

FISH RESOURCES MANAGEMENT AMENDMENT BILL 2009

Introduction and First Reading

Bill introduced, on motion by **Hon Norman Moore (Minister for Fisheries)**, and read a first time.

Second Reading

HON NORMAN MOORE (Mining and Pastoral — Minister for Fisheries) [7.49 pm]: I move —

That the bill be now read a second time.

This bill amends the Fish Resources Management Act 1994. The amendments contained in this bill will implement changes to the Offshore Constitutional Settlement fisheries arrangements, abolish three statutory advisory committees and modify some of the penalty provisions that currently apply under the act. With respect to the OCS, the amendments reflect an agreement taken by the Natural Resource Management Ministerial Council in 2004. These changes allow fisheries arrangements between the Australian Government, the states and the Northern Territory to operate with more flexibility and efficiency. They also provide an option for managing fisheries by commonwealth and state-territory jurisdictions through regional fisheries agreements. The amendments to part 4 of the act will abolish the Rock Lobster Industry Advisory Committee, the Recreational Fishing Advisory Committee and the Aquaculture Development Advisory Council. Other amendments to this part will provide more flexibility in the establishment of any advisory committees in the future. These amendments will not result in less consultation with the commercial fishing, aquaculture and recreational fishing sectors; rather, they reflect my view as minister that the Department of Fisheries should be my principal source of government advice, after it has consulted with relevant stakeholders.

After these amendments are in place, it will be my preference for the Department of Fisheries to seek advice from the Western Australian Fishing Industry Council, as the fishing industry peak body, on the management of the western rock lobster fishery, other commercial fisheries, and aquaculture. Recfishwest will continue to advise the Department of Fisheries on matters regarding the sustainable management of recreation fishery. WAFIC and Recfishwest, as the relevant peak bodies, will also provide advice to the Minister for Fisheries on behalf of their relevant sectors.

The amendments to section 224 provide a one-year mandatory suspension of a licence, instead of complete cancellation after convictions for three serious offences have been recorded in a 10-year period. Before the commencement of this act, it was long-established practice to reissue cancelled licences after an appropriate period of exclusion; however, the power to reinstate a cancelled licence under the existing act is limited. Because of this, and the previous established precedents, exemptions have been issued to allow fishing to resume. Unfortunately, there is no capacity to charge the exemption holder managed fishery fees that are payable by all other authorisation holders operating in the fishery. The amendments will provide a mechanism to issue new licences upon the payment of fees that would have been payable had the person been fishing under an authorisation and not an exemption. This will restore equity with respect to other authorisation holders in the fishery.

The bill also contains amendments that will close an existing loophole that enabled authorisation holders at risk of incurring a penalty contained in section 224 to permanently remove entitlements from an authorisation prior to a court conviction, thereby avoiding the full intent of the impact of section 224. I now wish to table an explanatory memorandum in relation to the bill. I commend the bill to the house.

[See paper 1422.]

THE DEPUTY PRESIDENT (Hon Jon Ford): Members, I am advised that whilst this debate will stand adjourned, in accordance with standing order 230A, this bill will be referred to the Uniform Legislation and Statutes Review Committee.

Hon NORMAN MOORE: I beg your pardon.

The DEPUTY PRESIDENT: I will seek some advice on that.

Hon NORMAN MOORE: So will I, because to my knowledge it has nothing to do with any uniform legislation.

The DEPUTY PRESIDENT: The advice I was given was that there is a section of the bill that deals with uniform legislation provided to this house in regards to certain fisheries matters.

I will take some advice from the Clerk.

Members, the debate stands adjourned. It is not in accordance with standing order 230(a), which relates to the situation following the first reading stage. If members do not understand it, as appears to be the case, the bill in

fact relates to an agreement between the commonwealth minister and the state minister. The debate stands adjourned.

Debate adjourned, pursuant to standing orders.