

**AQUATIC RESOURCES MANAGEMENT AMENDMENT BILL 2021**

*Second Reading*

Resumed from 17 June.

**HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition)** [5.54 pm]: I rise to make a contribution to the second reading debate on the Aquatic Resources Management Bill 2021. From the outset, I advise that the opposition supports this bill. It is a good bill that seeks to complete work commenced under the previous government in 2016 and to fix some issues identified subsequent to those amendments. The fishing and aquaculture industry is very important to Western Australia. It employs many people and involves a lot of family businesses, large and small, operating right across the state in various capacities and providing our state and the world with fresh seafood. It is a very important industry for our state and regional communities. Of particular note, of course, is one of those wonderful industries such as the western rock lobster industry, which is a really good story in management and success, although it has had some really trying times recently with difficulties in market access through challenges with China. Again, it is an example of a great industry in Western Australia. Aquaculture offers a fantastic opportunity for communities to diversify their income and their opportunities for locals. I think there is certainly a future in that. I would like to see some effort particularly there to get some good aquaculture projects off the ground.

In 2019, the Western Australian Fishing Industry Council, WAFIC, collected some statistics and found that aquaculture contributed an estimated \$989 million to the Western Australian economy. Eighty-five per cent of commercial fishing activity in the state is conducted in remote coastal areas, and that obviously has a significant impact on those regional communities. It is, therefore, of course important that the fish resource and the fishing industry are very well managed to ensure their viability into the future, for those communities and for everyone.

Some decisions have not been good, and I guess they have impacted on local fishers. The south coast wetline fishery is an example whereby a lot of the smaller fishers have been unfortunately affected by the decision to make it a managed fishing zone across the south coast. It is a huge area with quite different fisheries from one end to the other. It is disappointing that perhaps those smaller fishers were not considered in the way that management was applied. Some attempt could have been made to put in place a slightly more comprehensive management plan to allow those businesses to continue.

There have also been some issues buzzing around in various fishing industries across the state, such as the abalone industry. It is imperative that the government have good legislation in place that preserves the ecological sustainability of the state's aquatic resources and ecosystems and makes sure that they are managed well for not just today's generation but obviously also the future. We want to ensure our aquatic industries—our fishing industries—are sustainable for the long term. That benefits everyone. It is also important that the fishing industry well and truly understands the legislative regime around which they need to operate. That was probably best exemplified a couple of years ago with the attempts to nationalise the rock lobster industry, which caused tremendous uncertainty in that industry and was not a good way to manage a fishery. Indeed, businesses, families and other businesses associated with the fishing industry need certainty in their communities to keep doing what they do. This legislation recognises fishing access rights for each of those sectors, which is important. As I said before, it finalises work that was started under the previous Liberal–National government to improve the management of important fisheries and aquaculture in Western Australia.

The original act was a response to a national agreement that sought to sustainably manage fisheries across the nation. Although the Aquatic Resources Management Act 2016 was assented to in 2018, there were issues with the legislation that prevented it from being implemented. As part of preparing for the implementation of ARMA, it was discovered that ARMA did not provide sufficient flexibility to allow different types of resource shares to be provided for in the strategy and planning documents for a managed aquatic resource. As a result, it would be impossible for multi-zone, multi-species or multi-gear fisheries to be transitioned to manage aquatic resources under ARMA. It obviously presented a significant issue. The Aquatic Resources Management Amendment Bill 2021, which is similar to the bill introduced in 2020, proposes amendments to ARMA to address this issue as well as provide for a review of the act five years after the repeal of the Pearling Act 1990. At its simplest, ARMA replaces both the Fish Resources Management Act 1994 and the Pearling Act 1990 and provides the primary enabling legislation for the management of WA's aquatic biological resources and fisheries.

The prime focus of ARMA is to ensure the ecologically sustainable development of Western Australia's living aquatic biological resources and ecosystems by managing harvesting and other relevant human activities that affect these resources and their environment. A key element of this legislation is the recognition of existing access rights and commercial harvest allocations established under the two acts that it replaces. The act provides for cross-sectoral planning and management, the setting of explicit sustainable harvest levels and the allocation of access rights between harvest sectors.

