

AQUATIC RESOURCES MANAGEMENT BILL 2015
AQUATIC RESOURCES LEGISLATION AMENDMENT BILL 2015

Second Reading — Cognate Debate

Resumed from 11 May.

MR D.A. TEMPLEMAN (Mandurah) [9.59 am]: I was rudely cut off at 4.00 pm yesterday while I was in full flight giving my remarks on the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015.

Dr G.G. Jacobs: It's on the program until four o'clock.

Mr D.A. TEMPLEMAN: I know, but I still think it was rude. The member for Eyre may not, but I do.

I was outlining the move by a number of parties in the Peel–Harvey catchment to progress Marine Stewardship Council accreditation of the Peel–Harvey fishery. I understand that that outcome was being progressed until as late as yesterday morning. Obviously, there is a process and the Minister for Fisheries has various responsibilities, but I can tell the minister that, from my perspective as one of the local members, I fully support this accreditation process.

The DEPUTY SPEAKER: Member for Warnbro! I am sorry, but you are interrupting the camera vision, so can you please move from where you are having your conversation and sit on the other side of the member for Cannington.

Mr D.A. TEMPLEMAN: I am very keen for this to be progressed. Even though the minister has been in the role of Minister for Fisheries for only a short time, I am sure that he has had a briefing on these bills; or, if he has not, I hope that he ensures that he obtains one.

This accreditation will do a number of things. Firstly, it will demonstrate cooperation between key stakeholders in the region—recreational fishers, professional or commercial fishers and, of course, other key stakeholders who understand the importance of the sustainability of the fishery in the Peel-Harvey system. It is important that it is sustainable, obviously, because we want people to enjoy the fishery in the Peel for generations to come. Historically, it is a wonderful fishery that has provided generations of Western Australians and visitors with a taste of our famous blue swimmer or blue manna crab in particular. Sustainability is important. Secondly, it will help enhance the tourism potential of the region. Fishing has, for a long time, been an important pursuit for people who live in or visit the Peel region. We want to enhance the tourism potential and the job-creating potential that I think this accreditation will bring. Thirdly, it will help to underpin the significance of the Peel region to not only the Western Australian economy, but also the lifestyle and livelihood of Western Australians in general. Our estuarine system is the largest estuarine system in Western Australia. The system has historically had a range of pressures on it. Many of the pressures, such as water quality issues and phosphates entering the estuarine system, were originally an outcome of agricultural pursuits.

[Member's time extended.]

Mr D.A. TEMPLEMAN: We know that due to population growth in the Peel in the last 20 years in particular, the effects of urbanisation are now also impacting on water quality and, ultimately, potentially on the sustainability of fishing in the region. It is important to use this opportunity to highlight how important the fishery is to us in the Peel.

Yesterday I received an email from Julia Kent, who is from SCS Global Services, which is a third party independent certification body. It evaluated the Peel-Harvey estuarine fishery under the Marine Stewardship Council's standards for sustainable seafood. My understanding is that that assessment analysed three key principles or components of the fishery—firstly, the population status; secondly, the ecosystem impacts and considerations; and, thirdly, the management system. The final report from the Marine Stewardship Council certification process has been finalised and released, and I have it here. I received this email because I was identified as a potentially interested party in the fishery. It does not say that it is confidential, so I do not think I have broken any confidentiality rules. I understand that the process now involves the final report being published. According to the table in the email—I am happy to give the minister a copy of this—publication of the final report commenced on 10 May, which was Tuesday. I understand that now there will be a period of 30 days of public comment during which parties can object—I would hope there is no objection—so objections need to be in by 1 June. I am interested in the final time line, and I am sure that the minister's department can do this between now and when we get to the third reading, or I can raise it during consideration in detail. I want an idea of when we might expect a final outcome in the certification process once the objection period concludes, because it is important to us.

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When I commenced my comments on the bills yesterday, I acknowledged Damien Bell and other stakeholders. One of the things we have to understand when we look at this whole issue of a sustainable fishery for the Peel-Harvey region is that a number of families rely on commercial fishing there. In my experience, having lived in Mandurah for over 27 years, commercial fishing licence holders have always understood the importance of sustainability principles in the catch. I think we are in a historic position. Recreational fishers and commercial fishers have come together under this certification proposal to genuinely work towards making sure that we get maximum benefit from an economic perspective, a tourism perspective and, obviously, a sustainable future for the fishery perspective. That is a very positive move. The process goes back to the previous minister's stewardship. I acknowledge his stewardship of that process and his understanding of the importance of the process.

I hope that by the end of this year, if not sooner, we will have a gold standard seal, which I think is the term, that states that the Peel-Harvey fishery is fished in a sustainable way and that it is a quality product—and we know it is. We want to make sure that that quality product continues to deliver benefits economically to the fishing industry and to Western Australia. The other benefit is that the region continues to be seen by visitors as a wonderful, important and integral asset to the Peel region. The minister may be able to respond to some of my queries about the time line in his response to the second reading debate or, indeed, I am happy to pursue that at the consideration in detail stage to give our hardworking public servants in the fisheries department time to respond appropriately.

MR P. PAPALIA (Warnbro) [10.11 am]: It is a pleasure to contribute to the debate on the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. At the outset I join the member for Mandurah in observing that it is good that we intend to enact a plan with supporting legislation to bring together commercial and recreational fishing in a managed fashion that will clearly benefit the state and not only enable reasonable and considered use of the resource but also defend it and prevent overfishing into the future. That is the first thing I would like to say.

The area I will focus on specifically with this legislation is biosecurity, and I might touch a bit on the pearling industry as well. Firstly, part 6 refers to aquatic biosecurity. At the consideration in detail stage I would like to put to the minister and advisers some very specific questions about inspectors responsible for biosecurity, marine biosecurity and quarantine. This subject probably crosses out of this field and legislation and into transport-related matters or port management or some other type of legislation. However, I am aware that the Department of Fisheries is responsible for setting qualification standards for inspectors of marine biosecurity and quarantine inspectors. In conjunction with TAFE, the department determines and sets the necessary qualifications and training specifications for inspectors. Under previous ministers, changes were made to the qualifications required for marine biosecurity inspectors. In my view, that lessened the extent of experience required for someone entering the field of marine biosecurity inspection to provide that service. The bar for that qualification was lowered substantially through the provision of a TAFE course and the assumption that anyone who completed that TAFE course was ordained as capable of performing the role. The justification at the time of the change under—I think, former member Hon Troy Buswell was minister at the time —

Mr J.M. Francis: When was this?

Mr P. PAPALIA: I am trying to recall. I remember the legislation coming through here and speaking about it. I was not researching this subject prior to getting up for more than five minutes, but I am aware of the debate and I asked the minister at the time about it. On advice from the Department of Fisheries and the TAFE, as I understand it, a new course was created. Prior to that people had essentially been engaged in this profession through historical experience and knowledge.

I am very aware of John Polglaze, who is a constituent of the member for Rockingham and who had been doing it for many years. He was an experienced naval officer who through a number of steps got himself into this profession and had experience going back over decades of providing the service of conducting marine hull inspections of ships and ensuring that we protected ourselves against a biosecurity threat coming in on hulls. He raised the issue with me and, as I understand it, a small number of people provided this service, but they more than provided the service. There was no inadequacy in the provision of the service, yet the change was made to create this qualification, which in my view was substantially less than the historical experience already possessed by these individuals providing the service; the qualification was just a TAFE course. When that was created, the intended effect—it may not have been; I do not know—was to enable a larger pool of people to be notionally qualified, because all they had to do was the TAFE course, to enter the market to lower the price of the provision of that service. It would not have raised the standard of service at all. In all likelihood it would have opened up the threat of individuals not in possession of the experience necessary to conduct the task to be out there in the market potentially delivering an inadequate service. I do not know whether that has come to pass, but I do know

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that the legislation was passed to enable the qualification to be established in TAFE and recognised in Western Australia as the qualification for marine biosecurity.

Mr J.M. Francis: I will find out for you.

Mr P. PAPALIA: Obviously, I have an interest. This is some years ago, so it has moved along and no doubt has resolved in terms of the critical nature of the impact on the people who are doing that business. They obviously had a vested interest in it because they provided the service. I researched that subject in response to the individual who came to me, because the Leader of the Opposition was a bit busy, and I looked at the argument conveyed at the time and it seemed legitimate and reasonable to me. The other people engaged in the provision of that very specific service had years and years of experience. The quality of the service could easily be eroded if individuals with far less experience were given a qualification through the provision of a relatively short TAFE course. At the time they also raised that they were not being given recognition of prior learning for having done the job for decades or in some cases —

Mr J.M. Francis interjected.

Mr P. PAPALIA: They were not being given recognition for prior learning. I thought that was pretty rough treatment. That aside, the more significant concern I had as a result of talking to them about the situation was that we might end up eroding the standard. I am looking at how biosecurity is addressed here and it appears to me more focused on aquaculture in many respects and how we can prevent the threat of someone illegally introducing an organism to an aquaculture practice. I understand that it is a real threat and as seen through the massive impact on some aquaculture activities in other states and around the world, it does not take much to decimate the industry. That is a legitimate and reasonable focus. I thought I would raise this issue even though it is not directly related. If some type of marine threat enters our waters via the hull of a visiting ship, it is not beyond conception that that could then be a threat to aquaculture practices.

Mr J.M. Francis interjected.

Mr P. PAPALIA: It is a very real threat, and very significant.

Mr J.M. Francis: Submarines!

Mr P. PAPALIA: No. Submarines probably have the cleanest hulls we will find anywhere. They do not like things growing on submarine hulls. However, merchant ships, particularly from flag of convenience nations, go for years and years without having any maintenance done. They are also very susceptible to having lower standards when it comes to the qualifications and experience of the crew. Probably the best way of putting it is that a culture of lack of respect for standards is pervasive on some flag of convenience ships and shipping lines. They often source their crew from Third World countries that have no respect for or adherence to the high standards of biosecurity that we expect in Western Australia. It is very easy to see how that could expose our aquaculture and commercial fishing industries to threat.

