



**WAFIC** FISHING  
PEARLING  
AQUACULTURE

Ms Kristina Crichton  
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Dear Ms. Crichton,

**WAFIC Submission to Legislative Council Standing Committee on Public Administration- Inquiry into Private Property Rights**

Please find attached our submission for consideration by the Standing Committee. The submission was drafted by WAFIC's Legislation and Policy subcommittee. The subcommittee comprises:

- Chair: Professor George Kailis (School of Business, Notre Dame University; Executive Chairman, MG Kailis Group of Companies)
- Guy Leyland (Marine Stewardship Council Project Leader, WAFIC)
- Dr Peter Rogers (Executive Director Department of Fisheries 1991-2006)
- Terry Mouchemore (WAFIC Board Director and Lobster licence holder and fisher)
- Graeme Stewart (Valuer)
- Arron Irving (Pearl Producer's Association Executive Officer)
- Alex Ogg (ex officio, WAFIC CEO)

We would welcome the opportunity to provided in person evidence to the Standing Committee.

Yours sincerely,

Alex Ogg  
Chief Executive Officer  
31 July 2019

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# WAFIC Submission on Fishing and Aquaculture in Western Australia

*And when he is obliged to take the life of anyone, to do so when there is a proper justification and manifest reason for it; but above all he must abstain from taking the property of others, for men forget more easily the death of their father than the loss of their patrimony*  
(1532 Niccol Machiavelli “the Prince”)

*There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property...*  
(1809 William Blackstone “Commentaries on the Laws of England”, II (London))

## Introduction

The Western Australian Fishing Industry Council (WAFIC) welcomes the opportunity to make a submission to the Legislative Council’s Standing Committee on Public Administration on their inquiry into Private Property Rights. WAFIC is the peak industry body for both Fishing and Aquaculture in Western Australia. This submission covers broad issues that cross these two sectors. We understand the Committee will receive sector focused submissions, such as from the Western Rock Lobster Council, West Coast Abalone Association and Pearl Producers Association. WAFIC supports these and the position of WA Farmers on constitutional change and regulatory takings.

This submission necessarily focuses on Clause c) and d) of the Terms of Reference which relate to property and compensation. This should not obscure that improving the rights of fishers is only part of WAFIC’s mission. WAFIC also works to secure a responsible and sustainable industry that is confident of resource sustainability, cost-effective fisheries’ management; that businesses can be operated in a safe, environmentally responsible and profitable way; and that investment in industry research and development is valued and promoted.

## Key Issues and Overview

This submission builds on a substantive body of literature on rights-based management<sup>1</sup> of marine fisheries. Although not all Western Australia’s fisheries<sup>2</sup> are marine based this submission will concentrate on the common interests of those that are marine based. Research and experience have established the advantages of basing marine based aquaculture and wild fisheries management on secure, clear, divisible and tradeable rights. These rights benefit commercial fishers and aquaculturists as well as Western Australia. Their importance has been recognised in policies issued by both Coalition<sup>3</sup> and Labor Governments.<sup>4</sup> Indeed, Western Australia has been a leader in the use of high

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<sup>1</sup> Rights Based Management is covered briefly in the body of this submission. **Attachment A the ‘Evolution of Rights Based Management’** provides more background.

<sup>2</sup> In this document references to fisheries are to fisheries managed by the State of Western Australia. The boundary of the State of Western Australia ends at the low water mark. The vast majority of fisheries and marine based aquaculture that takes place in Western Australia occurs waters that are constitutionally waters of the Commonwealth of Australia. In the early 1980s the Commonwealth came to a set of arrangements with the States (and Northern Territory) over fisheries management that facilitated the management of most fisheries off Western Australia to 200 nautical miles offshore in the Australian Fishing Zone. The Commonwealth provided very wide powers to the States to manage ‘coastal waters’ extending from the low water mark out to 3 nautical miles.

<sup>3</sup> 2012 State Fisheries Policy.

<sup>4</sup> 2009 Integrated Fisheries Management Policy (IFM).

quality and secure fishing and aquaculture rights to underpin economic development and sustainability with both legislation and policy supporting these objectives.

These rights represent a form of property that is underpinned by fisheries legislation. Unlike rights to property in land these rights do not give exclusive possession or ownership of the waters or fish. Instead these rights represent access to and priorities of use over living resources of the sea. Although existing policy supports these rights, including compensation, they have not yet been fully reflected in the legislation.

