

AQUATIC RESOURCES MANAGEMENT BILL 2015
AQUATIC RESOURCES LEGISLATION AMENDMENT BILL 2015

Cognate Debate

Leave granted for the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015 to be considered cognately, and for the Aquatic Resources Management Bill 2015 to be the principal bill.

Second Reading — Cognate Debate

Resumed from 29 June.

HON STEPHEN DAWSON (Mining and Pastoral) [3.31 pm]: I am the lead speaker on the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015 on behalf the opposition, and I am very happy to make a contribution to the cognate debate. The Western Australia fishing industry is estimated to contribute about \$1.5 billion a year to the Western Australian economy. We have over 5 000 species of fish and aquatic organisms in our waters. A significant number of Western Australians take advantage of our waters, with an estimated 740 000 recreational fishers throughout the state. That is almost one-third of the state's population. There is no doubt that it is an important pastime for many Western Australians. Until now our fish resources have been managed under the Fish Resources Management Act 1994. The Aquatic Resources Management Bill replaces that act and will become the primary legislation for the management of Western Australia's fisheries and aquatic biological resources. The opposition will support this bill, and it has the support of both the recreational fishing sector, through its representative organisation Recfishwest, and the commercial fishing industry, through the Western Australian Fishing Industry Council. I tried to find out the views of the conservation movement on these bills. I am aware that conservationists were hopeful that the Biodiversity Conservation Bill 2015, which passed this place recently, would include many of the provisions that this bill includes. However, that was not the case. We will have a new biodiversity conservation act, and we are dealing with some of the issues in these bills now before the house.

Recfishwest supports the bill largely because it feels that the recreational fish allocation will be better protected under this new legislation. The legislation before us allows a proportion of the recreational catch to be sold, with the proceeds used to promote recreational fishing. That process is outlined in the bill, and must be initiated by Recfishwest and approved by the Minister for Fisheries. The reallocation of the resource can only be a temporary measure. At the moment, for example, about 95 per cent of the western rock lobster fishery resource is allocated to the commercial sector and the remainder to the recreational sector. If the recreational sector, through Recfishwest, came to the government and said that the recreational catch was not being fully utilised, it could, with the approval of the minister, and if it is required by the commercial sector, temporarily sell off a proportion of the recreational catch that is not being used. Recfishwest sees this as a great opportunity to access extra funds to spend on the promotion of recreational fishing. The opposition is not opposed to this, but there needs to be some rigour around this process when some of the recreational catch is proposed to be sold, so that everything is transparent and people understand what is going on.

WAFIC sees the legislation as giving commercial fishers more security for their allocation. Under this legislation, once the commercial catch is set under an aquatic resource management strategy it cannot be changed unless that strategy is amended. This is seen by commercial fishers as giving more security, allowing fishers to borrow and invest with more certainty.

For the first time, the bill enshrines an allocation for customary fishing. I think this is also a good addition to the legislation. Clause 6 of the bill states —

An Aboriginal person is not required to hold an authorisation to take aquatic organisms if the organisms are taken for the purposes of the person or the person's family and not for a commercial purpose.

It is very pleasing to see that addition to the legislation. It is pleasing that the government is recognising the role of customary fishing in this state. I ask the minister, if it is possible in his second reading reply, to give me an indication of who was consulted, and whether Aboriginal organisations were consulted on the inclusion of this clause. It is always great for well-intentioned "white fellas"—to use the colloquial term—to recognise Aboriginal people in legislation, but it is equally important to ensure that we consult with Aboriginal people when we seek to include in legislation clauses about their customary rights.

I make the point that this bill does not include the management of marine mammals, because they are included in what will be the new biodiversity conservation act.