I want to make a quirky sort of observation —

Ms M.M. Quirk: Excuse me?

Mr P. PAPALIA: Oh!

Ms M.M. Quirk: It must be intelligent!

Mr P. PAPALIA: There is an interjection—for the purposes of *Hansard*—from the honourable Margaret Quirk, saying that a quirky observation must be an intelligent one. It is, actually. The member would probably appreciate it. The drafters of the bill have used the term “boat”. I find that interesting. I understand where that may have come from, because this legislation is generally associated with inshore threats to the biosecurity of aquaculture practices and the like, or it may be because Fisheries is often engaged in the boarding of foreign fishing boats and Australian fishing boats, and therefore there is a focus on the term “boat”. However, I would have expected that if the drafters were going to rewrite the legislation, they would have tried to replicate international norms and use the term “vessel”, because that encompasses both ships and boats. The term “boat” does not encompass ships, does it, minister? The term “boat” excludes ships. I note also that the drafters of the bill have gone out of their way to ensure that the term “boat” in the definitions clause covers ships. However, that is not consistent with other forms of regulation or governance, such as the international laws with respect to shipping, or the law of the sea and the like, which use the term “vessel”. That is why I think that is a bit odd. It is not a biggie; I am not going to die in a ditch over it. However, I would have thought we would just use the word “vessel”. We would then be consistent with other legislation and would not need to change the definition of “boat” to encompass a ship and all types and sizes of vessels, which is essentially what we have done in this bill.

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I cannot quickly find the definition, but I do not think our definition of “boat” would be consistent with anyone else’s definition.

Putting that aside, I want to take this opportunity to talk about another concern. It does not relate specifically to this legislation, although it can be covered by it. I have warned the advisers that I am seeking some advice on what has happened with the marine bio-fouling inspectors, or whatever the terminology is—marine biosecurity inspectors. I want to know whether the change went ahead; how many new inspectors qualified in that time; how many inspectors are operating in Western Australia in particular, and also from Western Australia around the country; whether there is any oversight to ensure that the standard of inspections has not diminished in any way; the frequency of those inspections; and whether there has been any analysis of whether the cost to shipping operators has changed substantially as a consequence of the new qualification. I have an interest for two reasons. I have been representing a constituent of the member for Rockingham with regard to the impact on his business. I am also interested in whether the standard of inspections has been lowered by putting into the market a massive number of new inspectors with little experience. Beyond that, apart from changing the wording from “boat” to “vessel”—no, do not do that; that may too hard for the minister —

Mr J.M. Francis: Maybe if I had had responsibility for the drafting in the first place I would have picked that up.

Mr P. PAPALIA: If the minister had been there, I know that the reference to “boat” would have been with regard to submarines and there would have been a subtle ploy by the minister to ensure that submariners get a greater profile in state Parliament. However, beyond that, I am sure that the minister would have argued the case for the term “vessel” to be employed. Otherwise, I am happy to see this legislation. An all-encompassing response to commercial and recreational fishing is a good thing. Protecting our fish stocks for current operators and into the future for all of the Western Australian and Australian population is a wonderful thing. We have in the past set international standards for fisheries management. That is undeniable. However, I think that in recent times we may have slipped behind the kerb when it comes to the practices that are being undertaken elsewhere in the world. We were cutting edge. We had set the standards, and some of our research and the application of that research was acknowledged worldwide and people were following us. However, I am not sure that is still the case. That is not a criticism. I just think that maybe we were comfortable that we were achieving the objectives and did not need to do anything more. I will be interested to listen to the debate during consideration in detail for more information about how we are going in comparison with the rest of the world and whether there are any other initiatives that we may be able to pursue. I commend the legislation.

MR C.J. TALLENTIRE (Gosnells) [10.27 am]: I want to begin my comments on the Aquatic Resources Management Bill by addressing the concerns of those who have a passion and a dedication to the marine environment that is not of an extractive nature. Their passion and commitment to the marine environment is because they like to experience that environment and share it with others, and, indeed, they are in the process of creating a massive industry around the tourism advantages of the marine environment. A tangible example is people who are involved in the dive industry. They have told me that the dive industry in Western Australia contributes some \$400 million to the Western Australian economy. The dive industry is based on a healthy marine environment in which people can see large fish. That is what people want to see when they go diving. That is why people like to go diving on wrecks, because they provide the habitat for large fish. That generates employment opportunities for people involved in the dive industry.

I am concerned that the bill does not give explicit recognition to sectors other than the extractive sector. Clause 9 of the bill states —

The objects of this Act are —

- (a) to ensure the ecological sustainability of the State’s aquatic resources and aquatic ecosystems for the benefit of present and future generations; and
- (b) to ensure that the State’s aquatic resources are managed, developed and used having regard to the economic, social and other benefits that the aquatic resources may provide.

What I find concerning is the vagary of the term “other benefits”. Does that include conservation uses? Does that acknowledge that there are people who have a non-extractive interest in our aquatic resources? I do not think it is clear enough.

I go on, though, to clause 10 of the Aquatic Resources Management Bill 2015. Of course, we will be going into this in more detail during the next stage of deliberations on the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. Clause 10 is headed “Means of achieving objects of Act” and paragraphs (c) and (d) read —

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- (c) encouraging the sustainable development of fishing, aquaculture and other activities reliant on aquatic resources; and
- (d) encouraging members of the public to actively participate in decisions about the management and conservation of aquatic resources and aquatic ecosystems ...

That sounds promising, but I wonder whether the Department of Fisheries has envisaged through this legislation the processes that will bring those other views to bear. How will we do that—encourage the public to make submissions? How will we make sure that their submissions are heard? I want to cite an example that the dive industry sent to the previous Minister for Fisheries, Hon Ken Baston, referring to the implications of works at the Busselton Jetty. We all know that the Busselton Jetty is a very valuable tourism asset to Busselton; I am sure the member for Vasse would be able to back me up on that.

Ms L. Mettam interjected.

Mr C.J. TALLENTIRE: The member for Vasse has budgetary problems to look after it.

Ms L. Mettam: Sorry?

Mr C.J. TALLENTIRE: Budgetary problems looking after the —

Ms L. Mettam: No, but the Labor Party wanted to sell off the foreshore to pay for the upgrade of Busselton Jetty.

Mr C.J. TALLENTIRE: When?

Ms L. Mettam: Sorry?

Mr C.J. TALLENTIRE: When?

Ms L. Mettam: In 2008—prior to 2008.

Mr C.J. TALLENTIRE: Thanks for that, member.

I hope that the concerns of dive operators will be listened to in future, unlike what seems to have happened last year, when the dive industry wrote to the Minister for Fisheries and told him of the need for treatment of the Busselton Jetty for teredo worm; I guess that was having some structural impact on the jetty and treatment was needed, but, in doing that, marine life was removed from a number of jetty pylons. It seems that the dive industry was not consulted about it. I will quote from a letter from Perth Scuba to the minister. It states, in part —

We are not opposed to maintenance work at the jetty and appreciate its importance, but it is vital that there is greater transparency and full consideration of impacts on industry and recreational activities that are reliant on the marine life at the Jetty before works commence, and that works are planned to minimise economic and social impacts. Prior consultation with the dive industry and associated experts could have minimized the impact of the works, and certainly minimized the alarm that was caused by dive shop owners and divers hearing about the works as they happened through phone calls and social media.

There is an issue that the member for Vasse might like to pick up on, because it clearly did not work out on her watch in 2015. Some problems there have to be dealt with, and that is an example of why we need to have a process in place that does not hear from only those people who are engaged in extractive industries and who are making often big money from extracting fish from the marine environment and conveying them to the various markets around the world. We need to listen to people such as dive operators, who are, after all, involved in a \$400 million industry. I am advised that the fishing industry is worth \$1.5 billion to the WA economy, but we clearly have a major industry, just to nominate one—the dive industry—that relies on the thorough hearing of its concerns. It needs to be an integral part of how we look at our aquatic resources.

Of course, other people have an interest; it is not just the dive industry. Others have a serious interest in our aquatic resources. I have previously lamented that there was a time when one could swim around Rottneest Island and see big western blue groper. One had only to go snorkelling to see big blue groper, but we do not see them anymore; in fact, we are lucky to see the smaller blue groper. The biological life cycle of a groper is fascinating. While it is in its younger years—bearing in mind that this is a fish that lives to 80 years of age—it is of the female sex and is generally green in colour. If one is swimming around Rottneest and sees green groper, they will not be very big and they will be female. Then, as they get older, they become male. It is a fascinating biological process; that is when they become really big. Unfortunately, though, as much as people would pay any amount to go and see these fish—they are magnificent to see in the water—they cannot, because we have allowed recreational users to go and pull them out. Yes, I know we see fishing shows on TV in which people pull fish out of the water, kiss them and then let them go again, but demersal species coming up from the depths at a rapid speed often suffer from barotrauma, which bursts their swim bladder and they do not survive. It is fair to say that

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for pelagic species, which swim closer to the surface and are not as vulnerable to barotrauma, there is a better survival rate, although I would question that as well. If one were to capture a gazelle on the African savannah, lasso it and let it run around for a couple of hours or even half an hour, that animal would be very vulnerable to predation by the higher order predators in its environment. I think it might be the same situation when one has had a fish on the end of a hook and it has been traumatised and exhausted. When it is released it is perhaps also vulnerable to other predators that it otherwise would not be. The issue of catch and release needs to be constantly questioned and constantly challenged, especially in the case of the demersal species, which are so quickly hauled up after they have been located on fish radars and GPS locators that mark the spots where they are to be found. The amount of technology that goes into catching those fish is, unfortunately, not being backed up by an adequate maintenance of the fish stock. I cite again the example of blue groper around Rottneest Island. That is a very sad loss, and it is a tourism asset that we have lost.

