

Passed by both Houses



New South Wales

# **Fisheries Management and Planning Legislation Amendment (Shark Meshing) Bill 2008**

## **Contents**

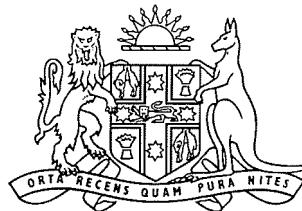
---

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Fisheries Management Act 1994 No 38	2
4 Amendment of planning legislation	2
5 Repeal of Act	2
Schedule 1 Amendment of Fisheries Management Act 1994	3
Schedule 2 Amendment of planning legislation	4

---

*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2008*



New South Wales

## **Fisheries Management and Planning Legislation Amendment (Shark Meshing) Bill 2008**

Act No , 2008

---

An Act to amend the *Fisheries Management Act 1994* and other legislation with respect to shark meshing; and for other purposes.

---

*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

---

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

**1 Name of Act**

This Act is the *Fisheries Management and Planning Legislation Amendment (Shark Meshing) Act 2008*.

**2 Commencement**

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1 [4] commences on a day to be appointed by proclamation.

**3 Amendment of Fisheries Management Act 1994 No 38**

The *Fisheries Management Act 1994* is amended as set out in Schedule 1.

**4 Amendment of planning legislation**

The *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* are amended as set out in Schedule 2.

**5 Repeal of Act**

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

---

## **Schedule 1      Amendment of Fisheries Management Act 1994**

(Section 3)

### **[1]    Section 4 Definitions**

Insert “a Government Department,” after “includes” in the definition of ***public authority*** in section 4 (1).

### **[2]    Section 220ZFB**

Insert after section 220ZFA:

#### **220ZFB    Defences relating to joint management agreements**

It is a defence to a prosecution for an offence against:

- (a) this Division or the regulations under this Division, or
- (b) Part 2 or 7 or the regulations under those Parts,

if the accused proves that the act or omission constituting the alleged offence was authorised by, and done in accordance with, a joint management agreement.

### **[3]    Section 221W Contents of joint management agreements**

Insert after section 221W (2):

- (3) A joint management agreement under this Act and a joint management agreement within the meaning of the *Threatened Species Conservation Act 1995* may be combined into a single document if both agreements deal with the same subject-matter.

### **[4]    Schedule 1A Designated fishing activities**

Omit clause 5.

### **[5]    Schedule 7 Savings, transitional and other provisions**

Insert at the end of clause 2 (1):

*Fisheries Management and Planning Legislation Amendment (Shark Meshing) Act 2008*

Fisheries Management and Planning Legislation Amendment (Shark Meshing) Bill 2008

Schedule 2      Amendment of planning legislation

---

## **Schedule 2      Amendment of planning legislation**

(Section 4)

### **2.1 Environmental Planning and Assessment Act 1979 No 203**

#### **[1] Section 115G Definitions**

Insert in alphabetical order:

**shark meshing** means the placing of nets around beaches or other waters to protect the public from sharks.

#### **[2] Section 115I Application of Division to designated fishing activities**

Omit section 115I (2) (b). Insert instead:

- (b) shark meshing,

#### **[3] Section 115RA**

Insert after section 115R:

##### **115RA Shark meshing**

- (1) Despite section 115I, this section applies to shark meshing that:
  - (a) is the subject of both a joint management agreement under Division 8 of Part 7A of the *Fisheries Management Act 1994* and a joint management agreement within the meaning of the *Threatened Species Conservation Act 1995*, and
  - (b) is not a designated fishing activity.
- (2) The provisions of this Part (other than this section) do not apply to or in respect of shark meshing to which this section applies.
- (3) Shark meshing to which this section applies cannot be declared to be a project to which Part 3A applies.
- (4) Shark meshing to which this section applies cannot be made subject to a requirement for development consent under Part 4.
- (5) An environmental planning instrument cannot prohibit or otherwise regulate shark meshing to which this section applies.

#### **[4] Schedule 6 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Fisheries Management and Planning Legislation Amendment (Shark Meshing) Act 2008*

---

## 2.2 Environmental Planning and Assessment Regulation 2000

### Clause 244B

Omit the clause. Insert instead:

#### 244B Fishing activities and shark meshing

- (1) For the purposes of the definition of *activity* in section 110 (1) of the Act, a fishing activity carried out at any time before 1 April 2009 pursuant to a fisheries approval issued or renewed for a period of not more than 12 months is prescribed not to be such an activity.
- (2) For the purposes of the definition of *activity* in section 110 (1) of the Act, shark meshing carried out at any time before 1 April 2009 is prescribed not to be such an activity.
- (3) This clause does not apply to or in respect of aquaculture, within the meaning of the *Fisheries Management Act 1994*.