There is no doubt that the state's population growth over the past 10 years, along with advances in technology, has created the necessity for updated legislation to protect our aquatic resources. The minister's second reading speech shows us that rapidly advancing fish-finding, fishing and communications technologies are making fish more

vulnerable than ever before. There is also no doubt that climate change is taking its toll on our fisheries, with rising ocean temperatures having an impact on the population cycles of some fish and marine organisms. This bill had its genesis in a report published in 2010, titled “A Sea Change for Aquatic Sustainability: Meeting the challenge of fish resources management and aquatic sustainability in the 21st Century”. It is Department of Fisheries occasional publication 79 released in June 2010, and it was billed as a framework for a new act of Parliament to replace the Fish Resources Management Act 1994. It is interesting that the Wildlife Conservation Act, which will be replaced by the biodiversity conservation act, was over 60 years old, while the Fish Resources Management Act 1994 is being replaced after only 20-odd years. However, because of those changes in technology and because those advances have made it easier for the commercial and recreational sectors to exploit our fisheries, there has been a plus, I guess, in the form of climate change and a real need to ensure that we have the most up-to-date piece of legislation.

This report was put out when Hon Norman Moore was the Minister for Fisheries. He directed the Department of Fisheries to investigate and scope the requirements of a new piece of legislation to ensure the sustainable development and conservation of our aquatic biological resources in the twenty-first century. The act that the bill replaces has had very few amendments since it came into force. However, for the reasons I outlined previously, there was a need to ensure that we were properly managing our biological resources in a more integrated manner across government and that we were protecting our unique resources for the future. The report is very good. It sets the scene and outlines why a new act is needed. I will quote a few parts of it because I think they relate to the debate before us and properly set the scene. Page 2 of the report refers to why a new act is needed. It states —

How Western Australians manage the things that we can manage will play a critical role in our future quality of life, and the economic, social and environmental health of our society.

Our aquatic world—our rivers, lakes, estuaries and ocean ecosystems—are a vital element in a healthy, sustainable future for Western Australia.

Our marine and freshwater systems are a critical part of our “natural capital” and fundamentally different from terrestrial ecosystems in the way they function. At this moment in time, most of our marine ecosystems are largely unchanged by human use. The same cannot be said of our rivers and estuaries, where the rate and degree of degradation is very closely linked to their proximity and connection to areas of intensive human land use.

...

Our apparent success in these areas can be attributed in part to good governance, and in part because of a growth in community and industry awareness of the need for effective environmental management and the wide adoption of values supportive of ecologically sustainable development.

However, it can also be due in part to the fact that WA is relatively wealthy in global terms and is only just starting to experience the overwhelming pressures created by high human population levels that are part of the global experience.

There is no doubt that those pressures are certainly beginning to be overwhelming. One only needs to go to boat ramps or harbours along our 12 000 kilometre coastline to see the boats and the equipment on some of those boats that is adding to the pressure on our oceans. Although I am not a fisherman, members of my family are. They take great pride in being able to fish along our pristine coastline. They also take pride in ensuring that they abide by our catch laws because they recognise that we need to protect this unique resource into the future. I am constantly amazed to see the equipment on some of these boats and to see how easy it is these days to know where the fish are, essentially, before going into the water and to be able to home in on those fish.

I was talking to the member for Collie–Preston in the other place and he had some things to say about artificial reefs and the fact that we should probably have exclusion zones around some of them.

Hon Jim Chown: Is this the member for Collie–Preston?

Hon STEPHEN DAWSON: Yes, this is the member for Collie–Preston.

Hon Jim Chown: I thought he had an exclusion zone around him for yabbies.

Hon STEPHEN DAWSON: The member for Collie–Preston is a regular fisherman of all sorts of fish species. He regularly dives for western rock lobster. Mick Murray talked about the need for exclusion zones around some of these artificial reefs. We have a shining beacon showing where the fish are and we probably should have exclusion zones around those reefs so that the fish can be caught a distance away, to ensure habitat for these fish to thrive in.

I return to the report, “A Sea Change for Aquatic Sustainability”. The third chapter refers to where WA’s aquatic resources are heading, and states —

Like most countries in the developed world, Western Australia’s aquatic biological resources and fisheries are under considerable pressure from a variety of directions.

The Food and Agriculture Organisation (FAO) report ‘*State of world fisheries and aquaculture 2008*’ ... makes the observation that the proportion of global fish stocks over-exploited, depleted or recovering have remained relatively stable in the last 10 to 15 years. However, this leaves little room for complacency.

