

Fisheries Management Amendment Act 2009 No 114

[2009-114]



New South Wales

Status Information

Currency of version

Current version for 2 April 2010 to date (accessed 27 July 2024 at 13:10)

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Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Fisheries Management Amendment Act 2009 No 114



New South Wales

An Act to amend the *Fisheries Management Act 1994* to make further provision for the management of fishery resources; and to make related amendments to other Acts.

1 Name of Act

This Act is the *Fisheries Management Amendment Act 2009*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of *Fisheries Management Act 1994* No 38

[1]-[26] (Repealed)

[27] Section 21AA

Insert after section 21:

21AA Special provision for Aboriginal cultural fishing

- (1) An Aboriginal person is authorised to take or possess fish, despite section 17 or 18, if the fish are taken or possessed for the purpose of Aboriginal cultural fishing.
- (2) The authority conferred by this section is subject to any regulations made under this section.
- (3) The regulations may make provision for the management of Aboriginal cultural fishing as authorised by this section.
- (4) Without limiting the above, the regulations may:
 - (a) prescribe the circumstances in which the taking or possession of fish by Aboriginal persons for the purpose of Aboriginal cultural fishing is authorised by this section, and

- (b) specify restrictions as to the quantity of fish of a specified species or of a specified class that may be taken by or be in the possession of Aboriginal persons for the purposes of Aboriginal cultural fishing as authorised by this section.
- (5) The Minister must not recommend the making of a regulation under this section unless an advisory council for the Aboriginal sector of the fishing industry has been established under section 229 and the Minister certifies that the advisory council has been consulted on the proposed regulation.
- (6) A person does not commit an offence against section 17 or 18 in respect of the taking or possession of fish if the taking or possession of the fish is authorised under this section.
- (7) This section does not prevent the issue of a permit under section 37 for Aboriginal cultural fishing purposes.
- (8) This section does not authorise an Aboriginal person to do anything that is inconsistent with native title rights and interests under an approved determination of native title (within the meaning of the [Native Title Act 1993](#) of the Commonwealth) or with the terms of an indigenous land use agreement (within the meaning of that Act).

[28]-[147] (Repealed)

Schedule 2 (Repealed)