

Draft Living Marine Resources Management Amendment (Aquaculture Research) Bill 2021

CONSULTATION PAPER

October 2021

Department of
Primary Industries, Parks, Water and Environment

INTRODUCTION

The Tasmanian Government is developing a new 10-year Salmon Plan to be in place by 1 January 2023 to support Tasmania's sustainable salmon industry to remain world leading. The plan will be underpinned by the following principles:

1. There will be no net increase in leased farming areas in Tasmanian waters.
2. Innovation – future growth lies in land based and off-shore salmon farming
3. World-best practice through continuous improvement
4. Strict independent regulation

For further information please refer to www.dpipwe.tas.gov.au/salmonplan

Consistent with Principle 2, the Tasmanian and Australian Governments have entered a Memorandum of Understanding (MoU) to support the implementation of the National Aquaculture Strategy enabling offshore aquaculture in adjoining Commonwealth waters.

The draft *Living Marine Resources Management Amendment (Aquaculture Research) Bill 2021* (the draft Bill) seeks to ensure the legislative framework required in Tasmania to enable aquaculture research in Commonwealth waters.

This consultation paper, including the draft Bill and clause notes, aims to facilitate public comment on the draft Bill.

BACKGROUND

Aquaculture in Commonwealth waters

The [National Aquaculture Strategy \(2017\)](#) (the Strategy) was developed by the Australian Government in consultation with industry, state and the Northern Territory governments and sets out to achieve an aquaculture growth target of \$2 billion a year by 2027.

The Strategy recognises that responsibility for aquaculture operations, development, monitoring and compliance is generally a matter for State jurisdictions.

To pursue the Strategy, the Australian and Tasmanian Governments have recently signed a [MoU](#) agreeing to cooperate to enable and facilitate marine aquaculture into Commonwealth waters adjoining Tasmanian State Waters, managed under Tasmanian fisheries and aquaculture legislation.

The MoU sets out the joint intention to facilitate a “fisheries management arrangement” under corresponding Commonwealth and State fisheries legislation to enable marine aquaculture research by the [Blue Economy Cooperative Research Centre](#) (Blue Economy CRC). The draft Bill would also provide for other similar research arrangements, which, subject to arrangements with the Commonwealth, may follow in the future.

Over the longer term, legislative, policy and administrative arrangements may be developed to provide for commercial scale aquaculture in Commonwealth waters relevant to Tasmania.

As a first step, the Tasmanian Government is seeking to amend the Tasmanian *Living Marine Resources Management Act 1995* (Tas) to enable marine aquaculture research to be subject

to a “fisheries management arrangement” with the Commonwealth.

The MoU sets out that the Commonwealth will make best endeavours to make any amendments to their legislation if it is required.

Proposed legislative changes

The draft Bill is an enabling amendment. It proposes to amend the *Living Marine Resources Management Act 1995* to ensure that Tasmania may enter into an arrangement with the Commonwealth under the *Commonwealth Fisheries Management Act 1991* for the marine farming of fish for research purposes in Commonwealth waters to be managed under State laws.

Importantly, “fish” is defined very broadly by Section 4 of the *Living Marine Resources Management Act 1995* to mean an aquatic organism of any species, which spends part or all of its life in the aquatic environment, except whales and other mammals, birds and freshwater fish. The opportunity created by the draft Bill will therefore cover a broad range of activities, including research relating to fin fish, seaweeds and other living marine organisms, which, subject to making appropriate arrangements with the Commonwealth, would be possible in the future.

ABOUT THE DRAFT BILL

The draft Bill amends the *Living Marine Resources Management Act 1995* to enable marine aquaculture research to be subject to an arrangement with the Commonwealth under the Act.

The Bill:

- Ensures that the State may enter into an arrangement with the Commonwealth under the *Commonwealth Fisheries Management Act 1991* (Cth) for the marine farming of fish for research purposes.
- Enables a person to apply for a permit under the *Living Marine Resources Management Act 1995* to undertake marine aquaculture research activities for the purposes of an arrangement with the Commonwealth.
- Ensures that the provisions of the *Tasmanian Animal Welfare Act 1993* that relate to animal research apply to marine aquaculture research activities.
- Provides that, before issuing a permit for marine aquaculture research activities, the Minister must consult with the Director of the Tasmanian Environment Protection Authority (EPA) in respect of the permit and if the permit relates to finfish, include as conditions of the permit any conditions that the Director EPA considers necessary.