I want to move on to some other areas. The tone of the debate so far has been overall fairly eulogistic of the management of our fisheries, and deservedly so, but I want to point out that in some fisheries there are clearly some problems. I turn to a scientific paper that commented on a Pilbara fish trawl fishery, titled “Abridged comment on the Pilbara Fish Trawl Interim Managed Fishery (PFTIMF)”. This work was done in December 2013 by Simon Allen, Neil Loneragan and Hugh Finn from Murdoch University. They looked at the issue of bycatch, and this is a big problem in a number of fisheries; there is far too much bycatch. It is all very well to talk about how sustainable a fishery is and that we still have plenty of fish, or that we are allowing fish stocks to regenerate and their numbers are not being depleted, but we are finding that there are large amounts of bycatch. I am sure that this is a question the new Minister for Fisheries will constantly challenge his department with: how much bycatch do we have? Minister, listen to this. The paper reads, in part —

Bycatch: The PFTIMF continues to cause incidental capture and mortality to bottlenose dolphins at higher rates than any other wild capture fishery in Australia, to our knowledge. The fishery also continues to take two critically endangered sawfish species at increasing rates.

Critically endangered sawfish species are being taken at an increasing rate by this Pilbara fish trawl fishery. The paper continues —

This is unacceptable, given that: (1) the Dept. of Fisheries WA (DoF) has had a decade to implement appropriate mitigation measures; and, (2) it is an offence under Division 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) to kill or injure a cetacean and a member of the listed marine species ...

The paper goes on to demonstrate just how many dolphins are caught per thousand hours of trawling, and makes it very clear. We were on a nice downward trajectory; in 2008 we had got it down to an average of just over one dolphin per thousand hours of trawling. But by 2012, the time of this study, we were back up to three dolphins per 1 000 hours of trawling. When we look at the number of sawfish caught, the number is higher and is on an upwards trajectory. In 2006, just over two sawfish were caught per 1 000 hours of trawling; in 2012, it was nearly eight sawfish.

Going back to the overview of that paper, sawfish—to remind everyone—are a critically endangered species.

Mr J.M. Francis: What is the paper called?

Mr C.J. TALLENTIRE: The paper is called “Abridged comment on the Pilbara Fish Trawl Interim Managed Fishery”.

Mr J.M. Francis: Can you chuck us a copy of it?

Mr C.J. TALLENTIRE: I would indeed be very happy to give the minister a copy. It is worth looking at the recommendations, because those scientists have not only identified the problem but also looked at proposed solutions. The recommendations include —

Trawl fishing should cease, with the two companies (three vessels) converting to trap fishing. If, however, the DoE is to grant a further WTO to the PFTIMF, we recommend this be strictly conditional upon the following:

1. Cap fishing effort for 2013–14 at 9,000 hr trawling for all vessels combined;

I am not sure that has happened, but the article is suggesting a cap of 9 000 hours. It continues —

2. Conduct a dedicated, **independent** bycatch research program ...
 - a. All trawl nets to have the ‘BRD forward’ design, with both top- and bottom-opening escape hatches;
 - b. An independent (human) observer program, combined with in-net video collection ...

These are standards that we see applied around the world when it comes to bycatch—independent human observers and in-net video cameras. The article continues —

c. The retention of dolphin and sawfish carcasses for necropsy.

I note, of course, that its key recommendation is that trawl fishing should cease. The minister has clearly got a problem on his hands with the Pilbara fish trawl; it is definitely one for him to watch.

I draw the minister's attention to another problematic fishery, and this time the information comes to me courtesy of an Australian Marine Conservation Society press release, which refers to the impact of the WA temperate shark fishery on sea lions. Its press release states —

“We are deeply concerned about the impact the WA Temperate Shark Fishery has on Australian sea lions ...

“This fishery operates around Australian sea lion colonies in Western Australia and uses invisible gillnets to catch sharks. It would appear that maintaining shark fishing trumps protecting vulnerable marine species.

Why do we allow fisheries to operate around the colonies of Australian sea lions, bearing in mind that their numbers have been brought to incredibly low levels? In fact, the media release points out —

Historically hunted for their fur, Australian sea lion numbers are at such low levels the species is vulnerable to extinction and protected under national environmental law.

This is another vulnerable species that has recognition at a national level, yet the WA temperate shark fishery is operating around Australian sea lion colonies. Surely the minister should be asking his department these questions as well. The AMCS press release goes on —

Alarming, recent reports show Australian sea lions now meet the criteria for being listed as endangered.

It goes on to suggest —

There has been a disturbing trend of the Australian Government taking a back seat approach to managing high-risk fisheries.

It states that, I think, because it believes that the state agency is able to manage these things, but it is clear that something is not working out there.

[Member's time extended.]

Mr C.J. TALLENTIRE: The media release concludes —

Vulnerable species like the iconic Australian sea lion—which only occurs along Australia's southern and western coastlines—need to be better protected.

That is another important matter for the minister to look at.

I want to turn to the issue of marine sanctuary zones. Thankfully, there is an increasing awareness in fishing communities about the benefit of sanctuary zones, which provide fish a place in which to breed and which results in the populating of the areas beyond sanctuary zones. An important consideration is that sanctuary zones also act as scientific reference points. The surprise, though, is that when this current government talks about various marine parks, we find that the sanctuary zone, the no-take zone, within the marine park is often very small or, in the case of the proposed Roebuck Bay marine park, not a sanctuary zone. How can we have that sanctuary for breeding stock, bearing in mind also that older fish tend to be the biggest producers of offspring? They are the big ones, they lay the most eggs and they are the ones that have the greatest reproductive capacity. That is why we need that nurturing of the bigger fish. I am surprised when I look at some of the material—it may just be that I lack knowledge of some fish species biology—because I notice that there is always an emphasis on minimum catch size. I will check that, because it is important that there is a system in place to protect and not target bigger fish. They are the ones we want to leave in the water and not pull out because they are the breeders. We know that the baldchin groper and the famous demersals are suffering and that their numbers are way down, so we have to make sure that we are protecting them into the future—that is, some of the ones I have seen mentioned. The minimum legal size for a baldchin groper is 400 millimetres. When someone pulls up a baldchin groper that is 405 millimetres long, they are going to think that they can keep it. But that might be the breeding size that we need. I really think that needs to be clarified.

The Department of Fisheries information then goes on to talk about bag limits and what have you. That is pretty concerning when we think about the number of fish on the list of demersal-finned fish. They are the iconic species; they are the ones that people really want to see in the water, yet a lot of people just want to catch them for a feed. Studies have proven conclusively that a coral trout in the waters of Ningaloo Reef is worth far more in

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the water than on someone's dinner plate. There is no question about that. That is the thing that the government has to apply with this legislation. We have to be sure that this legislation accommodates the reality that often for small areas of our marine environment the highest value use is one that is related to non-extractive industries. It is very important that the minister understands that fully. In a way, the title of "Minister for Fisheries" is an anachronism, just as the old legislation is anachronistic. We are in the process of changing the legislation's title from the Fish Resources Management Act to the Aquatic Resources Management Act. I believe that is why the minister's title needs to change as well. Why are we still talking about this old-fashioned notion of fisheries? It should be that the minister becomes the "Minister for Aquatic Resources". That would be a far more apt description of his role. That is something that I will leave with the minister.

I return to the issue of marine parks. I know the current government likes to talk about the number of marine parks it has been involved in and how it claims to be the champion of marine parks. I did some analysis to see which governments have been most successful at creating marine parks. When I looked at the Gallop government's achievements, I saw that from 2001 to 2006 Jurien Bay Marine Park, Montebello Islands Marine Park, Barrow Island Marine Park, Barrow Island Marine Management Area, Ningaloo Marine Park, Muiron Islands Marine Management Area and Rowley Shoals Marine Park were created. Under the Carpenter government, most of the planning and consultation was conducted for a host of marine parks, including 80 Mile Beach, Ngari Capes Marine Park and Walpole and Nornalup Inlets Marine Park, and the Walpole and Nornalup Inlets and Ngari Capes indicative management plans were released. Bear in mind that a very lengthy consultation process is undertaken on these marine parks, and that is what is going on with Roebuck Bay right now. It has been a lengthy consultation process. I think it is at least 12 months since the minister released the draft Roebuck Bay marine park proposal. During that time, the Minister for Environment has received advice from about 32 scientists, who said we had to have a sanctuary zone within Roebuck Bay marine park. The scientists took the time to write to the minister and the Premier about that. I am sure they would have been sharing that information with the Minister for Fisheries. Many tourism operators from the Roebuck Bay area also wrote to the Premier about the need for marine sanctuaries in that area. They talked about the importance of sanctuaries for the protection of sea life such as the snubfin dolphins. The Minister for Fisheries, as he is currently known, needs to talk to the Minister for Environment about some very important issues to make sure he has all the policy settings correctly focused.

I turn now to some other issues around the so-called ecosystem management approach to fisheries. It makes sense and it is in the legislation; it is a great step forward. We are not looking just at maintaining fish numbers; we are looking at the impact of a fishery on an ecosystem. We need to hear some detail from the minister on how it will work. We need to know the other species being monitored. It is about looking at other aspects. Some fish species require cleaner fish to be in abundance to keep them in good health. Members have probably seen on TV how fish arrive at so-called cleaning stations where smaller fish come and clean a fish of its parasites. Are we undertaking ecosystem management that looks at the number of those other fish that may live in some harmony with the species that we are perhaps targeting for a fishery? How detailed is ecosystem management these days? That is something the minister needs to be in tune with and to understand so that there is greater clarity of the breadth of ecosystem management. It is all very well to say that it is in place, but when it comes down to it I get the impression that we are looking at the old-fashioned approach of what the fish stocks look like rather than asking about the impact of the fishery on the ecosystem as a whole. I go back to my example from the Pilbara trawl fishery and point out that there is clearly a problem there. If that fishery is depleting the number of critically endangered sawfish, clearly it cannot be deemed a sustainable fishery. That has to be dealt with by the current government.