A key point is that approximately 28 per cent are over-exploited and 52 per cent fully exploited at or close to their maximum sustainable limits, with no room for further expansion in production.

World wild fisheries production peaked in the late 1980s at over 80 million tonnes and has since declined gradually to 67 million tonnes.

Within Australia the value and volume of wild-capture fisheries production has also been declining since 2000/01 ... WA’s fish populations are high in species diversity, but generally small in size, low in reproductive potential and hence ‘productivity’ by world standards.

Despite these limitations, WA produces 29 per cent of Australia’s total commercial fisheries production by value—largely due to the value of the rock lobster, abalone, prawn and pearling industries, which are essentially low-volume, high-value products.

Fishing for recreation also remains a very significant component of WA’s coastal lifestyle, and the opportunity for a high-quality recreational fishing experience is an important element in the overall attractiveness of many coastal tourism destinations.

On that point, I will take the opportunity to mention two projects that have been in the pipeline for a while, including the Port Hedland waterfront project in my electorate. It was first promised in 2012 by this government when the Premier announced that the state government would contribute \$112 million towards the Spoil Bank marina precinct. There is no doubt that many people in the Pilbara in particular, but also in the Kimberley, who work long 12-hour days—often two weeks on and one week off—and have relatively few recreational hours, do like their fishing. They like taking the opportunity to get out there and throw a line. People are disappointed that four years after making this announcement, we have seen relatively little movement from the government to ensure that this project is proceeding.

There have been some issues with dust in Port Hedland. That issue has not been properly addressed by the government. I have spoken in this place previously about the dust risk assessment report that was undertaken over the last couple of years. We have still seen no movement from the government to fix or address the issue to ensure that the west end of Port Hedland, in particular, where a proposed marina would be located, is free from dust or that the dust is suppressed or that the companies and indeed the port are held to account to ensure that they are using best practice, best dust suppression equipment to ensure that that part of Port Hedland is not overrun by dust and that that dust is not having a potential impact on the health of residents and visitors to that area. I am led to believe that cabinet was to debate this issue in the last few months. I am yet to hear of any resolution but I want to place on the record that the community is growing tired of waiting. The amount of \$112 million was to be contributed by the state as well as \$40 million of ratepayers’ money from the Town of Port Hedland. As far as I know, that money is still on the table, but every time I look at the budget papers or midyear reviews, the \$112 million committed by the state seems to be receding.

Point of Order

Hon MICHAEL MISCHIN: There may be a relevance to the Aquatic Resources Management Bill but I fail to discern it.

The ACTING PRESIDENT (Hon Amber-Jade Sanderson): Attorney General, was that a point of order or an opinion?

Hon MICHAEL MISCHIN: Yes, it was a point of order of relevance. We are talking about Port Hedland, dust and the like, but I think we have drifted off the point that we are debating here, which is the Aquatic Resources Management Bill, which has nothing to do with dust.

Hon Stephen Dawson: It has everything to do with marinas.

The ACTING PRESIDENT: The member is addressing the scope of the bill.

Debate Resumed

Hon STEPHEN DAWSON: Thank you, Madam Acting President.

I am pleased the Attorney General eventually got to the fact that he was seeking a point of order that time. The point I was making, Attorney General—this could be as painless or as painful as he wants it this afternoon and evening—is that I am making a contribution on this Aquatic Resources Management Bill —

Hon Michael Mischin: That is what I was hoping for, yes.

Hon STEPHEN DAWSON: If the Attorney had been listening—obviously he was not; he has selective hearing—he would have known that the point I was making was that fishing is a huge pastime for my constituents. I was quoting from the document “A Sea Change for Aquatic Sustainability”, a fisheries publication of June 2010 that refers to the resource and the challenges we face. I was making the point that those challenges will continue to grow over the next few years because places like Port Hedland have been promised a marina, as has Broome, another place this government has promised facilities for and has failed to deliver on. I was making the point that the challenges will continue —

Hon Michael Mischin: What’s it got to do with dust management?

The ACTING PRESIDENT: Order, members!

