

MARINE PARKS

Motion

Resumed from 19 November on the following motion moved by Hon Rick Mazza —

That the Council supports —

- (a) a moratorium on the creation of any further marine parks in Western Australia; and
- (b) an investigation into the access to and management of the current marine parks in Western Australia, including allowing shore-based fishing in sanctuary zones.

HON MARK LEWIS (Mining and Pastoral) [2.05 pm]: I would like to recap just briefly. I was getting into the swing of things when I referred to the multilayers of management frameworks that are out there to manage resources. More importantly, I was starting to reflect on the cost and the bang-for-buck efficiency and effectiveness of a range of those management frameworks. What has come across to me over the years is this false suggestion that the current resource management legislation is somehow flawed and is insufficient and we need these multilayered, multi-tiered management frameworks to do the job. As I said, my experience is that in over 30 years I have not seen an instance in which a management response was required because of a real lack of legislation. If it was required, it was easily rectified by regulation or amendments to the principal act. Conversely, might I say, I cannot recall a single instance in which a World Heritage area framework or some such has achieved a different or better environmental outcome because it was a World Heritage area framework, and where that outcome was achieved only because of that management framework being imposed and could not have been achieved under a plethora of natural resource management regulations and legislation. I also touched on my experience in the game, in which staff often found it offensive that these international and national conventions and management frameworks are almost saying that they are not doing the right job. I got that feeling on a number of occasions, particularly in the land management area. I see it as offensive that these international bodies—even more offensive when it is the federal government—believe that they can impact on our sovereignty and do a better job from afar.

I have said a number of times in this house that resource management is clearly a constitutional issue and responsibility for the states, yet federal centralist governments of both persuasions layer our resource management with such things as national heritage areas and the Environment Protection and Biodiversity Conservation Act. I am still of the view that the EPBC act borders on being unconstitutional and that at the time, very spurious linkages to and within the federal Constitution were used to get it across the line. I might add that was done by a Liberal government under John Howard. I have always struggled with the concept of the EPBC act. I note that probably a less centralist government—I just say it happens this time to be Tony Abbott—is looking at joining up the two levels of environmental management with the Feds and the states. I am yet to see the outcome of that, but I look forward to that because I think that the EPBC act borders on unconstitutional and drew on very thin lines to get across the line.

We did hear something about the precautionary principle; it was mentioned on the topic of managing resources. In my view, the precautionary principle is used by people who do not really understand the science and want to intervene because they have agendas other than the science, and in some way consider that subjective assessment is better than objective science. I am not saying we always know things without doubt in resource management, and I guess we never will, but I have used the principle of the 80 per cent rule. We will never be able to have 100 per cent complete confidence, but if we can have 80 per cent confidence in the cause and impact relationship, a decision can be made on that basis, knowing that it will always be an imperfect decision in an imperfect world. As I said, I do not follow the precautionary principle because I think it is very subjective and often used maliciously.

I would like return where Hon Rick Mazza started, which is that at the end of the day resource management is about obtaining a social, environmental and economic outcome via good management, and doing it efficiently and effectively; I think I have said it is the bang-for-buck test. In my experience, a triple bottom line outcome cannot be achieved by locking the gate and throwing away the key. I want to make it clear that I do not think the marine park framework does that, but as a principle that approach does not and cannot deliver a triple bottom line outcome. I am yet to be convinced adding layers of so-called higher order management frameworks adds conservation value. I know they cost a lot more, but I do not know that they add a lot of conservation value.

But I cannot support Hon Rick Mazza's motion because it has the potential to restrict future government resource management flexibility and the tools in the toolbox of the government of the day to manage specific areas; for example, where there is going to be growing pressure, unlike in the Kimberley, in my view, and where there may be a case for more prescriptive approaches in high-impact areas like the Swan River, Rottneest, the western suburbs strip, Rockingham, and even down to Busselton and Bunbury marine resources. But I do thank

the member for bringing this motion to the house because I think it has been a worthwhile debate. In the interests of full parliamentary disclosure, I will identify the secret fishing spot of Hon Ken Baston in Shark Bay if Hon Robin Chapple discloses his around Derby and Fitzroy Crossing.

HON PAUL BROWN (Agricultural) [2.13 pm]: I thank Hon Rick Mazza for bringing this motion to the house. The motion has two paragraphs that read —

- (a) a moratorium on the creation of any further marine parks in Western Australia; and
- (b) an investigation into the access to and management of the current marine parks in Western Australia, including allowing shore-based fishing in sanctuary zones.

