

FISH RESOURCES MANAGEMENT AMENDMENT BILL 2001

Second Reading

Resumed from 5 December.

MR SWEETMAN (Ningaloo) [9.19 pm]: The Opposition supports the Fish Resources Management Amendment Bill 2001. I understand that my comments will be directed to the member for Rockingham.

Mr McGowan: Correct.

Mr Kobelke: I should have indicated earlier that the Parliamentary Secretary to the Premier, the member for Rockingham, will be handling the Bill for the Government.

Mr SWEETMAN: I understood that that was the case last night; I just wanted to be sure that was still so and that someone else had not been appointed in the interim.

It is reassuring to stand in this place and know that this is one of those Bills on which the Parliament has moved speedily to assist a proponent. My understanding is that the reason this Bill has been classified as an urgent Bill is to assist an Aboriginal group working diligently towards setting up an aquaculture project in the Dampier Archipelago just north of Broome. This year's budget figures referred to the assistance that the Department of Fisheries will provide to that project. This Bill must be moved quite swiftly through the Parliament to ensure that various funds are put in place and are secured for that very worthwhile project.

If I had my way, I would confer upon the minister additional powers, but that is not always practical; it is certainly difficult in today's environment. This Bill seeks to remove any ambiguities from the minister's powers in relation to incorporation, which was first enunciated or prescribed in the Act of 1965. My understanding is that this Bill enables the Minister for Fisheries to acquire and deal in real property in establishing aquaculture parks. The opening paragraph of the second reading speech is quite specific when it states that establishing these parks is an activity that is part of the promotion and fostering of Western Australia's infant aquaculture industry. The second reading speech and the explanatory memorandum refer to the tremendous opportunity for commercial interests and to the recreational opportunities within aquaculture parks. These parks are modelled to some extent on technology parks, and create similar opportunities. These aquaculture parks and other vestings are deemed fit to be moved across and secured under the portfolio of the Minister for Fisheries.

When I first saw this Bill on the Notice Paper, I assumed it had something to do with the situation in Bremer Bay. My office staff and I have written several letters to the Minister for Planning and Infrastructure about applications from abalone aquaculture proponents in the Bremer Bay area. At this stage that does not have a whole lot to do with the Minister for Fisheries, because it is still a matter through which the Department of Land Administration is working its way. It is up to that department to negotiate the native title issues in relation to that development, as it does elsewhere. It is still the most appropriate government agency to sift through that approvals process. Once that is clear, I assume that DOLA will transfer these areas to or vest them with the Minister for Fisheries.

All the glitz and circumstance surrounding the early days of the aquaculture industry has to some extent subsided. The aquaculture industry as a whole is far more pragmatic and professional. A lot of people went into aquaculture in the early days, and I do not include in this the pearling industry, because it is one of the most professional and well-organised aquaculture industries in the world. People who initially went into other industries thought the world was their oyster. They thought they would be able to produce every type of seafood in Australia in an aquaculture environment. There were some very practical issues that many of those people were unable to overcome. People must be very selective in the types of species they want to culture; for example, the growing cycle of a lot of shellfish and fin fish is very slow. Although there is wild stock, it will always be far more viable to fish the wild stock than it will be to culture the stock. Raising the stock and growing it to a commercial size in captivity will cost a great deal.

The Bill also upgrades the tenure of aquaculture leases. That is refreshing, because it gives further security to particularly lenders. It also gives a lot more comfort to the developers, knowing that they have a 21-year lease and, I assume, an option for another 21 years after that. That allows them to invest large amounts of money in their leases, secure in the knowledge that their leases have the appropriate status.

The Bill also deals with issues of damage to fishing gear. That is explained in the explanatory memorandum. It clears up other ambiguities with that situation, because it was never quite clear what were the rights of particular aquaculture industries in pursuing people who damage their gear by one means or another.

Reference was also made in the second reading speech and the explanatory memorandum to buy back or compensation. I ferreted through volume 1 of the budget papers and I found reference to the recreational fishing trust account. This account expends nearly all of its income every year. The fund starts at about \$10 000,

increases to about \$7.5 million or \$8 million throughout the year and is totally drawn down by the end of the year. Interestingly, there is a proposal to compensate or buy back professional aquaculture leases. This is modelled on the same lines as the compensation-buy back that now applies through other Acts pertaining to the fishing industry in general. This will bring the aquaculture industry into line with the fishing industry in general. It is appropriate that the recreational fishing trust account be used to buy back aquaculture interests when they confer some favour or benefit on the recreational fishing industry. I do not think recreational fishermen will have any problem with that. There is a traditional stand-off between recreational fishermen and professional fishermen along the entire length of the State. Professional fishermen are always concerned that recreational fishermen do not pay their way. That in itself is not quite right, because professional fishermen have gone on to full cost recovery. Certainly in their eyes they pay above and beyond what they need to pay, and they do not see that amateur or recreational fishermen pay directly to fisheries in the same way as they do. On the other hand, when sales tax was applied to recreational fishing and other camping equipment - up to 20, 30 and even 40 per cent in some situations - recreational fishermen believed that they had paid their way. However, they did not simply pay this money to the Department of Fisheries or to the State Government; it went to the federal Government and its consolidated revenue fund. Now, with the goods and services tax, the State Government can ultimately quarantine a portion of the GST that recreational fishermen pay on recreational equipment and put it into a fund to further research and maintenance and management of the recreational fishing industry.

