



Aquatic Resources Management Act 2016

Frequently Asked Questions – April 2023

Terms Used

ARMA - *Aquatic Resources Management Act 2016*;

BAMA – *Biosecurity and Agriculture Management Act 2007*;

FRMA – *Fish Resources Management Act 1994*;

Pearling Act – *Pearling Act 1990*

What is ARMA?

ARMA is legislation that has been made by Parliament to manage WA's fisheries and aquatic resources, including commercial fishing, recreational fishing, aquaculture and aquatic biosecurity.

What Acts are to be replaced by ARMA?

ARMA will replace both the FRMA and the Pearling Act on 1 November 2023 to become the primary legislation for the management of fishing, aquaculture, pearling and aquatic resources in Western Australia.

What management arrangements will transition under ARMA?

Only those management arrangements established under the FRMA will transition under ARMA. The management arrangements established under the Pearling Act will be revoked, therefore, new ARMA based arrangements will be required for Pearling prior to 1 November 2023.

Can I go fishing as normal from 1 November 2023?

For commercial fishers, apart from the pearling industry, all existing managed fishery licences, fishing boat licences, commercial fishing licences and exemptions will continue under ARMA. An interim managed fishery permit will transition as a Managed Fishery Licence on 1 November 2023.

Similarly, existing rules and licensing arrangements for recreational fishing established under the FRMA will continue unchanged.

Why is new legislation needed?

With increasing changes to our environment, population growth, greater competition for access and increased public expectations, this new legislation (ARMA) provides the additional tools needed to support long-term aquatic resource sustainability and the generation of the best set of economic and community benefits from their use.

ARMA builds on our current legislation and Western Australia's internationally recognised approach to fisheries management which based on the principles of Ecologically Sustainable Development (ESD) and Ecosystem Based Fisheries Management (EBFM).

What is the main difference between the ARMA and FRMA?

The main difference between the FRMA and ARMA is that ARMA provides a new management option in the form of the Managed Aquatic Resource (MAR) framework.

Under the MAR framework a resource-based approach is adopted by developing an overarching Aquatic Resource Management Strategy (ARMS) which considers the impact of all extractive users including customary fishers, community benefit uses, commercial fishers (which includes aquaculture broodstock collection), and recreational fishers. The ARMS also:

- explicitly recognises customary fishing and public benefit purposes as priority resource uses ahead of allocating access for commercial and recreational fishing;
- requires the clear articulation of a 'main objective' that is to be achieved from managing the resource;
- based on the main objective, sets proportional allocations of the resource to each user group for the life of the ARMS;
- embeds the harvest strategy elements required to achieve the objectives and allocations for each managed resource

To assist in the setting of objectives, allocations and harvest strategies, two ARMA based policies are being developed.

What are the other important changes under ARMA?

- Improves resource access security by separating the ownership of access shares in the resource from the potential ownership of annual catch entitlement.
- Includes strengthened aquatic biosecurity powers including biosecurity provisions that are more consistent with the BAMA.
- Provides a legal framework for transparent, accountable co-management arrangements.

What will ARMA mean for pearling?

As the ARMA will revoke the Pearling Act and the *Pearling (General) Regulations 1991*, the pearl oyster resource will be the first to transition to the new management framework under ARMA on 1 November 2023.

For the first time, the pearling industry will be managed under the same Act as all other fishing and aquaculture activities in WA, allowing for a modern, consistent management approach across aquatic resources, without compromising the sound management principles that have underpinned the success of this iconic industry.

The ARMA framework provides a strengthened access right for pearling licence holders, recognising the importance of this industry to Broome, the Kimberley and Western Australia, and the reforms will support this industry into the future.

How quickly will resources move to the MAR framework?

Given the high level of activities and consultation that will be involved in the development of an Aquatic Resource Management Strategy (ARMS), it is expected that many fisheries and resources will continue to be managed outside of the formal MAR framework for some time.

The need to adopt the policy requirements of ARMA are likely to result in some changes to the administrative processes and possibly management settings for many managed fisheries prior to their shift to an ARMS. These changes will, however, occur in a steady manner over the next five to ten years and will involve discussions with relevant stakeholder groups.

An indicative timetable for ARMA transitions will be established with stakeholders over the coming months.

What will change for aquaculture licence holders when ARMA commences?

ARMA will not have a significant impact on the day-to-day operation of aquaculture, but once ARMA is fully implemented aquaculture licences **must** be renewed before they expire or they will be cancelled. Cancellation of an aquaculture licence will result in the automatic cancellation of the associated lease.

Under ARMA, the collection of broodstock is defined as a commercial fishing activity, so if a resource moves to the Managed Aquatic Resource framework, any broodstock collection of this resource will need to be considered when establishing the commercial allocation.

Will ARMA impact on those who obtain fish directly from commercial fishers or those who process fish?

ARMA moves away from regulating the processing of fish to a focus on where fish are received when they are landed.

A Fish Processing Licence (issued under the FRMA) will automatically become a Fish Receivers Licence (under ARMA) on 1 November 2023.

From 1 November 2023, people that receive WA wild-caught fish directly from fishers and sell it wholesale will need a Fish Receiver's Licence.

Sea-based processing will no longer require a licence, but specific fisheries may have requirements or prohibitions relating to processing at sea.

Current holders of a Fish Processing Licence do not need to take any action for 1 November 2023, and will be contacted directly with more specific information as to next steps.

There will be no requirement for a Fish Receivers Licence to be held if fish are being purchased for retail sale.

How will ARMA better protect our aquatic environment from pests and diseases?

Compared to the FRMA, ARMA strengthens and expands powers relating to aquatic biosecurity. It provides an increased capability to control the movement of high-risk organisms into and within the state, as well as providing increased tools to manage aquatic biosecurity. It is intended that ARMA will operate in coordination with the

Biosecurity and Agriculture Management Act 2007, which is the primary Act for the management of biosecurity in Western Australia.

Biosecurity powers under ARMA include:

- a graduated approach to dealing with aquatic pest species. Three control categories have been established (based on exclusion, eradication and management) and a comprehensive and defined range of control measures have been developed.
- controls on the movement of live non-endemic aquatic organisms into the state or an area of the state will remain in place.
- provisions that allow for Aquatic Biosecurity Management Plans to be developed in consultation with stakeholders to manage biosecurity related matters for a particular resource.
- the ability to enforce a duty to report declared organisms (noxious fish and suspicion or presence of disease), including for masters of boats.

Efforts have been made to ensure minimal impact on aquaculture operators acting in accordance with the conditions of their licences.

If you have any additional questions please send them through to arma@dpird.wa.gov.au

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