FISHERIES (VALIDATION OF ADMINISTRATIVE ACTS) BILL 2002

Legislative Council, 16 July 2002, Page 518

Second Reading

The Hon. P.**HOLLOWAY** (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to validate certain administrative acts and payments. Read a first time.

The Hon. P.**HOLLOWAY**: I move:

That this bill be now read a second time.

This bill seeks to validate certain administrative acts and payments. It was originally introduced by the previous government in the spring 2001 session of parliament but lapsed when parliament was prorogued. The bill specifically relates to the administration of the blue crab fishery under two sets of regulations between 11 June 1998 and 16 Sep­tember 2001, being the Scheme of Management (Blue Crab Fishery) Regulations 1998 and the Scheme of Management (Marine Scalefish Fisheries) Regulations 1991.

In early 2001, it became apparent that PIRSA Fisheries had incorrectly interpreted and applied some regulations relating to the allocation and transfer of blue crab quota and related gear entitlements. These errors affected the calculation of licence fees payable. The Crown Solicitor has recommended that the regulations be amended to provide for correct administration of the fishery prospectively and that a bill be passed to validate the past incorrect acts or omissions to provide legal certainty for the management of the fishery in the future.

The bill will also preserve the validity of negotiated and agreed licence fees paid by commercial fishers under the cost recovery policy during the period from 1 July 1998 to 30 June 2001. The passing of the bill will not have any detrimental effect on any commercial blue crab fisher, as the bill essentially validates the management arrangements for this fishery that were expected and understood by all licence holders for a long period of time before the errors were uncovered. The department was acting in good faith and in line with the best interests of the fishery and, while departmental officers thought the regulations provided for the arrangements in line with agreements with operators within the fishery, the regulations did not fully authorise these management arrangements. I commend the bill to the council.

I seek leave to have the explanation of the clauses inserted in Hansard without my reading it.

Leave granted.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement This clause provides for the measure to be taken to have come into operation on the day on which the Bill for the measure was first introduced in the Parliament.

Clause 3: Validation of certain administrative acts and payments This clause validates acts done or omitted to be done prior to 17 September 2001 in or with respect to the variation of conditions of fishery licences relating to matters prescribed by regulations 14 and 15 of the Scheme of Management (Blue Crab Fishery)Regulations 1998 (see Gazette 11 June 1998 p. 2519), and regulations14 A and 14B of the Scheme of Management (Marine Scalefish Fisheries) Regulations 1991 (see Gazette 27 June 1991 p. 2187), as in force from time to time. It also validates the collection of amounts paid prior to 27 June 2001 purportedly as renewal fees or instalments of renewal fees under regulation 8 and Schedule 2 of the Scheme of Management (Blue Crab Fishery) Regulations 1998.and regulation 8 and Schedule 2 of the Scheme of Management (Marine Scalefish Fisheries) Regulations 1991, as in force from time to time.

**The Hon. CAROLINE SCHAEFER** adjournment of the debate.