



New South Wales

# Fish Marketing Amendment (Deregulation) Act 1997 No 10

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New South Wales

## **Fish Marketing Amendment (Deregulation) Act 1997 No 10**

Act No 10, 1997

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An Act to amend the *Fish Marketing Act 1994* to postpone the final deregulation of fish marketing in New South Wales; to amend the *Fisheries Act 1935* to remove certain restrictions on the marketing of fish in the County of Cumberland; and for other purposes. [Assented to 21 May 1997]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Fish Marketing Amendment (Deregulation) Act 1997*.

**2 Commencement**

- (1) This Act commences on the date of assent, except as provided by this section.
- (2) Schedule 1 [5] commences on 1 November 1997.

**3 Amendment of Fish Marketing Act 1994 No 37**

The *Fish Marketing Act 1994* is amended as set out in Schedule 1.

**4 Amendment of Fisheries Act 1935 No 58**

The *Fisheries Act 1935* is amended as set out in Schedule 2.

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## **Schedule 1    Amendment of Fish Marketing Act 1994**

(Section 3)

### **Part 1 Principal amendment**

#### **[1]    Section 20**

Omit the section. Insert instead:

##### **20 Deregulation date**

- (1) The deregulation date is 1 November 1999.
- (2) A reference in any instrument to the deregulation date within the meaning of this Act is a reference to 1 November 1999. However, the regulations may require any such reference in an instrument made or executed before the commencement of the *Fish Marketing Amendment (Deregulation) Act 1997* to be construed as a reference to the former deregulation date, namely, 1 November 1997.

### **Part 2 Minor and ancillary amendments**

#### **[2]    Section 3 Definitions**

Omit “Fisheries Act” from the definition of *commercial fisher* in section 3 (1).

Insert instead “*Fisheries Management Act 1994*”.

#### **[3]    Section 3 (1)**

Omit “section 20” from the definition of *deregulation date*.

Insert instead “section 20 (1) (being 1 November 1999)”.

**[4] Section 3 (1)**

Omit “and Oyster Farms” from the definition of *Fisheries Act*.

**[5] Section 9 Lease of Sydney fish market site to approved purchaser**

Omit section 9 (3).

**[6] Section 22 Compensation not payable**

Insert at the end of section 22 (2):

*this Act* includes the *Fish Marketing Amendment (Deregulation) Act 1997* or any other Act amending this Act.

**[7] Section 25 Regulations**

Insert “or the *Fish Marketing Amendment (Deregulation) Act 1997*” after “this Act” in section 25 (2).

**[8] Section 25 (3)**

Omit “this Act”. Insert instead “the Act concerned”.

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## Schedule 2 Amendment of Fisheries Act 1935

(Section 4)

### Section 40G Fish Marketing Act 1994

Insert after section 40G (5):

- (6) On and from 1 November 1997:
- (a) a general fish marketing authority must not include a condition, term or stipulation that prevents or restricts the sale or supply of fish in the County of Cumberland by the holder of the authority or by any person to whom the holder of the authority sells or supplies fish, and
  - (b) any such condition, term or stipulation in a general fish marketing authority ceases to have effect.

A *general fish marketing authority* is a certificate of exemption issued under section 40C or an approval given to a trading society under section 40E.

[Minister's second reading speech made in—  
Legislative Assembly on 16 April 1997  
Legislative Council on 14 May 1997]