The Bill also deals with ownership of wild stock. When I initially read that in the Bill, I assumed that a right for the aquaculture licence holder to own wild stock was already implied within the lease agreement. I am glad that this is clarified in the Bill and reads the opposite way; that is, that the wild stock belongs to anyone who wants to fish or spear those fish. I should not have been surprised at that, because a similar situation applies to feral goats on pastoral properties. Pastoralists often call me saying that something must be done about people pinching their goats. Sure, they are feral goats, and once upon a time the Department of Agriculture paid a lot of money to eradicate them. However, they are now worth a lot of money to pastoralists who want to have them reclassified. In that instance, the position is the opposite of what we are doing in this Bill; that is, classifying the wild stock as just that, which can be taken by recreational fishermen.

I am glad to say that the Opposition supports this Bill and looks forward to its smooth and rapid passage through this Chamber.

MR McGOWAN (Rockingham) [9.32 pm]: I will be handling this Bill on behalf of the Government because the Minister for Agriculture, Forestry and Fisheries is a member of the other place and his representative in this Chamber, his parliamentary secretary, the member for Cockburn, is absent and will not be able to deal with it.

Mr Carpenter: There is something fishy about that.

Mr McGOWAN: That could be true. Maybe he is the one that got away.

Mr Carpenter: Just as long as you do not attempt to gut the Bill; I am only baiting the member and he has taken it hook, line and sinker.

Mr McGOWAN: There is no doubt about that -

Mr Carpenter: What I am afraid of is that he is completely out of his depth.

Mr McGOWAN: There is no doubt that the Minister for Education is all washed up.

Mr Carpenter: What we need here is protection against the sharks in this region, so I hope that that is included in the Bill.

The DEPUTY SPEAKER: The member for Rockingham might like to address the second reading.

Mr Carpenter: He is having a whale of a time.

Mr McGOWAN: I am looking forward to getting on with the Bill. It is very interesting and listening to the Minister for Education -

Mr Carpenter: He might be looking forward to it, but he is behaving like a stunned mullet.

Mr McGOWAN: The Minister for Education is behaving like an old fishwife in his remarks about this Bill.

I am pleased that the Opposition has indicated its support for this Bill. It is gratifying to see and the Government is keen to push this Bill through the Chamber as quickly as it can.

Having said that, I will mention a few facts about the Bill and compliment the Department of Fisheries and its officers on their timely response to an urgent issue that has arisen in the aquaculture industry in the Kimberley area. In particular, it relates to the Kimberley Aquaculture Aboriginal Corporation, which is attempting to obtain a part of the Department of Fisheries building in Broome to provide a site for aquaculture of various descriptions. There was doubt as to whether the Minister for Agriculture, Forestry and Fisheries would have the

power under the Fish Resources Management Act 1994 to acquire and deal with real property, particularly for the establishment of aquaculture parks. This doubt was brought to the attention of the minister through an analysis by the Crown Solicitor. As a result, uncertainty surrounded the funding arrangements for the Kimberley Aquaculture Aboriginal Corporation, which was hoping for various avenues of funding to enable it to carry out aquaculture activities in Broome. However, because of this uncertainty in the law, there was some possibility that the funding provided through the Aboriginal and Torres Strait Islander Commission, the Lotteries Commission and the Department of Industry and Technology would not be available. There was then a prospect that legal action may follow as a result.

This Bill merely puts in place a mechanism to ensure that dealings by the minister with regard to such sites are to be taken as valid and that the minister has the capacity to lease such sites. During the drafting of this Bill, there was some desire by the Department of Fisheries to deal with a range of issues, including those mentioned by the member for Ningaloo. They are: the ownership of fish within aquaculture areas; the power of the Minister for Fisheries to issue policy guidelines dealing with aquaculture; aquatic ecotourism, and the fishing tour industry sectors; and a number of offences regarding interference with aquaculture activities and aquaculture gear. All those issues were taken up by the department so that they could be dealt with under this Bill, and there was a spirit of cooperativeness between the Government and Opposition to get these important matters through Parliament quickly, and dealt with in a way that took account of the future and the problems that may arise. All in all, this is an insightful piece of legislation on the part of the department. I thank the officers involved in the drafting of the legislation and the Opposition for its support. The Bill will enable the people involved in the aquaculture industry to engage in it with much greater certainty as to the state of their leases.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.