WHALING AMENDMENT BILL 1978

Date Introduced: 13 April 1978
House: House of Representatives
Presented by: Rt. Hon. I.M. Sinclair, M.P., Minister for Primary Industry

Short Digest of Bill

Purpose

(i) To amend the Whaling Act 1960 with regard to the new 200-mile Australian fishing zone; (ii) to bring the Whaling Act 1960 into line with the latest measures approved by the International Whaling Commission.

Background

Australia is declaring a 200 nautical mile fishing zone through both the Fisheries Amendment Bill 1978 and this Bill. Whaling is a somewhat different situation from fishing in that Australia is a signatory to the International Convention for the Regulation of Whaling and is a member of the International Whaling Commission. No equivalent international fishing arrangements have yet been agreed to. Under the International Convention for the Regulation of Whaling, Australia and all other coastal signatories give up whaling jurisdiction over foreign vessels and aircraft engaged in whaling in the extended fishing zone, so long as the vessels and aircraft are approved by a foreign country party to the International Whaling Conventions and there is compliance with the terms of the Conventions. For the enforcement of International Whaling Commission agreements, Australia needs to have the power to control or prohibit the taking of certain whale species, and to require the prompt notification of whales caught. These matters are dealt with in this Bill.

Main Provisions

Clause 3 extends the jurisdiction of the Commonwealth under the Act to waters contained by the Australian fishing zone, as defined in the Fisheries Amendment Bill 1978. Unless a Proclamation by the Governor-General is made to the contrary, the Commonwealth's whaling jurisdiction does not extend inside the three-mile limit of the States coastal waters (clause 4).

Clause 5 and clause 8 deal with additional requirements which
the Minister may impose by notice concerning whale sizes, or numbers of whales being taken or being handled at a factory. The requirements are exercisable only as far as it is necessary to enforce the International Whaling Conventions with respect to foreign ships under the flag of a country which is party to the Conventions (para. 5(e)). The use of such ships for whaling outside Australia's territorial limits does not require a licence (clause 7).