Whether they are the Minister for Fisheries or a minister for aquatic resources management, probably one of their biggest concerns would be the impact of climate change on the marine environment. The impact on coral reef systems is readily observable but what about the impact on various fisheries and other marine species? The shifting of their range is becoming more and more apparent. There is a partial solution or a way to perhaps mitigate the very serious damage that could happen from the onset of climate change, the changing water temperatures or the change in acidity levels of seawater. To some extent we can do something about those changes by creating sanctuary zones. This was pointed out in an article on The Conversation website. People from the Australian Institute of Marine Science penned an article that states —

One often-used way of protecting marine ecosystems is to close parts of the ocean to fishing, in no-take marine reserves. From research, we know that by reducing fishing you end up with (and other harvested species such as lobsters).

That is another important article for the minister to acquaint himself with to background himself on the seriousness of the threat of climate change to the marine environment and the coral bleaching events we are seeing on the Great Barrier Reef and now on our Western Australian reef systems. It is absolutely terrible. With that, we will lose reef systems that are often the nursery to many fish species. The minister must tackle that and

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ensure that his agency can champion action on climate change. That is what it gets down to. There are ministers whose industries are being hit by climate change. The Minister for Fisheries and the Minister for Agriculture and Food are two cases in point. Around the cabinet table they represent industries that are suffering the consequences of climate change. Yet, what action do we see from the Barnett Liberal–National government on climate change? We see the most muted responses. We saw opposition to action on climate change under the Gillard and Rudd governments and the jingoistic sloganeering of people opposite around great big new taxes and carbon taxes and things. There was no constructive desire to ensure that Western Australia does its fair share to reduce greenhouse gas emissions so that we can call on the rest of the world to reduce its output. We should stand strong and firm in calling on the rest of the world to reduce greenhouse gas emissions so that we can look at protecting industries like the \$1.8 billion fishery industry and all our other industries that are so vulnerable to climate change.

MS L.L. BAKER (Maylands) [10.57 am]: I will probably not make a long contribution to this debate but I want to put on the record some of my initial reactions when I read the second reading speech, the Aquatic Resources Management Bill and the briefing notes that accompany it. Mainly because I do not want to lose this quote off my screen and then have to bumble through and find it again, I want to start by quoting the United Kingdom’s agricultural economist Professor John McInerney, who has written extensively on what he terms the welfare productivity frontier. He states —

Since animal welfare is in the nature of a nonmarket good (‘externality’) it carries no evident price and so farmers inevitably focus on the animals’ productivity, which does provide commercial reward. Economic optimising theory demonstrates that market signals will tend to cause welfare standards to fall below the socially desirable norm.

An agency that is committed to promoting sustainable profitable primary industries such as the fishing industry can argue that animal welfare is embraced within its commitment to socially sustainable agriculture. I think the problem with that is that unlike, for instance, environmental interests, there is no authoritative counterbalance to some of the conflicts that arise when primary industry agribusiness is attempting to balance its interests in productivity and profitability against welfare standards in the community. I refer to the second reading speech on the Aquatic Resources Management Bill 2015, which reads —

Western Australia’s aquatic biological resources comprise over 5 000 identified species of fish and other aquatic organisms. These valuable resources are distributed across a highly diverse range of marine and freshwater ecosystems ...

The next paragraph continues —

Under the offshore constitutional settlement between Western Australia and the commonwealth government, Western Australia’s responsibility for ensuring the sustainability of aquatic resources extends beyond the limit of state waters. It reaches out 200 nautical miles to the western boundaries of Australia’s exclusive economic zone. These resources support over 40 commercial fisheries and a range of aquaculture ventures, which include pearl, finfish, abalone and algae production. They also support a range of world-class recreational fishing experiences, for not only the state’s 700 000 recreational fishers, but also national and international visitors. The continuing quality of these experiences makes an important contribution to the value of Western Australia’s regional outdoor leisure and tourism industries.

The next paragraph starts with this sentence —

Collectively, the state’s aquatic resources support activities that have an estimated economic impact of more than \$1.5 billion per year.

I have referred to those comments to give context to what I referred to at the start of my contribution this morning, which is the balance between welfare and agricultural interests. It is clear from the second reading speech that what is referred to in the bill is the agribusiness component of aquaculture and the economic outcomes that will flow from the bill. That is absolutely okay; I do not have a problem with any of that. However, the absence of any reference to the welfare of the creatures—the “aquatic resources” as they are called—is what concerns me most and what I want to talk about in my contribution today.

I will quote from Pentti O. Haikonen, who is a professor in the department of philosophy at the University of Illinois, Springfield. It is a fairly heavy quote, but I will read it anyway —

The moralistic fallacy is a faulty form of reasoning where conclusions about natural conditions are drawn not from research and experiment, but from subjective moral views on how things ought to be. A well-known example is the denial of the heliocentric model. “The earth cannot orbit the sun, because

this would undermine religion and morals.” It should be clear that in this day and age there is no place for this kind of reasoning in scientific research even when the moral conclusions are valid.

I have specifically referred to that quote because not only is that gentleman, as I said, from the department of philosophy at Illinois University, but also his expertise is in neurological cognitive approaches to sentience to consciousness and robot sentience. He has written prolifically on animal sentience. He is at the cutting edge of an academic movement that recognises, investigates and researches sentience, which is directly relevant to my comments today. Sometimes we think for whatever moral or ethical reasons that fish do not feel pain, that they are not sentient. There are competing theories about this and many tomes of research that point both ways, but the most recent research I have been able to find clearly states that fish are sentient—they can feel pain.

Fish are one of the vertebrate taxa most highly used by humans. They are harvested from wild stock as part of global fishing industries, are grown under intensive aquaculture conditions, are the most common pet and are widely used for scientific research. I am sure that the Minister for Fisheries will relate to this; I know he is a fish lover. But fish are seldom afforded the same level of compassion or welfare as warm-blooded vertebrates. This is an important issue because public perception guides government policy. The perception of an animal’s intelligence often drives our decision about whether to include them in our moral circle—to hold them close to us, care for them and protect them. From a welfare perspective, most researchers would suggest that if an animal is sentient, it can most likely suffer and should therefore be offered some form of formal protection. For decades there has been a debate about fish welfare that centres on the question of whether they are sentient or conscious. The implications of affording the same level of protection to fish as to other vertebrates are enormous, not the least of which is due to the fishing-related industries that I referred to in the second reading of the bill that I read earlier. At the moment, any review of fish cognition starts with sensory perception and moves on to cognition, and reveals that fish perception and cognitive abilities often match or exceed those of other vertebrates.

Both Professor Brown and Victoria Braithwaite have written a great deal about this issue. The points that they have raised are that fish develop cultural traditions, they recognise themselves and others and they show signs of what they call Machiavellian intelligence, such as cooperation, teamwork and reconciliation. Professor Brown says that the primary senses of fish are just as good, and in some cases better, than that of humans, and the level of mental complexity that fish display is on a par with that of most other vertebrates, while there is mounting evidence that they can feel pain in a manner similar to that of humans. Professor Brown states —

Although scientists cannot provide a definitive answer on the level of consciousness for any non-human vertebrate, the extensive evidence of fish behavioural and cognitive sophistication and pain perception suggests that best practice would be to lend fish the same level of protection as any other vertebrate ... We should therefore include fish in our “moral circle” and afford them the protection they deserve.”

Victoria Braithwaite stated that it is high time that we use what we know on behalf of fish and other animals that are used and abused in the countless billions. She said that fish clearly are not things nor disposable objects; rather, they are sentients and have feelings, a point stressed in a number of academic papers that I was able to locate in order to talk today.

The World Organisation for Animal Health sets global standards and codes in this area. I looked for aquatic animal health codes and what was written in those pages. I refer to chapter 7.1, “Introduction to recommendations for the welfare of farmed fish”—this does not apply to wild fish stock—and the guiding principle in article 7.1.1, which reads —

1. Considering that:
 - a) the use of fish in harvest or capture fisheries, in research and for recreation (e.g. ornamentals and aquaria), makes a major contribution to the wellbeing of people; and
 - b) there is a critical relationship between fish health and fish welfare; and
 - c) improvements in farmed fish welfare can often improve productivity and hence lead to economic benefits.
2. The OIE will develop recommendations for the welfare of farmed fish (excluding ornamental species) during transport, slaughter, and destruction for disease control purposes. In developing these, the following principles will apply:
 - a) The use of fish carries with it an ethical responsibility to ensure the welfare of such animals to the greatest extent practicable.
 - b) The scientific assessment of fish welfare involves both scientifically derived data and value-based assumptions that need to be considered together, and the process of making these assessments should be made as explicit as possible.