Hon STEPHEN DAWSON: I was making the point that the challenges will continue to grow over the next few years. The point about dust management, Attorney General, is that there are issues to do with dust, and the promised marina cannot be built until the dust issue is tackled. If the issue of dust is not tackled, more fisheries will be put at risk as more people go boating —

Hon Michael Mischin: Is it a good thing to get rid of —

Hon STEPHEN DAWSON: Absolutely, I totally support —

I will not get sucked in. Madam Acting President, I will make my comments to you, because if the Attorney General keeps interjecting and dragging me off course this afternoon, we could still be on this bill tonight. If he keeps making silly comments, I could have many questions to ask in Committee of the Whole House that could keep us on this bill for a very long time.

Hon Michael Mischin: That sounds like a threat.

Hon STEPHEN DAWSON: Not at all; I am making the point —

Point of Order

Hon MICHAEL MISCHIN: I will raise a point of order on that. That sounds like a threat: the member will ask questions in committee that he would not ordinarily ask and he said that he will drag on the debate. All I was pointing out was that dust management does not seem to have anything to do with aquatic resources. I now understand the point Hon Stephen Dawson was making, which was that unless dust is managed, there will be no marina in Port Hedland—and if there is no marina in Port Hedland, there will not be an alleviation on the stress of the fisheries. I understand the point he was making but the threats are unnecessary.

The ACTING PRESIDENT: There is no point of order. Hon Stephen Dawson, keep addressing your comments through the Chair.

Debate Resumed

Hon STEPHEN DAWSON: Absolutely, Madam Acting President; it will be my pleasure to address my comments through you.

No threat was made this afternoon. The point I was making during my contribution, which the Attorney General has obviously not been listening to because I saw him talking to another minister or his advisers earlier, was that I asked a question about customary fishing. As far as I know, he did not take note of that. I am saying that if the questions I ask in this second reading debate are not dealt with when the Attorney General makes his reply, I will have no hesitation but to go into committee. There was no threat. I am just setting out that I have questions and I would like them answered, and if they are answered, we will have swift passage of this bill.

I was quoting from Norman Moore’s discussion paper that came out in June 2010. It sets the scene for this legislation. I will come back to it shortly but I will briefly make mention of some of the bill’s elements.

Hon Michael Mischin: That will be nice.

Hon STEPHEN DAWSON: The Attorney General really cannot help himself.

Hon Alyssa Hayden interjected.

Hon STEPHEN DAWSON: I am focused on making my comments through the Chair and ensuring that I place on record why I think this is a good bill. If the Attorney General had been listening this afternoon, he would have

heard me state that we support this bill. I have not criticised the government because of the Aquatic Resources Management Bill. However, he persists; he cannot stop interjecting. This is like a fishing expedition; I cast the line and catch a couple of fish!

Several members interjected.

The ACTING PRESIDENT: Order, members! Hon Stephen Dawson has the call. Let us allow him to finish his contribution to the debate on the bill.

Hon STEPHEN DAWSON: As I said, the bill before us replaces the Fish Resources Management Act 1994 and the Pearling Act 1990. I am thankful to the Department of Fisheries for its briefing today. I have to say that I was fearful at one stage when the officers were late that they may not show up, but I am pleased to say they did. I will place on the record that I made a trip to Perth a few weeks ago for what I thought was to be a special briefing on the bill. Having waited in a room in Parliament for a period, I rang the minister's office to check whether the people were coming to brief me, but they were not. An officer called me to apologise and explain that he was aware that there might have been a briefing but from their side it had not been confirmed, so I was pleased today that I eventually got a briefing, which was very helpful.

Some of the benefits from this bill will be the provision of security needed for a better investment environment for WA's fishing and aquaculture industries. It will improve social and economic dividends for WA's aquatic tourism and recreational sectors and it will help manage biosecurity risks. It is fair to say that I do not think the FRM act contained enough provisions to help tackle the risks of aquatic biosecurity. A significant number of ships pass through the port of Port Hedland in my electorate, one of the world's largest ports, on a daily basis, and from time to time organisms or species are found on the side of those ships that put our pristine waters and some of our fisheries at risk. Therefore, it is important that this bill contain some new provisions to ensure that the state can deal better with those risks.