Both paragraphs have been the subject of rather a large amount of debate in this place over the past week, and, hopefully, I will be able to add to it today.

My father was a commercial fisherman. Everyone in this house should be very happy to hear that, because that is how he met my mother and that is how I am here today. My father was a rock lobster and prawn fisherman out of the Exmouth, Geraldton, Dongara and Jurien Bay areas. I do not suggest I have the fishing skills of my father; he was well regarded in the industry and went on to be the chief skipper for Kailis Marine. He had a lot of experience behind him. I am a very ordinary amateur fisherman—a recreational fisher, Hon Rick Mazza!

Hon Simon O'Brien: And you vote!

Hon PAUL BROWN: I do vote; I vote early, and I vote often!

So, yes, I have the fishing industry to thank for my being here today. My National Party colleagues, Hon Martin Aldridge, and Shane Love from the other place, have had quite a bit of input from stakeholders within the Agricultural Region up and down our coastline, particularly from Kalbarri. One of the things we have been dealing with in Kalbarri over the past 18 months is the effect of the western biozone on demersal fishing. The restrictions on demersal fishing through the main tourist months of the year—the Christmas break through December, January, February—when most people will be going to Kalbarri to partake in the main leisure pursuit of fishing have had a considerable impact on recreational fishing and the local Kalbarri community. We had quite a few communications with the former Minister for Fisheries, Troy Buswell, but I do not believe I have yet had the opportunity to discuss it with Hon Ken Baston; I am sure I will in due course. We had been advocating for a review of the Kalbarri area being included in the western biozone. We thought it would probably be better off being in the Gascoyne zone. Not far down the road is Shark Bay and many other areas that I think have a lot more—the science will probably tell me I am wrong—in common with Kalbarri than the metropolitan area. It has a very big effect on the local community and the recreational fishers in that area. A lot of people are in Kalbarri and its region because it has some of the greatest fishing in WA at a time when they cannot indulge.

One of the things I and Hon Rick Mazza discussed outside this chamber recently was marine park boundaries. I think it is a challenge for the scientists and Fisheries to put a line on a map and say, “Today fish X is protected because it’s on this side of the line”, and perhaps 15 or 20 minutes later or a day later it has travelled and is on the other side of the line and is, therefore, not protected. That is the reality of not only marine parks, but also our national parks and reserves. We have many terrestrial species that are protected inside national parks, but should they stray onto private property they become fair game, particularly if classified by some of our farming compatriots as vermin. Each farmer addresses that question separately.

When the boundaries to marine parks are looked at in a very subjective matter, they can appear challenging for recreational fishers. They would like to fish inside a zone or outside a zone and that line delineates where they can or cannot fish. However, we have to have these lines on maps. We are a very structured society and we like to have dictates of where we can and cannot do things. That is what we do in this place: we give our departments the ability to make lines on maps. However, that is not done without any due concern for science. Science gives us the ability to make sure that those lines in the water and on the map give us the best information that we can possibly have. We need to trust that our departments, both Environment and Fisheries, and, to a certain degree, Transport, are giving us the correct information so we can make decisions in this place.

As has been debated, when the science is looked at, I do not think we could honestly accept that a moratorium on the creation of any further marine parks in Western Australia would do any further good. The science is well formed. Even recently, last week, there was an article in *The West Australian* about herring bag limits maybe being halved. Obviously quite a bit of science goes into what we consider is acceptable. Going back to the boundaries, the science tells us that these are acceptable or unacceptable areas for recreational fishing or commercial fishing or no fishing at all.

Part (b) of the motion states —

- an investigation into the access to and management of the current marine parks in Western Australia, including allowing shore-based fishing in sanctuary zones.

That is problematic for me. The problem is that only 2.4 per cent of the area of the waterways in Western Australia is covered by sanctuary zones. That leaves 97.6 per cent of state in which commercial fishing is allowed.

Hon Ken Baston interjected.

Hon PAUL BROWN: Not commercial fishing, sorry, recreational fishing. I got carried away at myself for a second, minister!