Refer to Appendix A for the draft Bill. The draft clause notes to accompany the draft Bill are at Appendix B.

HOW TO HAVE YOUR SAY

Terms of Reference

Public comment is sought on the draft Bill and supporting clause notes.

Progression of other Tasmanian Government aquaculture initiatives, including the development of the Government's 10 year Salmon Plan over the next 12 months, will be the subject of a separate consultation process and are out of scope of this consultation process.

How to make a submission

Submissions on the draft *Living Marine Resources Management Amendment (Aquaculture Research) Bill 2021* must be received by 11:59 PM on 3 November 2021. Submissions can be made by following the 'Have Your Say' link at www.dpipwe.tas.gov.au/amendments.

Other than indicated below, submissions will be treated as public information and will be published on our website at www.dpipwe.tas.gov.au/amendments. Submissions will be published in November 2021.

No personal information other than an individual's name or the organisation making a submission will be published.

Accessibility of submissions

The government recognises that not all individuals or groups are equally placed to access and understand information. We are therefore committed to ensuring that government information is accessible and easily understood by people with diverse communication needs.

Where possible, please type your submission in plain English by following the 'Have Your Say' link at www.dpipwe.tas.gov.au/amendments and using the form provided. If attachments are necessary, please provide them in a format such as Microsoft Word or equivalent.

The Government cannot take responsibility for the accessibility of documents provided by third parties.

Important Information to note

Your name (or the name of the organisation) will be published unless you request otherwise.

If you would like your submission treated as confidential, whether in whole or in part, place the confidential comments into the 'Confidential comments' box on the submission form. If attaching a document that you wish to remain confidential, mark the tick box on the submission form to indicate that the attachment is confidential. Your submission should also explain the reasons why you wish for all or part of the submission to remain confidential. In this case, your submission will not be published to the extent of that request.

In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), the Department will treat the submission as public.

Copyright in submissions remains with the author(s), not with the Tasmanian Government.

The Department will not publish, in whole or in part, submissions containing defamatory or

offensive material. If your submission includes information that could enable the identification of other individuals, then either all or parts of the submission will not be published.

The Right to Information Act 2009 and confidentiality

Information provided to the Department of Primary Industries, Parks, Water and Environment is subject to the *Right to Information Act 2009*. If you have indicated that you wish for all or part of your submission to be treated as confidential, this will be taken into account by the Department in determining whether or not the information is exempt from disclosure in the event that it is subject to an application for assessed disclosure under the *Right to Information Act 2009*. The Department may contact you during this process.

QUESTIONS AND ANSWERS

Where could research take place?

The potential for fisheries management arrangements with the Commonwealth in Commonwealth waters relates to the part of the Australian Fishing Zone – essentially out to 200 nautical miles – that is adjacent to Tasmania and beyond Tasmanian Coastal waters which is generally 3 nautical miles from shore.

It is envisaged that the proposed arrangements for aquaculture research to be agreed with the Commonwealth will only provide for a limited spatial area, for example a defined research zone.

What sort of ‘fisheries management arrangement’ is being developed with the Commonwealth?

In addition to this Tasmanian “enabling” Bill, it is anticipated that a fisheries management arrangement under the *Living Marine Resources Management Act 1995* and the *Commonwealth Fisheries Management Act 1991* will be developed between the Australian and Tasmanian Governments.

Similar fisheries arrangements are already in place for wild-capture fisheries including the Tasmanian Rock Lobster, Abalone, Giant Crab and Octopus fisheries. Without an arrangement, those fisheries would be constrained within the Tasmanian coastal waters boundary. These arrangements define the spatial area and the fishing activity to which the arrangement relates. The fisheries management arrangement can also be time limited and it is expected this would be the case for the proposed marine aquaculture research activities.

Arrangements are published in the Commonwealth Gazette. Typically, they are made by agreement of the respective State and Commonwealth Ministers and have an associated memorandum of understanding (MoU) that provides further detail to the arrangement.

How would the Tasmanian Government regulate and manage the aquaculture research activities?

A fisheries management arrangement would provide for aquaculture research activities to be managed according to relevant State legislation and hence any breaches of State legislation would be enforced under State law. Some Commonwealth laws would continue to apply, and these would be enforced by the Commonwealth.