Some other important elements of the bill include the strategic and transparent planning that will take place for sustainable resource use. I have mentioned previously the commercial sector being able to temporarily buy some of the unused recreational catch. That is an interesting initiative. I am pleased to say there are safeguards around it to ensure we can have confidence that the system will be above board.

The other issue I want to mention briefly is marine stewardship certification. I am very pleased to say that the state has moved a long way on this issue—in fact not the state, but the commercial fishing sector. For those who do not know, the Marine Stewardship Council fisheries standard is designed to assess whether a fishery is well managed and sustainable. It has been developed in consultation with scientists, the fishing industry and conservation groups. Although certification to MSC fisheries standard is voluntary, it has been a fantastic marketing tool for the fisheries sector in this state and indeed around the world. It shows people who are in the market to buy fish that Western Australia has ecologically sustainable fisheries and we have independent verification of that. When I spent some time in the Minister for Fisheries' office in the last Labor government, people in the commercial fishing sector were sceptical of MSC certification. Some people saw it as red tape and did not truly recognise the value of having MSC certification. Western Australia's west coast rock lobster fishery was the first in the world to be certified as ecologically sustainable by the Marine Stewardship Council, and it has been certified as sustainable twice since. It really is an important marketing tool for the sector, so I am pleased to see that people have moved on in that regard; so much so that a number of other fisheries have undergone MSC certification—the Western Australian pearl oyster industry, the deep-sea crustacean managed fishery and the Shark Bay prawn managed fishery are a few examples.

I have to congratulate the Department of Fisheries. It is very responsive. When there is evidence of a fishery being put at risk or evidence of over-exploitation of a fishery, the department moves quite quickly to ensure that activity ceases and that the issue is managed. In some cases the fishery is closed, much to the disdain of both the commercial and recreational sectors, but I think it is important we ensure we are not over-exploiting or, when we are putting a fishery at risk, that we ensure the issue is addressed as quickly as possible so that we can get on top of it to ensure we have fisheries into the future.

Back to the bills, I want to talk about the compliance powers. The Department of Fisheries has some of the strongest powers in the state for policing those who catch fish or having the power to police possible transgressions, or law-breaking. Hon Simon O'Brien is in the chamber this afternoon. He is a very good Chairman of the Standing Committee on Environment and Public Affairs. When that committee undertook an inquiry into sandalwood last year, it looked at the Department of Fisheries' powers under the Fish Resources Management Act. The committee sought to include similar powers in the sandalwood legislation. It is pleasing to see that compliance is still a major focus of this new legislation. It is fair to say with the new legislation, six of the 19 parts in the principal bill are new. The remainder have been reviewed or have come across from the Fish Resources Management Act 1994 or the Pearling Act 1990. They have been extensively reviewed and redrafted to meet best practice. We can be pleased with the legislation before us. The principal bill introduces

new elements including aquatic resource management strategies and aquatic resource use plans. The ARUPs set out the fishing rules to meet the objectives of the ARMS. The aquatic resource management strategy is the instrument that is used to identify the total allowable catch or is the method for setting the total allowable catch.

This is good legislation. I have not touched on the Aquatic Resources Legislation Amendment Bill 2015, which, of course, is the second piece of legislation on the notice paper that we are dealing with cognately. It is a very brief piece of legislation. It will essentially amend the Aquatic Resources Management Act 2015 to provide that to the extent that a fee prescribed in the regulations under that act includes an amount that is a tax, the regulations impose the tax. That is also similar to provisions in the Fish Resources Management Act 1994. I was not going to say too much about that, other than that, too, is supported by the opposition.

I did not intend to still be on my feet talking about the bills given they are supported; however, I am still on my feet because I was dragged off course. This is for the Attorney General's benefit: I had some questions about the issue of customary fishing. I quoted from clause 6 of the principal bill earlier. I am interested to find out where this clause came from, who was consulted and whether specific Aboriginal groups or organisations were consulted. It may be well-meaning to insert these clauses into bills, but it is important that people are consulted about their practices; in this case Aboriginal people. We need to ensure they are aware of what we are including in the bill.

