

## FACT SHEET

### *Living Marine Resources Management Amendment Bill 2015*

There are two aspects to this Bill.

The first is that it seeks to remove uncertainty concerning vicarious liability in the *Living Marine Resources Management Act 1995*.

Vicarious liability is when an individual is made legally responsible for the actions of a second individual who is acting on his or her behalf.

Vicarious liability is needed in the Act because the owners of many fishing licences, for example, are allowed to have others use their licence on their behalf.

In a previous amendment of the *Living Marine Resources Management Act 1995*, an insertion was made by the Legislative Council relating to persons 'allegedly' committing various offences. This insertion has, in the opinion of the Director of Public Prosecutions, made the relevant sections relating to responsible persons completely unworkable in that consequences that were intended to follow an offence being proven would flow, nonsensically, from an untested allegation.

Removal of the inserted 'allegedly' to the restore the original wording is all that is required to make these sections workable.

Second, this Bill reduces the fee payable by holders of abalone quota units under a so-called 'new' abalone deed of agreement.

An abalone deed of agreement is, in effect, a contract between an abalone quota holder and the Crown that allows commercial access to an amount of abalone in return for a fee.

There are two types of abalone deeds of agreement: a so-called 'old' deed agreed in 1994, and a so-called 'new' deed agreed in 2005.

Approximately 82% of abalone quota units are held under new deeds.

The Bill relates only to the fee paid under the new deed.

The fee in the new deed at present is 8.125% of the quarterly average beach price for abalone.

Given the difficulties being experienced by the industry at present in the form of decline in both total allowable catch and beach price, it is an election commitment made by both sides of politics to provide some relief from the fee.

Reduction of the fee would also bring it closer to amounts commonly paid by old deed holders.

Fees paid in other Tasmanian fisheries are of the order of 5% of the fishery's GVP.

The fee proposed in the Bill for new deed holders is 7% of the quarterly average beach price for abalone.

Per annum, the Crown would thus forego approximately \$800,000 at present beach prices and total allowable catch settings.

This amount is justified to assist the industry at this difficult time.