Upon amendment, specific marine aquaculture research activities could be permitted under Section 12 of the *Living Marine Resources Management Act 1995*. Marine aquaculture research activities under permit would only be for fixed-term, limited-scale activities; very similar to the way permits currently operate under the Act for wild fisheries and aquaculture.

Currently Section 12 of the Act reads:

12. Permits

(1) A person may apply to the Minister for a permit to take any action which otherwise would contravene a provision of this Act for the following purposes:

(a) scientific research;

- (b) the promotion of fishing or fish products;
 - (c) the development of fisheries;
 - (d) the development of fishing technology;
 - (e) educational and community awareness programs;
 - (f) fish stock depletion or enhancement;
 - (g) the collection, keeping, breeding, hatching or cultivating of rare or endangered fish;
 - (h) sport or recreation purposes by a person who, in the opinion of the Minister, would otherwise be unable by reason of that person's disability to engage in fishing by methods permitted under this Act;
 - (i) Aboriginal cultural and ceremonial activities;
 - (j) the development of marine farming;
 - (k) law enforcement;
 - (l) environmental monitoring;
 - (m) bio-prospecting.
- (2) An application for a permit is to –
- (a) be in an approved form; and
 - (b) contain any details the Minister requires; and
 - (c) be accompanied by a fee determined by the Minister; and
 - (d) be lodged with the Minister.
- (3) The Minister may require an applicant to provide further information or a declaration relating to the application or operation of a permit.
- (4) The Minister, without any applications being made, may –
- (a) issue permits authorising the taking of actions which would otherwise contravene provisions of this Act; and
 - (b) determine to whom any such permit is to be issued; and
 - (c) determine the system by which the Minister is to make a determination under paragraph (b); and
 - (d) determine the conditions of any such permit.

A breach of a permit condition is an offence under the Act. Section 15(2) of the Act provides that:

15. Condition of permit

- (2) A person must not contravene a condition of a permit.

Penalty: Fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 1 year, or both, and a daily fine not exceeding 10 penalty units. The current value of a penalty unit is \$173.00

Who would approve the research permit? What would be included?

Approval of a research permit is at the discretion of the Minister or their delegate. Powers under Section 12 of the *Living Marine Resources Management Act 1995* are currently delegated to the Secretary and other senior officers in DPIPW.

Marine farming of fish for research purposes under permit would only be for fixed-term, limited-scale activities.

It is the Government's policy intention that there will be appropriate conditions placed on a permit to address all relevant matters including, but not limited to:

- environmental
- biosecurity
- farming operations
- wildlife interactions, as well as
- animal welfare, animal research and animal health matters.

A research permit might for example include conditions on the required environmental monitoring and reporting regime, sale or disposal of any 'fish' grown under the permit, the infrastructure to be deployed and ensuring that this equipment is fit for purpose and identifiable, that navigational safety is provided for, the removal of equipment after research has concluded, the conduct of all research activities being in a manner consistent with Animal Ethics Committee approval, animal health monitoring and reporting requirements, and an approved wildlife interactions risk and response plan.

The proposed legislative amendments require the Director, EPA to be consulted on a permit proposal and if the proposal relates to finfish farming, require the Minister to include any conditions in the permit that the Director, EPA might require.

The proposed fisheries management arrangements do not exist in isolation from other State and Commonwealth laws. For example, the *Tasmanian Biosecurity Act 2019* has express extraterritorial effect and may apply to all dealings with fish and fishing equipment in Tasmania's adjacent waters. This means that, for example, as well as the Chief Veterinary Officer (CVO) being consulted on research proposals, they may also be able to exercise powers directly under the *Biosecurity Act 2019*.

Does the Bill only make amendments for research, not commercial development?

Yes. This is only about enabling marine aquaculture research activities in Commonwealth waters adjacent to Tasmania.

Future legislative, regulatory, and administrative frameworks would need to be developed before commercial-scale aquaculture, or marine farming, could occur.

The Tasmanian and Australian Governments have stated that research activities will help examine the economic, environmental and operational feasibility of offshore aquaculture and would be expected to inform the development of any future framework for commercial-scale aquaculture.

Why research first?

Enabling marine aquaculture research in offshore Commonwealth waters, for example by the Blue Economy CRC, is a first step.