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There is plenty of evidence and international research in this field. I am sorry that the second reading speech makes no reference to the legislation attempting to balance welfare issues with economic issues. I am hoping that the minister will address that when he responds; I am sure that he will. Having grown up as a gal and being taken fishing by my dad, I enjoyed the sport immensely and spent a lot of time running up and down the beach in the sand, tangling lines and hooking the tree behind me and the like. It is a great sport, it is good fun and I enjoyed it immensely as a child growing up. One of the things that I learnt from my dad is that we do not have to be cruel and torture fish when we catch them. That is certainly a relevant point that I want to make in the house today while discussing this legislation. Although I understand that recreational fishing is a huge sport and attracts people from all walks of life, as with anything to do with sentient creatures, when we work with these creatures, there is no need to be cruel or to torture them. Hooking a fish is probably painful enough at the beginning, which reminds me of a decision that I understand recently came down on a case that the RSPCA took against a station owner up north. I was talking about this just yesterday with my colleague from the Kimberley. The magistrate has just brought down a decision that has eliminated a couple of the charges that the RSPCA and police laid against this station owner for cruelty when he dehorned bulls. It will become clear why I have mentioned this case in a minute. There are Australian codes and standards for the dehorning of cattle. The problem for this industry, as with many agribusinesses in Western Australia, is that this government has not adopted those standards. This station owner was able to use the state's failure to adopt those standards for welfare as a defence against cruelty. I should point out that long ago the industry itself came out with codes that most states adopted stating that there is a certain level to which the horn of a cow can be cut down. I will not go into the horrific details of this case—they are truly horrific. There is footage showing some of the horrors perpetrated on these animals. In one specific case the charges were dropped and I will tell members about the magistrate's rationale. The magistrate determined that because the animal had already suffered a degree of pain and cruelty due to the dehorning process that had been done in an incorrect fashion, according to Australian standards—but not accepted by WA—and the lawyers were unable to prove to the magistrate that that level of pain and suffering could be added to by the animal being beaten in the head with an iron bar until it was dead, the charge had to be dropped.

When we talk about animals we sometimes forget that the level of cruelty we are capable of bringing into these situations is truly profound. When you hook a fish, do not think for one minute that it is not painful. It is painful, but when you hook a fish there is no need to prolong that pain. It should be killed quickly and not left to die by suffocation on the beach or however else. My dad, in all his wisdom, used to put them in a bucket of seawater, which was probably not the smartest move but it was his attempt not to be cruel. Having caught dinner that night, he would leave the fish in a bucket of saltwater.

[Member's time extended.]

Ms L.L. BAKER: I want to talk briefly about the issue of bycatch, which I have heard others mention before me. We know that more than 300 000 whales, dolphins and porpoises are killed worldwide each year due to fishing gear and nets. We know that it is the single biggest killer of whales, dolphins and porpoises in oceans across the world and that it causes horrific injuries. I did not understand how that related to me until some time ago when I saw a report in a newspaper on something that was relevant to my electorate. The report was about Gizmo, the Swan River dolphin that had frequented the area through my electorate and all the way down to the ocean, and how he had died as a young six-year-old dolphin. Members probably do not remember that this was the dolphin calf that survived a dramatic entanglement rescue three years ago and was eventually called Gizmo. In 2012, Gizmo became the talk of the town after being rescued by Water Police freeing him from the fishing line he had been dragging for two months. Back in 2009, members may remember that six dolphins died but that was proven to be due to a naturally occurring virus. However, Gizmo was a baby that found himself entangled in fishing line. I read through this article and found that the autopsy results showed that he did not die from water contamination but from a deep, chronic and longstanding infection. The article states —

“Gizmo had a tough life surviving from a bad entanglement that cut his dorsal fin in 2012.

It is clear that when a creature like a dolphin has had that level of injury perpetrated on it by fishing equipment, if that little creature does not die then, it might die afterwards through a deep chronic infection like the one this wee dolphin Gizmo sustained. So we lost Gizmo from our river, which is very sad.

The Department of Parks and Wildlife and River Guardians have in place some really productive programs. Back in 2009, a program called Dolphin Watch was launched. It is a good development for my interest in the river because it focuses on the Swan Canning Riverpark's bottlenose dolphin—the Indo-Pacific bottlenose dolphin. It is a partnership between the Department of Parks and Wildlife, River Guardians and Murdoch and Curtin Universities to learn more about the community of bottlenose dolphins that live in the Swan and Canning Rivers. Back in 2010, Dolphin Watch Day was announced, an annual event to acknowledge the

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contribution that public volunteers have made through our river dolphin monitoring in the Swan and Canning Riverpark, and to increase our knowledge and inform our research into the bottlenose dolphin. Parks and Wildlife together with Murdoch and Curtin Universities has developed Dolphin Watch as a collaborative citizen science research and education project. It recognises the importance of dolphins as potential indicators of the health of the river and it aims to provide a better understanding of their ecology and interactions with humans to better understand our Riverpark.

In relation to bycatch, there are places in the world where entire species such as the tiny vaquita, Maui's dolphin and the North Atlantic right whale are being pushed to the brink of extinction by certain fishing practices. We should aim to reduce and stop entirely the impact of these fishing practices and try to create, such as we do with marine parks, protected areas where these practices are banned or limited; to do that we would have to work with fishermen in the long term to bring about those changes.

In summary, it is really important that when we see these kinds of bills that recognise sentience in what is otherwise being referred to as an economic resource, we should do just that.

I think this bill is a missed opportunity. Any bill we bring into this house that deals with animals and our interaction with them should acknowledge that there is always a risk of cruelty. We should always give a context to those bills to try to balance an animal's interaction with humanity with its level of sentience as an individual creature with his own life and its own feelings, experiencing its own pain. To miss that opportunity is very sad. I would like the minister to give me some assurance of that, although it might not be written into the Aquatic Resources Management Bill 2015 in the definitions for aquatic resource management in clause 4, titled "Meaning of aquatic resource". The definition of an aquatic organism is similar to the definition of fish. An aquatic organism is defined in clause 3 as —

... an organism of any species that lives in or adjacent to waters and —

(a) includes —

- (i) the eggs, spat, spawn, seeds, spores, fry, larva and other source of reproduction or offspring of an aquatic organism; and
- (ii) a dead aquatic organism; and
- (iii) a part only of an aquatic organism ...
- (iv) live rock and live sand;

but

(b) does not include —

- (i) an aquatic mammal; or
- (ii) an aquatic reptile; or
- (iii) an aquatic bird; or
- (iv) an amphibian;

The definition goes on and it is quite exhaustive but it never once refers to the fact that these are sentient creatures that should be cared for and protected within our moral circle in order for us to be able to continue to exploit them the way that we have in the past, and manage that exploitation in a fashion that is not cruel and minimises the impact on the aquatic creatures that are referred to in this bill.

MR W.J. JOHNSTON (Cannington) [11.21 am]: I rise to make a brief contribution to the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. The explanatory memorandum sets out, in its overview, the purposes that we are dealing with here. To read from it briefly, it states —

The Aquatic Resources Management Bill has been designed to replace the *Fish Resources Management Act 1994* ... and the *Pearling Act 1990* ... as the primary legislation for the management of Western Australia's fisheries and aquatic biological resources.

The focus of the Bill is to ensure the ecologically sustainable development of Western Australia's living aquatic biological resources and ecosystems by protecting these resources from over-exploitation and the threats posed by diseases and harmful imported organisms, while encouraging the development of the industries and activities associated with their use.

Extract from Hansard

[ASSEMBLY — Thursday, 12 May 2016]

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Clearly, we are dealing with the question of the management of these resources on a sustainable basis. When I say sustainable, I am talking particularly about the ecological sustainability of these resources. It is a well-known fact, not information that others in this chamber would find new, that fish stocks are declining around the world and that this has led to conflicts over time. The one that everybody knows—I am not telling anybody anything secret—are the so-called cod wars between England and Iceland about access to declining fish stocks in the northern hemisphere. As people might understand, as the North Sea was being fished out and as technology improved, English fishermen went further and further from their shores to start harvesting fish that were then closer and closer to Iceland. The so-called cod wars were between September 1958 and March 1961; again between September 1972 and November 1973; and the third one was between November 1975 and June 1976. I remember, as a teenager, the television footage of Icelandic gunships ramming English trawlers; it was quite dramatic. The gunships, of course, were not full destroyers or anything; I imagine the proper term would be a corvette. They rammed into the English fishing boats, which were probably a third of the corvettes' size. It was very, very dramatic. England and Iceland were two North Atlantic Treaty Organisation members coming to the literal blows, if not actual armed conflict, over fish resources. The minister would very strongly remember that Iceland was key to NATO defences because of the so-called Greenland–Iceland–United Kingdom gap where all the Soviet navies had to transit. There were listening posts et cetera and there was also a major refuelling base for the United States air force in Iceland, which was used by its long-range maritime patrol aircraft. During the height of the Cold War, as it was in the 1960s and 70s, it was deeply embarrassing that two key NATO members were literally coming to blows over fish resources.

Australia is recognised around the world as one of the few countries that has sustainably managed fisheries. Looking at the back of the chamber, one of the officials from the agency is there who was involved with the former Labor government's activity at the time to put even more of the aquaculture industry in Western Australia onto a sustainable footing. That sustainable footing has to take into account not just the environmental needs, but also the overall economic interests of the community. There are great contrasts in the way Australia manages its fish stocks—I was going to say fishing industry.

I urge members to read a series of articles in *The New York Times* called “The Outlaw Ocean”. It is a series of articles that started in July 2015, written by a journalist by the name of Ian Urbina. I think he is now up to eight articles in “The Outlaw Ocean” series. I want to draw attention to some of the issues that Mr Urbina highlights in these articles. As I say, it is a series of articles that he continues to write. I must compliment the *The New York Times* for allowing a journalist to write such a long series of articles that is a genuine investigation. It is the sort of thing—we have seen it with the Panama papers—where journalists go deep into an issue over a long period. As I say, these articles have been going for over a year now and Mr Urbina continues to be allowed to write them, and they continue to be compelling reading. I want to read from one of his pieces published on 20 July 2015 under the title, “Murder at Sea: Captured on Video, but Killers Go Free”. It states —

The man bobbing in the sea raises his arms in a seeming sign of surrender before he is shot in the head. He floats face down as his blood stains the blue water.