This submission covers three main areas. First, it sets out the legal basis of fishing rights and their relationship to questions of compensation. Second, existing policies for fisheries and aquaculture are outlined and how they improve outcomes for both the State of Western Australia and those who depend on those rights. Finally, WAFIC recommends a set of actions that improve the public administration of fisheries legislation and fisheries management.

### Principal Recommendations

1. That the Committee recommend that there is a change to the State constitution to provide that Western Australian citizens have rights to compensation at least equal to that provided to citizens in the Northern Territory and Australian Capital Territory in the Constitution of the Commonwealth of Australia.
2. That the Committee express its support for rights-based management as incorporated in existing policies. In particular, the Integrated Fisheries Management Policy of 2009 and the 2012 State Fisheries Policy. Further, that the committee endorse the past practice of the State providing compensation for commercial fishers and aquaculturists where rights are taken by the State for its own purposes or are re-allocated by the State to other users of the marine domain.
3. That the Committee notes that there are already limited compensation rights under the *Fisheries and Related Industries Compensation (Marine Reserves) Act 1997 (WA)* (FRICMA). That the Committee recommend that rights for compensation should be extended more generally to where fishers and aquaculturists rights of access to and use of the marine domain are re-allocated to others or are taken from the industry for other purposes.
4. That it supports that fisheries and aquaculture licences and leases should be formally recognised as a property rights by the State both in the *Aquatic Resource Management Act 2016 (WA)* (ARMA) in due course, and as appropriate in other legislation. Consistent with the incremental and pragmatic approaches to marine management in Western Australia over an extended period WAFIC recommends as a first step that existing policies supporting rights based management, including compensation, be consolidated and published as guidelines under Sections 254 to 257 of the ARMA.
5. That given the importance of unequivocal policies in relation to allocation, reallocation and compensation to the process of bringing fisheries under Part 3 of ARMA, are satisfactorily incorporated into that legislation fisheries should only be moved to Aquatic Resource Management Plans and Aquatic Resource Use Plans under that Act where fishers support such a move.
6. That a process is established that facilitates stakeholder engagement (including government) consistent with the 2009 Integrated Fisheries Management Policy. This will require further development noting the current suspension of the Integrated Fisheries Allocation Advisory Committee.
7. That the Committee recommend the establishment of a single authority by the Western Australian Government to centralise the procedural requirements around compensation by Government into a single agency for all claims covering loss of property and injurious affection.

## The Big Picture: State Constitutional Change

Although the focus of this submission is fishing rights, WAFIC supports the call for access to just and fair compensation for taking of property rights be added to the State Constitution. This should be on at least as favourable basis as have been recognised in the Commonwealth Constitution. Property rights underpin economic development, social justice and maintenance of a democratic society. Rights to compensation are recognised in the Commonwealth Constitution<sup>5</sup> are one of the few political rights provided for in the Constitution, the basis of our nation. WAFIC supports the WA Farmers position in this regard, having seen an early draft of their submission.

## Fishing Rights, Regulation and Marine Management in Western Australia

### Regulation, Property and Competing Priorities to the Marine Domain

The living natural resources of the sea (below the low water mark) are not owned by the State, but rather are resources managed by the State.<sup>6</sup> The physical nature of the marine domain allows for one area to be subject to a wide range of overlapping uses. Often these uses, and their users, (acting reasonably) can co-exist. At other times there are conflicts over access or competition for limited resources. For example, Cockburn Sound hosts a major port, is a key recreational area, has both commercial and recreational fisheries, has historically been a base for mussel aquaculture and it hosts a major defence facility. Furthermore past, present and future developments on the lands adjacent to and in Cockburn Sound impact the Sound and those that rely on it. The State's responsibility is to manage the interaction between users by setting out priorities.

In the marine domain what is at issue is rarely absolute ownership but the setting of priorities between different uses and between different users and, if conflicting the processes to resolve these.

That the marine domain is multi-use and that there are multiple users does not mean rights in the marine domain do not constitute property. This point is elaborated further in **Attachment A**. The issue is instead rather what **kind** of property rights are involved and the **extent** of those property rights. Discussion on rights to property in **land** frequently revolve around the question of who has the right to exclusive possession. Conversely in the marine domain what is at issue is rarely absolute ownership but the setting of priorities between different uses and between different users. In the marine domain regulation establishes rights which set out **priorities** in access to and use. Fisheries legislation focuses on priorities between rights of fishers, whether commercial, indigenous, recreational or for 'passive' uses of the marine domain such as marine protected areas.<sup>7</sup> Other legislation whether for

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<sup>5</sup> Clause 51 (xxxi).

