

Arrangement between the Commonwealth and Tasmania in relation to marine farming research activities in the Australian Fishing Zone

Definitions

1. In this instrument:
 - a) **Commonwealth Act** means the *Fisheries Management Act 1991* (Cth).
 - b) **relevant waters** means waters on the seaward side of the coastal waters of Tasmania that are to be managed in accordance with this arrangement, being the area enclosed by:
 - NW corner: 145° 55' 11.86061"E 40° 55' 34.99345"S
 - NE corner: 145° 56' 46.03965"E 40° 55' 34.99345"SThe point due south of the NW corner that intersects the Tasmanian coastal waters boundary
the Tasmanian coastal waters boundary; and
the point due south of the NE corner that intersects with the Tasmanian coastal waters boundary.
 - c) **Tasmanian Act** means the *Living Marine Resources Management Act 1995* (Tas).

The Arrangement

2. This arrangement is entered into by the Commonwealth and Tasmania in accordance with s 72 of the Commonwealth Act and s 161 of the Tasmanian Act.
3. The Commonwealth and Tasmania intend that activities with respect to the marine farming of fish for research purposes carried out in relevant waters are to be managed in accordance with the laws of Tasmania.
4. This arrangement applies to the extent that the activities described in paragraph 3 amount to:
 - a) the marine farming of fish for research purposes in accordance with s 161(6) of the Tasmanian Act, and
 - b) a class of activities by way of fishing for the purpose of the Commonwealth Act, including:
 - (i) the taking of fish in relevant waters
 - (ii) any activities performed in relevant waters which could reasonably be expected to result in the taking of fish, or
 - (iii) any operations in relevant waters that are directly in support of, or in preparation for either of the activities described above at cl 4(b)(i) or cl 4(b)(ii).

Note: Section 72 of the Commonwealth Act allows the Commonwealth and Tasmania to enter into an arrangement in relation to the management of a 'fishery' within the meaning of s 4 of the Commonwealth Act. A 'fishery' is defined in the Commonwealth Act by reference to activities that amount to 'fishing', including the activities described above in clauses 4b)(i) to (iii).

Section 161(1) of the Tasmanian Act allows Tasmania to enter into an arrangement with the Commonwealth in relation to the management of a particular fishery within State waters. Section 161(6) of the Tasmanian Act expressly provides that the marine farming of fish for research purposes is a fishery to which an arrangement under s 161 may apply.

Severance

5. It is the intention of both the Commonwealth and Tasmania that the arrangement entered into in accordance with this instrument has effect only to the extent that it is supported by both the Commonwealth Act and the Tasmanian Act.
6. If any aspect of this arrangement is found to be invalid or unenforceable for any reason, it is the intention of both the Commonwealth and Tasmania that only the invalid or unenforceable aspect is to be of no effect and every other aspect of the arrangement is to continue to have effect according to its terms.

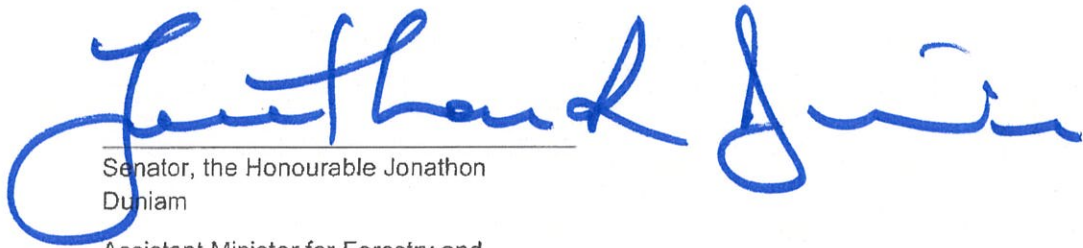
Termination of the arrangement

7. It is the intention of both the Commonwealth and Tasmania that this arrangement will be terminated in accordance with s 75 of the Commonwealth Act and s 161 of the Tasmanian Act.

Execution

8. This instrument is made by the Commonwealth and Tasmania by:

SIGNED for and on behalf of the
Commonwealth of Australia



Senator, the Honourable Jonathon
Duniam

Assistant Minister for Forestry and
Fisheries

Date 1 April 2022.

SIGNED for and on behalf of the Crown
in right of Tasmania



The Honourable Guy Barnett MP

Minister for Primary Industries and Water

Date 1 April 2022