FACT SHEET

Living Marine Resources Management Amendment Bill 2017

This Bill has one primary purpose and also provides for two other administrative or more minor issues.

Primarily, this Bill places into legislation that no trawling is allowed in Tasmanian State waters.

This Bill provides the community greater surety that trawling will not be permitted in Tasmania waters in the future, as undoing this prohibition would require a further Bill with strong scrutiny of the Parliament and indeed the community.

This measure will allay some concerns expressed that large factory trawler vessels might be permitted to operate in State waters.

Fishery Management Plans, which are statutory rules, are made through the provisions of the *Living Marine Resources Management Act 1995*, that is, they are subordinate to the *Living Marine Resources Management Act 1995*.

The *Fisheries (Scalefish) Rules 2015* are the current management plan for the Tasmanian scalefish fishery. This management plan was remade in 2015 as the previous plan expired.

In 2001, the debate around the impacts of trawling saw a review of the scalefish fishery management plan. Amongst other changes, this review saw restrictions on the use of trawling in State waters. The current rules now state:

> *"A person must not use a board trawl net from a fishing vessel in State waters".*

As such, trawling is currently not permitted in State waters. However, a review of that management plan through the statutory review process required could potentially see that provision rescinded.

The purpose of this Bill is to reinforce or strengthen this existing provision by increasing the level of scrutiny to remove restrictions on trawling and the possible introduction of this fishing method.

Two other administrative or more minor issues are also proposed in the Bill.

First, the *Living Marine Resources Management Act 1995* provides that a range of decisions or outcomes must be notified through a Public Notice. A Public Notice is defined as a notice published in the *Gazette* and a daily newspaper generally circulated.

Such decisions include setting a total allowable catch or notifying abalone divers the catch in an area has met a predefined limit and the area is closed to them for the rest of the quota year. Some decisions affect a wider portion of the community, and some are very specific.

Such a "one size fits all" arrangement is considered, in some situations, to be outmoded and potentially overly bureaucratic and unnecessarily expensive.

Administrative flexibility is appropriate where the needs of the community are safeguarded, but more tailored cost effective measures may be more appropriate and indeed more effective and much less costly for the Department of Primary Industries, Parks, Water and Environment.

However, this proposal only affects some notifications under the Act that are not seeking an active response from the public but are essentially only notifications of outcomes (i.e. those within section 40). It is considered some of these are appropriate candidates for other more efficient and cost effective processes.

Processes for key management outcomes (e.g. notification of releasing a draft management plan for consultation) that seek active action or comments from stakeholders and the general public still require wide dissemination, and might be considered appropriate for public notices. No changes are proposed in these cases.

An important aspect of this change is if rules are made under section 40 that allow say closing part of a fishery, those rules must also then specify how the outcome is to be determined.

The intent is to provide contemporary alternatives depending on the breadth of the decisions and individuals involved. For example, if all persons affected by a decision are known, notification to each individual might be used in that case.

This measure also provides potential opportunity for moving individual notifications to quick, effective and cheaper electronic notifications.

This is only a sensible move in contemporary communication in this electronic age and aligned to the commitment that the Government will

> *"help to transition commercial fishing in Tasmania into the digital age, aiming at world's best practice for both regulators and commercial operators, including regulatory compliance through the use of modern IT systems".*

The *Living Marine Resources Management Act 1995* also provides for making industry levies to collect monies for particular purposes, e.g. funding industry bodies such as the Tasmanian Seafood Industry Council.

Recent advice indicates the amounts can only be set as actual dollar amounts. Therefore, in order for any levy to increase to allow for CPI increase, a levy would need to be remade each year. This is not administratively sensible.

The fee unit model of setting fees and charges across Government expressly accommodates this issue and it seems only sensible to provide for levies also to be set with a fee unit amount.