

FISH RESOURCES MANAGEMENT AMENDMENT BILL 2011

Third Reading

MR W.R. MARMION (Nedlands — Minister for Environment) [12.19 pm]: I move —

That the bill be now read a third time.

MR C.J. TALLENTIRE (Gosnells) [12.20 pm]: I rise to make a third reading speech on the Fish Resources Management Amendment Bill 2011. The opposition is of course supporting this legislation. During the course of debate last night, though, a few comments were made by the Minister for Environment on a few issues that were brought to light during the course of discussion that have raised some concern. I want especially to emphasise to the minister his need to ensure that as Minister for Environment he maintains primacy over those involved in the extraction of an economic resource from the marine environment. I get onto this topic because we were debating the clause that provides for the declaration of an aquaculture precinct. That clause requires that the Minister for Lands give his or her concurrence to the declaration of an aquaculture precinct, whereas the clause requires that the Minister for Environment only be consulted. That is why I say that there is an erosion of the standing of the environment minister through one of the provisions of this legislation. That might be tolerable in the short term, but in the longer term a bill for an act to be known as the “Aquatic Resources Management Act” has been foreshadowed, and it is therefore very important that the ministers in government resolve between themselves who will have primacy when it comes to management of the aquatic environment. It is very important that we get that sorted out. It is to be borne in mind that the fisheries resource is a very important sector of our economy, but it is a subset of the activities that occur in the marine environment. Many other activities go on in the marine environment. I therefore pose the question to the minister: why would we allow a group that is responsible for a subset of the activities in the marine environment to become the controlling agency for all activities that go on in that marine environment? It is very important that we get this issue resolved. I indicated to the minister that as long as I have been around government circles there has been this tension between those in the marine branch of the Department of Environment and Conservation and those in the Department of Fisheries as to who has ultimate responsibility when it comes to a number of day-to-day management and policy issues relating to the marine environment. For the most part there has probably been a lot of good, cooperative work between the agencies. I do not want to overemphasise the degree of conflict that has occurred; nevertheless, this issue of who will be responsible for the marine environment must be resolved.

I was saying that fisheries activities are a subset of those activities that go on in the marine environment. Just to emphasise that point, in WA at the moment some 400 000 registered divers—people who hold a PADI, or Professional Association of Diving Instructors, licence—use the marine environment, not for the extraction of a fish resource but for other recreational diving activities that are more recreational tourism-type activities and that have a scientific aspect to them as well. That is therefore one other group, other than fishers, involved in the use of the marine environment. Another group and fast-growing sector of users of the marine environment are those involved in whale watching. That industry at the moment is worth some \$45 million a year and is growing fast. People who have traditionally operated fishing boat charters are moving into this area and becoming whale-watching tour operators. We must make sure, therefore, when we develop legislation that is about protecting the marine environment and about working out how to manage it, that the legislation reflects the diversity of activities that go on in the marine environment and enables all stakeholders to be considered in the correct manner. We should not overemphasise one sector, and that is what I fear will happen if we allow the Department of Fisheries to become the overall agency with responsibility for the aquatic environment.

That said, I am well aware that there are excellent people at the Department of Fisheries. The current Director General of the Department of Fisheries, Stuart Smith, is an excellent person; and in the team around him are some competent, highly capable people who are excellent at managing our fish resource. Some of Stuart Smith’s predecessors—Peter Millington’s name was mentioned and before him there was Peter Rogers—are excellent people who have been in charge of our Department of Fisheries in Western Australia. Likewise at the marine branch of the Department of Environment and Conservation are many excellent people—Dr Chris Simpson comes to mind—and people with great competency and a real passion for what they do. They are the sorts of public servants who make us all very proud to be involved in serving the community, as their environmental ethic and their public service ethic are incredibly strong.

