

Modernising Tasmania's Fisheries Legislation

A Review of the
Living Marine Resources Management Act 1995

TERMS OF REFERENCE



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CONTENTS

Key messages.....	4
Project objective.....	4
Key principles of the review.....	4
Scope of the review.....	5
How will the review be conducted?	5
Timeframe.....	6
Project Management	6
<i>Steering Committee</i>	7
<i>Key Stakeholder Group</i>	7

Key messages

- As part of the Seafood Industry Growth and Recovery Plan, the Government has committed to provide support to review the *Living Marine Resources Management Act 1995*, the principal legislation for regulation of seafood harvest.
- The COVID-19 pandemic revealed a number of limitations of the current legislation and so a key part of the Review will consider whether the Act is fit for purpose in a more volatile and uncertain global market.
- The Act manages and regulates Tasmania's wild catch and recreational fisheries and works as a component of a suite of regulation overseeing marine farming.
- The Tasmanian fishing sector, interested stakeholders and the wider community will have the opportunity to comment and engage during the Review process.
- The key output of the Review will be a White Paper that will guide the Government on the future management of this important natural resource.

Project objective

The Review of the Act will provide for 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.

Key principles of the review

- Living marine resources should be managed sustainably for the benefit of the Tasmanian community as a whole.
- Any marine resource management framework should be empowering and not restrictive:
 - For government,
 - For industry, and
 - For the Tasmanian community.
- Any regulation should be effective and proportional, and in accordance with best practice.
- The regulated community will be engaged in the review and development of regulation.
- The review should be informed by contemporary understandings of marine resource management.
- Marine resource management should be flexible and adaptive to internal and external drivers and be agile and encourage innovation.

Scope of the review

The Review will consider:

- The extent to which the objects of the Act are being achieved;
- The extent to which the Act provides a sound foundation and framework for living marine resource management in Tasmania;
- The extent to which the Act aligns with current best practice fisheries and marine resource management principles (compared to other Australian and international jurisdictions);
- The extent to which the Act is flexible and prepares Tasmania for future risks and challenges associated with the marine environment.

The Review will provide advice to Government on:

- Future options for living marine resource management to allow for a modern and resilient legislative regime.

The Review will not:

- Consider the following Acts, except as so far as they interact with the Act:
 - *Marine Farming Planning Act 1995*,
 - *Fisheries (Licence Ownership and Interest) Registration Act 2001*,
 - Legislation governing nature conservation, environmental protection, and biosecurity.
- Consider the Government's policy of no new marine reserves.
- Consider changes to Abalone Deed arrangements.

How will the review be conducted?

The Department has engaged a project team to lead the review. The key aspect of this review is the engagement and discussion with all areas of Tasmanian industry and the wider community to gain a good understanding of your interactions with the Act and what opportunities there are for the future.

This will include three key stages:



Scoping – listening and collaborating on identification of the key issues for review.



Review and research – considering all viewpoints and options and developing recommended approach.



Consultation – preparation of a proposed future pathway for comment and consideration.

Timeframe

Through the Review the Department will engage with stakeholders and the Tasmanian community through a Key Stakeholder Group and wider public consultation.

The Department will also prepare summary consultation reports to allow stakeholders to see clearly how their engagement is being treated by the Review team.



January 2022

Discussion Paper to facilitate engagement with the Key Stakeholder Group.



June 2022

Summary Report on issues identified by Government, the Key Stakeholder Group and others.



November 2022

Public Consultation – **Draft White Paper**.



Mid 2023

Delivery of **White Paper** to Government.

Project Management

The Review is a Divisional project managed by the Marine Resources Division in line with the Department's project management framework.

Steering Committee

A Steering Committee has been established to provide advice and facilitate the delivery of the Project. The Steering Committee comprises of:

Name	Role / Expertise
Ms Deidre Wilson	Deputy Secretary, NRE (Project Sponsor and Chair)
Dr Ian Dutton	Director, Marine Resources, NRE (Business Owner and Deputy Chair)
Professor Caleb Gardner	Director, Sustainable Marine Research Collaboration Agreement (SMRCA), Institute of Marine and Antarctic Studies
Mr Ian Cartwright	Fisheries management expert
Mr Max Kitchell	Fisheries management expert
Ms Marion March	Project Manager, Project Management Office, NRE Tasmania
Ms Emma Lee	Aboriginal Fisheries Officer, Marine Resources, NRE Tasmania

Key Stakeholder Group

A Key Stakeholder Group will be established in the early stages of the project to canvas views of interested parties. Composition of the panel is yet to be determined and may be subject to invitation and nomination. The Key Stakeholder Group is intended to include representation from the fishing sector, interest groups and the Tasmanian community.

A public consultation process will also be conducted.



Tasmanian
Government

*Marine Resources Division
NRE Tasmania*

*Level 3, 134 Macquarie
Street HOBART TAS 7000*

Phone: 03 6165 3000

Email: LMRMAreview@nre.tas.gov.au

Visit: www.fishing.tas.gov.au/ActReview