

Modernising Tasmania's Fisheries Legislation

The Review of the *Living Marine Resources Management Act 1995*

FREQUENTLY ASKED QUESTIONS

The Review

What is the *Living Marine Resources Management Act 1995*?

The *Living Marine Resources Management Act 1995*, or the LMRMA, is the principal Act to promote the sustainable management of living marine resources in Tasmania. Under the LMRMA there are 11 pieces of subordinate legislation that include regulations, fisheries management plans and rules that set out more detailed provisions for management of the marine resources sector.

The Act and its subordinate legislation can be viewed on the [Tasmanian Legislation Website](#).

What is the purpose of the Review?

The purpose of the Review is to support the Government's Seafood Industry Growth and Recovery Plan, announced in the 2020-21 budget, under the Government's COVID-19 Response and Recovery Measures.

The Review provides the opportunity to:

- Strategically consider if Tasmania's marine resource management regime meets the objectives of achieving sustainable development and aligns with current best practice fisheries and marine resource management principles,
- Canvas the views of stakeholders on their experience with administration of the current Act and their views on the future of marine resource management in Tasmania, and
- Propose to Government a future pathway to modernise the legislative regime that achieves desired marine resources management objectives.

Has the LMRMA been reviewed previously?

The LMRMA has never been subject to major review or strategic consideration of its effectiveness over the past 25 years. Amendments to marine farming arrangements in 2017 and current proposed digital processes amendments are the most substantive revisions to the legislation since it came into force in May 1996.

Who does the Review affect?

Broadly speaking, the legislation impacts all Tasmanian residents, with particular relevance to the commercial harvest sectors, recreational sea fishers, aquatic eco-tourism and charter sectors, Aboriginal fishers, conservation groups, marine research and fisheries monitoring institutes and organisations.

Will the Review mean changes to the legislation?

The key output of the Review will be a White Paper which will inform future directions on the LMRMA.

It will be for the Government to consider what the response to the recommendations from the Review may be, and in what timeframe they may be implemented.

Scope of the Review

What is the scope of the Review? What will it cover and what is excluded?

The scope and objectives of the Review are set out in the Terms of Reference [LMRMA-Review-TOR.pdf \(nre.tas.gov.au\)](https://www.nre.tas.gov.au/LMRMA-Review-TOR.pdf). The focus of the Review is providing best possible legal framework for all fisheries and marine resource management.



The extent to which the objects of the Act are being achieved



Consider changes to the Abalone Deed arrangements



The extent to which the Act provides a sound foundation and framework for living marine resource management in Tasmania



The *Fisheries Licence Ownership and Interest Registration Act 2001*



The extent to which the Act aligns with current best practice fisheries and marine resource management principles (compared to other Australian and international jurisdictions)



Related legislation governing nature conservation, environmental protection, and biosecurity, except in so far as they affect the operation of the LMRMA.



The extent to which the Act is flexible and prepares Tasmania for future risks and challenges associated with the marine environment



Marine Farming leases and planning (in so far as they are dealt with in the *Marine Farming Planning Act 1995*)



Consider the Government's policy of no new marine reserves

Why are Marine Protected Areas out of scope for the Review?

Marine protected areas are predominantly declared under the *Nature Conservation Act 2002*. The Government has an existing policy of no new marine protected areas. This policy is not open for consideration in this Review.

The legislative framework for achieving the objectives of the Act is open for consideration.

Why is the Abalone Deed out of scope?

The Abalone Deed is out of scope as these are private contracts that exist outside of the Act.

Timing of the Review

How will the review be conducted and how long will it take?

The Review was formally announced in the 2020-21 budget, with the project Terms of Reference being launched in August 2021.

The key aspect of this review is to engage and hold discussions with all sectors of harvest, conservation, Aboriginal Tasmanian fishing communities, research, and the wider community to further understand their interactions with the Act and the opportunities for the future.



Discussion paper to facilitate engagement with the Key Stakeholder group released and consultation forums held

**February 2022 –
March 2022**



Summary report on issues identified by Government, Key Stakeholder group, and other stakeholders

June 2022



Public Consultation – Draft White Paper

**From November
2022**



Delivery of **White Paper** to Government

Mid 2023

Why is the Discussion Paper being released in February 2022?

The Department has decided to delay the release of the Discussion Paper for stakeholder engagement to early 2022 to avoid consultation and engagement over the Christmas period. Consultation forums will be held in February and March 2022, and it is expected that at least two months will be allowed for the preparation of written submissions.

Has the Terms of Reference been updated?

The Terms of Reference has been updated to reflect the addition of two new members to the Steering Committee and due to the new indicative project timeframe.

In November 2021 the membership of the Steering Committee was adjusted. With the establishment of the Environment Protection Authority as a stand-alone independent agency, Mr Wes Ford stepped down from the Committee.

