Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010

No.      , 2010

(Environment, Heritage and the Arts)

A Bill for an Act to amend the Environment Protection and Biodiversity Conservation Act 1999, and for related purposes
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A Bill for an Act to amend the *Environment Protection and Biodiversity Conservation Act 1999*, and for related purposes

The Parliament of Australia enacts:

1 **Short title**

   This Act may be cited as the *Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Act 2010*.

2 **Commencement**

   This Act commences on the day after this Act receives the Royal Assent.
3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Amendment of the Environment Protection and Biodiversity Conservation Act 1999

1 Section 212
Before “Sections”, insert “(1)”.

2 After paragraph 212(q)
Insert:
; or (r) an action that is taken in the course of recreational fishing and the action:
   (i) consists of, or involves, taking, trading, keeping or moving; or
   (ii) results in the death or injury of;
a shortfin mako shark, a longfin mako shark or a porbeagle shark.

3 At the end of section 212
Add:
(2) For the purposes of paragraph (1)(r), recreational fishing includes (but is not limited to) the following types of fishing:
   (a) fishing from a charter boat (within the meaning of the Fisheries Management Act 1991), including fishing by the person in charge of the boat, the crew of the boat or any other person on the boat;
   (b) fishing in a fishing competition (whether or not in a professional capacity);
   (c) fishing that is undertaken primarily for:
      (i) inclusion on a website, or in a film, video, television program or radio program; or
      (ii) description or representation in a magazine, newspaper, book or other such document.

4 At the end of paragraph 214(1)(b)
Add “or (r)”. 
Schedule 1 Amendment of the Environment Protection and Biodiversity Conservation Act 1999

5 Section 528
Insert:

*longfin mako shark* means the listed migratory species with the common name longfin mako shark and the scientific name *Isurus paucus*.

6 Section 528
Insert:

*porbeagle shark* means the listed migratory species with the common name porbeagle shark and the scientific name *Lamna nasus*.

7 Section 528
Insert:

*shortfin mako shark* means the listed migratory species with the common name shortfin mako shark and the scientific name *Isurus oxyrinchus*.