Aquaculture in high energy offshore environments is still developing. The technology is still being developed and proven, as is the financial viability.

Both the Tasmanian and Australian Governments have joined with other stakeholders to invest in the Blue Economy CRC to conduct research and development into future offshore industries. The Bill will help enable research to be conducted as a first step towards a potential future industry that benefits Tasmania.

This research is also expected to inform the development of the appropriate legislative, regulatory and administrative frameworks at both Commonwealth and State levels that would be required before any commercial-scale aquaculture could take place.

Who could undertake the research?

There are three elements to who may undertake research.

Under section 12 of the *Living Marine Resources Management Act 1995*, any person may apply for a permit to take an action that is otherwise prohibited by the Act, for one of the purposes set out in that section.

Firstly, the Minister, in determining an application, must consider whether granting the application would be consistent with the purpose and objectives of the Act.

Secondly, the Bill makes clear that marine aquaculture research activities are research activities for the purposes of the *Animal Welfare Act 1993 (Tas)*. This means that where the research involves animal research, it could only be done by organisations that are licenced institutions under the *Animal Welfare Act 1993*. An institution can be an entity that wishes to conduct research or teaching, such as a university, or private organisation with a particular research interest.

This requirement ensures that the research activity could only be conducted with Animal Ethics Committee approval, in accordance with the Code of Practice [Australian code for the care and use of animals for scientific purposes | NHMRC](#).

Thirdly, the fisheries management arrangements agreed with the Commonwealth will set the area and timeframes for the research.

Initially it is expected that a research proposal will be progressed with the Blue Economy CRC which has public objectives to offshore aquaculture farming potential and technologies, as well as offshore energy technologies.

Where is the line between what is research vs ongoing commercial activity?

Marine aquaculture research activities under permit would only be for fixed-term, limited-scale activities.

Permits for scientific research generally include conditions that prevent the sale or transfer of product for commercial purposes. However, while the primary purpose is not commercial financial returns, the sale of 'fish' and/or intellectual property that may be derived from the permitted research activity may be used to offset costs incurred by the proponent in undertaking research activities.

Where could the research occur? What about consultation with other industries and water users?

The location of where in Commonwealth waters marine aquaculture research activities could occur will be defined in any fisheries management arrangement with the Commonwealth.

It is envisaged that such an arrangement will only provide for aquaculture research activities over a limited spatial area, for example a defined research zone.

Impacts on other sectors will be assessed and considered in the identification and development of the fisheries management arrangement. It is envisaged that any proposed fisheries management arrangement would be subject to a consultation process undertaken by the Australian Government before it is signed and gazetted.

Selection of suitable area of Commonwealth waters for research would be considered following consultation with other resource users and stakeholders, with consideration of the environmental, economic and social suitability of a proposed research site.

Once a fisheries management arrangement with the Commonwealth is in place, to satisfy the requirements of a permit application under the *Living Marine Resources Management Act 1995*, the proponents of a specific research proposal would also be expected to have conducted appropriate stakeholder consultation in preparing and submitting their proposal.

Under section 13 of the *Living Marine Resources Management Act 1995*, the Minister (or delegate) would also be required to consult with relevant fishing bodies prior to granting a permit if the Minister considered that granting the application may have a significant effect.

Will the fisheries management arrangements provide exclusivity?

The proposed amendments to the *Living Marine Resources Management Act 1995* do not provide for exclusive access arrangements over an area, such as applies to a statutory marine farming lease in State waters.

It may, however, be appropriate to establish a research area under section 143 of the *Living Marine Resources Management Act 1995*. Section 143 reads:

143. Research areas

- (1) The Minister, by order, may declare any part of State waters to be a research area.*
- (2) The Minister, by order, may declare that specified restrictions on entry, fishing or any other matter apply in a research area.*
- (3) A person must comply with an order made under subsection (2) .*

Penalty: Fine not exceeding 50 penalty units.

What about the *Environmental Protection and Biodiversity Conservation Act 1999* and other Commonwealth legislation?