As I said at the commencement of my contribution, I note that this bill was supported by the opposition. It was supported by both sides of the chamber in the other place. It was supported for a very good reason—because it resolves a flaw in the practical application of the original legislation by seeking to provide sufficient flexibility for those different types of resource shares to be provided for in the new strategy and planning documents for a managed aquatic resource. As a result, those multi-zone, multi-species and multi-gear fisheries will now be transitioned to managed aquatic resources under ARMA. This in turn will provide for the continuation of separate management arrangements and situations in which multiple fishing activities occur on a single species or species group but in which the nature of these activities is too different for them to be dealt with effectively under a single aquatic resource management strategy.

The other proposal under the amendment bill is the removal of the requirement for the CEO to publish notice of a decision to grant, vary or transfer an aquaculture licence. Under ARMA, aquaculture licences will now include licences for pearl oyster, *Pinctada maxima*, aquaculture. There is no requirement under the Pearling Act 1990 to advertise such decisions. The imposition of a new obligation to advertise these decisions was an unintended consequence of ARMA. Importantly, this streamlining of administrative processes will not diminish transparency around decisions relating to aquaculture or preclude opportunities for third parties to have input into decision-making.

I also note that the bill includes additional amendments, which were advanced during debate in the previous Parliament. Those amendments related to a clause to review the operation and effectiveness of the act. I am pleased that the government has added that review clause to the bill. It makes sense that after five years from the repeal of the Pearling Act, this act will be reviewed and we can consider how it is working, whether it is achieving the desired outcomes and of course how that pearling resource and other resources that have been transitioned are being managed. As a result of that proposal, a report will be laid before each house of Parliament and we will have the opportunity to scrutinise it.

With those words, I reiterate that the opposition supports this legislation. It is a good bill. It will finalise the implementation of ARMA. That is a good thing for industry and it is welcomed by industry.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [6.05 pm]: I would hate to miss an opportunity, after giving a few good veterinary anecdotes yesterday, of making a few fishing anecdotes. Let us have a small conversation. I will not be making a long contribution because my expertise in veterinary science far exceeds my expertise in fishing. However, that has never stopped me telling a good story!

Someone usually has to have done something wrong to receive the dire position of Minister for Fisheries. It is a tough portfolio. The Minister for Fisheries is on his way to purgatory. It is a tough portfolio.

**Hon Stephen Dawson:** He definitely supports the industry.

**Hon Dr STEVE THOMAS:** And the potato industry to go with it, I assume. That is good, coming from the south west.

It is the case that when someone becomes the Minister for Fisheries, they generally become known as the minister for killjoy. As fish stocks around the country and the world struggle, it is not often that a Minister for Fisheries gets to announce an increase in quota, an improvement in outcomes or an increase in the size of catches or catch limits. They are generally the killjoy—the minister for restricting the number of fish that people can take. It generally goes one way: as fish stocks struggle, the minister has to implement stricter and tighter controls. It is a somewhat onerous position. I always feel a little for the person who is given that position; it is a tough one to get. In the current situation, we can certainly see some of those things happening at the moment.

Obviously, the opposition supports the Aquatic Resources Management Amendment Bill 2021. It is a bill around administration. It will hopefully allow the government a bit more flexibility to deliver better management plans, and that is all good. That will be required, effectively. There are issues out there. We have some of the best-managed fisheries in the world. The western rock lobster fishery has been world rated for many years. It is rated as a long-term, sustainable fishery. Its management has been the subject of a number of papers and a whole pile of very positive reports. That is not necessarily always the case. Those members who have been around for a while will remember that a former resident of this house, Hon Norman Moore, had to reduce the catches of the commercial fishermen and the rock lobster industry fishery around Geraldton. He finally got used to saying the word “puerulus” as a measure of how many rock lobsters are out there. Members will know, particularly the parliamentary secretary for that region, that the juvenile —

**Hon Stephen Dawson:** I used to be the fisheries adviser for the government so I know puerulus very well.

**Hon Dr STEVE THOMAS:** Did the minister have to sit down and count them all, to get a puerulus count in? Obviously, there were some issues around the number of rock lobsters in that region, and an issue around the sustainability of this highly valued, highly regulated and highly awarded fish stock. At the time, Hon Norman Moore, as the fisheries minister, was convinced to take action. He reduced the harvest available to commercial fishermen in particular. He did so on the basis of the measurement of the juvenile stock, the puerulus. There were some arguments about whether the crayfish had moved further in or further out, but he took a conservative approach, as the minister should do, and reduced the amount that could be caught.