A slow-motion slaughter unfolds over the next 6 minutes and 58 seconds. Three other men floating in the ocean, some clinging to what looks like the wreckage of an overturned wooden boat, are surrounded by several large white tuna longliners. The sky above is clear and blue; the sea below, dark and choppy. As the ships' engines idle loudly, at least 40 rounds are fired as the unarmed men are methodically picked off.

“Shoot, shoot, shoot!” commands a voice over one of the ship's loudspeakers as the final man is killed.
...

Despite dozens of witnesses on at least four ships, those killings remain a mystery. No one even reported the incident—there is no requirement to do so under maritime law nor any clear method for mariners, who move from port to port, to volunteer what they know.

Law enforcement officials learned of the deaths only after a video of the killings was found on a cellphone left in a taxi in Fiji last year, then posted on the Internet.

With no bodies, no identified victims and no exact location of where the shootings occurred, it is unclear which, if any, government will take responsibility for leading an investigation. Taiwanese fishing authorities, who based on the video connected a fishing boat from Taiwan to the scene but learned little from the captain, say they believe the dead men were part of a failed pirate attack. But maritime security experts, warning that piracy has become a convenient cover for sometimes fatal score-settling, said it is just as likely that the men were local fishermen in disputed waters, mutinied crew, castoff stowaways or thieves caught stealing fish or bait.

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The article quotes a gentleman from the International Organization of Masters, Mates and Pilots. He said —

“Summary execution, vigilantism, overzealous defense, call it what you will ... this boils down just the same to a case of murder at sea and a question of why it’s allowed to happen.”

One of the global problems with the fishing industry is that there is no accountability for the activities on these vessels. It is therefore not a surprise that the unions involved in that industry take a very strong stance on these matters. If we do not have proper regulation not only are the fish resources not properly managed, also but people are killed.

I will quote from another article in the same series. This one, titled “‘Sea Slaves’: The human misery that feeds pets and livestock”, was published on 27 July 2015 in the same series in *The New York Times*. This article traces the history of an individual from Cambodia who was enslaved to fishermen in the Gulf of Thailand. I will read a couple of extracts. The article reads —

The harsh practices have intensified in recent years, a review of hundreds of accounts from escaped deckhands provided to police, immigration and human rights workers shows. That is because of lax maritime labor laws and an insatiable global demand for seafood even as fishing stocks are depleted.

The article continues —

While forced labor exists throughout the world, nowhere is the problem more pronounced than here in the South China Sea, especially in the Thai fishing fleet, which faces an annual shortage of about 50,000 mariners, based on United Nations estimates. The shortfall is primarily filled by using migrants, mostly from Cambodia and Myanmar.

The article then refers to this individual, Mr Long.

Mr. Long did not know where the fish he caught ended up. He did learn, however, that most of the forage fish on the final boat where he was held in bondage was destined for a cannery called the Songkla Canning Public Company, which is a subsidiary of Thai Union Frozen Products, the country’s largest seafood company. In the past year, Thai Union has shipped more than 28 million pounds of seafood-based cat and dog food for some of the top brands sold in America including Iams, Meow Mix and Fancy Feast, according to United States Customs documents.

The article continues. One of the most extraordinary issues is that because of the low value of pet food, the worst conditions are experienced by those harvesting food that never even gets into the mouth of a human. I will read more extracts from Mr Urbina’s excellent article, which states —

Skippers never lacked for amphetamines so laborers could work longer, but rarely stocked antibiotics for infected wounds. Former deckhands described “prison islands”—most often uninhabited atolls, of which there are hundreds in the South China Sea. Fishing captains sometimes maroon their captive crews on those islands, sometimes for weeks, while their vessels are taken to port for dry docking and repair.

Other islands, inhabited but desolate, are also used to hold crew members. Fishing boat workers on an Indonesian island called Benjina were kept in cages to prevent them from fleeing ...

Further on the article states —

San Oo, 35, a soft-spoken Burmese man with weather-beaten skin, predicted that until ship captains are prosecuted, little will improve. He described how on his first day of two and a half years in captivity, his captain warned that he had killed the seaman Mr. Oo was replacing. “If you disobey or run or get sick I will do it again,” he recalled his captain saying.

Pak, a 38-year-old Cambodian who fled a Thai trawler last year, ended up on the Kei Islands, in Indonesia’s eastern Banda Sea.

I stop to make the point that the Kei Islands are closer to Darwin than Jakarta. The article then states —

“You belong to the captain,” Pak said, recounting watching a man so desperate that he jumped overboard and drowned. “So he can sell you if he wants.”

The article also points out —

Checking boats for human rights abuses is difficult. Most fishing vessels are exempt from international rules requiring the onboard tracking systems used by law enforcement. Marine officials in Thailand, Malaysia and Indonesia said that their navies rarely inspect for labor and immigration violations.

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Authorities in those countries added that they lack boats and fuel needed to reach the ships farthest from shore that are most prone to using captive labor.

...

For instance, a contract from a manpower agency in Singapore, provided to The New York Times, committed deckhands to a three-year tour during which the agency retained the full \$200 per month for the first six months and \$150 per month thereafter.

Then it quotes the contract —

“Daily working hours will be around 18 hours,” the contract stipulates, adding that there is no overtime pay. Boats may remain at sea for longer than a year per trip. Only seawater may be used for bathing and laundry. Mariners can be traded from boat to boat at the captain’s discretion.

Again quoting the contract —

“All biscuits, noodles, soft drinks and cigarettes” are to be purchased by the sailor, the contract says. “Any crew who breaches the contract (own sickness, lazy or rejected by the Captain, etc.) must bear all the expenses incurred in going back home.”

And then the article goes on —

But once a load of fish is transferred to a mothership, which keeps the cargo below deck in cavernous refrigerators, there is almost no way for port-side authorities to determine its provenance. It becomes virtually impossible to know whether it was caught legally by paid fishermen or poached illegally by shackled migrants.

Bar codes on pet food in some European countries enable far-flung consumers to track Thai-exported seafood to its onshore processing facilities, where it was canned or otherwise packaged. But the supply chain for the 28 million tons of forage fish caught annually around the globe, about a third of all fish caught at sea and much of it used for pet and animal feed, is invisible before that.

The article quotes people from Nestlé and Mars, which are obviously very large pet food companies, and makes a point about how those companies are endeavouring to get away from the appalling behaviours of these suppliers. I make a note that Mars makes a great effort in that part.

[Member’s time extended.]

Mr W.J. JOHNSTON: As I said, this article focused on Mr Long, an individual Cambodian, and I will go back to Mr Urbina’s description of Mr Long’s story —

When Som Nang’s —

The man who rescued the Cambodian gentleman —

boat showed up, Mr. Long had been wearing the shackle on and off for about nine months.

It is made clear that the shackle was around his neck —

The captain typically put it on him once a week, Mr. Long said, whenever other boats approached.

After offloading fish for about 10 minutes, Som Nang said he asked the captain why Mr. Long was chained. “Because he keeps trying to escape,” the captain replied, according to Som Nang. Based on the looks he got from the crew on his mothership, Som Nang said he figured it best to stop asking questions. But after returning to port, he contacted Stella Maris, which began raising the 25,000 baht, roughly \$750, needed to buy Mr. Long’s freedom.

Over the next several months, Som Nang resupplied the fishing boat twice. Each time, Mr. Long was shackled. Som Nang said he discreetly tried to reassure him that he was working to free him.

In April 2014, Mr. Long’s captivity ended in the most undramatic of ways. Som Nang carried a brown paper bag full of Thai currency from Stella Maris to a meeting point in the middle of the South China Sea, roughly a week’s travel from shore. With few words exchanged, the money was handed to Mr. Long’s captain. His debt paid, Mr. Long, rail-thin, stepped onto Som Nang’s boat and began his journey back to solid ground and a hope for home.

That is what happening in the fishing industry around the world, and then people wonder why the Maritime Union of Australia is a tough union that demands respect. These articles go on to show that people are being thrown overboard from vessels that are visiting Australian ports. That is what is happening. There was the

famous case about 10 years ago of a seaman who was thrown overboard from a Russian ship when it was visiting east coast ports.

It would be tragic to think that we are pointing the finger only at others. I want to point out something else. I want to quote from an ABC online news article dated 20 October 2015. The article is headed “Pearling company Paspaley admits workplace safety breach after diver Jarrod Hampton’s death”. It states —

One of Australia’s leading pearl companies has been fined \$60,000 for failing to provide a safe workplace, following an investigation prompted by the death of a young diver.

The article goes on to quote a statement from the company —

“The company wishes to make clear, however, that no charges were laid to the effect that the company caused or was responsible for the death of the diver,” ...

“The court noted that the company had a good safety record ...

I also want to quote from that same article a summary of evidence provided to the court by WorkSafe WA —

Worksafe said at the time of the death, Paspaley Pearling Company “did not have a written emergency procedure for the rescue and retrieval of an incapacitated diver from the water, and the crew on board the vessel had not practised any emergency drills in preparation for such an event”.

An investigation found the company could have put in place measures for the retrieval of an incapacitated diver, including:

- a procedure which identified the roles of each crew member and steps to be taken by the crew, the divers and the skipper in an emergency
- a procedure which treated as an emergency any instance where a diver resurfaced during a dive and did not immediately make a positive signal
- a crew member to be positioned at the back of boat, near emergency equipment, who has the task of keeping watch over the divers and to enter the water to provide assistance to an incapacitated diver
- providing employees with training and information in the use of the emergency procedures and conducting regular practice drills
- providing and maintaining resuscitation equipment, such as defibrillator

Let me make this clear. Paspaley was saying that it is a good safety record to have none of these issues dealt with. In the last Parliament, the Economics and Industry Standing Committee did an investigation into the Kimberley Ultramarathon. Every member on both sides of the chamber supported that inquiry and supported the findings of that inquiry. It was a tremendous bipartisan effort to hold to account the organisers of that race, yet a pearling company has been fined just \$60 000 for killing a 20-something-year-old guy on the second occasion on which he had ever dived, and the company says that is a good safety procedure. If that is what is a good safety procedure in Western Australia, that is appalling. However, then imagine what is happening to people in the same industry elsewhere in the world. There is a major problem here.