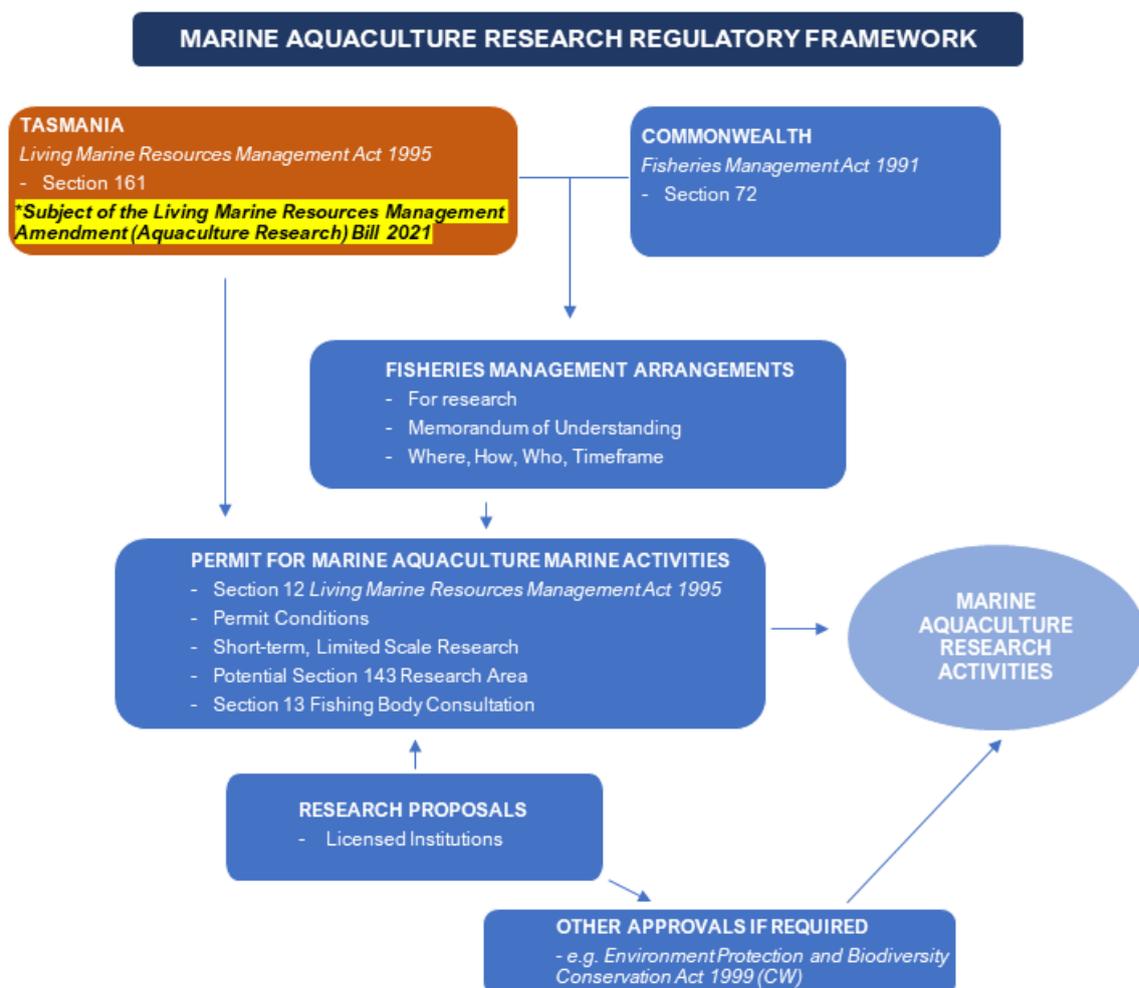
A fisheries management arrangement with the Commonwealth would apply relevant Tasmanian laws to the activity that is the subject of the arrangement.

Commonwealth laws may continue to apply to aspects of the activity – either because they would apply anyway, if the activity was undertaken in Tasmanian coastal waters, or because of the nature of the activity.

For example, any activities which have a significant impact on a relevant matter of national environmental significance would require approval under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*.

What is the framework to enable aquaculture research in Commonwealth waters?

The following diagram shows the proposed framework for aquaculture research in Commonwealth waters, managed under Tasmanian law.



What is the opportunity from aquaculture in Commonwealth waters?

The Tasmanian Government has stated that it seeks to maximise the potential opportunity for Tasmania from aquaculture in offshore Commonwealth waters for all potential species, including finfish, shellfish and seaweed.