As usual, it is a very difficult and painful exercise to change a system in which there is a regulated marketplace, and there are licences, set bag limits and set takes. I am sure that Hon Norman Moore will remember to his dying days the time that he, as fisheries minister of Western Australia, had to put in bag limits. He is not the only minister who has done that. I cannot remember who the fisheries minister was who dramatically cut bag and size limits for the pink snapper harvest in Shark Bay. I think he was minister prior to Hon Norman Moore and was a Labor minister, but I stand to be corrected if someone were to look that up or has a memory that is more recent than mine. It is absolutely the case. I do not know whether members have been to Shark Bay, but in the early days, people from the entire state went to Shark Bay to effectively ravage the fish stocks up there. They would regularly drive up with chest freezers on the backs of their utilities and catch pink snapper off the beach. People would in a week fill up their freezers with a year's worth of fish. There was just a massive pillaging of that resource. It had to stop. It did stop and successive governments have supported that. It is absolutely the case that that should not happen and should not continue to happen. The legislation before us tonight will make it easier so that it does not happen, which is a good thing.

But it is also the case that those things needed to be put in place. Not many fisheries ministers get to increase the fish harvest unless they are considering increasing the harvesting of large sharks, for example. The problem with that, of course, is that there is no marketplace for shark, because people do not want to eat the meat. The parliamentary secretary is looking at me askance. Large sharks have a different anatomy from us in that they do not excrete urea through a urinary system; they effectively exude urea through the skin. The tissue in large sharks fills up with ammonia and urea and it makes the flesh largely inedible. Shark cannot be harvested and eaten. The biggest issue about whether to take big sharks is not catching them, because you can catch them, but what do you do with them. There is no marketplace for them. All the good eating sharks are the small sharks that are less than a metre and a half, or flake. When the parliamentary secretary is looking for a good meal, he should try a bit of flake and chips, but he should make sure that he gets the little ones and not the big ones because size does matter, but in reverse order!

I have digressed a little. However, this is important because the government needs to address the issues that we are facing today. Interestingly, we would not have necessarily expected the COVID-19 pandemic and fisheries to intersect in this debate, but it has. In my view, a couple of matters have impacted here. The first is that people cannot go overseas and spend their money on a holiday in Bali. Anecdotally, the advice that we receive is that many people are going on holidays in Western Australia and many are fishing more than they ever did before. I have to declare a vested interest here: during the long break I took off most of a week—five days—to fish in Shark Bay. I was fully licensed, just in case that question comes up, and I will talk about that experience in a minute. Shark Bay was full. It is the first time I have been to Shark Bay—I have been a few times over many years—and found the road out to the Peron Peninsula full. The camp sites were full and no more people could have been admitted. It was packed. There was no accommodation in town. People were everywhere and boats were everywhere; it was absolutely full. I think given my brief experience of it, yes, absolutely there are more people fishing. That has created additional demands on resources. I would be interested to know—the parliamentary secretary may or may not be able to get this—whether the number of fishing licences that have been registered in the past 12 months of the COVID-19 period has increased. There certainly appears to be more people on the water and more people taking fish.

The demand on resources has been so significant that we are hearing commercial fishermen say that they cannot find fish; they are struggling to catch their quota. The Western Australian fishing industry is very important, but a relatively small number of people are involved in it. A small number of people take a commercial harvest, but an enormous number of people take a recreational harvest. The argument about who has first pick—recreational or commercial—has been brutal and vicious for as long as I have been around the political system, which is a fair while now. It is a no-holds-barred fight. The arguments that we have across the chamber are amateur when compared with that fight. The right to fish those fishing stocks first is a brutal contest. At the moment, commercial fishermen are struggling to obtain an adequate resource. That is how they make their living, so it is important. A large number of recreational fishers are out there on the water and we must support their right to do that, but that is putting an enormous drag on the resource.