I do therefore say to the minister that he needs to work with the Minister for Fisheries to resolve this issue. I know that he is representing the Minister for Fisheries in this debate, but he does need to resolve who will have ultimate carriage for the protection of our marine environment. Given that the extraction of the fish resource is a subset of the overall suite of activities, the logical place for the ultimate carriage of legislation relating to the marine environment should be in the Department of Environment and Conservation. That is why I am worried about the clause in the legislation that states that concurrence for the declaration of an aquaculture zone must be given by the Minister for Lands, whereas the Minister for Environment need only be consulted. There is a

precedent for saying that the Minister for Environment should be given concurrence rights as well, and that precedent relates to the declaration of a marine park. As the minister would be well aware, a marine park cannot be declared in Western Australia without the concurrence of the Minister for Lands and the Minister for Mines and Petroleum. It is only reasonable, therefore, that a similar status be accorded to the Minister for Environment when it comes to the declaration of an aquaculture zone.

Moving on from that point, we touched on the issue of the declaration of sanctuary zones. The minister and, indeed, the Premier were keen to remark that there would be a strong rollout of marine parks with a significant area involved in sanctuary no-take zones. I hope that is the case. I look forward to hearing those announcements. However, I am aware that a proposal for a Leeuwin–Naturaliste cape-to-cape marine park has been around for many years. I am trying to track down whereabouts that proposal is at currently. The best I have been able to work out is that the declaration for a cape-to-cape marine park is probably on the minister's desk at the moment. The stakeholders, who have been consulted over a period of at least 10 years on that particular marine park, have almost given up on it. They say that they have been hearing about the proposal for so long that they wonder when the minister will announce its declaration. The declaration of the cape-to-cape marine park is, therefore, a test for the minister to demonstrate that he is moving ahead with this important area in his environment portfolio.

Many other aspects of the Fish Resources Management Amendment Bill have been well discussed. The provisions relating to the protection of the fish resources in our marine environment from invasive species have been very well thought through. Some major threats can occur to the fish resources in our marine environment when invasive species arrive either on the hulls or in the ballast water of ships. The powers in this bill that enable fisheries officers to intervene when there is suspicion of an invasive species potentially coming in via a ship are welcome. They will, I hope, go a long way to protect our marine environment and ensure that we do not suffer from the sorts of damage that could occur with the arrival of an exotic species that could take over and disrupt the whole ecology of our waters.

I will conclude my remarks there. I thank the minister and his advisers for the assistance that they provided in this debate and I look forward to hearing the outcome of discussions on the proposed aquatic resources management act and how we will go about framing legislation and shaping agencies with ultimate responsibility for the marine environment.

MR M.P. MURRAY (Collie–Preston) [12.29 pm]: I, too, in the first instance support the Fish Resources Management Amendment Bill 2011, but I certainly still have some reservations about whether it went far enough in some areas.

Both the professional industry and the amateur industry are worth billions of dollars, especially in the amateur area when we consider the example of a person who may leave Perth to go fishing for salmon on the south coast. I think the amount of money those people spend is highly underestimated in all areas and it is sometimes tagged as tourism—and not necessarily the fishery. When we think about the people who stay in various abodes from camping through to luxury chalets in the Pemberton–Manjimup area and who spend money in those areas, the price of catching one fish then probably becomes, for some people, over \$1 000 a weekend. We have to recognise that money that is attached to the fishing industry as such; it is not just running a net out. Bringing those fish in for bait or for cat food I think is certainly a waste in our area. Some of those parts have not been addressed by this bill, and I think that they should have been.

Having said that, I will look at the professional industry as well, which in most cases is very well controlled. It is profitable for some but has ended in busted dreams for others, especially for some people in the wetline industry who bought a boat with a dream of making a fortune and living a lifestyle second to none. I am sure that even you, Mr Speaker, have seen those people come and go over time. People buy a boat and a licence and go out there, but when the fish decide not to bite, there is no money in the bank at the end of the month. Sometimes people can get only minimal catches for months and then get out of the industry because it is just not viable.