With those few comments, the Labor Party is happy to support these bills. We recognise it has been a fair while in the making. If members think back to the paper that was put out in 2010, the bills have taken six years to get here. It is fairly strong legislation. The principal bill updates a young piece of legislation—the Fish Resources Management Act 1994. It makes our system more robust. It ensures that we are ready for the rapid advances in technology that society faces, particularly the fishing industry. With those comments, I conclude my remarks.

HON RICK MAZZA (Agricultural) [4.10 pm]: The Shooters, Fishers and Farmers Party is pleased to see the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015 in the house, replacing the Fish Resources Management Act 1994. Hon Stephen Dawson referred to the 2010 report, "A Sea Change for Public Sustainability". I, too, have a copy of the report. It states that it has been some 15 years since a review of the act and here we are doing it now six years later, which means that it has been over 20 years. It is very pleasing that this bill is in the house. The bill is a major overhaul of the legislation. It is a world-class innovation. During my briefing from Fisheries, it said it had gone to many other jurisdictions and in the development of draft instructions it studied places such as New Zealand, Canada, the USA, the UK, other Australian states, the commonwealth, Norway, Iceland and the European Economic Community. A substantial amount of research has gone into this bill. It is good that we looking at a world-standard bill and the continuation of world-standard fisheries management that we have in the state.

Hon Stephen Dawson touched on the fact that the commercial fishing sector is quite a valuable industry. I think he mentioned something like a billion dollars or more. No doubt that is a very important industry to this state. It provides fresh seafood for the many people who do not or cannot go fishing. There is also the export of crayfish, which is Western Australia's largest live export. It is estimated that the recreational fishing sector is worth around \$1 billion dollars. During any holiday season, particularly around Christmas, it is not unusual to see parents walking out of a tackle store with a couple of kids in tow with their brand-new rod-and-reel combo ready to go and catch a few whiting off the beach. It is a very cultural pastime for Western Australians. Just about everybody at some time in their life has wet a line and maybe had the thrill of catching a big fish or whatever the case may be. There are many variances in recreational fishing from people who may just go once or twice a year to others who pretty much go every weekend and spend hundreds of thousands of dollars on their pastime. I include people with disabilities. The state government has put a lot of investment into building platforms on rock walls around Dawesville and the north coast of the Perth. Many elderly people and those with disabilities find great enjoyment out there fishing. It is a fairly easy, very enjoyable recreation to undertake and, at the end of the day, they might have a feed of fresh fish to take home as well. It is a very important part of our culture and it is an important part of our state.

In addition, the government also benefits considerably from recreational fishing. I am talking now about recreational fishing and will move onto commercial fishing a little later. There are many types of fishing licences. First, there is a boat fishing licence. People who want to catch marron need a marron fishing licence. If they want to catch freshwater fish, they need a freshwater fish angling licence and they might need an abalone licence and a crayfish licence. There are quite a number of licences in a year that all add up if a person wants to undertake all the different types of fishing, including net fishing on a Wednesday night when people have an hour or so to catch a few mullet. On top of that, keen fishing people who have a boat have to pay for a boat registration. If they have a trailer boat, they have to pay for the registration of their trailer. It can add up to quite a lot of money for a keen fisherperson and, obviously, there is a fair bit of revenue for the state.

One particular feature of the bill that is very important is the provision that gives Fisheries stronger powers in the management of invasive pests, which are a great threat to the marine environment. We have spoken about the number of fish and resources available to us, but the fisheries department very closely monitors recreational and commercial quotas. A lot of science and research goes into establishing how much fish can be caught while maintaining a sustainable industry. If there is a threat, that threat will be invasive organisms and diseases that enter our waterways through visiting boats or pollution, as we found last year in Cockburn Sound when there was a major fish kill of pink snapper. The cause of that was most possibly algal bloom, but algal bloom does grow on pollution as well. That is the greatest threat. People going out and catching a few fish, and the commercial sector are not a threat to fish stocks.

