

LEGISLATIVE ASSEMBLY

Read 1° 17 April 1991

(Brought in by Mr Crabb and Mr Roper)

A BILL

to amend the **Fisheries Act 1968** to impose new penalties in relation to offences relating to abalone and for other purposes.

Fisheries (Abalone Licences Penalties) Act 1991

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to amend the **Fisheries Act 1968** in relation to offences relating to abalone.

2. Commencement

This Act comes into operation immediately after the **Fisheries (Abalone Licences Transfer Charges) Act 1991** comes into operation.

3. *Impost on compulsory transfer of abalone licence*

10 In section 13A (9) of the **Fisheries Act 1968** after paragraph (b) insert—

Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

Act N . 7780.
Reprint d t
No. 10006.
Subs qu ntly
amend d by
Nos 10035,
10129,
79/1986,
121/1986,
41/1987,
71/1987,
57/1989,
74/1989,
81/1989,
4/1990 and
52/1990.

“; or

(c) of twice the amount applicable under paragraph (a) or (b) in the case of a transfer required by section 76C.”.

4. Penalty for certain offences relating to abalone 5

(1) In section 76B (1) of the **Fisheries Act 1968**—

(a) omit “and” after paragraph (b);

(b) Paragraph (c) is repealed.

(2) After section 76B of the **Fisheries Act 1968** insert—

“76C. Compulsory transfer of abalone licence 10

(1) This section applies if the holder of an abalone licence—

(a) is convicted of an offence relating to the taking or having possession of abalone in contravention of this Act, the regulations or a fisheries notice; and

(b) has been convicted (whether before or after the commencement of section 4 of the **Fisheries (Abalone Licences Penalties) Act 1991**) of such an offence on at least 2 15 previous occasions.

(2) The court must upon convicting the holder of the abalone licence make an order that—

(a) the holder of the abalone licence is prohibited from diving for abalone; and 20

(b) the holder of the abalone licence must apply to the Director-General to transfer the abalone licence within 6 months of the date of the order.

(3) If the holder of the abalone licence does not 25 comply with the order, the abalone licence is forfeited to the Director-General.”.