We have to understand about the balance between the amateur system and the professional system and what inputs need to be put back in. I think it is very, very vital that we do more studies on the industry itself. Although some people say it is studied to death, I do not think so; I think we need to know more about fish stocks. There were some concerns recently when our local Minister for Fisheries was critical of a federal paper that came out. He said that the federal department did not know what it was talking about because the pink snapper had rebounded in Shark Bay. The pink snapper stocks rebounded under some very tight rules up there and the federal department had not recognised that fact. Therefore, a lot of work needs to be done. Although, as I said, I support the bill, we need to keep that work going. As the previous speaker just mentioned, we just cannot go out and draw a line on the map for marine parks, no-take areas and those sorts of things because, as on land, there are different areas within the sea. Fish breed and grow in some areas and there are other areas that are very similar to our deserts where the bottom is very sandy and there is nothing. It is no good just coming out and drawing a line on the map; we must understand the science before we start to mark out marine parks. My understanding at the

moment is that it is limited. Some of the areas that I have seen marked for future marine parks certainly will have an impact on both the professional and the amateur fishery and not really have the desired effect of what, in my belief, is required to make it work. It could be seasonal areas where the fish come. My very amateurish knowledge is that there are some areas off the Busselton area where dhufish go to spawn and that those areas probably would not be put in a marine park because they are very flat and very weedy. However, the fish spawn there, so they should be included; it should not only be the reef area and the areas that someone says we should include. We have to track and do more studies to ensure that these breeding areas are protected at breeding times. Cockburn Sound, I think, is one of the more spectacular successes in recent years. When the very large pink snapper aggregate in those areas, there is a call from the fisheries minister and his department to say that that area is now shut, because even though there is a closed season, they can move that season to cover when the spawning is on so that people do not simply go down there and plunder those stocks that are our future. A lot of work has to be done in that area.

Some of the other problems that we still have concern the crossovers between aquaculture, wild fisheries and amateur fisheries. There are some problems in that area because of what people do not quite understand. One such issue in recent times, which will have an impact in the future, although the bill starts to get towards addressing that, is the concern about the collection of the puerulus of crayfish and then being able to grow them in tanks. The ownership of that will be a very, very difficult issue for whoever is the minister because the crayfishermen say that it is their crayfish and others say, "If I'm allowed to harvest, it's my crayfish". That will be a political football in the future. Already, there has been some positioning about whose it is or how it is. I was very pleased and asked some questions in debate on the bill, as I said, about restocking in some of these areas. I do not advocate just throwing fish over the sides of boats wherever we think it is possible, but a controlled stocking method for when we have those bad years, if we are able to breed finfish or crayfish—it does not matter—in captivity and bring them back onto the reef to restock those areas. Again, we would need to determine why the stocks are not there. Have they been fished out or is it an environmental issue? Is it because some waste was dumped from the bilge of some ship, or those sorts of things? We must understand that science to the nth degree before we make any decisions about that.

Another part that I talked about previously is the aquaculture industry. No longer can we say that aquaculture is the poor cousin; it must get support from the industry and support from government itself, and not necessarily only the fisheries area. We see royalties for regions being spent here, there and everywhere, but I have not seen royalties for regions funding come through for aquaculture. I believe that royalties for regions could expand into that area. It will create jobs in an industry that, as I said, is \$200 million behind Queensland. We should understand why that is and work towards ensuring that there are jobs for the people who go to TAFEs and universities to get degrees in aquaculture. When they come out there are no jobs, yet we have quite a large intake of these young people. They come out of further education and become quickly disillusioned in the industry because they are poorly paid and there are not many jobs although the promise was that there would be a big aquaculture industry in Western Australia. That has not happened and that is a disappointment for me.

I am not just pointing the finger at recent governments, but at all ilks of government. Aquaculture is quite low down in the pecking order in this industry, yet there is plenty of information and there are plenty of people who are willing to work towards helping all governments move the industry forward. A couple of people have been quite vocal. One such person is Dan Machin from the Aquaculture Council of Western Australia. Dan is an excellent person to work with; he takes time to explain the issues and works very hard on trying to assist the ministerial process and assisting people on the ground in his own time. It is more of a passion than a full-time job. The other one is Trevor Blinco. Trevor is quite a large bloke physically and he makes quite a lot of noise to go with that large physical appearance, but his heart is in the right place. Certainly, some of his knowledge is excellent.