The Blue Economy CRC on its website notes:

“...aquaculture is the fastest growing global food-producing sector, with the highest per capita consumers of seafood located in Asia. Increasing demand from Asia will only be met from aquaculture, yet existing and emerging aquaculture industries in Australia (and other parts of the world) are constrained by the availability of suitable near shore production sites. Offshore aquaculture is a solution to meet this opportunity.”

The National Aquaculture Strategy 2017 further states that:

“According to the United Nations Food and Agriculture Organization (FAO 2016), world seafood consumption has risen substantially over recent years and overall seafood production has increased to accommodate demand. However, wild-caught production worldwide has largely plateaued. This suggests that wild-catch fisheries are reaching their ecologically and/or economically sustainable potential and any substantial growth in seafood production will have to be driven by growth in aquaculture.”

What aquaculture species is there potential for?

It is expected that offshore Commonwealth waters may be suitable for sea-cage finfish such as salmon, but there is also interest in exploring opportunities for shellfish and seaweed farming systems.

Enabling research in offshore waters is critical in determining the viability of these potential industries.

The draft Bill sets a framework to maximise the potential opportunity for Tasmania from aquaculture research in offshore Commonwealth waters for all potential species.

Research may not be limited to a single species, and, subject to applicable fisheries management arrangements with the Commonwealth, this approach will enable research on integrated multi-trophic aquaculture concepts, such as combined salmon, shellfish and seaweed sites, and may enable “multiple-use research” such as combined aquaculture and renewable energy facilities.

**APPENDIX A – DRAFT LIVING MARINE RESOURCES MANAGEMENT
AMENDMENT (AQUACULTURE RESEARCH) BILL 2021**

TASMANIA

**LIVING MARINE RESOURCES MANAGEMENT
AMENDMENT (AQUACULTURE RESEARCH)
BILL 2021**

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Draft

**LIVING MARINE RESOURCES MANAGEMENT
AMENDMENT (AQUACULTURE RESEARCH)
BILL 2021**

*(Brought in by the Minister for Primary Industries and Water,
the Honourable Guy Barnett)*

A BILL FOR

An Act to amend the *Living Marine Resources Management Act 1995*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Living Marine Resources Management Amendment (Aquaculture Research) Act 2021*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Living Marine Resources Management Act 1995** is referred to as the Principal Act.

*No. 25 of 1995

*Living Marine Resources Management Amendment (Aquaculture
Research) Act 2021*
Act No. of 2021

s. 4

4. Section 3 amended (Interpretation)

The definition of *fishing* in section 3 of the Principal Act is amended as follows:

- (a) by omitting “authorised under” and substituting “carried out under the authority of”;
- (b) by inserting the following paragraph after paragraph (b):
 - (c) an activity under an arrangement that is necessary for an activity under paragraph (a) or (b) to occur under that arrangement;

5. Section 4 amended (Meaning of fish)

Section 4(4) of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:

- (c) freshwater fish as defined in the *Inland Fisheries Act 1995*, other than –
 - (i) freshwater fish that –
 - (A) is of a kind or species declared not to be freshwater fish in an order made and in force under section 4(1)(b) of that Act; and

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Research) Act 2021
Act No. of 2021*

s. 6

- (B) is in, or has been taken from, State waters that are not excepted waters as defined in that Act; or
- (ii) freshwater fish that –
 - (A) is of a kind, or species, of fish that forms a fishery or part of a fishery to which an arrangement applies; and
 - (B) is in, has been taken from, or is to be placed or introduced into, State waters to which the arrangement referred to in subparagraph (ii)(A) relates.

6. Section 6 amended (Meaning of fishery)

Section 6 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) For the purposes of subsection (1)(g), a purpose of an activity may include, but is not limited to, a purpose of an activity specified in an arrangement entered into under Part 7.

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Research) Act 2021
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s. 7

7. Section 12 amended (Permits)

Section 12(1) of the Principal Act is amended by inserting after paragraph (j) the following paragraph:

- (ja) the marine farming of fish for research purposes pursuant to an arrangement under section 161;

8. Section 15A inserted

After section 15 of the Principal Act, the following section is inserted in Division 2:

15A. Permit for conduct of research activities under arrangement

- (1) In this section –

Director, EPA has the same meaning as in section 92A;

finfish has the same meaning as it has in the *Environmental Management and Pollution Control Act 1994*;

marine aquaculture research activities means the marine farming of fish for research purposes pursuant to an arrangement under section 161.