To provide gender diversity, to recognise expertise in administration of the Act, to and to ensure the representativeness of Aboriginal Tasmanians, Ms Marion March and Dr Emma Lee were invited to join the Committee.

What is a Steering Committee and what is the role of members?

The role of a Steering Committee is to provide advice and facilitate delivery of the project outputs and achievement of project outcomes. A Steering Committee is responsible for ensuring that the Project Management Framework is being applied, including appropriate management of the project components outlined in the Project Plan and for escalating issues or decisions to the Executive Committee where required.

The aim of a Steering Committee is to ensure successful delivery of the project by providing, reviewing, and monitoring strategic and policy direction for the project team and other stakeholders. The decision maker for the outputs of the Review will be the Minister for Primary Industries and Water.

Get involved

How can I be involved?

The Review will be collaborative and transparent. The two key consultation periods:

- following the release of the Discussion Paper – with the Key Stakeholder group, and
- following the release of the draft White Paper – with the wider public and community,

are the best times to be involved in the Review process.

Public consultation forums will be held around the State on the published draft White Paper in late 2022. Information on consultation sessions will be made available closer to the date.

What is the Key Stakeholder group?

The **Key Stakeholder group** is a collection of external organisations who will be engaged in the first stage of the Review to enable the views and experiences of stakeholders and interested parties to be canvassed. The Key Stakeholder group is intended to be a representative collection of the:

- Commercial fishing industry and industry associations
- Recreational fishing sector and associations
- Tasmanian Aboriginal fishing sector
- Aquaculture sector
- Seafood handlers, export, and processors
- Fisheries research and science
- Conservation groups
- Charter and aquatic eco-tourism
- Broader Tasmanian community

A List of Key Stakeholder Group members is provided in Attachment A of the Discussion Paper. This list is not exhaustive, if you consider your organisation should be included, please forward your nomination to LMRMAReview@nre.tas.gov.au.

It is expected that Key Stakeholder group members will consult with their members or interest groups to provide a representative response to the Department on the Discussion Paper.

What is the Discussion Paper?

The purpose of the Discussion Paper is to canvas the views of stakeholders on their experiences with the LMRMA and to seek feedback and ideas. It will not propose options or solutions and will not pre-empt the development of the White Paper. The Discussion Paper will identify key themes and issues, however that list will not be conclusive, with the objective of the consultation to gain insights from across the Tasmanian community.

How can I make a submission on the Discussion Paper?

All written submissions must be received by Thursday 31 March 2022. Written submissions can be forwarded via email or post to:

Email: LMRMAReview@dpipwe.tas.gov.au

Mail: LMRMA Review – Marine Resources Division
GPO Box 44
Hobart TAS 7001

Will the Department hold any forums following the release of the Discussion Paper?

Members of the Key Stakeholder Group will be invited to consultation forums with the Department [in February and March 2022]. These forums will allow the Review Team to provide advice on the process for the Review and enable stakeholders to discuss key issues in more detail. Members of the Key Stakeholder Group should still provide a written submission, and it is not a requirement to attend a consultation forum to be able to provide a written submission.

Due to the COVID-19 pandemic, consultation will be conducted virtually via Microsoft Teams. Representatives on the Key Stakeholder Group will be invited to these forums by the Review Team.

Who can make a submission on the Discussion Paper?

Submissions are encouraged from members of the Key Stakeholder Group. This does not preclude individuals and other organisations to make submissions, however you are encouraged, where appropriate, to provide your views to your representative body.

Do I have to target my responses to the questions in the Discussion Paper?

The discussion questions at the end of each topic are designed as prompts to assist you with providing your experiences and views. You do not have to answer these questions specifically.

Can I prepare a submission relating to specific topics or one topic only?

Yes. You can make submissions on one or more topics of interest to you. You are not required to make a submission on all the topics identified in the Discussion Paper.

How will my submission be used?

Submissions received from Key Stakeholders will inform the development of the draft White Paper. All submissions will be treated as public information and will be published on the Department's website following the close of the consultation period. If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission. Clearly identify the parts of your submission you want to remain confidential. In this case, your submission will not be published to the extent of that request.

A Summary Report will be published on the website which will summarise all submissions.

The White Paper

What is the White Paper?

The White Paper will identify the issues identified and raised by stakeholders along with the views of Government, analyse those issues, and present a future pathway for marine resource management.

The White Paper will provide advice to the Government on future options for living marine resource management to ensure a modern and resilient legislative regime.

A draft of the White Paper will be released for public comment in the fourth quarter of 2022.

LMRMA Review

Marine Resources, NRE Tas, GPO Box 44, TAS 7000
Phone: 03 6165 3000 or 1300 368 550
Email: LMRMAreview@nre.tas.gov.au