

**FISH RESOURCES MANAGEMENT AMENDMENT BILL 2011**

*First Reading*

Bill read a first time, on motion by **Mr W.R. Marmion (Minister for Environment)**.

Explanatory memorandum presented by the minister.

*Second Reading*

**MR W.R. MARMION (Nedlands — Minister for Environment)** [12.16 pm]: I move —

That the bill be now read a second time.

The amendments contained in this bill have been prepared to improve various aspects of the legal and administrative framework for the sustainable management of fisheries, aquaculture and the aquatic environment in Western Australia. A number of the amendments have been prepared as a result of the review of the Fish Resources Management Act 1994 undertaken by the former Minister for Fisheries.

Specifically, the amendments modify the objects of the act to give more prominence to the aquaculture industry and introduce a risk-based framework for the assessment of aquaculture licence and lease applications and the management of aquaculture activities, including the capacity to designate aquaculture development zones in Western Australian waters. Aquaculture has also been included within the definition of fishing activity for the purposes of part 3 of the act. This amendment will assist aquaculture development in commonwealth waters adjacent to Western Australia once the Primary Industries Ministerial Council agrees on jurisdictional issues.

Western Australia has been tasked by the PIMC to be the lead jurisdiction in making recommendations to the PIMC in this regard to reduce the categories for which exemptions may be granted under the act and provide an increased capacity for the minister to delegate his powers under the act to the chief executive officer of the Department of Fisheries; to provide express powers for fisheries management plans to include provisions that may be necessary for the protection of aquatic mammals, birds, reptiles and amphibians from fishing activity and increase the range of matters that may be stipulated within a management plan in accordance with contemporary fisheries management requirements; and to modify the offence and penalty provisions relating to the contravention of commercial fishery management plans.

Importantly, as a result of these amendments, fisheries and marine officers will for the first time have the option of issuing infringement notices for unintentional or inadvertent breaches of a management plan once the regulations have been amended. As the act currently stands, there is no option but to prosecute these offences through the court system, sometimes resulting in penalties disproportionate to the nature or gravity of the offence.

The amendments will increase the economic benefits to the commercial sector by enabling “stranded” units of entitlement to be temporarily transferred to other authorisation holders in the fishery. As the act currently stands, at least some entitlement must remain attached to an authorisation, thereby causing entitlements to be stranded in unusable quantities.

In the rock lobster industry, the amendments will allow fishers to access the full rock lobster catch limit—the quota—in any given year. This will allow the fishery to achieve an estimated \$3.5 million in additional catch value without increasing the catch limit available to the industry. A ministerial exemption has been granted for the 2010–11 rock lobster fishing season.

The amendments will clarify the position that commercial fisheries authorisations may be treated as property and become part of the estate of a deceased individual; modify and enhance a number of offence, inspection and evidentiary provisions in the act, including the creation of a new offence relating to the trafficking of high-value fish species; modify the confidentiality provisions contained in section 250 of the act to enable the department to provide information relating to the operation of an authorisation to persons acting for or on behalf of the authorisation holder, other relevant government departments and state and national law enforcement organisations, under specified circumstances; and provide various new head powers to enable the making of regulations including for the granting of new categories of authorisations, including the licensing for Aboriginal bodies corporate engaged in commercial fishing for species such as mud crab, trochus and bêche-de-mer, the licensing of masters of commercial fishing vessels, permits for the collection of broodstock for use in the aquaculture industry, the management of customary fishing, fish restocking, biosecurity and the protection of fish and other aquatic animals and the marine environment from incidental harm through fishing and pollution.

I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.