When I was a union official, as just a young bloke, not long in the job, I visited a steel warehouse in Bibra Lake. It was pretty new. Two companies had amalgamated and had moved into brand-new premises. The guys said to me that there were no cleats on the racks. I did not know what they were talking about. What they were getting at is that at the bottom of the steel racks where the steel plating was held, there should have been welded cleats so that the steel plates could never be stood up vertically. The plates had to be stood up over-vertical, because if they were on the vertical and a forklift or whatever bumped into the rack, the steel plate could fall down, and if someone was hooking a dog onto a plate, they could be crushed and killed. However, if the plate was past the vertical and a forklift hit the rack, the plate would not be able to move up or down because gravity would hold it in place. That is what we call inherent safety. Everybody knows that human beings make errors. Therefore, we design the safety system in the knowledge that humans will make errors. That is the question I have in respect of the death of that pearling diver in Western Australia in April 2012. Was it an inherently safe system? The investigation by WorkSafe showed that there were failings in the system. However, despite that, the company says that is a good safety record. I do not agree. If that is a good safety record, it shows how appalling the safety systems are in this area. There needs to be a higher standard of safety in the maritime industry.

Mr I.C. Blayney: Member, did you see the *Four Corners* program about that specific case—the Paspaley death?

Mr W.J. JOHNSTON: No.

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Mr I.C. Blayney: If you get a chance, you should have a look at it.

Mr W.J. JOHNSTON: I make the point that I am not the flavour of the month for the MUA. I am not sure that I am on top of their Christmas card list. However, it is understandable that a union in that type of industry has to work hard. I often have the pleasure of meeting people from the International Transport Federation when they visit Perth. What is the name of the MUA guy who used to be in Perth and has gone to Sydney?

Ms J.M. Freeman: Dean?

Mr W.J. JOHNSTON: Yes, Dean Summers. He is one of their organisers in Sydney. He is a great bloke.

Ms J.M. Freeman: I thought you were talking about Paddy.

Mr W.J. JOHNSTON: No; I am talking about Dean. These people have a tough job. I make the point that in the maritime industry, the expanded use of foreign-flagged vessels on the Australian coast will cause a decline in the health and safety standards in the maritime industry. That is not a good idea. This is an important industry. A large amount of the protein consumed by humans and animals is extracted from the ocean. That needs to be done in a manner that is both ecologically and economically sustainable. If we have a situation in which 28 000 tonnes of forage fish is being extracted from all corners of the globe, principally for use in pet food, under the sorts of conditions that I have read about in *The New York Times*, we have a serious problem. We need to make sure that we do not have a race to the bottom where Australian standards and Australian conditions are being undermined by those types of practices. I look forward to further debate on this bill. However, I thought it was very important to make these points.

MS J.M. FREEMAN (Mirrabooka) [11.49 am]: I, too, rise to speak to the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. The advisers will be pleased to know that I will actually make a few more comments outside of fees because the advisers and the current Minister for Fisheries know that —

Mr J.M. Francis interjected.

Ms J.M. FREEMAN: Sorry?

Mr J.M. Francis: Your mic's not on.

Ms J.M. FREEMAN: My mic is not on? Maybe I am not speaking loud enough! The member for Girrawheen is fine; she is telling me I have a loud enough voice.

I was just saying that I can assure the advisers that I will not just be talking about fees, although I will go to fees. The minister and I have a good understanding of the fishing fees in terms of delegated legislation. My understanding of these bills and of fisheries and aquatic resources management has been enhanced by debate in the house. Can I say that I actually went back and had a look at the member for Geraldton's speech, even though I heard it the first time, and his contribution —

Mr I.C. Blayney: That's a first, I think!

Ms J.M. FREEMAN: Yes. I also went back to look at the member for Bateman's speech. I have been very impressed by the contributions made by the Labor opposition, particularly in talking about the issues surrounding management of the aquatic resource. I note the member for Gosnells' contribution with respect to the cost-benefit analysis. Nowadays there is an emphasis on tourism as one of the major areas within which we want to grow jobs in our community and it is important to work out whether there is more value in leaving fish resources in the ocean than in harvesting them. I also note a point from the member for Geraldton's comments. He talked about the fact that whilst we have this wide coastline, we do not actually have a rich fishing harvest as such. It is a bit like the whole of the Western Australian country, really. Because there is so much of it, we can afford to share it out, but in the remote regions it is quite sparse and scarce. If we continuously take from that resource, it may not be to the benefit of our economic prosperity in terms of fishing. I acknowledge that it is a major contributor to the economy; I understand that about \$1.5 billion comes into the economy from fisheries.

I was really impressed with the member for Cannington's contribution in terms of pointing out some of the issues that go into the fishing industry and some of the exploitation that can occur, in particular. I also note *The New York Times'* capacity for the sort of investigative journalism that the member for Cannington responded to. It was recently acknowledged for its investigation into the human slavery that occurs in Cambodia and areas like that. It just won a major award around that, and that was certainly a well-deserved award. It just goes to show in this time of quick internet and the Twitter feeds that we get from journalists, the investment that *The New York Times* and other quality journals, publications and papers make in enhancing our knowledge of global issues and concerns in terms of our human experience in the case of what the member for Cannington was outlining with regard to the exploitation of workers in the fishing industry, particularly the international fishing industry, and the indenture and slavery of workers by some industries that we then find on our tables. I think it

Mr David Templeman; Mr Paul Papalia; Mr Chris Tallentire; Ms Lisa Baker; Mr Bill Johnston; Ms Janine Freeman; Ms Eleni Evangel; Mr Peter Watson

may have actually been this particular area that he was reporting about, because these journalists actually tracked it back from what was on the tables of ordinary, everyday citizens, that we were eating or feeding our animals, to quite extreme exploitation of people and, probably, the fishing waters of this world that we have a responsibility to ensure we do not plunder for future generations. I just want to also note the member for Maylands' contribution.

I agree that we have to be mindful of the impact we have on any sentient being, and the pain and suffering that any catch or market or area that we live on, we have to take into account. I say that with great regard and respect but I live in the seat of Mirrabooka. It is a landlocked seat, apart from the few large boats that may be in the Alexander Heights area, although in all the time I have doorknocked, I have not been aware of that. I am aware that koi—the big orange fish—is a big industry in the Mirrabooka area because of the large Vietnamese community. It is a very important thing to have in their gardens and areas like that. It is not uncommon for me to walk into the backyard of someone who is breeding lots of them in lots of big pools in their back garden, because it is quite a big industry. I am not sure how that goes in terms of the fishing management industry, but it is an issue that we probably need to be aware of—that there are many koi in the community because of the significance of having koi in one's garden or in a pond around one's home. As I understand it, they are not the most favoured fish with regard to fish management. Sometimes, when we think of fish management, we just think of the coastline, but we might want to think about cultural aspects of fishing and how we make sure that we understand that different communities have brought different heritages with them, and that they maintain that heritage because it brings richness to their own lives and their own communities, and that they understand how to keep our waterways and fisheries safe. That is what they would like to do, because, frankly, they come here because there is a great benefit in living in Australia and they recognise that. That goes, obviously, to large parts of the community that I represent who go abalone fishing—I love abalone; I do not get it myself, but I am happy to eat it—and how their safety and resources are managed.

In saying that to the advisers, do not forget the landlocked electorates. We do have an impact on the management of fish resources, some good and sometimes some not so good. Just in finishing, I also have a love of fish; they are my only pets. I think that —

Mr J.M. Francis: Can we get their names in *Hansard*?

Ms J.M. FREEMAN: No, I do not have names for my fish! They do not live long enough to get names!

Mr J.M. Francis: I am going to name mine; every single one of them.

Ms J.M. FREEMAN: That was tongue in cheek—they do live long enough.

I have to tell this story so that it is in *Hansard*. We have a fish tank in our office and I often say that the Chinese are right about the feng shui of fish tanks. I live in a low socioeconomic area; it is not a leafy green suburb and it has a reasonably high distribution of mental health issues. The first thing that people see when they walk into my office is the fish tank. We have never had aggro—we have, but people seem to calm down very quickly when they come into the office and see the fish tank. I want to tell the story about the time my office staff got excited because one of the fish had had a baby. We all gathered around the fish tank and were going, “Oh, look, a baby fish”, when suddenly another fish came across and went chomp. The baby fish was gone and a whole bunch of staff were saying, “Oh my God!” However, I digress. I have not even begun my second reading contribution, so I had better begin.

Western Australia has more than 35 per cent of Australia's coastline but we produce less than two per cent of Australian farmed seafood. I understand that from a fisheries management point of view there is a feeling that WA has an untapped resource. The member for Bateman talked about aquaculture. The Aquatic Resources Management Bill 2015 replaces the Fish Resources Management Act 1994 and the Pearling Act 1990 as the primary legislation for the management of Western Australia's fisheries and aquatic biological resources. I note that the focus of the bill is to ensure the ecologically sustainable development of Western Australia's fish resources. However, I want to talk about some of the issues around fishing. In Western Australia fishing has been an important resource for tens of thousands of years, particularly for Western Australia's Indigenous community. In particular I note that the customary fishing aspect is lacking in this bill is lacking and that the minister would do well in his response to talk about how we are going to encourage and allow for customary fishing.

In August 2015, Hon Robin Chapple asked a question in the other place about whether customary fishing legislation allows for traditional owners to use gillnets, dragnets, throw nets or any kind of nets. Hon Ken Baston, the Minister for Fisheries at the time, replied —

There is no specific customary fishing legislation under the Fish Resources Management Act 1994. The FRMA exempts an Aboriginal person from the requirement to hold a recreational fishing licence only to the extent that the person takes fish from any waters in accordance with continuing Aboriginal tradition.

