochella macquariensis*  
 Eastern freshwater cod .. .. *Maccullochella ikei*  
 Oxleyan pigmy perch .. .. *Nannoperca oxleyana*

No. 18 Page 60, Schedule 1 [16]. Insert after line 10:

**Fish**

Honey blue-eye .. .. . *Pseudomugil mellis*

No. 19 Pages 68-77, Schedule 2. Omit the Schedule

No. 20 Page 84, Schedule 4 (proposed section 235 (1)). Insert after line 6:

(c) all fees and charges paid under Part 4A and the regulations under that Part, and

No. 21 Page 84, Schedule 4 (proposed section 235 (2) (e)), line 23. Omit "freshwater". Insert instead "recreational".

No. 22 Page 85, Schedule 4 (proposed section 236 (1) (b)), lines 1 and 2. Omit ", 4 and 4A". Insert instead "and 4".

No. 23 Page 87, Schedule 4. Insert after line 15:

**238A General provisions relating to consultation on expenditure from trust funds**

The following provisions apply for the purposes of consultation with an advisory council that is required under this Division with respect to expenditure from a trust fund:

- (a) the Minister is to provide the advisory council with a draft expenditure budget,
- (b) the Minister is to give the advisory council at least 1 month to make any recommendations about the draft budget,
- (c) the Minister is to take any such recommendation into account before finalising the expenditure budget, and give the advisory council reasons for the rejection of any such recommendation.

No. 24 Page 87, Schedule 4. Insert after line 36:

**239B Separate accounting for research**

The Minister may establish a separate account in, or separate part of, a trust fund in connection with the payment of money into or out of that fund for the purposes of research.

- No. 25 Page 104, Schedule 7.5. Omit "or commercial managed fishery".
- No 26 Page 105, Schedule 7.6 [3], line 21. Omit "fish or marine vegetation". Insert instead "any matter".
- No 27 Page 106, Schedule 7.6. Insert after line 6:
- [6] Section 138 Provisions relating to Advisory Council and members of Advisory Council**
- Insert at the end of the section:
- (2) Despite subsection (1), the quorum for a meeting of the Advisory Council is 8 members.
- No 28 Page 106, Schedule 7.6 [9], line 17. Omit "as soon as practicable". Insert instead "within 12 months".
- No. 29 Page 1, long title. Omit "commercial fisheries management,".
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