<sup>6</sup> See a further discussion in **Attachment B 'Special Characteristics of the Marine Domain'**. There is a broader discussion in, Fisheries Department of Western Australia, *'Fisheries Management Paper No 195: Nature and Extent of Rights to Fish in Western Australia (2005)'* (Fisheries Department of Western Australia, 2005)

<sup>7</sup> It is acknowledged that the breadth of objects of fisheries legislation now covers additional broader objectives as can be seen from the title and object of the *Aquatic Resource Management Act 2016 (WA)* (ARMA).

environmental protection, oil and gas exploration or industrial development also affects priorities of use and access<sup>8</sup>.

In conclusion, fishing and aquaculture rights in the marine domain are a form of property established by legislation to address the need for regulation of the marine domain. Nonetheless the question of whether those rights are property is regularly raised. WAFIC requests that the Committee not only recognise the property nature of those rights but recommends that *the Aquatic Resource Management Act 2016 (WA) (ARMA)* be amended to clarify that they are indeed property and recognised as appropriate in other legislation.

### Rights and Compensation in the Marine Domain

That the rights of fishers and aquaculturists are property is uncontroversial, even if they are not property of a same kind as those to land. The key issue in the marine domain is what is the quality of those rights. Central to this issue, and directly relevant to the Committee's Terms of Reference c) and d) is the question of the circumstances in which compensation might be payable when those rights are injuriously affected by Acts of the State. This submission outlines the circumstances when compensation should be payable. In doing so this submission draws on the two most significant policy statements on marine management and fisheries in the last decade, Integrated Fisheries Management Policy in 2009 (**Attachment C**) and the State 2012 Fisheries Policy (**Attachment D**). These in turn draw on a significant body of research and were the outcome of extensive community consultation. Attachment B outlines why long-term term and secure access fishing and marine aquaculture rights are in the interests of both the State and the holders of those rights. By necessary implication the unrestrained ability of the State to cancel those rights undermines the very purpose for which they have been created. Long term and secure rights better align the interests of the State and the of individual fishers and aquaculturists<sup>9</sup> optimising real economic development and supporting the long-term sustainability of the resource and the productivity of the marine environment. The implementation of such rights, in legislation and by policy, has generally been referred to as Rights Based Management.

Indeed, Western Australia has been one of the leading lights in the global development of Rights Based Management,<sup>10</sup> as was recognised by the United Nation convening the first major symposium on this issue in WA, 'FishRights 99' held in Fremantle in 1999.<sup>11</sup> A follow up conference was also held in Fremantle, 'Sharing the Fish 2006'. This conference further examined Rights Based Management. The 2006 conference concluded that strong property rights for fisheries, with the right incentives such as market-based incentives and compensation pathways, would benefit reallocation processes within and between sectors. This would better enable the adjustments in management that are required to meet changing community expectations. Clarity in governance processes linked to effective stakeholder engagement is a key to achieving the benefits of these processes.<sup>12</sup>

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<sup>8</sup> For example WAFIC is in discussions with National Energy Resources Australia on mitigation (including compensation) for offshore oil, gas and seismic activities impacts on commercial fishing and fish resources.

<sup>9</sup> Now globally recognised. See for example Costello, Christopher, Steven D Gaines and John Lynham, 'Can Catch Shares Prevent Fisheries Collapse?' (2008) 321 *Science* 1678

<sup>10</sup> See accompanying attachment A outlining the Development of Rights Based Management.

<sup>11</sup> Food and Agricultural Organization of the United Nations (ed), *FAO Technical Paper 404/2 Use of Property Rights in Fisheries Management, Fishrights99* (FAO 1999).

<sup>12</sup> Food and Agricultural Organization of the United Nations (Metzner, R.; Isokawa, D.; Liu, Y; Wells F. eds). *FAO Fisheries and Aquaculture Proceedings No. 15 - Sharing the Fish '06* (FAO 2010). See concluding comments recorded of Professors S Hanna and R Hilborn. This is also the experience of Dr Peter Rogers former Head of Fisheries in Western Australia with over 30 years in fisheries management.

## Rights Based Management

As a consequence of actions taken by governments of Western Australia since 1986, fishing rights have acquired the typical characteristics expected of high-quality property rights including; tenure, rights of renewal, a register, ability to lease, lend and mortgage and to will rights as property. Furthermore, compensation rights have already been established in legislation for certain actions by government (under the *Fisheries and Related Industries Compensation (Marine Reserves) Act 1997 (WA)*). Fishing rights are subject to stamp duty as are other property transactions.

Property rights improve sustainability and benefit the marine environment by aligning interests of fishers and the State. Without the security of access afforded by proper recognition of long-term stable rights benefits expected from Rights Based fisheries Management will not be fully realised. Rights Based Management, and particularly high quality and tradeable rights to fish can also generate additional advantages. These include that:

- Clear rights facilitate adjustment within a commercial fishery enabling adaptation to changing market and environmental conditions through market-based mechanisms. This reduces the risk of, and cost to, the State of being required to fund those adjustments; and
- Strong and effective rights for fisheries can facilitate reallocation processes and adjustments required in aquatic resource access to meet changing community expectations. The right market-based incentives expand the possibilities for creative adjustment processes and mechanisms. Clarity in governance processes linked to effective stakeholder engagement in such processes, however, is the key to their success in both economic and social terms.

On the other hand, a failure to engage in and adopt Rights Based Management, including appropriate mechanisms for fair and just re-allocation, has significant risks for both the economic benefits of fishing and sustainability. The Toohey Report in 2002 underpinned the later development of, and eventual adoption of, improved rights for all fishers in the Integrated Fisheries Management Policy of 2009. The authors of that Report concluded that:

*The history of fisheries management around the world has shown that a process to resolve inter sectoral allocation issues, which has widespread acceptance by user groups is fundamental if Western Australia's fisheries are to be sustainably managed in the future.*<sup>13</sup>

WAFIC acknowledges that the State has the power to reorder priorities of access and use. This includes the re-allocation of rights of use and access from fishers and aquaculturists to other parties or the resumption of rights by the State for its own purposes.

**WAFIC's prime submission is that compensation should be paid in those circumstances where those priorities are re-ordered by the State and rights re-allocated away from current rights holders and directed to other users, or for other uses.**

The State should not necessarily be liable to fund compensation where the State re-orders priorities in the marine environment away from one set of users to the benefit another set. Prima facie, it should be those that benefit from that re-allocation and shift in priority. This principle has already been recognised in the Western Australian Government Fisheries Policy Statement of 2012.<sup>14</sup> The State may, however, decide that for public policy or economic reasons it is more appropriate that the State pays the necessary compensation. There are already several existing mechanisms in Western Australia

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<sup>13</sup> Toohey, John et al, 'Report to the Minister for Fisheries by the Integrated Fisheries Management Review Committee: Fisheries Management Paper 165.' (Fisheries Department of Western Australia, 2002), 22 ('The Toohey Report'). The Committee was headed by Mr Justice Toohey who was the first Western Australian to serve on the High Court of Australia.

<sup>14</sup> See for example at 4.4 Marine Planning.



to facilitate such an action, albeit with minor changes. In particular, the *Fishing Industry and Related Industries (Marine Reserves) Act 1997* (WA) and the *Fisheries Adjustment Schemes Act 1987* (WA). Indeed, the second reading speech for FRICMA foreshadowed its broader use for this purpose<sup>15</sup>.

## Next Steps, Policy, Practice and Legislation

To ensure Western Australia fully benefits from current best practice and future advances in fisheries management, it is appropriate that the State should recognise on a more comprehensive legislative basis that fishing and aquaculturist's rights are a form of property and that appropriate compensation should be paid for the loss or diminution of those rights (injurious affection) where they are reallocated to other uses or users. This includes where rights are reallocated to 'non-consumptive' uses such as marine parks and port development.

Consistent with the incremental and pragmatic approaches to marine management in Western Australia over an extended period WAFIC recommends as a first step that existing policies<sup>16</sup> implementing Rights Based Management, including compensation be consolidated and published as guidelines under Section 254 to 257 of the ARMA.

WAFIC notes that this recommendation falls squarely within the remit of the Committee. It is matter of good public administration that this key element of management of the marine domain move away from a combination of practice, policy statements and partial legislative implementation to a more consistent approach. This will not only improve marine resource management but improve transparency and the accountability of Government for its actions.

