

AQUATIC RESOURCES MANAGEMENT BILL 2015

Introduction and First Reading

Bill introduced, on motion by **Dr K.D. Hames (Minister for Health)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

DR K.D. HAMES (Dawesville — Minister for Health) [4.01 pm]: I move —

That the bill be now read a second time.

Western Australia's aquatic biological resources comprise over 5 000 identified species of fish and other aquatic organisms. These valuable resources are distributed across a highly diverse range of marine and freshwater ecosystems, from the tropical waters of the Kimberley to the cool south coast. Unlike other places in the world, Western Australia's marine ecosystems are relatively low in nutrients, hence primary productivity is low also. Driven by the variable effects of the Leeuwin current, our continental shelf fish populations are diverse, relatively small and highly variable in abundance from year to year. As a consequence, they are particularly vulnerable to environmental change and the risk of over-exploitation.

Under the offshore constitutional settlement between Western Australia and the commonwealth government, Western Australia's responsibility for ensuring the sustainability of aquatic resources extends beyond the limit of state waters. It reaches out 200 nautical miles to the western boundaries of Australia's exclusive economic zone. These resources support over 40 commercial fisheries and a range of aquaculture ventures, which include pearl, finfish, abalone and algae production. They also support a range of world-class recreational fishing experiences, for not only the state's 700 000 recreational fishers, but also national and international visitors. The continuing quality of these experiences makes an important contribution to the value of Western Australia's regional outdoor leisure and tourism industries.

Collectively, the state's aquatic resources support activities that have an estimated economic impact of more than \$1.5 billion per year. Population growth, coastal development and the latest wave of fish-finding, communications and fishing technologies continue to place pressure on these resources. On top of these factors, in recent years we have seen a shift in ocean temperatures and climatic conditions that appear to be affecting the abundance and distribution of aquatic species, including blue swimmer crabs, scallops, herring and Roe's abalone. Increased trade and shipping movements also bring biosecurity risks through the introduction of diseases or harmful aquatic organisms. During the 1990s there were outbreaks of a herpes virus that reduced southern pilchard populations by over 60 per cent. An infestation of highly invasive black-striped mussels in Darwin Harbour in 1999 posed a major threat to northern Australia's pearling and other aquatic industries.

Despite these pressures, Western Australia's aquatic resources have been, and continue to be, managed sustainably. Audited key performance indicators from the Department of Fisheries' 2013–14 annual report show that 97 per cent of the state's fish stocks are managed sustainably. Effective action being taken in the other three per cent of fisheries that have been adversely affected by unusual environmental events—such as the 2011 marine heatwave—show that our management systems are working. The passage of the Fish Resources Management Act 1994 signalled a major change in policy focus, from the conservation and development of fisheries to the sustainability of fish stocks and the conservation of aquatic habitats. This change recognised the critical importance of healthy aquatic ecosystems for sustainable fisheries.

This bill builds on, and extends, this change in focus, from the management of commercial fishery target species to an integrated cross-sectoral approach to the management of aquatic resources. The bill is firmly based on the internationally accepted principles of ecologically sustainable development and ecosystem-based fisheries management. These principles are also laid out in the National Strategy for Ecologically Sustainable Development. The bill has been developed in close consultation with the commercial, recreational and aquaculture sectors over a five-year period. It emphasises continued high standards of accountability and transparency by providing for review by Parliament of subsidiary legislation, and review by the State Administrative Tribunal of administrative decisions made under the bill. The bill also seeks to reduce the burden of red tape by repealing general provisions for fish processing licences and permits, and providing a foundation that will enable a review of the fisheries licensing structure.

The broad principles on which the bill is based encompass the conservation and sustainable use of our aquatic environment, while giving due balance to the economic and social benefits Western Australia derives from healthy aquatic ecosystems, profitable fishing and aquaculture industries, and valued recreational and customary fishing opportunities.

In the national context, there has been increased recognition by the commonwealth and state governments of the need to manage the conservation and use of aquatic biological resources in a more integrated fashion. The bill

adopts this approach and provides the department with a contemporary and innovative legal and administrative framework to ensure the long-term sustainability of Western Australia's aquatic resources, after taking into account the total impacts of fishing and environmental effects on aquatic ecosystems. Resource sustainability under the bill will be achieved through risk-based aquatic resource management strategies that will be developed in consultation with the community. These strategies will provide greater transparency for the policy and administration that is already undertaken for these natural resources. They will need to be approved by the Minister for Fisheries and will specify, among other things, the method for setting the total allowable catch for the resource and the proportion that will be available for use by the commercial and recreational fishing sectors. These proportions will be fixed for the duration of each strategy. The total allowable catch will be set after making provision for the amount of the resource that is required to be left unfished to ensure its ecological sustainability, and the amount of the resource set aside to meet customary fishing and public good requirements, such as fisheries research. With respect to customary fishing, it is expected that the amount of the resource that will be set aside for customary purposes will reflect the estimated historical customary use of the resource. These strategies will give rise to aquatic resource use plans that will specify the rules by which an aquatic resource may be harvested by each sector. Like existing fisheries management plans, an aquatic resource use plan may be disallowed by Parliament.

The legislation will facilitate resource sharing between the commercial and recreational sectors by enabling the minister to make "temporary" resource reallocations between the commercial and recreational sectors. The bill provides strengthened biosecurity powers to deal with aquatic disease outbreaks and introduced aquatic pests. A further important feature will enable the making of co-management arrangements with the non-government sector.

The bill will repeal the Fish Resources Management Act 1994 and the Pearling Act 1990. With respect to pearling, the bill enables the making of an aquatic strategy for the management of the wild stock pearl oyster resource, and provides that hatchery production of pearl oysters and pearl cultivation will be managed under the aquaculture provisions of the bill.

The bill maintains the existing relationship between the fisheries and environment portfolios for the establishment of marine reserves under 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. An important part of the balance that the bill strikes between conservation and resource use is the inclusion of a structured approach to the provision of secure rights for all sectors to benefit from the use of aquatic resources 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, and systems in use in Canada, Norway, Iceland, the United Kingdom and the United States of America.

International and Australian experience has clearly shown that more secure rights of this nature will facilitate greater investment in, and stewardship of, the state's aquatic resources. In addition, the bill promotes a culture of high professional standards in the commercial sector, with provision for a system of sureties that will apply to operators with a history of noncompliance with fisheries legislation.

Importantly, the bill ensures that existing management arrangements and resource access rights for the state's commercial fishing, pearling and aquaculture industries will be carried forward undiminished. 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 20 years. It will also make a significant contribution to Western Australia's reputation as a world leader in aquatic resource management.

I commend the bill to the house.

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