

c2022-189G  
GRNS--The Greens

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LEGISLATIVE COUNCIL

**Fisheries Management Amendment (Enforcement Powers) Bill 2022**

First print

Proposed amendments

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No. 1 **Aboriginal cultural fishing—commencement**

Page 2, clause 2, line 5. Omit “the date of assent to this Act”. Insert instead “the date of commencement of *Fisheries Management Amendment Act 2009*, Schedule 1[27]”.

No. 2 **Search powers for suspected fisheries offences only**

Page 3, Schedule 1[2], proposed section 255A(1), lines 13–20. Omit all words on the lines. Insert instead—

- (1) A fisheries officer may search for or examine a thing if the fisheries officer suspects on reasonable grounds the thing is connected with a fisheries offence.
- (2) A fisheries officer may require a person to give a thing in the possession of or under the control of the person to the fisheries officer for examination, if the fisheries officer suspects on reasonable grounds a thing in the person’s possession or under the person’s control is connected with a fisheries offence.

No. 3 **Search powers—Aboriginal cultural fishing excluded**

Page 3, Schedule 1[2], proposed section 255A. Insert after line 37—

- (7) A fisheries officer must not exercise a function under this section in relation to a suspected fisheries offence committed by an Aboriginal person unless the fisheries officer has taken reasonable steps to determine—
  - (a) whether the fishing concerned was the carrying out of Aboriginal cultural fishing, and  
**Note— *Aboriginal cultural fishing*** is defined in section 4(1).
  - (b) whether the fishing concerned was the exercise of native title rights and interests within the meaning of the *Native Title Act 1993* of the Commonwealth.