



Department of
**Primary Industries and
Regional Development**

Your reference: 1613/19
Our reference:

Hon. Adele Farina MLC
Chair
Standing Committee on Public Administration
Legislative Council Committee Office
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

E-mail: lcprac@parliament.wa.gov.au

Dear Ms Farina

CLARIFICATION OF EVIDENCE PROVIDED TO THE INQUIRY ON PRIVATE PROPERTY RIGHTS

Thank you for the opportunity to appear before the Standing Committee on Public Administration (Committee) to provide evidence to assist its Inquiry into Private Property Rights (Inquiry). In addition to some minor suggested changes to my transcript of evidence (enclosed) I would also like to provide clarification with respect to my response to one of the Committee's questions.

During the hearing, I was asked:

Will the ARMA alter the circumstances in which compensation may be available for commercial fishers?

In response I advised:

My answer would be no; the FAS act and FRICM act will continue to apply.

This is a true statement which accurately reflects my understanding at the time. Since then, I have become aware that while the *Fisheries Adjustment Schemes Act 1987* will continue to apply to authorisations and entitlement under ARMA (for example, Fishing Boat Licences or units of entitlement in managed fisheries), it will not be able to be applied to resource shares in a Managed Aquatic Resource. This is because the *Aquatic Resources Management Act 2016* does not expand the scope of the *Fisheries Adjustment Schemes Act 1987* to include this new type of entitlement for commercial fishers.

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I once again thank the Committee for the opportunity to assist with its work. Please do not hesitate to contact me should you require further information with respect to the above issue or other matters discussed at the hearing.

Yours sincerely



Heather Brayford
**DEPUTY DIRECTOR GENERAL
SUSTAINABILITY AND BIODIVERSITY**

3 March 2020