

AQUATIC RESOURCES MANAGEMENT AMENDMENT BILL 2021

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Kyle McGinn (Parliamentary Secretary)**, read a first time.

Second Reading

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [8.23 pm]: I move —

That the bill be now read a second time.

The Aquatic Resources Management Amendment Bill 2021 will amend the Aquatic Resources Management Act 2016, known as ARMA. It is worth noting that in the fortieth Parliament, the other place dealt with an almost identical bill and it was agreed to by both sides of that chamber. This speech and indeed the bill itself are largely the same as the previous version, with the difference that the government has included an amendment that was advanced during debate in the previous Parliament that requires a review of the operation of ARMA in five years' time. The government looks forward to progressing this legislation so that the Aquatic Resources Management Act becomes operational.

The focus of ARMA 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 ARMA is the inclusion of a structured approach to the provision of secure fishing access rights for all sectors within the context of sustainability. ARMA extends the transparency and focus of historic fisheries management by establishing an integrated cross-sectoral planning and management framework for aquatic biological resources, which sets up how a resource will be managed, the level of exploitation to be allowed, the level of the resource that must be maintained for sustainability purposes, the setting of total allowable catches and the access rights to the resource. Importantly, ARMA provides for the continuity of existing management arrangements and resource access rights for the state's commercial fishing industries until each is separately migrated to the new legislative framework. The need to provide for an orderly transition to the new legislative framework has resulted in this bill. As part of preparing for ARMA implementation, it was discovered that ARMA did not provide enough flexibility to allow different types of resource shares to be provided for in the strategy and planning documents for a managed aquatic resource. As a result, it would be impossible for multi-zone, multi-species or multi-gear fisheries to be transitioned to managed aquatic resources under ARMA.

When ARMA comes into operation, it 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 pearl oyster fishery is currently managed by the use of zones, and the government and key stakeholders all wish for this approach to management to continue under ARMA. The amendments in this bill are required to facilitate and continue this type of resource management. The bill will make three additional key amendments.

Firstly, the bill seeks to amend the meaning of an aquatic resource to allow the resource to be further defined by the type of gear or method used to take the resource. This will provide for the continuation of separate management arrangements in situations in which multiple fishing activities occur on a single species or species group, but in which the nature of these activities is too different for them to be dealt with effectively under a single aquatic resource management strategy called ARMS.

Secondly, the bill will remove the requirement for the CEO to publish notice of a decision to grant, vary or transfer an aquaculture licence. Under ARMA, aquaculture licences will now include licences for pearl oyster aquaculture. There is no requirement under the Pearling Act 1990 to advertise such decisions. The imposition of a new obligation to advertise these decisions was an unintended consequence of ARMA. Importantly, this streamlining of administrative processes will not diminish transparency around decisions relating to aquaculture or preclude opportunities for third parties to have input into decision-making.

Thirdly, the amendment bill will introduce a requirement for the minister to review the operation and effectiveness of ARMA after five years from the repeal of the Pearling Act 1990. A report of the review will be laid before each house of Parliament. The review process will be linked to the revocation of the Pearling Act 1990 because, as some parts of ARMA have already commenced, providing for a specific event rather than the commencement of the act is required. The five-year review will consider whether the operation of the act is achieving its intended outcomes, including how the pearling aquatic resource and other resources subsequently transitioned to the new management framework are operating under ARMA.

Finally, the bill will make a number of minor administrative amendments to ARMA.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and I table the explanatory memorandum.

[See paper [295](#).]

Debate adjourned, pursuant to standing orders.

House adjourned at 8.28 pm
