

Fisheries (Abalone) Bill

EXPLANATORY MEMORANDUM

Clause 1 cites the purpose of the Act.

Clause 2 provides for the Act to come into operation on a day to be proclaimed.

Clause 3 (a) (i) inserts a definition of the “Central Zone” of the abalone fishery. The fishery is divided into three zones for licensing and management purposes—the Eastern, Central and Western Zones.

Clause 3 (a) (ii) contains an amendment to the existing definition of “current abalone licence”.

Clause 3 (a) (iii) inserts a new definition of “declared abalone licence” into the *Fisheries Act 1968*. A “declared abalone licence” will be transferable on a one-for-one basis and this arrangement will apply to the Western Zone of the abalone fishery as soon as the Act is proclaimed. This paragraph also inserts a definition of the “Eastern Zone” of the abalone fishery.

Clause 3 (a) (iv) inserts a definition of the “Western Zone” of the abalone fishery.

Clause 3 (b) provides that abalone licences endorsed for either the Central or Eastern Zones of the abalone fishery may be declared as “declared abalone licences”. This means that the Governor in Council may by Order in Council extend licence transferability on a one-for-one basis into the Eastern and Central Zones of the fishery.

Clause 3 (c) contains a consequential amendment to the existing Act which allows the holder of a “declared abalone licence” to apply in the prescribed form to the Director-General for approval to the transfer of that licence.

Clause 3 (d) provides that a person applying for the transfer of a “declared abalone licence” to that person shall submit to a medical examination for the purpose of determining the physical fitness of that person to dive. The paragraph also provides for a transfer fee of \$10 000 to apply for the transfer of a “declared abalone licence”.

Clause 4 inserts new sections 13C and 13D into the *Fisheries Act 1968* designed to facilitate the introduction of catch quotas into the Western Zone of the abalone fishery and provide for an abalone docket system for all abalone landed by the holder of an abalone licence:

13C (1) inserts new definitions.

13C (2) provides that the system of catch quotas may be extended to the Eastern and Central Zones of the fishery.

13C (3) provides for a total allowable catch for a zone to be fixed for a 12-month period after having regard to the recommendation of the Fisheries Management Committee.

13C (4) provides for the issue of notices specifying individual catch quotas.

13C (5) provides for the transfer of individual quotas between divers licenced for the same fishing zone.

13C (6) facilitates the transfer of individual catch quotas and provides for a transfer fee.

13C (7) provides for the Director-General to grant or refuse applications for the transfer of individual catch quotas.

13C (8) provides for penalties for divers who exceed their quota.

13C (9) provides for the reduction of units from next year's quota for divers who exceed their quota in the present year.

13D (1) requires a licensed abalone diver to dispose of the catch to the holder of a processor's licence endorsed for the processing of abalone.

13D (2) provides for an abalone diver to record details of the catch on a prescribed abalone docket.

13D (3) provides for the holder of a processor's licence endorsed for the processing of abalone to keep records of abalone transactions.

13D (4) provides for penalties and forfeitures for abalone divers not in possession of a prescribed abalone docket.

13D (5) relates to penalties and forfeitures set out in 13D (4).

13D (6) provides for penalties and forfeitures for the holder of a processor's licence endorsed for the processing of abalone found in possession of abalone without the prescribed abalone docket.

13D (7) enables a Court to specify the period within which the holder of a processor's licence is ineligible to apply for the re-issue of a licence.

Clause 5 ?