The really interesting thing about the concept of traditional and customary fishing, as I understand it, is that an essential part of Aboriginal culture is about sharing and providing. That means that if Aboriginal people go fishing, they do not go out fishing for themselves—they fish for their family and extended family. Our concept of family and extended family is completely different from the Aboriginal concept of extended family. I just experienced that with the member for Kimberley. We went to Alice Springs and, my goodness, she has a lot of children, grandchildren, nephews and nieces, because she is aunty, grandma and mother to many people there. Our ideas when framing this legislation have to take that into account. I understand there is a wide debate in Australia as a whole about how we look at customary fishing, particularly in marine parks.

Something that has given me a treasured understanding of Aboriginal culture and the importance of fishing is Kim Scott's fantastic piece of literature *That Deadman Dance*. He has written about the Albany whaling industry and he based that novel on historical records and the cultural history of whaling by the first people of this nation. Aboriginal people were fishing, whaling and using the abundance of the ocean for tens of thousands of years before Western Australia was ever colonised. I want to tell members about some of the information I have. Because Aboriginal people were taken on board whaling boats, there are some great historical records of Aboriginal people in that area. Kim Scott used those records and historical data to build his story in his very well-respected and awarded book. However, something that is on the records but not included in his book—it certainly came from that period of time—was a traditional fishing song about whaling by Daisy Bates. I am not going to try to say it in Noongar, although I have got it written down in Noongar, but basically the song sings of a sadness of the disappearing home fires as they go out on the boats to search for whales, the excitement of the chase, the risk of being swamped from a harpooned whale, and coming back with the catch. It is worthwhile reading his book because he encapsulates that feeling well.

[Member's time extended.]

Ms J.M. FREEMAN: What is also really important about whaling is that the coming of the whales determines the start of the Noongar winter—makuru. In an ABC interview with Albany Noongar man Larry Blight, he says that when they start to see the whales come in they wear the booka. I am pretty closely associated with the booka, being the member for Mirrabooka. The booka is the kangaroo coat that is thrown around the shoulders to keep warm. If anyone wants to know, the mirra is the stick that might be used to knock a fish on the head so that it can be eaten. I point out that we are standing here today debating this legislation, yet fishery management has been a big part of Noongar and Aboriginal first nation people's trade and culture for a long time. I know that the Whadjuk Noongars I work with at Balga's WADJUK Northside Aboriginal Community Group, Len Yarran and Shane Garlett, take young people out to some of the traditional fishing holes around Watermans Bay and tell the kids about that. What I found interesting about the conference that I recently attended with the members for Kimberley and Murray–Wellington, which was looking into the issues of the prevention of youth suicide, is that fishing is considered to be not just an activity for Aboriginal people, but a grounding connection to the earth. It is also seen as contemplative. In central Australia they call it dadirri, which is contemplation and reflection. It is a form of mindfulness, meditation, focus and identification of a person's place in the world. When we look at the Aquatic Resources Management Bill, unfortunately we are still looking at it purely from colonial history point of view. Perhaps in years to come we will take into account the many different aspects of how fishing has been a major resource management for at least 40 000 years in Western Australia.

I will talk also about pearling, which began well before European settlement. Do members know that the Aboriginal people in that region, the Bardi Jarwee and Yawuru people, collected and traded pearls with fishermen from Sulawesi? It was an international trade even before this place was settled by white colonists. That has been traced because pieces of pearl have been found throughout the area. However, they worked out that those people were not necessarily to be trusted. Is that not what happens with trade everywhere in the world? The people involved were canny in their dealings in it. The European pearling industry began at Shark Bay in the 1850s and moved to other areas around Nickol Bay and became a major source of income for the new colony, but money was made off the back of indentured labour and death and danger in the industry for many years. The pearl shell and the mother of pearl to make buttons were mostly exported, more from the Torres Strait Islands than from Western Australia. It is important to know that the Broome community is a great demonstration of a co-existing multicultural community in which there were many contributors over a long time. That came through the pearling industry and created some wealth there.

I want to talk briefly about the tax introduced to fund the development and better interest fund. I will not go into it in great detail because the minister and I both know about it. The Fish Resources Management Amendment Bill 2011 was passed not only to ensure that costs could be recovered but also to enhance the resource. My

Mr David Templeman; Mr Paul Papalia; Mr Chris Tallentire; Ms Lisa Baker; Mr Bill Johnston; Ms Janine Freeman; Ms Eleni Evangel; Mr Peter Watson

understanding is that the development and better interest fund goes to the Western Australian Fishing Industry Council, Recfishwest and other organisations. However, under section 238(5) of the Fish Resources Management Act, the development and better interest fund stopped funding organisations that dealt with conservation and is now limited to funding organisations that exploit the fishing resource. When the minister is making his response to this debate, or perhaps during the consideration in detail stage, I will ask his advisers to elucidate to the house and me whether that section has been amended so that the development and better interest fund is no longer restricted to funding organisations that exploit the fishing resource and is directed towards funding organisations concerned about the conservation of our fishing resources. I understand it is covered in section 238(5) of the act, and that is where the funding was originally targeted, but someone from the State Solicitor's Office said that that section was being wrongly interpreted and funding the Conservation Council of Western Australia and other areas had to stop. I want to know whether the government has righted that wrong.

I also want to know why this bill removes the precautionary principle. I understand the precautionary principle is a reference rule for public action and policies. It is in section 4A, "Precautionary principle, effect of", of the Fish Resources Management Act and not in this Aquatic Resources Management Bill. In the other house, former member Hon Jon Ford asked the then Minister for Fisheries, Hon Norman Moore, whether he understood the precautionary principle as it applied to fisheries management. Hon Norman Moore said that he did and then went on to explain it—not well I should say, so I had to look up what the precautionary principle means. I understand that two concepts co-exist under this principle. The first is based on strengthening the concept of environmental protection and aims at prevention proportional to the potential risks. The second principle looks to the eradication of risks and it may require proof to man of innocuousness. I understand it is saying that if action is needed on something that is seen as a risk, we should not have to wait for full scientific certainty to do that. We should say, "Look, we're about to lose all the rock lobsters; we're not fully certain that will happen but we need to close the fishery for that time." Why is the precautionary principle not in this legislation? I have a corporate document from the FAO —

Ms M.M. Quirk: Food and Agriculture Organization of the United Nations.

Ms J.M. FREEMAN: Thank you, member for Girrawheen. Google does wonderful things sometimes.

This documents describes the precautionary approach as follows —

Management according to the precautionary approach exercises prudent foresight to avoid unacceptable or undesirable situations, taking account that changes in fisheries systems are slowly reversible, difficult to control, not well understood, and subject to change in the environment and human values.

Further on it states —

The ... approach gives due concern to long-term effects in the specification of management objectives and in the development of management frameworks, procedures, and measures.

I would like to know why that has not been left in the legislation.

In closing, I will talk about the member for Bassendean's contribution about plastics in the ocean. In particular, I ask the minister in his role of fisheries management: what representations have been made to the federal government to get rid of the little plastic balls that come in our face wash solutions?

Mr F.A. Alban: They're going to be banned.

Ms J.M. FREEMAN: I do not know that. I would appreciate a bit more knowledge about when and how they will be banned.

Mr J.M. Francis: *Today Tonight.*

Ms J.M. FREEMAN: Yes, one of those programs. It has been banned in the US. When I bought what I thought was my usual face wash, I must have picked up the wrong one because it contained clarifying beads. I thought, "What do I do with this now? I can't use it because it can get into the waterways and end up in fish's tummies. It's not a good product."

Mr J.M. Francis: You can't throw it out.

Ms J.M. FREEMAN: We cannot throw it out because it will end up in the waterways. I would like to know whether it is to be banned. The minister may not be able to tell me, but it is a fishery management issue because the micro beads in the solution to exfoliate our skin so we can look much younger —

Mr R.H. Cook: Looking younger all the time!

Several members interjected.

Ms J.M. FREEMAN: Okay, I asked for that!

Mr David Templeman; Mr Paul Papalia; Mr Chris Tallentire; Ms Lisa Baker; Mr Bill Johnston; Ms Janine Freeman; Ms Eleni Evangel; Mr Peter Watson

The point is that most consumers do not expect that if they buy something off the shelf, it will have a major impact on not only the health of the oceans but also what we consume. The micro beads go into the food chain. The issue is that we are putting this into the sea and then eating the fish. Consumers have an expectation. Those solutions are banned in the US, so, similarly, it should be banned here. Can I just say that it is a major problem. We in this Parliament should look at banning plastic bags. I am a big believer in giving the people we represent the power to make changes in their communities. It is one of the most powerful things they can do to make themselves feel included.

The SPEAKER: I give the call to the member for Perth.

MS E. EVANGEL (Perth) [12.19 pm]: I would like to congratulate the Rotary Club of North Perth for presenting —

The SPEAKER: What are you doing? Member for Perth, please!

Ms E. EVANGEL: Sorry.

Several members interjected.

The SPEAKER: The member for Albany.

Several members interjected.

The SPEAKER: This is outrageous!

MR P.B. WATSON (Albany) [12.20 pm]: Mr Speaker, this is outrageous, and I wish to take a point of order on the member for Perth. I know she wants to talk.

Several members interjected.

Mr P.B. WATSON: The only reason I am standing up now is so that I can make the first 90-second statement straight after this debate!

It gives me great pleasure to talk today about the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. Albany is renowned —

The SPEAKER: Thank you, member. Because of all this disruption, in accordance with standing order 61, this business is interrupted and adjourned until a later stage of this day's sitting.

Debate interrupted, pursuant to standing orders.

[Continued on page 2920.]