



27 March 2009

The Hon Norman Moore MLC
Minister for Fisheries
4th Floor
London House
St George's Terrace
Perth WA 6000

Dear Minister

Subject: Separate Aquaculture Laws

I refer you to ACWA's letter of the 4 March 2009, where we offered to provide to you industry's views on the minimum content of the reformed legislation.

The minimum content falls under three fundamental elements, namely, *Tenure & Property Rights, Certainty in the Approval Process, and Continual Improvement*. The elements of these will be outlined below, under these headings.

Primary Legislation Reform will need to enable the following:

Tenure and Property Rights

- An aquaculture development park zoning framework for both government and proponents, for example, based on the South Australia legislation model.
- An ability to issue con-current aquaculture lease and licence terms.
- A process and timeframe for adverse possession of leases;
- The removal of the nexus between the section 97 aquaculture lease and the licence (Ciffolili 1994);
- Lease & Licence register reform: improvement in personal property securities e.g. issuing of title to the lease. Industry's clear preference is that the property management of leases should be managed by *Landgate* and NOT by the Department of Fisheries.

Certainty in the Approval Process

- The creation of statutory time limits of 30 days for relevant decision makers.
- The introduction of flexibility in aquaculture licence i.e. create options for classes of licences, for example, based on production systems and/or category of fish - rather than solely a species specific.

- The introduction of flexibility in the translocation approval arrangements i.e creates options for classes of production systems, for example, bio-secure facility.

Continual Improvement

- An ability to develop management plans for aquaculture zones. The statutory management plans must have stated measurable objectives.
- Commitment to the principles of co-management¹;


Subsidiary Legislation reform

- Recognition of ACWA as the peak industry body for aquaculture (regulation 4).

The law reform agenda is of strategic importance to the State, and is critical for Western Australia to build confidence and demonstrate State's ability to play a part in the global expansion of the aquaculture industry and the sustainable supply of seafood.

Thank you for providing ACWA the opportunity to provide you with further advice on this critical matter. I would be pleased to provide your office with further information should you require.

Yours faithfully,



Max Ball

Chair

AQUACULTURE COUNCIL OF WESTERN AUSTRALIA

¹ Co-management: Either informal or legal arrangements between government representatives, community groups and other user groups, to take responsibility for, and manage, a fishery resource and/or its environment on a cooperative basis. In this case, industry takes on more responsibility, as in the safety case in the oil and gas industry.