Another factor I discovered in Shark Bay is that not everybody is playing by the rules. There will always be that person who, despite being allowed to take two snapper a day, who will take another cast and get a bigger snapper and will throw the nearly dead and smaller one into the water so that it disappears. There is no way of preventing human nature from taking advantage. I hope only a small proportion of the fishing population does that. I have certainly never done that, probably because most of the time I struggle to catch enough fish to reach a quota, but that is another story.

Another thing that has been talked about in Shark Bay for a while now that also occurs in a lot of other places like Onslow, Exmouth, Eighty Mile Beach—it is even potentially coming south—is that sharks have figured out how to get an easy feed when fish are being pulled up. That is a problem, because even with the best will in the world, if the restrictions placed on a recreational fisherperson's harvest is two fish per person, that means that if a recreational fisher's fish is halfway through being pulled up and a shark takes it, they will not know what fish it was and will not know whether they have caught two snapper or two northwest blowfish. I imagine sharks turn their noses up at nor'-west blowies, but I am not an enough of an expert to tell members whether they do, because they are usually

the ones that you do manage to get into your boat. But for the ones that get taken, you do not know. You can lose a lot of rigs. Recreational fishers going out to harvest some of the fish in the system are losing dozens of rigs when fish come part of the way up. A person can get a fish halfway up and not know what it is. On the final day of fishing in Shark Bay a few weeks ago, we must have lost 20 rigs. We were dropping rigs down, pulling fish part way up and losing them to sharks. The suggestion is that sharks may follow the boats because they know there is an easy feed to be had. As you are pulling fish up, you are effectively dangling them in front of the shark's nose.

At the end of my final day in Shark Bay, I was pulling up a fish of some sort and I just started to see colour, when a lemon shark came through and took it off. It took the rig, bait and everything. If that shark had not got it, a second shark was on its tail ready to do the same thing. There are plenty of sharks up there. They are harvesting recreational fisher catches and that is having a significant impact. It is particularly bad up north and I suspect that we will find that as people go fishing up north and cannot get a fish into the boat, they will start going south. That will increase the pressure on fish stocks in the south. This is going to be a critical issue for fish management in the not-too-distant future. If we stay locked down with COVID-19, I do not see it going away in a hurry, to a point at which the government might be forced to start making rule changes in relation to recreational fish stock. This is a critical issue. These issues need to be addressed.

This bill does not get in the way; it should hopefully allow the government to address some of the issues. Perhaps the parliamentary secretary, when he gets a chance to respond, might just give a broad sweep over the fish stocks and the current and upcoming issues. I have discussed this with the minister. I do not have the answers; like I say, there is no commercial harvest of large sharks, but we will potentially have a problem that we will have to deal with. With those brief comments, I, like the rest of my colleagues, will be supporting the Aquatic Resources Management Amendment Bill 2021.

**HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary)** [6.20 pm] — in reply: This is a good bill, as the opposition has said. To go back to what Hon Colin de Grussa said, it is a very important industry and this is an opportunity for us to manage it well and get it up to scratch. It is good legislation that is supported in this place and the other place. This new bill has a slight change, as Hon Colin de Grussa said, to simply put in a review mechanism, which is really important. I think that is a good outcome. I note that Hon Dr Steve Thomas did not mention how many fish he caught, but I am sure there were plenty!

This is a good bill that is supported by both sides. There has been plenty of consultation and I will endeavour to get the honourable member some more information behind the chair on the other fish stocks. I believe there have already been conversations behind the chair.

**Hon Dr Steve Thomas:** We're happy.

**Hon KYLE MCGINN:** Excellent. We will go from there, and I will get the honourable member more information behind the chair on other fish stocks.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

*Third Reading*

Bill read a third time, on motion by **Hon Kyle McGinn (Parliamentary Secretary)**, and passed.