DRAFT SECOND READING SPEECH

HON. JEREMY ROCKLIFF MP

Living Marine Resources Management Amendment Bill 2017

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Madam Speaker, I move the Bill now be read a second time.

Madam Speaker, this Bill has one primary purpose, this Bill places into legislation – into an Act of the Tasmanian Parliament - that no trawling is allowed in Tasmanian State waters.

Recognising the degree of community concern that trawling might be permitted in future in Tasmanian waters, the Government is taking action. This Bill provides the community greater surety this will not occur, as undoing this prohibition would require a further Bill with strong scrutiny of the Parliament and indeed the community.

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

Madam Speaker, as some background into fisheries legislation, Fishery Management Plans are statutory rules made under 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. You may recall this management plan was remade in 2015 as the previous plan expired.

Back in 2001, the debate around the impacts of trawling saw a review of the scalefish fishery management plan. Amongst other changes, this review saw a ban on the use of trawling in State waters.

As such, I recognise trawling is currently not permitted in State waters, a fact I have stated a number of times in the past. However, a review of that management plan through the statutory review process required could potentially see that provision rescinded.

So 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.

I am confident this measure will satisfy and give comfort to some in the community and recreational fishers who have previously expressed such a concern, or hold fears large factory trawlers might operate in State waters.

Madam Speaker, I will now provide a little more detail of the technical details of those provisions in the amendment Bill before us.

First, for this Bill trawling is defined as "board trawl" and "pair trawl".

Board trawl is far and away the most common form of trawling in Australia which sees a funnel or cone shaped net towed along by a fishing vessel with the mouth of the net kept open by trawl boards also known as "trawl doors" or "otter boards".

It is the resistance of the boards being pulled forward through the water that forces the mouth open, so as the boat goes forward, the boards effectively pull the net mouth open.

For the Bill, pair trawl is also included, although this type of trawling is not common place and is rarely used in Australia. For pair trawling, instead of trawl doors holding the mouth open, two fishing vessels are used connected to the two ends of one trawl net.

To assist enforcement, the Bill makes it illegal to possess such a net on a fishing vessel in State waters, unless that vessel is licensed to use the gear in another jurisdiction, and is merely traversing to or from port through State waters. I also note all Commonwealth vessels must have a vessel monitoring system that tracks their passage and some also have mounted cameras.

The Bill also - of course - makes it illegal to use a trawl net in State waters.

So, the representations made to the Government in relation to trawling in State waters have been recognised, and we are moving now to progress this legislation through this Parliament in response to those concerns.

I trust all Members will support this initiative.

Madam Speaker, Bills to amend an Act are not regularly pursued without good cause. Given the initiative in regards to the trawl issue, two other administrative 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 daily newspapers generally circulated.

The objective for the measure proposed is to see a more flexible, streamlined and cost effective process for certain decisions - where appropriate - whilst still protecting the need for the public and stakeholders to be informed of certain outcomes.

This may also provide opportunity for certain processes to move closer to the digital age in line with Government policy.

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 and more tailored cost effective measures may be more appropriate and indeed more efficient.

The proposal has been careful to retain the public notice requirement for the key processes within the Act, particularly where comments on draft management proposals are sought.

It was considered that processes for key management outcomes - for example notification of releasing a draft management plan for consultation - that seek active action or comments from stakeholders and the general public may still be considered appropriate for public notices.

However, some notifications are not seeking an active response from the public but are essentially only notifications of outcomes once decisions are made. It is considered that some of these are appropriate candidates for other more tailored, efficient and cost effective processes.

One example of such an action is notification of closing part of a commercial fishery for a period of time. Such closures are made relatively often for a range of purposes.

Madam Speaker, you may be aware fisheries management is a dynamic and evolving area, and, particularly in the more valuable fisheries, management is becoming increasingly targeted at smaller areas in what is known as "fine scale spatial management".

It is important the tools to support dynamic processes also evolve to support the capacity to operationalise such management processes.

As an example, fine scale management is perhaps most evident in Tasmania in the commercial abalone fishery. Members may be aware the abalone total allowable catch is broken down to a number of zones which provides that portions of the total allowable catch are allocated to different areas of the fishery. The aim is to spread fishing effort and catch around the State rather than being concentrated into certain regions.

However, even finer scale management intervention is required to ensure prime localised areas are not always targeted which can lead to localised depletion of premium areas. Even within the zones, the better quality abalone are targeted to achieve a maximum price and less desirable areas might not be fished.

So within the zones what is known as "catch caps" are applied, which means when the catch in an area is reached that area is closed to commercial fishing for the rest of the quota year. The catch is monitored, and when reached, closed by public notice.

This is routine management that affects a very discrete and defined class of persons and is done in close and ongoing consultation with the abalone industry. These closures are required to be implemented relatively quickly and then divers must be notified of the decision. In this case a public notice is slow, unwieldy and expensive. If another instrument could be used and all affected persons individually notified, such decisions could be made at short notice and be communicated almost immediately at low cost.

In a year there might be say fifteen such abalone closures, each currently requiring a public notice costing in excess of $1 500. A more efficient process in this case could see quick, effective and cheaper processes in place. Indeed, such efficiencies might also see fine scale management introduced into some less valuable fisheries where it has not been considered cost effective in the past.

So, the Bill concentrates changes to only a very specific part of the Act being the rule making provisions of section 40 of the Act. Section 40 currently provides that the rules can provide for certain matters to be determined by public notice. This section states:

Rules may provide that the Minister, by public notice, may determine –
(a) any opening or closing dates of seasons; and
(b) the opening or closure of any part of a fishery; and

(ba) the limits for taking or possessing fish; and
(bb) the manner in which fish containers and receptacles are to be marked, tagged and notified; and
(bc) the type, volume and marking of containers and receptacles containing fish; and
(bd) the marking of fish; and
(c) any other specified matter relating to the characteristics of fish.

The amendments propose to change the words "Minister, by public notice," by substituting "Minister".

Importantly, a new subsection then also determines that any such rule must determine and specify how the Minister does so. This provides that for each such rule made or amended in relation to section 40, the mechanism for how the rules determine the outcome must be specified in the rule.

Hence for each proposal made the measure must proceed through the statutory rule making process with corresponding public consultation, including Parliament. Thus there is comfort that rigour is still maintained, together with opportunity for input by stakeholders for each proposal made in a management plan. This is not a one size fits all and the appropriate process in each case will need to be considered.

Lastly, 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.

Madam Speaker, the Government fully supports the introduction of this Bill.

I commend this Bill to the House.