Currently, there is the ability for recreational fishing on 97.6 per cent of our coastline. Most of us, I think, like to go on holidays and think we are the great white hunter—we can stick a line in and catch a fish, some better than others. If a person cannot find a spot on the Western Australian coastline that affords them the opportunity to do that, they are unfortunately not looking very hard. I have a map that outlines quite clearly the areas of our coastline covered. Unfortunately, it is black and white, so it is not highlighted very well, but our coastline is predominantly not covered by marine parks. The areas that are covered by marine parks are highly valued areas with highly valued species. I think some 70 rare and endangered species are covered by those areas. In my electorate of the Agricultural Region there is one very significant marine park—the Jurien Bay Marine Park. The little blurb I printed from the website describing the marine park states —

Jurien Bay is popular for a wide range of recreational activities including scuba diving, snorkelling, swimming, fishing and water sports such as windsurfing and surfing.

That it is. It is a magnificent marine park. I recently had the pleasure of being up there when we put the diving bells—the grottos—along the shoreline for snorkelling and scuba diving, which provide habitats for some of those species that like the seclusion of these little cement grottos we put in place. That has added to the spectacle of the marine park and has also added to the ability of fishers along that zone to have ever greater access for recreational fishing. I have another map here and it is a map of the Jurien Bay Marine Park. There is a handful of sanctuary zones, or no-fishing zones, in the marine park. There is Fisherman Islands sanctuary zone, which is just south of Green Head, and North Head sanctuary zone, Boullanger Island sanctuary zone, Nambung Bay sanctuary zone, Cavanagh Reef sanctuary zone, Grey sanctuary zone and Target Rocks sanctuary zone. There are seven zones there, which sounds like a fair area covered by sanctuary zones, but a look at the map shows they are fairly insignificant in size. Those zones target specific species and habitats, and all other recreational activities may be undertaken there except for fishing. People can still go snorkelling or scuba diving and they can still enjoy their water pursuits such as surfing, kite surfing, windsurfing and all of those types of pursuits. The only thing that people cannot do in those seven very small zones is fish; however, there is a copious amount of space up and down the coastline in the Jurien Bay Marine Park where people are allowed to do exactly that.

There has been an aggressive establishment of marine parks in Western Australia since 1987, but the marine parks reserves managed by the Department of Parks and Wildlife help to conserve our marine biodiversity and provide a special place for people to enjoy, appreciate and learn about the spectacular marine life we have in Western Australia. I would caution anyone wanting to hamstring our departments in their ability to use science. I have used the word “science” quite a few times, but it has to be effective science. It has to be backed up by the resources of the departments and this place to allow those people doing the assessments, the science, to make informed judgements on what should or should not be protected. The question of the quantity of fish coming into Australia from overseas, and the implication that has on other regions worldwide less resourced to protect their regions, was raised during debate last week. Unfortunately, we in this place cannot do anything about that. We are dictated to by our boundaries. We advocate for the marine biodiversity and the environment of Western Australia, and I sympathise with those sentiments; nonetheless, we have to deal with what is in front of us.

In finishing, I sympathise with recreational fishers. I understand that they would like to fish everywhere. I think in a lot of circumstances, even in sanctuary zones, their impact would be very minimal. I am sure that the vast majority of recreational fishers in Western Australia abide by the regulations on bag limits, and in fact the bag limits probably would not be reached and the resource in those areas would be sustainable. Unfortunately, not everybody abides by the bag limits. There are very many mostly law-abiding citizens who do the right thing in not just recreational fishing but any activity, whether it be a marine or terrestrial activity, but there are also people who choose not to do the right thing and choose to abuse the privilege. That is exactly what it is—it is a privilege to fish and to recreate in those areas, not a right.

I have sympathy for the motion on recreational fishing that Hon Rick Mazza has brought to the house. Although I definitely do not agree with him on supporting a moratorium on the creation of any further marine parks, I have some sympathy for allowing fishing in sanctuary zones. However, it is the science that dictates to us. Scientists have said that we must enable sustainability of the resource in these sanctuary zones by allowing the protected species to recover. Going back to the herring example that I raised earlier, we have quite good evidence from the Department of Fisheries that quite a large bag limit, not in sanctuary zones but in recreational fishing zones

throughout Australia, will probably need to be introduced. The current bag limit is 30 herring a day. That is quite a large number of herring. It surprised me as it is larger than the number I thought was the current bag limit.

Hon Rick Mazza: The management of the herring stocks, though, is fisheries management as opposed to marine park management; it is purely fisheries.

Hon PAUL BROWN: Sorry?

