



Aquatic Resources Management Act

The next evolution in Aquatic Resource Management in Western Australia

MANAGEMENT DIRECTIONS

DRAFT

Version	Date	Changes
V1	14.09.16	Initial draft including steering group comments

Western Australia's management of its fish and aquatic resources is recognised as world class. Western Australia (WA) is home to both the first commercial and recreational fisheries in the world to be certified by the Marine Stewardship Council (MSC). The MSC is viewed globally as the "gold standard" in third party sustainability accreditation. In recent years, all of the State's commercial fisheries have undergone MSC pre-assessment. Eleven fisheries have now been certified, or are in the process of being certified by, the MSC. WA is leading the world in managing fish resources in a way which recognises the rights and collective impacts of all user groups on these resources. Formal allocation processes determine relative levels of access by commercial, recreational and customary fishers, while Ecosystem Based Fisheries Management provides a holistic approach which considers the impact of fishing activity by all sectors on the broader ecosystem.

This firm foundation for sustainable aquatic resource management has been established under the *Fish Resources Management Act 1994* (FRMA) and *Pearling Act 1990* (PA). The *Aquatic Resources Management Act 2016* (ARMA) will build on this foundation so that the community can enjoy the benefits of sustainable aquatic resources, quality recreational fishing experiences and profitable commercial fisheries and Aquaculture into the future.

Underpinning the operation of the ARMA will be the development of new policies, processes and systems in consultation with stakeholders.

It is important to understand that the transition to management frameworks facilitated under the ARMA will be an evolutionary one. For most commercial and recreational fishers, there will be no immediate significant change. The pearl oyster (*Pinctada maxima*) resource will be the first to be declared a resource and transitioned to an ARMS framework when the ARMA is proclaimed. This is as the currently separate pearling legislation will be consolidated under the ARMA. Identification of resources to be given priority for transition to an Aquatic Resource Management Strategy (ARMS) under the ARMA framework and the likely associated timeframes will be an early area of discussion with stakeholders.

ARMA Management Pathways

Existing management plans under the FRMA, (including Limited Entry Fishery Notices) which are in place when the ARMA is implemented and the effect of regulations governing recreational fishing will remain the same.

It is the Department's intention that small-scale fisheries which require little management will be managed under the regulations.

The ARMA allows for, and in some instances mandates the creation of Aquatic Resource Management Strategies for aquatic resources. An ARMS is an overarching statement relating to an aquatic resource (which may be broader than a single fishery). It includes the definition of the resource, management objectives, the proportional allocation to each sector and the method for determining the Total

Allowable Catch (TAC)¹. Under an ARMS, Aquatic Resource Use Plans (ARUPs) will be created for the sectors accessing the resource. ARUPs are similar to management plans for commercial fisheries, but unlike current management plans they can also be applied to recreational fishing. The management framework established in the PA and *Pearling (General) Regulations 1991* will be transitioned in the ARMA through the development of an ARMS and ARUPs and appropriate subsidiary legislation.

POLICY AND SYSTEM DEVELOPMENTS UNDERPINNING THE ARMA

Holistic Management

The ARMA provides the capacity for more holistic and efficient management by moving from dealing with individual fisheries to management of aquatic resources. An aquatic resource may be a species based (such as *Pintada maxima* or Western rock lobster) or it may cover a wider range of species currently accessed by a number of commercial and recreational fisheries, as they are currently defined.

We will work with stakeholders to:

- a. identify aquatic resources;
- b. identify criteria for determining priority resources to move to ARMS; and
- c. based on these criteria, identify the priority resources for the development of ARMS.

Note it is expected that it will take many years to move the full suite of priority aquatic resources into ARMS. Under Part 3 of the ARMA, the Minister is required to make a declaration of a managed aquatic resource if a risk assessment concludes that there is evidence that overexploitation of the resource or there is considered to be a threat to the ecologically unsustainable of the resource.

Secure Access

A tenet of the ARMA is that it provides for greater security of access for resource users. A key element to providing security of access is setting out each sector's proportional allocation of the resource where a resource is managed under an ARMS. This will be the first time that the recreational sector will have an explicit catch share recognised in a legislation.

In recent years, the Integrated Fisheries Management (IFM) process has been used to develop advice to the Minister on sectoral allocations. The principles of IFM policy require explicit harvest level allocations for commercial, recreational and customary use. This has been successful but time consuming. Implementation of the ARMA will require the introduction of a faster and more efficient allocation process.

The Department has developed a new proposed alternative allocation process which will be discussed with stakeholders.

¹ Total Allowable Catch is defined in the new Act as 'the quantity of a managed aquatic resource that may be taken by the commercial and recreational fishing sectors in a fishing period for the resource'. It may be used to refer to catch or effort.

Simplification of Licensing Requirements and Providing Greater Flexibility for Commercial Fishers

The introduction of the ARMA will provide a chance to review existing licensing requirements, including the future of Commercial Fishing Licences (CFLs) and Fishing Boat Licences (FBLs).

For commercial fishers operating in fisheries managed under an ARMS, there will be a separation of the right to access a resource and the operational activity of commercially fishing the entitlement. This will be achieved through the creation of Resource Shares and Annual Catch Entitlement (ACE).

This will also increase flexibility for fishers by allowing Resource Shares and ACE to be traded independently.

Electronic systems will need to be developed and implemented to support new licensing arrangements and to facilitate the establishment and operation of a share registry that tracks entitlement held by individual entities, security interests, holders of ACE and registered fish receivers. These systems will need to be integrated with systems which monitor the use of ACE in real time. The building of these systems is expected to be a significant undertaking.

The Department will work with stakeholders to determine policy decisions around licensing and register issues as a matter of priority so that specifications for the system can be finalised.

New Subsidiary Legislation

Before the ARMA comes into effect, new regulations need to be drafted to replace the *Fish Resources Management Regulations 1995* (FRMR). Developing the new regulations will require a review of elements of the FRMR to be retained and identification of new regulations.

Additionally, noting that the ARMA will replace the PA appropriate subsidiary legislation will need to be drafted to manage the *Pinctada maxima* resource.

Other existing subsidiary legislation, such as Orders and Limited Entry Fishery Notices are being reviewed to ensure a seamless transition. Access conferred in existing instruments will be preserved when the ARMA commences.

Communication

The ARMA will provide benefits to both stakeholders and the broader community. It is also understood that its introduction will result in many questions and potential concerns, particularly from key resource user groups.

The Department recognises that effective communication with stakeholders is essential. A communications strategy has been developed and stakeholders can

expect to receive information in various formats as the transition to the ARMA progresses.

SUMMARY OF POLICY AND PROCESSES EXPECTED TO INVOLVE ENGAGEMENT WITH STAKEHOLDERS IN THE ARMA TRANSITION

1. Identification of resources and prioritisation of resources to be moved to management under an ARMS.
2. Finalisation of a timely and efficient process for determining sectoral allocations and allowances to resources.
3. Finalisation of licensing policies and implementation of licensing, register and entitlement management systems consistent with the ARMA framework.
4. Development of new subsidiary legislation (e.g. regulations).
5. Development and implementation of a communication strategy outlining benefits and informing key stakeholders.

A series of fact sheets are under development to provide sector specific information. Please visit the Department of Fisheries website for more information

Want more info on the Aquatic Resources Management Bill?
Head to the Department of Fisheries website at www.fish.wa.gov.au

Want regular updates or have a question? Contact us at arma@fish.wa.gov.au