Having spoken to people in both the commercial and recreational sectors, everybody is quite comfortable with this legislation. The concerns that have been raised relate to the actual allocation between recreational and commercial quotas and the ability to sell part of that allocation to another sector. In the briefing I was assured that that was to do with the rock lobster fishery. At the moment, only five per cent of the rock lobster quota goes to recreational fishers. I think from memory about three to four per cent is caught, so there is a little bit left over. The recreational bag and boat limits are currently very generous. If any recreational fisher complains that his rock lobster quota or bag limit is not sufficient, he has a problem because I think it is a very generous quota. The quota is on less than five per cent, so if one per cent is left over and the recreational fishing sector has the ability to sell it to the commercial sector while still staying within the quota system, and it is able to use that money for research and development, I think that that is a good outcome. I do not believe though that that should extend to finfish, particularly Western Australian dhufish. I think we are about 40 tonnes or thereabouts under the recreational fishing quota for dhufish. I would not like to see that 40 tonnes sold to the commercial sector, because there are very stringent bag and boat limits for recreational fishers. They are allowed one dhufish per fisher, but only a maximum of two dhufish on a boat. If there are four fishers fishing on a boat for a day and two of them catch a dhufish, then that is it for dhufish. Unfortunately, what happens is that the other two fishers continue to fish—they would like to catch something; that is why they go out there—and of course there is a mixed bag of two, so they might be able to catch a couple of snapper. Inevitably, they pull up another dhufish. Dhufish that come from some depth suffer barotrauma so putting them back can be a waste. They have a fairly high mortality rate when released. There is nothing more heartbreaking than having two fish on board, catching a large dhufish and, if the person does not upgrade, which they should not do, they put the fish back. There is nothing more heartbreaking than seeing it pop up again 10 or 15 minutes later. It cannot be taken, yet it is completely wasted. There is great scope to increase bag and boat limits because if we are 40 tonnes under the recreational quota, there is room for an increase now. There is a lot of the anecdotal evidence that dhufish numbers have come back quite significantly. There is scope for an increase in the boat limit to at least four, if not one fish per fisher on board. If everybody catches one fish, they are more inclined to go home because they are happy, more than happy, and they will not continue to fish and possibly catch other dhufish that will be wasted.

Hon Stephen Dawson spoke about the marine stewardship system, which is a good system and should be continued. There is a lot of research into all different aspects of fishing, whether that be finfish, cray fish, marron or freshwater fish. A lot of science goes into it and a lot of research and decisions are made on the basis of that science.

Recfishwest has put together a little precis on the bill, and it welcomes the bill. It gives recreational fishers rights for the first time. For the very first time the recreational fishing sector will have a legal right to fish. In the past it has not and it has been up to fisheries management and the political will to allow recreational fishers to catch fish, because fish are native fauna. Now recreational fishers have a legal right to catch fish. In the past the law has been a bit jury-rigged to allow recreational fishers to catch fish. That has been clarified and provided for in the bill. Recfishwest also mentioned the requirement to monitor recreational fish catch and effort and that is now in this bill. Recfishwest asks whether the bill encourages management specific to recreational fishing, and it does, whereas the old one did not.

I think the commercial fishing sector is also well catered for in this bill. With the biodiversity legislation and some of the issues raised by the commercial sector, I hope that in going about their lawful daily business of catching fish, commercial fishers do not somehow end up catching something they did not intend to and then get prosecuted under the biodiversity legislation. I know that the sector went to great lengths to express its concerns about that, but the minister did not make any of their requested amendments to address it. I read the clauses in the bill that the sector was concerned about, but it is hard to say how that will play out. Hopefully, at the end of the day, commonsense will prevail.

In closing, the Shooters, Fishers and Farmers Party supports this bill. It is a good bill. I am sure that all stakeholders will be happy with it and the Department of Fisheries will be able to go about doing what it does well.