Hon Rick Mazza: The management of fish stocks. The motion is about a moratorium on marine parks, and what you are talking about there with the herring stocks is actually fisheries management, which goes to part of my argument that fisheries management is one of the best tools to manage the marine environment.

Hon PAUL BROWN: I agree with Hon Rick Mazza: we should be looking at the marine management of those fish stocks. That is where the science comes in, as far as I am concerned. My opinion is that the science sits alongside all of these assessments of these sanctuary zones. I put it to Hon Rick Mazza and also to the minister that the boundaries of these sanctuary zones can be modified. They can be enlarged, as was mentioned in the debate, but they can also be reduced if the science backs up the fact that the area has recovered.

The 13 marine parks that cover some stretches of Western Australia do not at the moment cover some of the most pristine waterways, beaches and coastline of WA. The provision of the three marine parks proposed at the moment for the north will cover some rather large pristine areas. However, an enormous amount of coastline affords us the ability to fish recreationally; 2.4 per cent of our waterways are basically locked up, and some of those only seasonally. As I said before, the Kalbarri fishery in the West Coast Bioregion is locked up for demersal fishing. I understand that a review is underway. I have not seen the outcome of that review for demersal fishing in that zone, but I will be going away from this place and having a bit of a look at it. Perhaps the minister can inform us about that review.

I will leave my remarks there. I think I have made my position quite clear, that science helps us back up the boundaries of these sanctuary zones. Not only does the science help us expand these zones as required, but I am sure that when those fisheries have recovered and the science backs up that recovery, as it does with the rock lobster fisheries and with the puerulus counts that determine the quotas being caught and the changes to the quotas each year, so too will science allow us to reduce the size of these sanctuary zones in the future if those stocks have recovered and if those species have been removed from the endangered species list. Hon Rick Mazza spoke about the hairy prawn and the striped seagrass.

Hon Rick Mazza interjected.

Hon PAUL BROWN: I was listening, Hon Rick Mazza, believe it or not!

Those two species alone might allow for the creation of a marine park but not necessarily for a sanctuary zone. The creation of a marine park does not prevent people from fishing there, but a sanctuary zone does. As I said earlier, only 2.4 per cent of the waterways in Western Australia are covered by sanctuary zones. There are vast amounts of our beautiful, pristine coastline that recreational fishers can have access to, and I do, and I am looking forward to it. In a couple of weeks, when this place packs up and we all go on our Christmas holidays, one of the things I will be doing is exactly that—hopefully putting a toe in the water putting a line in the water as well —

Hon Robyn McSweeney: When you are working harder!

Hon PAUL BROWN: When I am reading all those committee reports that I have not got to yet! I hope to be doing that over my freshly caught herring!

I thank Hon Rick Mazza for bringing this motion to the house. Although I sympathise with recreational fishers—as one of them, I truly do—I believe that they are afforded a great opportunity with our coastline to fish a large range and species of fish, and if they cannot whet their appetite somewhere sometime, I would be very surprised.

HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary) [2.38 pm]: I also rise to say a few words on the motion before us. I recognise that Hon Helen Morton has already spoken on behalf of the Minister for Environment, as has Hon Ken Baston. Both spoke from the perspective of the Minister for Environment and the Minister for Fisheries respectively, and have stated the government's position that we will not be supporting the motion before us. However, as a former Minister for Environment, I want to restate a couple of important matters. As has been said by a number of speakers, there are 13 marine parks in Western Australia. They protect some of our state's most environmentally significant areas, but they are not for the most part—I heard Hon Paul Brown refer to this and I think he is correct in saying this—locked up, as is often suggested by those who oppose the creation of marine parks. The fact is that sustainable fishing can occur in the majority of these parks, and I very much concur with many of the comments that Hon Paul Brown made in his contribution. Marine parks are also available for a number of other uses, including, of course, commercial fishing—not just recreational fishing—tourism, pearling, boating and diving, and I could go on. These are all

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Hon Mark Lewis; Hon Paul Brown; Hon Donna Faragher; Hon Simon O'Brien; Hon Rick Mazza

appropriately zoned and we go through quite a significant and detailed process before getting to the point of a marine park even being approved and subsequently gazetted. I recall Minister Helen Morton referring to the fact that the number of marine parks that have been created represent 17 per cent of our waters and the sanctuary zones represent a very small part of that 17 per cent, and Hon Paul Brown did reflect on that.

