THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (DECLARED FISHING ACTIVITIES) BILL 2012

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment to be Moved on Behalf of the Government

(Circulated by authority of the Minister for Sustainability, Environment, Water, Population and Communities, the Honourable Tony Burke, MP)
Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012

OUTLINE

The purpose of the government amendment to the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012 Act 1999 (Cth) is to:

- insert a new subsection 390SD(2A) to clarify that the Minister cannot make a declaration in respect of a commercial fishing activity that has been undertaken prior to 11 September 2012 in a Commonwealth marine area.

FINANCIAL IMPACT STATEMENT

No financial impact.
NOTES ON AMENDED CLAUSES

Amendment 1 – Schedule 1, item 1, page 4 (before line 29), before subsection 390SD(3)

1. This amendment will insert a new subsection 390SD(2A), the effect of which will be to prevent the Minister from making an interim declaration in respect of a commercial fishing activity if the activity has been engaged in before 11 September 2012 in a Commonwealth marine area.

2. This amendment will also have the effect of limiting the Minister’s power to make a final declaration because the Minister can only make a final declaration in respect of the same activity which was the subject of an interim declaration.