HON ROBIN CHAPPLE (Mining and Pastoral) [4.22 pm]: We are dealing with the Aquatic Resources Legislation Amendment Bill 2015 and the Aquatic Resources Management Bill 2015, and we are obviously

dealing with them cognately. They were also dealt with cognately in the other chamber. They were introduced on 24 February 2015 on a motion moved by Dr Hames. This legislation replaces the Fish Resources Management Act 1994 and the Pearling Act 1990 as the primary legislation for the management of WA's fisheries and aquatic biological resources. It sets out to ensure the ecological sustainable development of WA's living aquatic biological resources and ecosystems by protecting these resources from overexploitation and threats posed by disease and harmful imported organisms, but encouraging the development of industries and activities associated with the resources' use. I will talk some more about imported organisms a little later and maybe I will have some questions for the minister in that regard. It is pleasing to see that ecologically sustainable development is the main driver of the legislation. It incorporates an up-to-date and innovative conceptual framework for integrative resources management based on the principles of ESD.

The processes affect around eight key policy areas. These are ensuring ecological sustainability; risk-based assessment and transparent outcomes-focused resource use planning; integration of resources protection and use across all sectors; security of resource access and allocation of proportional harvest entitlements for the fishing sectors, which I will touch on shortly; management of aquaculture activities; protection from the negative impacts of aquatic disease and harmful organisms on biosecurity, which, as I said, I will ask some questions about shortly; the devolution and delegation of decision-making and deregulation; and cooperative management arrangements with the non-government sector. The government argues that since the commencement of the FRMA and the Pearling Act there have been significant changes in pressures to our aquatic environment and fisheries, including population growth, coastal development and competition for priority use in the marine environment for many different interest groups. We also need to realise that there have been changes in the Leeuwin current over recent times, so fish stocks have altered. Crab stocks and such things have also moved quite dramatically. We need to take into account those issues as well as the point that Hon Stephen Dawson made about climatic change, and that involves many fish species associated with coral and seagrass environments, which are, as we know, changing as we speak.

It is interesting to note that, as Hon Rick Mazza has stated, Recfishwest supports the Aquatic Resources Management Bill 2015, as for the first time it provides recreational fishers with a legal right to fish. I go to the previously mentioned Aquatic Resources Management Bill discussion paper from Recfishwest. It states —

The focus of the ARMB is to ensure the ecologically sustainable development of Western Australia's living aquatic biological resources and ecosystems.

That is a very important point raised by Recfishwest. The paper goes on to state —

The new Bill will for the first time provide recreational fishers with a legal 'right to fish'.

Recfishwest compares the Fish Resources Management Act 1994 with the Aquatic Resources Management Bill by making a number of comments. The paper asked whether the bill would give recreational fishers any rights. For the old act the answer was no, but for the new bill it is yes. Does the recreational sector have to be consulted about changes in its allocation? In the old act it was no, but in the new bill it is yes. Is there a process for increasing the amount of fish allocated to the recreational sector? In the old act it was no, but in the new bill it is yes. I point out that although Recfishwest uses the word "increase", in the case of a decrease in a recreational fish stock, Recfishwest would also be involved in a process. Do recreational fishers need to be consulted when developing recreational fishing rules? In the old act the answer is no, but in the new bill it is yes. Is there a requirement to monitor recreational fishing catch and effort? In the old act the answer is no, but in the new bill it is yes. Can Recfishwest trade or sell fish allocated to the recreational sector? In the old bill the answer is no, and in the new bill it is also no. I think that is an important point, because having spent quite a lot of my life in the north west of Western Australia, I have to say that the operation of many shamateurs up there has driven me to distraction. I have seen many tonnes of salmon ending up on the tip at Port Hedland and light planes flying across to Queensland with large catches of barramundi that have quite clearly been taken illegally. Many years ago I worked with the fisheries authorities up there to seek out some of these people carrying out this activity, so I do not think that shamateurs involved in fishing should have the right to sell fish allocated to the recreational sector. I think that was an important point.

The Aquatic Resources Legislation Amendment Bill complements the Aquatic Resources Management Bill 2015, the purposes of which are to amend the Aquatic Resources Management Act 2015 to provide that to the extent that a fee prescribed in regulations under the act will include an amount that is a tax. These regulations may impose a tax. I suppose that, as part of delegated legislation, I start getting a little bit concerned about the idea of imposing a tax.

Debate adjourned, pursuant to standing orders.

[Continued on page 5781.]