It is also the case that although many of the marine parks have multiple zones, there are, on occasion—I give the example of the Walpole and Nornalup Inlets Marine Park—parks that are entirely recreational. The Minister for Fisheries in his contribution last week reminded me of a particular issue that was raised by some concerned fishermen when that marine park was gazetted. It related to them being able to take their dogs on a boat when they went fishing. We were able to rectify the concern that had been raised, and I have absolutely no problem with that; it was entirely appropriate. That is when reasonable minds need to look at these matters in a practical way, and I think that that outcome was achieved in that instance. We created that park in 2009 and it was the first marine park to be created since 2004. Under that plan, all areas in that park are zoned for recreation and recreational fishing; it is allowed in all parts of that park.

I accept the concerns that have been raised by Hon Rick Mazza. It is a balancing act with the creation of marine parks. Having gained a great deal of experience in this area, I agree that they can be the source of a great deal of contention on both sides of the fence. It is fair to say that the Minister for Environment gets a fair amount of criticism, whether it is from the recreational fishing side of things or from the more conservation-minded groups, if I can put it that way. The simple reality is that no matter what the Minister for Environment does, groups on either side of the fence will not be very happy with them. The reality also is that the minister—I certainly always took this view, and I have no doubt that it is the view of every environment minister—has to look at all the uses that exist in areas when they look at a proposal to establish a marine park. From an environment perspective, the minister obviously needs to look at those areas that are pristine and need to be protected, but they also need to recognise that these parks are there for the enjoyment of the broader community. I use the example of national parks. It is fair to say that when I was minister, a few people used to say to me that people should not be allowed to go into national parks because they are pristine and they need to be protected. My response at all times—I have said it in this place on a few occasions—was that national parks are there first and foremost for the protection of flora and fauna, but they are also there for people to enjoy, and if we do not let people go in and value those parks, some people may not respect them. I think the same argument can be made for marine parks.

The reality is that there may be some sanctuary zones in any marine park, but it is not all of the marine park. A number of zones allow for recreational fishing and other pursuits, as I have already mentioned. When we consider the balancing act and all the work that goes into the establishment of a marine park, we have a good mechanism in place in Western Australia. The environment minister cannot unilaterally declare a marine park. The minister has to go through quite an exhaustive process that also includes the concurrence of not only the Minister for Fisheries, but also the Minister for Mines and Petroleum. If there are concerns from recreational fishers and the like, there are checks and balances. When I was minister, Hon Norman Moore was not only the Minister for Fisheries, but also the Minister for Mines and Petroleum. It is fair to say that we had lengthy and numerous discussions about marine parks, and they were good discussions. At the end of the day, this government has created many more marine parks than were created under the previous government, even though members opposite talk about how good they were on the environment. But I will not go into that now.

When a marine park is approved and gazetted, obviously a management plan is created. As part of that, the now Department of Parks and Wildlife—when I was the minister, it was the Department of Environment and Conservation—works very closely and collaboratively with the Department of Fisheries on not only the development of those management plans, but also their implementation. Again, I think that is appropriate. I appreciate that there are a number of competing interests at times and it is important that that balance is right.

I simply wanted to say a few words on the motion. I think that most members have canvassed the key elements. Again, I appreciate that marine parks and their establishment can cause contention between a number of groups. I know that very well, but I think that appropriate checks and balances are built into the system. At the end of the day, we take into account a range of issues, whether it is first and foremost, from an environment point of view, protecting those pristine areas but recognising that those areas are often a place of enjoyment and recreation for the broader community, including recreational fishers and people who want to go diving. Marine parks cater for a range of interests through the appropriate zonings and, for that reason, I cannot support the motion.

HON SIMON O'BRIEN (South Metropolitan) [2.49 pm]: I am very pleased to contribute to a debate initiated by one of our more thoughtful and proactive members. As usual, Hon Rick Mazza has raised an issue that is of interest to the community at large but also I think to those who particularly support the platform upon which he was elected. Like Hon Rick Mazza, it appears to me that an awful lot of members in this place have a lot of sympathy for this motion even though they will not vote for it. I hope that gives Hon Rick Mazza some morsel of comfort! Even if it ends up at 34–1—there is no guarantee that will be the vote—but if it ends up at 34–1 —

Hon Darren West: Or 35–0!

Hon SIMON O'BRIEN: I think he might find there is some merit in being the one person who has not only sympathy for the views in the motion, but also his name recorded alongside it. Hon Rick Mazza should certainly not be downhearted by that.

