**FISHERIES (CONTRAVENTION OF CORRESPONDING LAWS) AMENDMENT BILL 2002**

**Legislative council, 9 July 2020, page 417**

Second reading

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries**) obtained leave and introduced a bill for an act to amend the Fisheries Act 1982. Read a first time.

The Hon. P. HOLLOWAY: I move: That this bill be now read a second time.

This bill seeks to make a very simple but important amendment to the Fisheries Act 1982 in relation to the enforcement of fishery laws in jurisdictions adjacent to South Australia. The bill was originally introduced by the previous government in the spring 2001 session of the 49th parliament. It lapsed when parliament was prorogued. The amendment is now overdue and is being presented again in response to changes to the management of the rock lobster fishery in adjacent western Victorian waters, a stock which is contiguous with the South Australian southern zone rock lobster fishery.

The Victorian fishery has been managed as a quota fishery similar to the southern zone rock lobster fishery since November 2001. A particular concern is that approximately 19 Victorian licence holders live around and fish out of Port McDonnell. Of these Victorian licence holders, 12 also have South Australian rock lobster fishery licences.

Under Victorian fisheries legislation, it is an offence to possess or sell fish taken in contravention of a corresponding law of another state. This allows Victoria to prosecute a person residing in that state for an offence against South Australian fisheries legislation. This kind of provision is now common in most other Australian jurisdictions.

However, this legal arrangement is currently not reciprocated in South Australia, which means that, if a Victorian licence holder living in South Australia contravenes a Victorian fisheries law, Victoria cannot effectively detect and investigate the contravention. With the introduction of a quota management system in Victoria on 1 November 2001, the need for proper reciprocal enforcement provisions has become a priority for both South Australia and Victoria. The only alternative to the proposed amendment is for the Victorian government to require all Victorian licence holders to land in a Victorian port, the closest being Portland. If this were to occur, the majority of Victorian licence holders may have to relocate to Victoria, causing significant economic and social upheaval in Port McDonnell for a number of families and the local economy, which relies on the fishing industry.

The amendment to the South Australian Fisheries Act 1982 has the support of the Victorian government and the licence holders in the southern zone rock lobster fishery. The amendment will ensure that the rock lobster resources across both states continue to be well managed and that quota limits are not exceeded.

I commend the bill to the council. I seek leave to have the explanation of clauses inserted in Hansard without my reading it. Leave granted

Explanation of clauses

*Clause 1: Short title*

This clause is formal.

*Clause 2: Commencement*

This clause provides for commencement of the measure on a day to be fixed by proclamation.

*Clause 3: Amendment of s. 44—Offences with respect to sale, purchase or possession of fish*

This clause amends section 44 of the Fisheries Act 1982 to make it an offence to sell or purchase, or have possession or control of, fish taken in contravention of a law of the Commonwealth or another State or a Territory of the Commonwealth that corresponds to that Act.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate