

**AQUATIC RESOURCES LEGISLATION AMENDMENT BILL 2015**  
**AQUATIC RESOURCES MANAGEMENT BILL 2015**

*Second Reading — Cognate Debate*

Resumed from 25 February.

**MR D.J. KELLY (Bassendean)** [12.37 pm]: As the shadow Minister for Fisheries I rise to make a contribution to the debate on the Aquatic Resources Legislation Amendment Bill 2015 and the Aquatic Resources Management Bill 2015. I am sure the Minister for Fisheries can catch up on the debate by reading *Hansard* if he so wishes.

**Mr R.H. Cook** interjected.

**Mr D.J. KELLY**: All right. I think he is the fourth minister in recent years for this portfolio.

We support these bills. We think they take the issue of fisheries management a step further. Our position at the outset is that we will support the bills. It used to be possible to make a distinction that commercial fishers were there to plunder the resources and conservationists were there to protect them. Thankfully, we have moved on. Many commercial fishers now see the importance and in fact in some cases they are often leading the charge to conserve our fish stocks, and not just the fish stocks but our oceans, so that we are able to enjoy the benefits that they bring well into the future. The importance of conservation of our oceans cannot be overstated. I want to begin by quoting from an article on The Huffington Post in January this year. The article is entitled “The Oceans Will Contain More Plastic than Fish by 2050”, and states —

In case you need further evidence that mankind is doing a remarkable job of destroying the planet, consider this: If we continue our ways, the world’s oceans will soon be home to more plastic than fish.

That is according to a new report from the World Economic Forum and the Ellen MacArthur Foundation. The article continues —

“The best research currently available estimates that there are over 150 million tonnes ... of plastics in the ocean today ... In a business-as-usual scenario, the ocean is expected to contain 1 tonne ... of plastic for every 3 tonnes of fish by 2025, and by 2050, more plastics than fish (by weight).”

In other words, in just 34 years, plastic trash in the ocean will outweigh all the fish in the sea.

...

At least 8 million tonnes of plastics—equivalent to one garbage truck every minute—leak into the ocean every year, according to the World Economic Forum.

...

By redesigning materials and developing new technologies, the research shows it is possible to eradicate plastic waste.

...

This report demonstrates the importance of triggering a revolution in the plastics industrial ecosystem,” Dominic Waughray of the World Economic Forum said in a statement, “and is a first step to showing how to transform the way plastics move through our economy.”

Today, only 14 percent of plastic packaging is collected for recycling, according to the World Economic Forum. In comparison, the global recycling rate for paper is 58 percent, while that of iron and steel is 70 percent to 90 percent.

Clearly, there’s room for improvement.

Obviously there are a lot of other threats to the ocean other than plastic. I wanted to use that as an example to show that communities and governments have to take ocean conservation even more seriously than they do today. The idea that by 2050 there will be more plastic in the ocean than fish is extraordinary. One might say that in a country like Australia we probably do not contribute much to that, but we do contribute to it and we can make a difference.

The City of Fremantle recently wanted to ban plastic bags because not only do they create litter, but also a lot of those plastic bags end up in the ocean and marine animals consume them. It was dealt with by this Parliament; it was not this chamber, but the other place. Liberal and National Party MPs in the Legislative Council disallowed the regulations that would have allowed the City of Fremantle to ban plastic bags. Plastics are a huge problem and the conservation of the world’s oceans is a huge issue. This Parliament can make a difference, if it chooses to do so.

The conservation of our oceans is important in its own right, but in addition to that, the economic benefit that this state accrues from our oceans is enormous. The minister's second reading speech puts the accumulated economic benefit of commercial fishing, recreational fishing and conservation at \$1.5 billion a year to the Western Australian economy in tourism and the like. The sum of \$1.5 billion a year is a significant contribution to our community. One complaint that I hear from the commercial fishing sector is that in a state like Western Australia the needs of the commercial fishing sector often play second fiddle to industries such as oil and gas. I think that is a valid criticism. The current government in Western Australia has put all its eggs in the basket of mining, and oil and gas. The commercial fishing sector, which is impacted upon particularly by the offshore oil and gas industry, is often put under constant pressure whether through actual extraction or through exploration. The WA Fishing Industry Council is constantly being asked to comment on proposals for exploration licences from the oil and gas industry. It struggles to have the resources to make meaningful comment on some of the proposals that come forward. The commercial fishing industry sits in the shadow of oil and gas and mining in Western Australia. The government should give more attention to this industry. Members on the other side will be interested to know that the commercial fishing industry cracks a mention in WA Labor's jobs plan. It is one of those industries that the current government should have been promoting to diversify our economy so that when the inevitable mining boom tapers off, as it has, we would not be left with no other industries to take up the slack. WA Labor recognises that we need to promote the commercial fishing and recreational fishing industries because they are important contributors to the economic wellbeing of Western Australia.

The Labor Party supports the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015 because it recognises that the bills make a positive contribution to commercial fishing and recreational fishing and, hopefully, the environmental sustainability of our oceans. These bills have had a long gestation period. Back in June 2010, the then Minister for Fisheries, Hon Norman Moore, released a document called "A Sea Change for Aquatic Sustainability". That was a framework for a new act of Parliament to replace the Fish Resources Management Act 1994. That paper called for public comment on the issue of the need for a new fisheries management act. I will go to a few passages in that document where the then fisheries minister, Hon Norman Moore, made the case for the need for a new act. Speaking generally about Western Australia's environmental estate, it is stated on page 2 of the document —

The next 50 years may well be the making or breaking point for the stresses associated with human impact on the environment in Western Australia ...

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

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

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

We also need to take into account responsible governance arrangements for aquatic creatures that have been seriously depleted due to habitat destruction and uncontrolled harvesting elsewhere in the world. Some of the lesser known include sawfish in the Kimberley, and populations of dugongs, sea lions, reef sharks and mantas. Higher profile species include humpback and right whales and great white sharks.

The document continues —

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

However, it can also be due in part to the fact that WA is relatively wealthy in global terms ...

Our geographical isolation and relatively low population density will not continue to protect our environment by default. The opposite is almost certain. Without effective governance that integrates sustainable use and development with conservation outcomes, and recognises the interconnections between human society and a healthy aquatic environment, we face a bleak future.

...

Twenty years on, the need to put sustainability at the centre of government decision-making, rather than on the periphery, has again been highlighted on the international stage ...

Twenty years on we need to put sustainability at the centre of the way we manage our aquatic environment. The document continues —

The first step in achieving a more efficient use of government resources and better outcomes for metropolitan and regional WA must be to re-draw the primary legislation governing the management of aquatic biological resources — the *Fish Resources Management Act 1994*, and how it interacts with other State and Commonwealth legislation. This needs to establish clear lines of jurisdiction, responsibility and accountability across the spectrum of sustainability and conservation outcomes for aquatic biological resources.

That document was produced in 2010. The then minister, in a very good document for a conservative fisheries minister, made the case for a new piece of legislation that put sustainability at the centre of what we do. It has been a while since June 2010, and in May 2016 we are debating the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. The new fisheries minister has obviously come into the job and pushed them along a bit, and I give him credit for that. He has managed to push them along in a way that some of his predecessors were unable to.

The second reading speech of the Aquatic Resources Management Bill 2015 states that there has been extensive consultation with industry and the recreational fishing sector on the bill. There have been discussions with the Western Australian Fishing Industry Council and Recfishwest, and those organisations have indicated their support for this bill. But I have to say—I am not doing them any disservice—I think there are still a lot of people in the recreational sector, and particularly in the commercial sector, who do not have a great understanding of how that bill works, to be honest, minister. Maybe that is because it has taken so long; the draft bill was put out maybe two or three years ago and these bills were introduced early in 2015. When I talk to people about it now they say, “Yes, we think it’s a good idea”, but if pressed as to what is in it, how it will work and why it is an improvement a lot of people scratch their heads. We are supporting it, but I give a word of caution: if the minister thinks he has done enough for the commercial fishing sector in particular to know what these bills are about and their implications after they become law, he has not. I am just warning the minister that I think a lot of people still do not understand what they are about.

**Mr M.H. Taylor:** You haven’t enlightened them at all.

**Mr D.J. KELLY:** With my speech?

**Mr M.H. Taylor:** Yes.

**Mr D.J. KELLY:** I have 44 minutes to go. I would have thought the member for Bateman would be out campaigning in Bicton! If the member would like me to tell him where it is, it is just down Canning Highway.

**Mr M.H. Taylor:** It’s where I grew up.

**Mr D.J. KELLY:** Maybe the Minister for Transport will be able to tell the member where it is! Anyway, I will turn to some issues in the bills.

**Ms J.M. Freeman** interjected.

**Mr D.J. KELLY:** I was just advised by the member for Mirrabooka that when the member for Bateman made his contribution on these bills he talked about fishing as a kid —

**Mr M.H. Taylor:** Actually, I spoke about when I was a commercial fisherman, and my honours in aquaculture —

**Mr D.J. KELLY:** — so I am sure when the commercial fishing sector wants to find out what is in these bills and read the member’s contribution they will be very impressed. But, anyway, it is not up to me —

**Mr R.H. Cook:** They won’t be too impressed in the electorate of Bicton, I’m sure.

**Mr D.J. KELLY:** As a kid, member for Bateman, my first fishing experience was catching blowies off the jetty at Bicton. If the member wants to know anything about that area, I am happy to fill him in. I think the member for Bateman was hard done by by the Minister for Transport, but I will leave that to the hard heads in the Liberal Party; maybe they were right after all.

We are debating the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. The Aquatic Resources Management Bill 2015 will repeal the Fish Resources Management Act 1994 and the Pearling Act 1990. If this bill is passed, pearling will not be covered by its own piece of legislation; it will be incorporated into the fishing legislation in Western Australia. The Fish Resources Management Act 1994 was said to be part of a change in policy from managing individual fisheries to looking at the sustainability of fish stocks and the conservation of aquatic habitat. When that legislation was passed it was seen to be a step on the road to putting environmental considerations at the forefront. According to the second

reading speech on the Aquatic Resources Management Bill 2015, this legislation will build on that process. The second reading speech states —

This bill builds on, and extends, this change in focus, —

That is, the change in focus to the sustainability of fisheries.

from the management of commercial fishery target species to an integrated cross-sectoral approach to the management of aquatic resources. The bill is firmly based on the internationally accepted principles of ecologically sustainable development and ecosystem-based fisheries management.

That is the bill's stated purpose. The principal tools in achieving that are the creation, under this legislation, of aquatic resource management strategies that will be approved by the minister after community consultation. The aquatic resource management strategies will, amongst other things, set the total allowable catch and will give rise to aquatic resource use plans. Those plans will specify specific harvest rules for specific resources according to sector, whether commercial, recreational or traditional fishing.

I said earlier that even people in the industry who have looked at this legislation still have a degree of uncertainty around it. A lot of it rests around people being unsure of what the aquatic resource management strategies and aquatic resource use plans will look like. The legislation states that they will contain this, this, this and this, but one of the things raised with me by industry people was that it would have been good to see, for example, a draft aquatic resource management strategy or a draft use plan so that they could see what those things might look like. This is framework legislation. People have to trust that when these things are developed they will meet the needs of industry and the recreational sector. Despite the long process of the preparation of this bill, a draft aquatic resources management strategy or a draft aquatic resource usage plan has never been produced. My note states that people think that this is a bit vague. There is uncertainty about what these things will actually look like and how they will be applied.

There are also issues with these new instruments about the transition. I understand that the bill states that on day one the old fish management plans under the existing legislation will continue on. It is not expected that every commercial fishery in the state will change to these new instruments. That gives people some degree of certainty, but people do not understand—I suppose this is one of the questions the minister might want to address—whether, if it is the minister's intention in passing this legislation to transfer every commercial fishery from an existing fish management plan under existing legislation to a new regime under an ARMS and an ARUP, Fisheries will be given additional resources to do that. In the current environment, when Fisheries is not having its resources diverted to catching sharks and is allowed to do what it should be doing, its resources are very stretched. People are wondering, and I am certainly wondering, whether the Department of Fisheries will be given any resources to make the transition from the existing legislation to the new regime. It will be pointless, and it will certainly negate the purpose of the new legislation, if, having established the framework under the new legislation and championed its new emphasis on sustainability and other things, the Department of Fisheries does not have the resources to transition commercial fisheries from the old regime to the new. The minister might want to say something about that in his reply.

While I am on the point of the transition, the second reading speech states —

Importantly, the bill ensures that existing management arrangements and resource access rights for the state's commercial fishing, pearling and aquaculture industries will be carried forward undiminished.

Obviously, someone holding a share of an existing fishery will want to know that they will not lose their entitlement under the new regime, and that their rights will not be diminished when they are transferred over to the new legislation. The second reading speech appears to give comfort to those people, but I want to draw the attention of the house to clause 26 of the bill, "Method for allocating shares under ARUP". Clause 26(2)(d) provides that the minister could choose to allocate resource shares set out in an ARUP in a way that includes sale by public tender or auction. The bill specifically gives the minister the option, once an aquatic resource management strategy and an aquatic resource usage plan have been set up for a fishery, of allocating resource shares set out in the ARUP by way of sale by public tender or auction. If the minister were to put shares in existing fisheries up for public tender or auction as part of the transfer to the new regime, he would get an interesting response from a number of people. I am wondering why the legislation is structured in that way.

Apart from setting up aquatic resource management strategies, which will then have aquatic resource usage plans underneath them, as the centrepiece of the new regime that will bring sustainability to the forefront, the bill has other interesting aspects. One is the ability for resource sharing between the commercial and recreational sectors when approved by the minister. I have a note here saying that that is a world first. I am not sure whether it is, but I am certainly not aware of other jurisdictions in which this sort of regime has been introduced. For those, such as the current member for Bateman, who might be interested in this, under the legislation, once an aquatic resource management strategy splits an allocation between the commercial sector and the recreational sector, it is

possible or envisaged under the legislation that, for example, if the recreational fishing sector has a five per cent share of the total allowable catch for lobsters, and it is of the view that recreational fishers are taking only three per cent, Recfishwest could approach the minister and, with the minister's approval, offer for sale the two per cent of the allocation that recreational fishers are not making use of. It could effectively be sold to the commercial sector. As I understand, that can only be on a temporary basis, and any proceeds from that sale would go into a specific fund under the legislation to be used to promote recreational fishing. My note says that this is a world first, but I think I made that note a year ago when the legislation was introduced. I do not know whether it is, or whether it is just a comment that I made, but I would be interested to know from the minister whether that arrangement is in place anywhere else in the world. The minister shrugs his shoulders, but he will find out.

Obviously, if we are going to allow, for example, the recreational sector to offer for sale or reallocation some of its allocation, we will need to have a really robust measurement regime in place to ensure that we know exactly what the recreational catch is. I am interested to know this because obviously measuring the recreational catch is harder than measuring the commercial catch as it is taken by so many people from so many different places, whereas the commercial catch is measured by a whole range of mechanisms. I am interested in hearing, given that the recreational catch may now be up for temporary reallocation, what the minister will do in the area of measuring the recreational catch so that we can be sure that the measurements are fine and that any reallocation is genuinely of excess capacity and nothing else. That is an interesting part of the bill that I wanted to draw to people's attention.

The bill contains a new section on biosecurity, which is obviously a major issue in this sector. Western Australia is blessed with some of the most pristine waters in the world, partly because of its isolation, but with the increase in international trade we have to be on our game. A few budgets back the government made an announcement to allocate some \$21 million, I think, to biosecurity, but this seems to have disappeared in subsequent budgets. Although the government has introduced this legislation, I would be interested to hear from the minister whether the resources will be there to ensure that the legislation is properly implemented. There is no point in having legislation in place to protect our marine environment if the department does not have the resources to make use of the new powers we are giving it. The opposition supports strengthening the legislation for aquatic biosecurity, but we doubt that in the current economic environment the government will make the best use of the legislation.

The second reading speech makes it clear that one of the reasons for bringing in this legislation is to give improved security to commercial fishers and to recreational fishers; but, primarily, the beneficiary here is the commercial fishers, who currently enjoy the financial benefit of extracting resources from our fisheries. This is a key part of the legislation. Currently, fishers effectively have a licence, but that arrangement does not give them the security that allows them to go to a bank to borrow money and convince people that they have real security of tenure on that resource. Under this legislation, instead of a licence, they will have a share of a resource. Under the aquatic resource management strategy, the commercial fishing sector will be allocated a percentage of the total allowable catch and then commercial fishers will get a share under the aquatic resource use plan. That is perceived by the industry to be more secure. I will not say that it is a property right, and I will ask the minister more about this consideration in detail as it is my understanding that a share in the total allowable catch will not be akin to a property right, but it will be a more secure share of that resource. Members on this side support that because we understand that commercial fishers who want to make an investment in their industry need to have security of access to the resource. If their access to the resource is insecure, the incentive to invest is less. One of the things this legislation does is to set that share for the period of the ARUP. That is a key part of this legislation, and the opposition supports it. It will also give greater security to the recreational sector, which will have greater security over its share of the resource as well. I know that the recreational sector is very supportive of that.

The legislation will require that there be an allocation for traditional fishing by the Indigenous population of Western Australia. I understand that is the first time that will appear in legislation. It is my understanding there has not been much, if any, consultation with Aboriginal organisations about this legislation and the allocation for traditional fishing. I find that a bit disappointing. The government made a point of consulting the commercial fishing sector and Recfishwest, but I am not aware that there has been any consultation on this element of the bill with Aboriginal organisations. If that is the case—I am happy to be corrected by the minister—that is a bit disappointing, because traditional fishing rights for the traditional owners of the land is an important issue. As we are going to incorporate those rights into legislation, Aboriginal traditional owners should have been consulted. I am also interested to know how those provisions of this legislation will interact with native title rights and whether the traditional fishing entitlements envisaged under this legislation will apply only where native title rights have been determined. I hope they will apply regardless of whether there has been a finding of native title. It would be good if it did, because a lot of Aboriginal people have found, through the courts, that their native title rights have been extinguished. In my view, there is no reason under this legislation that rights to

traditional fishing should not accrue to people who are Aboriginal as opposed to there being any sort of threshold that it applies only where there is a finding of native title.

I refer to another aspect of the bill. I congratulate the minister for deregulating the fish processing sector in the first couple of weeks of holding the job. The bill also contains revised provisions for aquaculture. The opposition supports the promotion of that sector of this industry. A lot of people say that the future is in aquaculture, but the successes have been relatively few and far between. I do not say that as a criticism. The challenges in aquaculture are environmental and are many, so we on this side of the house support anything that the government can do to improve the prospects of that sector.

The second bill, the Aquatic Resources Legislation Amendment Bill, is a very brief bill and complements the Aquatic Resources Management Bill 2015, and the minister stated in the second reading speech —

The purpose of this bill is twofold. Firstly, it will amend the Aquatic Resources Management Act 2015 to provide that to the extent that a fee prescribed in the regulations under that act will include an amount that is a tax, the regulations may impose the tax. This is similar in effect to section 258(3) of the Fish Resources Management Act 1994. Secondly, it will amend the Fishing Industry Promotion Training and Management Levy Act 1994 to authorise the imposition of a levy for the purpose of that act. The amendment will have the effect of extending the capacity to impose a levy for fishing industry promotion, training and management purposes to a person who holds a resource share allocated under the Aquatic Resources Management Act 2015.

It is a brief bill to complement the Aquatic Resources Management Bill, and the opposition supports it.

I want to mention a couple of other issues. Recently an issue arose within the Western Australian herring fishery. The Department of Fisheries concluded that the herring fishery was under severe pressure and that there needed to be a reduction in the catch. The catch allocation was split 50–50 between the commercial and recreational sectors because the commercial industry argued that if there was to be a reduction, it should be shared 50–50 between the commercial and recreational sectors. The recreational sector’s argument was that the commercial value of herring is pretty low but that the value of herring to the recreational sector—the mums and dads and families that go fishing—is extraordinarily high. The recreational sector argued that if there was to be any reduction, it should be made out of the commercial section of the fishery. The government, sensibly, supported that view. In effect, the commercial fishery was closed and the recreational catch was only limited by bag limits and the like. The opposition supported that decision, given the importance of herring to the recreational fishing sector. The question I have for the minister is: He was able to do that under the existing legislation so if a similar situation arose, would he be able to do that under this legislation? If an aquatic resource management strategy was in place that had an allocation of 50 per cent to the commercial sector and 50 per cent to the recreational sector and an issue occurred whereby the minister wanted to alter that split to protect, for example, as it was in the case of herring, the recreational catch, would he be able to do so or would he need to go back through a process of putting in place a new aquatic resource management strategy? Different views have been put to me about whether that would be able to be done under this legislation. Some people say yes; some people say no. I just want to raise that issue with the minister. The opposition supported the minister doing that. It was sensible. I know commercial fishers were not happy, and the Western Australian Fishing Industry Council made strong representation on that basis, but, in our view, it was the right decision to make. If, as I said earlier, a more secure right to the resource is given to both commercial and recreational fishers, would the minister be able to, in a similar circumstance as we had in the herring fishery, in a quick period of time, nimbly make an adjustment without having to go back through the processes prescribed in this legislation for the formulation of an ARMS? There is that issue.

Members will be pleased to know that I will not sit down before I make some comments about the shark cull. Under the existing legislation, which is pretty good legislation that sets out how we manage our fisheries, when the Premier decided he needed to take decisive action over shark fatalities, the minister simply gave the government an exemption to allow for the capture of great white, bull and tiger sharks. So there was in place pretty good legislation to preserve our fish stocks but at the stroke of a pen the government gave itself an exemption so that it could step around the legislation and embark upon a shark cull that was unpopular, expensive and unscientific. One of my concerns about the legislation is that on my reading of clause 7 of the Aquatic Resources Management Bill, the minister is given similar powers of exemption. Despite six years’ consideration of putting in place a new bit of legislation that is supposed to improve the way we conserve our marine environment and despite all the other positive bits of the bill, the government will still be able to, at the stroke of a pen, allow itself to go out and kill great white sharks, bull sharks, tiger sharks and any other sharks that it may want to. The minister made an announcement earlier this week and specifically referred to the government’s serious threat policy, whereby if the government identifies a shark that it considers to be a serious threat, the intention is still to go out and try to catch it and kill it. Minister, that is extremely disappointing. The minister will speak about this legislation as growing the economic benefits of the industry that accrue from the

marine environment and he will talk about conserving the marine environment, but still, in the legislation, he will give himself the power to simply, at the stroke of a pen, continue to kill sharks. The shark cull was one of the worst bits of public policy that we have seen in many years. It was incredibly unpopular, very expensive, did nothing to make our beaches any safer and there was no scientific basis to back it up—none whatsoever. It is disappointing that the government is intent on having the ability to catch and kill sharks as part of the shark mitigation policy. When you think about it—the minister can roll his eyes, but he is now in the chair—the minister will be the one responsible for this matter. As I understand it, the serious threat policy will apply when someone has been attacked by a shark or when a shark has been located through, presumably, the satellite monitoring system—when a shark has been identified as hanging around in the one spot for a significant period. If it is likely to encounter swimmers in that location, the minister is going to send the boats out to try to catch and kill it. Minister, that is absolutely ridiculous. The minister has not produced any evidence, backed up by any science whatsoever, to show that this makes our beaches safer. Plenty of technology out there identifies non-lethal methods for protecting people against interaction with sharks. The government is funding some shark barriers, and the opposition supports that, but there are other emerging technologies like the Shark Shield, which Hon Mark McGowan spoke about over a year ago. It is a fantastic device, and is especially sensible for divers to wear. Other governments are trialling things like the Clever Buoy, which is basically sonar recognition of sharks. Once the shark is identified as being near a beach, the beach patrols are notified and the beaches can be emptied. There are numerous emerging technologies, all of which make a lot more sense than wasting money on any form of catch-and-kill policy. I urge the government to once and for all give up on its policy of killing sharks as part of the shark mitigation strategy. It is expensive, it does not work, it damages the environment and there is no science to back it up.

In the few minutes I have left I would like to pay tribute to the individuals who were involved in the No WA Shark Cull campaign. That was a great example of citizen power coming to the forefront. The people who put together that campaign were just ordinary people so outraged by what was going on that they decided they could not put up with it. They did not know when they started it how it would end. They ran the campaign on a shoestring budget, but they had a crack. People like Natalie Banks, who organised the first rally at Cottesloe Beach, made an amazing effort. It demonstrated, pretty promptly, just how out of touch the government was on this issue. Every shark attack is a potential tragedy, but people want action that is actually going to make a difference. They do not want action that might get a good headline—like the Premier standing with a fish hook—they want action that is going to make a difference. I wanted to give a *Hansard* shout-out to the No WA Shark Cull people. I want to mention also the Sea Shepherd group, which does an amazing amount of work in the conservation area. It is probably most famous for its work opposing whaling in Antarctica. As an island nation with a strong interest in commercial fishing, it is in Australia's interests that illegal fishing be stamped out wherever possible. Sea Shepherd is probably the only organisation that goes out into the international waters and to places where governments are often unwilling to go. It does an amazing amount of work. I had the privilege of getting a tour of *MY Steve Irwin*, one of its newest vessels, before it went out on its expedition to Antarctica. I met some of the volunteers. A lot of them come from Western Australia and basically give up their time; they do not get paid. In Volunteer Week I would like to pay tribute to those volunteers who help to keep Sea Shepherd going.

I would also like to thank the staff at both the Western Australian Fishing Industry Council and Recfishwest for the work they do. I have already mentioned that WAFIC is often under the pump from the many demands put on it to respond to proposals from the oil and gas industry. Despite operating on reasonably limited resources, those at the council were very generous in their time talking to me about these bills. Likewise, Recfishwest is a very professional outfit and becoming more professional with every day. John Harrison is a very good spokesperson for WAFIC; Andrew Rowland likewise at Recfishwest is a very competent advocate for that sector. The opposition supports the bill but has questions it wants to deal with in consideration in detail.

**MR M.P. MURRAY (Collie–Preston)** [1.36 pm]: I support the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015, but with some concerns along the way. I do not think enough energy and direction has been given to understanding the amateur fishing area and the impact it has on coastal communities up and down the Western Australian coast. I use the example of Preston Beach recently. I was out on the water and I counted 50 four-wheel drives on one section of beach there. Were they catching any fish? No, they were not. It is one of the few places where you can drive up and down the beach, although at times there are a few idiots who spoil that by speeding, but it is well maintained and looked after by the Waroona shire. The shire has rangers on that beach who keep things under control. The point I am making is that most of the four-wheel drives had a family with them. It is a unique experience in Western Australia that people can drive along a beach, put up a bit of shade and put the fishing rods in the water and let the kids play. It becomes very much a family unit. The costings for that are significant. To begin with, the four-wheel drive might cost around \$100 000. On top of that many of them will have a \$200 to \$300 annex that they pull out of the side. The yuppies have the stainless steel barbeque that fits on the back of the ute; that is another \$300. Then

we get down to the nitty-gritty: it is compulsory to have a carton of cans and a few bits and pieces such as bait—some people even take bait with them—hooks, lines and sinkers, let alone sunscreen and rashies for the kids. All of those things add up to a huge industry. They are certainly not the rapists of the sea. I have seen many people go down there and catch two sand whiting for the day, so for them it is not about the fishing, but about the experience. We need to have more of an understanding of what that carries over into communities from Bremer Bay and Esperance all the way up to Broome and beyond. That is one of the areas that has been brushed over to some degree. It is interesting to see that in some areas, the minister has not really followed through with conservation.

One of my recent criticisms of the minister's group and Recfishwest is about the artificial reefs that have been built at sea. I would agree with the building of those reefs if they were conservation areas. With today's technology, people can drive out, put their plotter in and park their boat over the reef. The fish are attracted there because the structures were put there, which makes it easier to catch them. I think that is the wrong way to go. Those areas should be left alone as conservation areas and, as the reef builds up, it will feed off to other areas. There is a huge amount of reef from Rockingham to Port Bouvard and down to Bunbury. It is not entirely true to say that those areas are fish deserts. People can get virtually the same sort of gear as professional fishermen but on a smaller scale. I am talking about the latest technology with echo sounders, plotters and markers. People can find little cracks in the reef—small areas that might be only as big as this room—that they can fish. I do not see why we have to make it easier for amateur fishermen to go and park on a designated area such as an artificial reef. I would like the minister to think about that in the future and do a bit more research. I saw some research the other day that I think came from the Fisheries office or from Recfishwest. A video camera was put on the sea bottom to see what fish went through. It could be seen straightaway that there were undersized dhufish and kingfish of various varieties. Yes, they are attracted to that area but, again, it is an area that attracts fish; there is no doubt about that. But why are we making it easier to catch those fish when part of the fun is having a good day out and catching one or two fish—maybe a few more—and then coming back? It is fine for people to go fishing a number of times and go home with none; that is part of the game. An amateur fisherman's spend would involve the cost of a very average boat for \$60 000. If they want something reasonable, they would be looking at \$100 000 to go deep-sea fishing. Unfortunately, when people shortcut their spending a little and go out to sea in a boat that is probably not truly made for deep sea conditions, it can cause problems.

Artificial reefs are very, very costly and some of that money could be put into other conservation areas. In fact, it would not be bad to have a few more boat ramps around the coast—not marinas, as such, but boat ramps in safe conditions that can be used in most types of weather. Although it has been a while since I have been down to the Hamelin Bay area, it is one area that, for many years, has come to mind. I have seen people hurt at Margaret River. I think two people were killed on the ramp there where a small breakwater may have saved their deaths. They got out to hook up the boat when the swell came in and the boat crashed down on top of them. That is what happens in those areas. I have concerns about the spend.

That leads me to another area, which I have certainly discussed many times with the shadow Minister for Fisheries. It is about resource sharing and being able to sell off a portion of un-caught catch to the professionals. I will use crayfish as an example because I still dive for them on a regular basis. I would rather see crayfish that are not caught left in the water for conservation purposes. At the moment, there is a very ragtag system of recording how many are caught. I know people who, when they fill in the form stating how many crayfish they have caught, where and at what time, they falsify it because they do not want to tell people where they got a good catch. They put down that they caught only eight among their group when they might have caught 20. The measurement of those sorts of catches provides very, very dubious figures. We should not on-sell those sorts of things. The total allowable catch information is available. Whether it be for dhufish, crayfish, or whatever, it does not matter; we should leave it as is. If the total allowable catch is not caught, so be it because the fish will be there for next year. They do not move away and die over a two-year period. If we are talking about dhufish and crayfish, they are long-living creatures of the sea, so they are not a problem, as is squid, which might live for only 18 months. The dhufish and crayfish will be there next year and that helps, so we do not need other measures to sustain the conservation area. I am certainly worried.

Another area in the Aquatic Resources Management Bill 2015 of concern to me and many of my fishing buddies down in the south west is that Recfishwest is the body that the minister is likely to enter into an agreement with for the purpose of this subdivision. In the south west, there are moves afoot to establish a south west fishing body that will be a major fishing body in competition with Recfishwest. Many people in the south west do not think Recfishwest puts fishers' interests to the forefront. There is some division within amateur groups. I am not saying that Recfishwest does a bad job but sometimes it can be blinded by something. If two groups are down there, will the minister pick one, or will he use two? The minister will have to explain that point so that the people in the south west understand it. Many people who fish in the south west come from inland towns; they do not live on the coast. Too often, surveys et cetera are issued to people with coastal postcodes. I am thinking about the people who travel down south from Mukinbudin and places like that. There is quite a good fishing

group in Boyup Brook that needs to be accommodated under this legislation. I do not think their views are always accommodated by Recfishwest. There is some dissension there that has been brought to my attention. I hope the minister will be able to say to me that only on the rarest of occasions will the un-caught catch be onsold because if it happens once, it will happen next year, the year after and the year after. I am not sure how three per cent of five per cent of the crayfish catch can be worked out because it should be based on the information in the forms that are filled out. I understand that is a very, very dicey calculation.

As a regular diver, I can say that conservation methods to sustain dhufish are certainly working. I have never seen so many small dhufish as I have seen when diving in the last couple of years. My mates who go fishing and some of the younger blokes who are a bit keener than me—they go diving two or three times a week—are saying that they are returning up to 10 undersized dhufish a day. The good part is that people are complying. There are always one or two people who might not comply for different reasons but, in this case, the fish are being returned to the water and the policy seems to be working. That is a pat on the back.

The disallowance of commercial fishers from fishing in the metropolitan area is another thing that I believe is putting pressure on the coastal strip. It is my personal belief—it is certainly not from the Australian Labor Party's side—that a very short, sharp net fishing season should come back in the next couple of years to the metro area. As the population grows, people are going further afield. They have four-wheel drives and bigger boats and they are starting to put pressure on the bottom end. People at Windy Harbour are complaining to me about the number of people fishing there. They may be selfish as they have had it quite good for many years but those pressures will come back to bear and all of a sudden we will have to shut down fishing there and open somewhere else. I think we have to spread it out and make sure it is a bit more equal.

There is another issue in this area that I have raised quite a few times. I was pleased to see that kids under 16 who freshwater fish no longer need a licence. That does not go far enough. I would have no problem if there was a stocked lake such as Harvey Dam, which stocks trout and redfin perch, and people needed a licence to fish there. Again, the views of people in the south west are quite different from those of the Cottesloe pseudo fly fishermen who go down there and want to catch a few trout. We should let them pay for it; I do not have a problem with that. But when we go to waterways like Warren River, Collie River and Wellington Dam, those dams do not have a great deal of trout in them, if any. Why do people have to pay for a licence and then be told that if they catch a redfin perch, they should leave it on the bank? Anyone who does that is very silly because they are one of the best eating freshwater fish that anyone could taste. Why do people need a licence to catch something that is deemed a vermin species—an introduced species? The hypocrisy of this whole thing is that the same people say that they want to trout fish, yet it is an introduced species; it is certainly not native to Western Australia. We have two conflicting interests. It still comes back to the fact that little Johnny can fish now whereas he used to need a licence. I believe we should take one step forward and give people who freshwater fish in the inland regions the same rights as a person who fishes off Busselton jetty. At the moment there is an inequality there. If someone fishes off Busselton jetty and catches herring, they do not need a licence. If they want to fish for redfin perch off Collie Bridge, they have to have a licence. It is totally unfair and just a form of revenue raising, and not a great deal at that.

The other issue that I wish to raise relates to professional fishing licences. I have asked some questions on notice relating to a shore-based net fisherman who has a professional licence and turns up with one or two boats and three or four four-wheel drives to net whitebait. I understand he should have only one car, one boat and one net. This has been going on for some years. Every time I bring it up, the numbers drop off a bit. They are entitled to catch fish but they should do it under the conditions of the licence, which to me means that they should operate from the shore under one licence. It is quite ironic to see the number of salmon being caught onshore in the last couple of weeks. I believe that is because in some areas they have not been netting the whitebait and the small bait and it has allowed the fish to feed in these areas.

We talk about the family unit. It was great to drive down to Preston Beach on Sunday evening and watch the young people catching salmon, some of whom had never caught salmon in their life. Just before the long weekend I took a colleague—I was going to say “a gentleman”—and his son and another person down to Malimup Beach. We also had a bit of fun catching a few salmon. We caught a couple and then whatever we caught after that, we threw back. If I added up what we spent on the way down there and on the way back, it would be far better to buy dhufish from Kailis in Osborne Park with the amount of money that we spent. That just shows the tourism that comes from an industry that has been regulated to allow amateurs to fish. When we were driving out of Malimup Beach on the Friday afternoon of the long weekend, we saw car after car going in loaded to the hilt and we understand how much money people spend to go down there, far more than two shots of a professional net to take tonnes and tonnes of fish for bait or dog food. Actually, I should say cat food as I do not think dogs like it.

As we go through this bill in detail, I will certainly raise some of these issues. We will talk through those issues further as we go along. Overall, I support the changes but I think some areas need tightening.

**MS S.F. McGURK (Fremantle)** [1.55 pm]: I welcome the opportunity to speak on the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. I was interested to hear the last two contributions, despite a very active fishing industry still operating from my electorate. Since I became a member of Parliament, I have been on a learning curve about the industry and the issues facing the industry, particularly the rock lobster industry. The debate on this legislation and the discussions with the rock lobster industry that operates out of Fremantle, particularly the zone that operates out of Fremantle, have been interesting. I will be listening to the other contributions in this house to hopefully increase my knowledge of the issues facing the employers operating out of Fremantle.

Clearly, as we operate in a state Parliament this industry is important to all of us. Not only do we have a responsibility to properly manage our aquatic resources and the fish and all the marine life within that, but we also have a responsibility from an environment point of view. We have a responsibility because of the number of people employed in that industry.

Mr Speaker, I know you are interested in the fishing industry, particularly the rock lobster industry.

**The SPEAKER:** Only the cooked ones!

**Ms S.F. McGURK:** I have been going to the annual general meetings of my local rock lobster council that meets at the Italian Club towards the end of the year. I joked to John McMath, who runs the Western Rock Lobster Council in Western Australia, that despite three years of going to their meetings and having various briefings, I still had not tasted any of the fare. After John McMath had a weekend over at Rottneest, he knocked on the door of my electorate office and gave me a couple of crayfish.

**Ms R. Saffioti:** You might need to declare that.

**Ms S.F. McGURK:** I probably need to declare that. I am not sure. Given the current prices of rock lobster, that might be worthwhile. John had been out on the western side of Rottneest and picked up those couple of crayfish. As the member for Collie–Preston said, I should try those rock lobster with a glass of white and see how I go. I think that was his advice to me. I will leave that there.

From what I know, the state of the rock lobster industry operating in Western Australia at the moment is quite healthy. There has been an incredible amount of concern about the changes in the industry, certainly preceding the changes envisaged in these bills. Not only is the price of the catch doing incredibly well, but also the market in particular. I do not know the exact figures, but I think around 90 per cent of rock lobster fished from Western Australian waters ends up in China. I tried to look for the exact figures without much luck, but a huge amount of that catch ends up in China. It will be interesting to see what changes to the free trade arrangements might have on the routes the rock lobster takes to reach China now. That will be interesting to see. For a variety of reasons, and I think partly because of the stewardship by the state government over the past couple of years, including the last Labor government, the rock lobster industry in Western Australia, from my understanding, is in rude health.

Debate interrupted, pursuant to standing orders.

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