



Minister for Water; Fisheries; Forestry; Innovation and ICT; Science

Our ref: 75-10866
Your ref: A786308



Hon Adele Farina MLC
Chair
Standing Committee on Public Administration
Legislative Council Committee Office
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Dear Ms Farina

STANDING COMMITTEE ON PUBLIC ADMINISTRATION- INQUIRY INTO PRIVATE PROPERTY RIGHTS

Thank you for your letter dated 30 October 2019, regarding the Inquiry into Private Property Rights by the Standing Committee on Public Administration, and in particular the evidence provided by Mr John Brindle at the public hearing, about the establishment of a Voluntary Fisheries Adjustment Scheme (adjustment scheme) for the Abalone Managed Fishery.

Schemes operating under the *Fisheries Adjustment Schemes Act 1987* (Act) look to reduce the number of authorisations or entitlements within a commercial fishery in return for an appropriate amount of compensation, to deliver an identified management objective in the respective fishery. Since 1988, there have been multiple adjustment schemes to deliver a variety of management outcomes in a range of fisheries.

Based on the Department of Primary Industries and Regional Development's (Department) extensive experience administering adjustment schemes, Department staff have discussed operational processes with Abalone Managed Fishery Licence Holders, including Mr Brindle.

To ensure impartiality in the adjustment scheme process the appointment of the Committee of Management (Committee) is approved by Cabinet. The Committee has a role in providing advice on the appropriateness of establishing an adjustment scheme, the process that should be followed and the quantum of the compensation payable.

Following the establishment of an adjustment scheme, the Committee receives an initial briefing from the Department, as the subject matter experts on fisheries management and research, and then undertakes a process that allows for written submissions by applicants. Applicants can make offers and in some cases counter offers and, given the voluntary nature, they have the ability to withdraw an application.

In recognition of the need for the Committee to provide independent and objective advice that is free from subjective representation or lobbying from claimants, it has been a longstanding practice that potential applicants do not meet and take part in the deliberations of the Committee. The Department's Annual Report, that is publically available on its website, includes details of all adjustment schemes established under the Act, including Committee membership and sitting fees.

In June 2018, following a request by the Minister for Lands as the representative of the Ocean Reef Marina Redevelopment (ORM) proponent, under the requirements of the Act a Committee was appointed to provide me with advice on the establishment of an adjustment scheme in the Abalone Managed Fishery. The Committee membership approved by Cabinet has considerable experience in fisheries compensation processes.

In terms of my projections for this adjustment scheme, it will look to buy out an appropriate amount of entitlement to compensate for the habitat lost due to the ORM. While I appreciate Mr Brindle's concerns that the impacts of the ORM on abalone habitat and commercial fishing may exceed estimations, the estimate of impact of ORM on abalone habitat within the area followed an extensive Public Environmental Review process completed by the Environmental Protection Authority (EPA).

In approving the ORM and based on the EPA's report, the Minister for Environment placed a number of abalone-related conditions on the proponent, Development WA. These conditions include ongoing monitoring for at least five years so that any additional impacts can be determined. Should this occur, the proponent could consider providing further compensation at any stage.

The Department has been in contact with Mr Brindle regarding his concerns and has committed to providing a briefing on the background information the Committee will receive. The Committee Chair has also communicated to Mr Brindle that, if an adjustment scheme is established, following consideration of any relevant background information and written submissions, the Committee will determine if any unique circumstances exist that would warrant a personal briefing by an applicant.

I look forward to the outcomes of this Inquiry.

Yours sincerely



Hon Dave Kelly MLA
MINISTER FOR FISHERIES

18 NOV 2019