The other person I had a working relationship with was Steve Nell. He was seconded from AQWA when we were putting a paper together. His view on fishery science is excellent and should not be wiped off; it should be utilised more these days. I am not quite sure where he is at this time, but I welcomed his input when I had that working relationship. He certainly made some of the scientific side of the fishery industry quite simple for me. It was a pleasure to work with him.

The other things we have seen in recent times are the issues of bag limits and no-go zones for professionals. I think that is a bit willy-nilly, and more work has to be done. At times we see the conflict between netting and amateur fishing with the closed seasons. It was reported to me, although I can be corrected, that just before the amateur season opened last year, professional fishermen ran their nets through the area where the amateurs generally fish, because it is nice and close to shore, and took a slice out of the fishery that normally would go to amateur fishermen. I hope those sorts of conflicts are managed, and this bill gives a chance for some of that management to be done.

The fines in the bill are very discouraging. While I am talking about fines, I am certainly one who has paid his dues along the way. It was disappointing to see a professional fisherman run his net in closed waters, knowing full well that he was doing the wrong thing. He got fined \$1 500, which was far short of what I got fined for a couple of abalone. I think the system itself needs a bit of tweaking. Maybe they should not just hammer poor old pensioners like me. In saying that, I believe that that fisherman may now be out of the industry because he pushed his luck a little too much.

Further down the line, as members may be aware, I am a keen fisherman. I was three or four kilometres off Preston Beach earlier this year. Members of the Department of Fisheries tootled up behind me. I did not hear that they were coming, because out on the sea I did not have my hearing aids in. But the dog barked and let me know that they were coming.

Mr D.A. Templeman: A well-trained dog, that one of yours.

Mr M.P. MURRAY: I make him sit up the front. He let me know they were coming. They were quite pleasant, did their duties and moved on. I think it is great to see them. It is very similar to what I would like to see in the police department. That visual aspect of Department of Fisheries certainly goes a long way. They have been very active on the shore in the Mandurah region, where there are now quite a few people for the crabbing season. I hope the money that is there has come from the licensing regime that was put in, which certainly was not popular. If we start to see results because that money is being utilised in the right area, so be it, although I am still not a fan of the way the licence is set out.

I have a couple more small issues before I sit down. They concern the EPA versus the fisheries in the industry. While we do not have time to dig right down, although certainly the minister and his aide were helpful last night, I would like to have more understanding of the pecking order and where the EPA sits in relation to both offshore and onshore aquaculture. I think that needs to be clearly explained and that hurdles should not be put in, because if people have to go to one and then have to go to another and then back again, that time factor and the cost of doing that is huge and is discouraging for people who wish to get into an industry that is sadly lacking in areas.

The market itself has now accepted aquaculture fish. The yearly imports into Western Australia are huge. There are thousands of tonnes coming into WA. People can tell that the quality of the fish is nowhere near the best, and people are willing to pay for good quality fish. I think it is up to us to ensure that all the impediments are removed to allow the fish industry to move forward.

If we still have red tape in the road, it is a bit sad. In clarifying that for my colleague over here, it is not about raping and pillaging; it is not about upsetting the environmental balance in areas or allowing areas to be destroyed or completely shut because of the environmental damage caused by not doing the assessments properly. I am saying there should be only one department that people should be able to go to. It should be a streamlined department to allow things to go through.

With that, I support the bill. There are many ways that the industry can be managed without using the blunt end of the stick. I think we can do that. People are certainly more aware. The catch-and-release method has been taught to young fishermen, whereas previously how many fish people had on the bank was what it was about. Sometimes it did not matter about size either. Now when they go fishing, they come back and say, "I caught five. I've kept two and let three go." I think that is a great way of looking after a fishery.

