

# Fisheries Legislation Amendment Bill 2012

*Introduced into the House of Representatives on 27 June 2012*  
*Portfolio: Agriculture, Fisheries and Forestry*

## Committee view

1.2 The committee seeks further information from the Minister for Agriculture, Fisheries and Forestry regarding relevant policies and legal requirements for the management of storage, handling and disposal of E-monitoring data before forming a view as to whether the bill is compatible with human rights as defined in the *Human Rights (Parliamentary Scrutiny) Act 2011*.

## Purpose of the bill

1.3 This bill amends the *Fisheries Management Act 1991* (FM Act) and the *Fisheries Administration Act 1991* to:

- introduce electronic monitoring (e-monitoring) to Australian boats that are authorised to fish under concessions and scientific permits granted by the Commonwealth; and
- make several minor amendments to the FM Act to clarify and make provisions consistent.

## Compatibility with human rights

*Right to privacy (Article 17 ICCPR)*

*Right to work (Article 6 ICESCR)*

1.4 The statement of compatibility notes that the bill places limitations on the prohibition on interference with privacy (Article 17 of the ICCPR) and the right to work (Article 6 of the ICESCR).

1.5 Under the *Fisheries Administration Act 1991*, AFMA is authorised to collect or disclose information, including personal information, in accordance with the *Fisheries Administration Act 1991*, the *Fisheries Management Act 1991* or the *Torres Strait Fisheries Act 1984* or regulations under one of these Acts.

1.6 E-monitoring will enhance AFMA's ability to meet its legislative requirement to ensure that the exploitation of fisheries resources is ecologically sustainable, to implement efficient and cost-effective fisheries management and to collect information about possible breaches of the law and the management of and research into fisheries and the marine environment.

1.7 E-monitoring will involve the electronic recording of fishing and related activities for data collection and compliance purposes, through the use of specialised

Any Member or Senator who wishes to draw matters to the attention of the committee under the *Human Rights (Parliamentary Scrutiny) Act 2011* is invited to do so.

equipment installed on boats. Such equipment can include cameras, global positioning systems or sensors and vessel monitoring systems capable of generating a range of visual and non-visual data. E-monitoring data will include video footage of fishing and fishing related activities on the deck of boats, in processing areas on boats or in the water and data showing the location and identity of boats.

1.8 Electronic surveillance under the bill may incidentally include personal information. This information could be stored, used and disclosed by AFMA. The statement of compatibility states that access by individuals to this information may be regulated.

1.9 The explanatory memorandum to the bill states that the storage, handling and disposal of e-monitoring data will be managed in accordance with AFMA policies that, in turn, are governed by relevant legal requirements. The explanatory memorandum also states on page four that '[V]arious safeguards can apply to the disclosure of personal information that forms part of e-monitoring data; for example, AFMA may prevent or limit secondary disclosure of information that it has disclosed and, where personal information is not relevant to the purpose of the disclosure, the personal information component could be obscured'.

1.10 Article 17 of the ICCPR protects the individual's right to privacy and prohibits unlawful and arbitrary interferences with privacy.

1.11 The committee considers that further information is required regarding relevant AFMA policies and legal requirements for the management of storage, handling and disposal of E-monitoring data.