## Special Issues Relating to Allocation & Reallocation of Fishing Rights

The core of WAFIC's submission on rights and property in fishing and aquaculture in Western Australia is as advised above. The discussion below sets out how current policies work and how they can be improved in the interest of the State and good public administration. In general, WAFIC recommends replacing ad hoc, secretive and opaque processes with clear ones that provide for accountability of both the industry and Government for outcomes.

### Allocation and Re-allocation

The majority of Western Australia fisheries are already fully utilised by indigenous, commercial and recreational fishers. Rights have been allocated formally in some instances, but generally implicit allocations are common (as recognised under the 2009 IFM Policy). Policy and practice in Western Australia is to recognise that where a fishery is fully utilised the status quo as far as reasonably possible should be preserved where management arrangements change.<sup>17</sup> WAFIC believes that moves to new management arrangements should not be used as a pretext for reallocation. Conflating improvements in management with re-allocations to the benefit of only some users will inevitably lead to confusion and conflict. Such actions undermine the credibility of the State as a fishery manager and dilute the benefits Western Australia receives from good quality Rights Based Management.

**WAFIC recommends that the Committee support allocation processes that have integrity and that the processes for reallocation be kept separate. This policy applies to where fishery management plans are set up under the new ARMA processes.**

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<sup>15</sup> Hon Monty House, Minister for Fisheries: Hansard, 1 May 1997, p.2114: *"The Minister for Fisheries will also retain the option of establishing a formal fisheries adjustment scheme, in accordance with the provisions of the Fisheries Adjustment Schemes Act 1987, so that fishing effort is not merely transferred to another area of a fishery as a result of a marine reserve proposal."*

<sup>16</sup> IFM 2009 and the WA Government 2012 Policy Paper read in conjunction with the Toohy Report (referred to above).

<sup>17</sup> WA Government 2012 Policy Paper.

**WAFIC further recommends that until existing policies have been more formally incorporated into the ARMA that fisheries should only be transitioned from existing management plans and arrangements to new arrangements under the ARMA where the affected fishers agree that this should occur.**

### Fiscal Management of Compensation

WAFIC notes that the financial impact on the State of strengthening property rights and that the risks to the State of payment of compensation can easily be misrepresented or exaggerated. As noted above the State **already** has policies that favour compensation for fishers and aquaculturists where fishers and aquaculturists are injuriously affected by changing priorities of use and access as well as statutory mechanisms for compensation as part of fisheries adjustment. Payments are typically made on an ad hoc basis where settlements are confidential. WAFIC recommends in this submission that transparent and systematic mechanisms be put in place. These would limit unjustifiable claims. Well-designed mechanisms will not lead to floodgate of claims. Indeed, increased accountability and transparency around changes to priorities of use and access is likely to reduce pressures on Government for those changes. This will certainly be the case if the principle that those benefitting should pay is adopted.

Priorities of use and access are **not** changed by factors such as environmental fluctuation and no compensation would be payable for these reasons alone. Reductions in relation to natural changes in stock abundance would not give rise to compensation.<sup>18</sup> There are already obligations in marine legislation that require fisheries and aquaculture management to support sustainability and the integrity of the marine environment. Western Australia's major fisheries already receive Marine Stewardship Council certification. That certification covers impact on the environment and to achieve certification fishers must demonstrate protection of the diversity of the marine habitats in which that fishing takes place.

WAFIC acknowledges that changes in priority by way of a re-allocation to recreational fishers is often a hot issue. It is less well recognised that a reduction of rights and re-ordering of priorities in the marine domain can occur where non-fishing activities are prioritised over fishing uses. These changes can affect both the industry and recreational fishers. These instances would include industrial development, marine parks (largely already compensated under *FRICMA*), offshore oil and gas exploration and production, and harbour developments. The 2012 State Fisheries Policy already recognises the impact on fishers of other activities in the marine domain.

WAFIC provides below some of the additional circumstances that should be taken into account that clarifies the (limited) circumstance in which it believes a right to compensation should arise.

- Fishers and aquaculturists must be actually injuriously affected. In some cases, effects will be minor and within the limits of reasonable accommodation by industry with other users of the marine domain. There are many examples of informal arrangements between fishers, aquaculturists and the public regarding access and use across Western Australia. Creeping changes that will be significant over time, however, should trigger adjustment and compensation mechanisms.
- Compensation should, prima facie, be paid to a fisher or aquaculturalist where there is injurious affection to their business as a result of the State acting to re-order priorities of use and access to the marine domain. The clearest instance is where fish resources are re-allocated to other users. As noted earlier, compensation should be paid by the users who

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<sup>18</sup> Noting that intensive commercial fishing activity only occurs in a small percentage of the waters off Western Australian Waters. See 2008 "Bottom Trawl Fishing Footprints on the World's Continental shelves: (numerous authors) and see "Putting potential environmental risk of Australia's trawl fisheries in landscape perspective: exposure of seabed assemblages to trawling and inclusion in closures and reserves" FRDC Report 2016-039



benefit. The State should only pay where there is a compelling public policy reason to do so. The marine domain is a dynamic one and fishing and aquaculture take place in a changing economic and technological environment. The vast majority of management changes are not intended to re-order priorities of use, but about changing the settings of a fishery to account for factors such as; variations in stock abundance, shifting market demand and changing technology. That regular changes in management are, and will, be required is recognised in the 2012 Policy.<sup>19</sup> To further clarify how these changes should occur, without trigger compensation issues **WAFIC recommends adoption of the Australian Fisheries Management Authority's 'Policy on Allocations where Management Arrangements Changes.'**<sup>20</sup> Adoption would make it clear that compensation would not be payable where there are changes to management arrangements within a fishery that are fairly implemented.

- Compensation mechanisms should provide for recognition of the incremental impact on the marine environment and on fishing activities of other uses and users. Economic logic as well as equity demands that industrial users and developers who want priorities of access and use to change should cover compensation to affected parties as a condition of approval of their activities.
- A good example of injurious affection impacting on the fishing sector is represented by the proposed marina development at Ocean Reef. Initial assessment estimates an annual loss of 9 tonnes of roei abalone production. This case is complex and provides a real-life contemporary example of injurious affection compensatory issues arising from a change in priority access and use of an area. Although the principle of compensation is accepted, the compensation mechanisms are not adequate to the task. WAFIC understands that the President of the West Coast Abalone Association has forwarded a submission to this inquiry.
- From time to time arguments have been made that a fisheries reduction is due to maladministration. This is a matter outside principles of compensation based on Rights Based Management principles. In these instances, the appropriate standard for the assessment must be based on general law as well as community standards and expectations.
- Compensation and management mechanism should to be inter-connected. Good fisheries management require changes in management plans for fisheries hand in hand with compensation. Where compensation is paid fisheries management plans should be adjusted to take into account effort or quota that has left the fishery and steps taken to ensure that effort is not shifted to other fisheries.

## Regulatory Takings

WAFIC recognises that there can be regulatory impacts on property rights in Western Australia (whether fishing and aquaculture rights, pastoral leases or private agriculture property) may fall short of legal definitions required for a loss of property or where the approach proposed of focusing on re-ordering priorities of access and use in the marine domain does not give a clear outcome. WAFIC does note that these impacts should properly have already been dealt with in a fair manner in the legislation which gives the authorisation to impact injuriously on otherwise legal activities. Furthermore, that it is sometimes the cumulative impact of several different legislative schemes that together has a significant impact on property. WAFIC has focused its submission to the Committee on unique issues affecting the marine domain. WAFIC generally supports the approach proposed by WA Farmers in relation to this issue having seen an early draft of their submission.

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<sup>19</sup> Section 4.4.

<sup>20</sup> <https://www.afma.gov.au/about/fisheries-management-policies/allocation-fishing-concessions-management-arrangements-change>

## Recommended Actions

In addition to those highlighted in the 'Introduction' to WAFIC's submission WAFIC supports the submission of the Western Rock Lobster Council on the following

- The establishment of a single authority by the Western Australian Government to centralise the procedural requirements around compensation into a single agency for all claims covering loss of property and injurious affection. This will enable a body of expertise to be developed creating certainty for the benefit of the State and those holding property rights. WAFIC generally endorse in this regard.
- That's specific processes be incorporated in legislation and policy around reallocation or adjustment of rights of access and catch shares in Part 3 of ARMA;
- Support for mechanisms to be implemented to take advantage of the flexibility inherent in Rights Bases Management to facilitate inter-sectoral changes in resource use independent of Government funding, but properly reflected in resource management where sustainability is at risk.