It is a bit sad that in some cases people do not handle the fish properly, throw them back and say, "I've done my job," but the fish were not going to live anyway. We need a bit more education. We need to keep up the education of younger people in schools. There is nothing better than seeing families down at the beach. Generally they have a four-wheel-drive, a fridge, a stainless steel barbecue worth \$300—you name it—and they have \$10 000 worth of extras related to the fishing industry. It is great to see those people down there and the young people enjoying themselves. Members will know how quickly it is possible to be bored with fishing. People can go for a quick swim, come back and throw in a line. Fishing is a family pursuit that should not be made too hard or too expensive, and we must recognise that on the way through.

While this bill does the job for the moment, some areas still have to be worked on. I hope to see the bill come back in the next few years for further tweaking to make it far easier for the industry to move forward both for professionals and for amateurs so that we can have a fishery for the future.

MR D.A. TEMPLEMAN (Mandurah) [12.48 pm]: I want to acknowledge the contribution by members and the minister representing the minister in the house and his adviser last night during the second reading debate on the Fish Resources Management Amendment Bill 2011. I actually quite enjoyed the debate last night, particularly the consideration in detail stage, because some issues were raised that I thought were pertinent not only to the legislation but also the ongoing effective and sustainable management of our fish resources into the future.

Recently I have been watching a series on Foxtel called *Hugh's Fish Fight*, which focuses on the fishing industry in the European Union but particularly in the UK. They have a quota system in which the fishermen of the North Sea have a certain quota of species that they can catch. Once they reach that threshold of the allowable quota for the particular species, they cannot catch any more of that species. They still go out and target other species for which they have not yet reached their quota. The series shows very, very clearly the tonnes and tonnes of fish that are thrown back into the ocean as discard. It is amazing. One of the species in the North Sea that has recently received a lot of attention is the cod; the English, in particular, are very fond of their cod. It has been focused on as a species under great threat. This fellow called Hugh Fearnley-Whittingstall went out on one of the big trawlers that work the North Sea off the coast of Scotland. As the fishing boat that he went on had already reached its cod quota, every cod they dragged up was discarded back into the sea. It was amazing to see vision of huge cod going back into the ocean—wasted.

Mr M. McGowan: Were they dead?

Mr D.A. TEMPLEMAN: Yes, they are dead, so they are wasted. They cannot even use them, because they are not allowed to land that cod back on shore. He was out there for three days and he estimated that some three or four tonnes of good quality cod was discarded into the ocean, and that is just one boat; it is also happening on all the other boats. Of course, the only species they were able to keep were the species for which they had not yet reached their quota. It was remarkable vision.

Hugh Fearnley-Whittingstall is currently undertaking a major lobbying process in the United Kingdom, and that will have major implications for fishing in the European Union. I am not 100 per cent certain how they regulate their fishing over there, but it is very political. A review of these processes is happening next year, and I know that there is a huge push for a change to the practice of good quality fish being thrown back into the ocean, dead, as discard.

What does that have to do with this bill? Whatever we do in Western Australia and, ultimately, in Australia generally, we should recognise the value of our fish stocks and, indeed, our fishery in general, and ensure that we have in place world's best practice that will allow a viable industry to flourish so that people can continue to enjoy fish as part of their diet, and so that recreational fishers can continue to enjoy the great pastime that fishing is. It is one of those wonderful intergenerational pastimes that can involve the whole family.

I agree with what the member for Collie–Preston said: we have come a long way in terms of education, and recreational fishers are now very much more conscious of the role they play in fish conservation, if you like. As we know, there has always been a tussle between recreational and commercial fishers, but I think there is now a wider and much greater understanding of the need to have sustainable fishing practices that will ultimately benefit everyone, now and into the future. I think more ongoing education is needed, as the member for Collie–Preston said.