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s. 9

- (2) Before issuing a permit that authorises marine aquaculture research activities, the Minister must –
 - (a) consult with the Director, EPA in respect of the proposed permit; and
 - (b) if the permit relates to the marine farming of finfish, include in the conditions to which the permit is subject such conditions as the Director, EPA considers are necessary in respect of the marine aquaculture research activities.
- (3) Marine aquaculture research activities are taken to be research activities for the purposes of the *Animal Welfare Act 1993*.

9. Section 161 amended (Arrangements with Commonwealth)

Section 161 of the Principal Act is amended by inserting after subsection (5) the following subsection:

- (6) For the avoidance of doubt, the marine farming of fish for research purposes is a fishery to which an arrangement under this section may apply.

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Research) Act 2021
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s. 10

10. Repeal of Act

This Act is repealed on the first anniversary of the day on which it received the Royal Assent.

Draft

APPENDIX B – DRAFT CLAUSE NOTES

- Clause 1** **Short title**
- This clause provides that, once passed, the Bill will be cited as the *Living Marine Resources Management Amendment (Aquaculture Research) Act 2021*.
- Clause 2** **Commencement**
- This clause provides for the amendments to commence on the day on which the Act receives the Royal Assent.
- Clause 3** **Principal Act**
- This clause provides that in this Act, the Principal Act is the *Living Marine Resources Management Act 1995*.
- Clause 4** **Section 3 amended (Interpretation)**
- This clause amends section 3 as follows:
- (a) By omitting “authorised under” and substituting ‘carried out under the authority of’ in the definition of *fishing*. This amendment ensures that activities carried out under the authority of a marine farming licence are not fishing for the purposes of the Act.
 - (b) By inserting paragraph (c) under paragraph (b) in the definition to include an activity under an arrangement that is necessary for an activity under paragraph (a) or (b) to occur under that arrangement. This amendment ensures that an activity for the purposes of research under an arrangement is fishing for the purposes of the Act.
- Clause 5** **Section 4 amended (Meaning of fish)**
- This clause amends section 4(4) of the Principal Act by substituting sub paragraph (c)(ii) that fish includes freshwater fish that is a kind, or species, of fish that forms a fishery or part of a fishery to which an arrangement applies; and is in, has been taken from, or is to be placed or introduced into, State waters to which the arrangement relates. This amendment ensures that freshwater salmonids (salmon and trout) are fish for the purposes of activities that are subject to an arrangement under section 161 of the Act.
- Clause 6** **Section 6 amended (Meaning of fishery)**
- This clause inserts subsection (3) after subsection (2) of section 6, that for the purposes of subsection (1)(g), a purpose of an activity may include, but is not limited to, a purpose of an activity specified in an arrangement entered into under Part 7. This amendment ensures that an activity specified in an arrangement is a fishing activity for the purposes of the definition of fishery.

Clause 7 Section 12 amended (Permits)

This clause inserts paragraph (ja) in Section 12(1) of the Act so that the marine farming of fish for research purposes pursuant to an arrangement under section 161 of the Act is a purpose for which a person may apply to the Minister for a permit.

Clause 8 Section 15A inserted

Clause 8 inserts section 15A (Permit for conduct of research activities under arrangement).

Clause 8 defines, for the purposes of section 15A, *Director EPA*, *finfish*, and *marine aquaculture research activities* and provides that before issuing a permit that authorises marine aquaculture research activities the Minister must consult with the Director EPA in respect of the proposed permit and, if the permit relates to the marine farming of finfish, the Minister must include in the conditions to which the permit is subject such conditions as the Director EPA considers necessary in respect of the marine aquaculture research activities.

Clause 8 provides that marine aquaculture research activities are taken to be research activities for the purposes of the *Animal Welfare Act 1993*. This ensures that the provisions of the *Animal Welfare Act 1993* that pertain to research activities apply to marine aquaculture research activities under the Principal Act.

Clause 9 Section 161 amended (Arrangements with the Commonwealth)

This clause amends section 161 of the Principal Act by inserting an avoidance of doubt provision that the marine farming of fish for research purposes is a fishery to which an arrangement under section 161 may apply.

Clause 10 Repeal of Act

This clause provides for the automatic repeal of the Amendment Act on the first anniversary of the day on which the Act received the Royal Assent.