

AQUATIC RESOURCES MANAGEMENT BILL 2015

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Attorney General)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [2.37 pm]: I move —

That the bill be now read a second time.

The aquatic biological resources within Western Australia's jurisdiction comprise over 5 000 identified species of fish and other aquatic organisms distributed over more than 12 000 kilometres of coastline and a highly diverse range of habitats from freshwater, through to estuaries, and marine pelagic and benthic ecosystems. Under formal legal arrangements with the commonwealth government, WA's responsibilities for ensuring the sustainability of marine fishery resources also extend beyond the boundaries of the three-nautical-mile limit of state waters out to the 200-nautical-mile limit of the Australian exclusive economic zone. These resources support more than 40 commercially valuable managed fisheries and marine farming activities ranging from the iconic pearling industry to finfish, abalone and other ventures. They also support a significant array of world-class fishing opportunities for the state's 740 000 recreational fishers—30 per cent of the state's population—and contribute to the value of outdoor leisure industries and the regional tourism sector. Collectively, these activities are estimated to contribute around \$1.5 billion a year to the WA economy, as well as providing significant benefits to community lifestyle values.

Western Australia has a long and successful history of managing its fish resources on a sustainable basis. This history has been built on strong leadership from government as regulator and manager on behalf of the community, and on the positive attitude of the commercial, recreational and marine farming sectors, as users and stewards of the fish resource. The Western Australian government's fisheries policy statement of March 2012 provides an overview of the government's management philosophy and future direction for the management of the state's aquatic biological resources.

This bill is a fundamental element in implementing this direction. It incorporates an up-to-date and innovative framework for integrated resource management based on the principles of ecologically sustainable development and will provide the legal framework for improved governance in eight key policy areas. These are: ensuring ecological sustainability; risk-based assessment and transparent, outcome-focused resource use planning; integration of resource protection and use across all sectors; security of resource access and allocation of proportional harvest entitlements for the fishing sectors; management of aquatic farming activities; protection from the negative impacts of aquatic disease and harmful organisms—biosecurity; devolution and delegation of decision-making, and deregulation; and cooperative management arrangements with the non-government sector.

It is important to note that the Department of Fisheries has been undergoing a steady transition since the mid-1990s from a primary focus on commercial fishery target species to a fully integrated approach to the management of aquatic resources as a whole under the principles of ESD and ecosystem-based fisheries management. These principles encompass not only the commercial capture of fish, but also consideration of recreational, Indigenous and aquatic farming interests, and the management of the aquatic environment and ecosystems. In the national context, there has also been increasing recognition by the Australian and state governments of the need to manage the conservation and use of aquatic biological resources in a more integrated fashion, as set out in the National Strategy for Ecologically Sustainable Development.

Since the commencement of the Fish Resources Management Act 1994 and the Pearling Act 1990, there have been significant changes in pressures on our aquatic environment and fisheries. These pressures include population growth, coastal development, and competition for space and resources in the marine environment by many different interest groups. Rapidly advancing fish-finding, fishing and communications technologies are also making fish more vulnerable to fishing than ever before. On top of these factors we have the shift in ocean temperatures and climatic conditions that has become all too evident over the past 15 years, and appears to be driving changes in the population cycles, abundance and distribution of many aquatic species, including western rock lobster, herring and Roe's abalone, to name a few. The severe risk posed to our marine and freshwater systems through the introduction of harmful organisms and diseases has been clearly illustrated over the past two decades in the outbreak of a herpes-like virus in 1995 and 1998 that reduced southern pilchard populations by more than 60 per cent, and an infestation of black-striped mussels in Darwin Harbour in 2000 that potentially threatened northern Australia's pearling and other aquatic industries.

The Aquatic Resources Management Bill will replace the Fish Resources Management Act 1994 and the Pearling Act 1990 as the primary legislation for the management of Western Australia's fisheries and aquatic biological resources. The focus of the bill is to ensure the ecologically sustainable development of Western Australia's living aquatic biological resources and ecosystems by protecting these resources from over-exploitation and the threats posed by diseases and harmful imported organisms, while encouraging the

development of the industries and activities associated with their use. A key feature of this legislation is the inclusion of a structured approach to the provision of secure fishing access rights for all sectors, within the context of sustainability. The framework for these rights has drawn on international experiences with rights-based systems, such as the model used in New Zealand's quota management system. The security of commercial fishing-managed fishery authorisations has also been enhanced by the removal of the chief executive officer's discretion in relation to their renewal.

Importantly, the bill provides for the continuity of existing management arrangements and resource access rights for the state's commercial fishing and pearling industries until each is separately migrated to the new legislative framework. The bill provides for the substantial deregulation of the fish processing sector, and incorporates new powers that allow the minister to enter cooperative management arrangements with, or delegate specific responsibilities to, accountable non-government organisations. Once implemented, this framework will allow far greater flexibility in the long term for the use of fishing access rights and the development of effective deregulated arrangements to achieve improved environmental, economic and social outcomes. The bill also aims to better complement and support other state policy initiatives by establishing a clearer statutory planning framework for all harvest sectors, and providing greater scope for integrating sustainable non-harvest activities based on aquatic resources.

Certain aspects of natural resource management as they now exist are preserved under the bill. In particular, the planning and establishment of marine reserves will continue under the state government's New Horizons policy of 1998, in accordance with the Conservation and Land Management Act 1984. Responsibility for the management of marine mammal, reptile and bird populations will continue under the Wildlife Conservation Act 1950 and the CALM act. I am confident that the bill and the framework it will establish will serve our state well as we meet the challenges of the next 15 to 20 years, and will also make a significant contribution to Western Australia's reputation as a world leader in aquatic resource management.

Pursuant to Legislative Council standing order 126(1), I advise that this bill is a uniform legislation bill. Part 15 of the bill gives effect to an intergovernmental or multilateral agreement to which the government of the state is a party, through powers to implement arrangements with the commonwealth and other jurisdictions relating to the management of fisheries. I commend the bill to the house and table an explanatory memorandum.

[See paper 4289.]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.