This bill has implications for the resourcing issue of the Department of Fisheries, as well as the relationship that the member for Gosnells very correctly highlighted between the Department of Environment and Conservation and the Department of Fisheries. That relationship has had an interesting history over time, and there have been tussles, if you like, at various times over responsibilities, but greater communication and cooperation between those departments is essential if we are to achieve the goal of sustainable fishing practices into the future.

Sanctuary zones and no-take zones are also major issues; they have to be worked out in consultation, but I agree with what the member for Gosnells said about cape-to-cape issues. When I was Minister for the Environment, I came in at a time when that had been an ongoing process. As the member said, quite rightly, the issue of a cape-to-cape strategy has been mooted for at least a decade. Such a strategy should include significant sanctuary zone application.

I say to the minister in respect of cape-to-cape issues, marine park issues and sanctuary zone issues, and the impact they will have on fishing, that they are all issues that the minister will grapple with and will be pushed back upon by various stakeholders in the community, including recreational fishers. There is expertise in the Department of Fisheries, but the minister needs to persevere in the interests of conservation as well to get a balanced outcome.

In my contribution to the second reading debate last night I talked about the Peel–Harvey system. I am not going to repeat those comments, but I want to make one last point about the need for further study and research into the crab fishery in the Peel–Harvey estuary system. There has been no longitudinal study of the crab fishery in the Peel–Harvey system. There have been intermittent scientifically endorsed studies in the past, as well as anecdotal studies based upon having recreational fishers assist in data collection, but to my knowledge there has been no longitudinal study of the Peel–Harvey crab fishery since the opening of the Dawesville Channel in 1993. As I mentioned last night, given the pressures of urban development and runoff affecting water quality, if we are to preserve that fishery as a viable fishery for both commercial and recreational fishing, I urge the minister to work on the Minister for Fisheries to refocus on the Peel–Harvey system in terms of research and study. It is a

significant crab fishery, as the minister is well aware. Hundreds of tonnes of crab is taken from that fishery annually by both commercial and recreational fishers, but the ultimate sustainability of that fishery is really still in question—thus the need for longitudinal studies and ongoing research is paramount.

Finally—this is not an area about which I know a lot—I refer to the resourcing of the department. Last night I mentioned developments in the north west, particularly the increase in shipping that we can expect over the coming decade with projects announced or currently under construction. It is important from a biosecurity point of view that we make sure that we monitor those ships. I hope that the Minister for Environment will take that up, given that the north west will see greater numbers of ships moving through pristine waters and around magnificent islands off the Kimberley and Pilbara coast. Therefore, there will be a greater chance that exotic species or species that we do not want to see in our waters will take hold in our waters and make their way into our ports and open waterways. That is a caution that I have regarding the ongoing monitoring and management of this area.

However, congratulations on the bill, and congratulations to the former Minister for Fisheries—who was, of course, nursing this bill through—for the role that he played. I, along with the other members on this side, endorse this bill and its passage through the Parliament.

MR W.R. MARMION (Nedlands — Minister for Environment) [12.59 pm] — in reply: I will briefly sum up. I thank all members for their further contributions during the third reading. I thank the departmental officers for giving me a briefing on the bill so that I was across it. I acknowledge all the contributions of members. The member for Gosnells reiterated some points he made in his second reading contribution. I take on board some of those that relate to me rather than to the Minister for Fisheries. I thank the member for his comments, particularly regarding the no-take zones in marine parks and his comment about concurrence versus consultation. I have those on board. The member for Collie–Preston is again a very knowledgeable member of this house on fishing—far more knowledgeable than I. He made a very good contribution regarding his concerns about various aspects of the fishing industry. Obviously, I can pass those on to the Minister for Fisheries, and I am sure that many of those concerns will be addressed when the full act is revised and, I understand, brought to the house next year. Certainly, the member for Mandurah’s comments were taken on board. I will pass on to the Minister for Fisheries the need for a longitudinal study of crab fishing in the Peel Inlet. I commend the bill to the house.

Question put and passed.

Bill read a third time and passed.