Let me tell the story of another member who found himself in a minority of one. It is a story which predates every other member's presence in this chamber, so I can be as elastic with the truth as I need to be! Not that I would be, but perhaps my memory might be a little faulty. The essentials are this: my very good friend Hon Bruce Donaldson, a distinguished and long-term member, once, for some reason unbeknownst to me, took it upon himself to examine whether we needed to have an afternoon tea break in this house. He examined the matter, and it was debated. This is where it gets a bit hazy. The membership of the house at that time, excluding the President, numbered 33. Perhaps someone might be interested to look it up; I do not know whether a formal vote was taken. But if it was, it might well have been 32–1, though I have a sneaking suspicion that there was not a division, which reflected a vote of 33–0 against that proposition. That is a somewhat tenuous link to a motion —

Hon Ken Travers: I was around at that time and I do not know that you could call a vote in those days on a 33–0 outcome.

Hon SIMON O'BRIEN: I am not sure that there was ever actually a count.

Hon Ken Travers: You couldn't get a count on 33–0 because two voices were needed to vote for a call against the motion.

Hon SIMON O'BRIEN: Hon Ken Travers is quite correct, because in those days more than one voice was required.

Hon Ken Travers: The President came out of the chair. That meant you could start with only 33. You could have only ever won 31.

Hon SIMON O'BRIEN: Is it not incredible that such important issues —

Hon Ken Travers: Relate directly to marine parks!

Hon SIMON O'BRIEN: Indeed they do; or, more to the point, they relate to this motion.

Hon Ken Travers: Afternoon tea is a very important part of marine park management in this state.

Hon SIMON O'BRIEN: Staying true to my remarks about the folklore of the chamber in the first instance, suffice to say one member on that occasion was keen to advance debate on a particular issue. Hon Bruce Donaldson did not exactly get overwhelming, or indeed any, support for the proposition. What I do not recall is whether in the end he even supported it himself, but I tell members that plenty of people, including those who were not here, know that Hon Bruce Donaldson was the one who stood alone on that occasion. I wonder whether people can recite the names of all members who collectively took the contrary view—I think not. Hon Rick Mazza is doing the right thing by his constituency in advancing this matter for debate, even if it is defeated.

I do not have a huge amount of sympathy for the details of the motion moved by Hon Rick Mazza. In the first instance, I do not think that the Legislative Council in all its members has the capacity to determine a question about whether a moratorium is required. That is one reason I think it would be premature to support this motion. Because of that, in my view the motion should not be supported. However, the second part of the motion calls for —

- (b) an investigation into the access to and management of the current marine parks in Western Australia, including allowing shore-based fishing in sanctuary zones.

Some members have addressed that particular question. I think I can fairly say that there is considerable sympathy and support for the idea of finding out a bit more about the prospects that Hon Rick Mazza asserts. If he thinks it reflects a problem, he should examine it to discover whether there is a problem and whether changes are needed; and, if so, what we should do about it. Even though at times—in fact most of the time—there are quite inadequate mechanisms available to us in this house, and have always had in this house, to debate motions, if this does not provide what Hon Rick Mazza wants, I suggest that he achieve what he can from it by sticking to his guns. He can then think about how else he might approach this matter to get an outcome that actually means something. I do not think it matters on this occasion who particularly votes for or against this motion. I know darn well that there will not be a moratorium announced at the end of this debate, regardless of who votes for it, but Hon Rick Mazza gains the benefit of raising it as a public issue and exciting the attention of members around the chamber who have risen to speak. Hon Rick Mazza should continue to search for other ways to get the outcome that he wants. Whether that is from within the apparatus of Parliament or acting in concert with the

Minister for Environment's office or engaging with a department with the cooperation of one or two ministers, I urge him to continue to examine the question. Hon Rick Mazza might find that a few members are prepared to go along with him.

The rest of the debate has also brought forward some other interesting things that we did not know before. A couple of them remain undisclosed. I have not heard such a cliffhanger of a closing remark since Hon Mark Lewis sat down a few minutes ago when he was about to disclose Hon Ken Baston's favourite private fishing spot! Of course Hon Ken Baston is none other than the Minister for Fisheries. We were also going to find out where Hon Robin Chapple's favourite fishing spot is—the gelignite-free fishing spot, I am no doubt sure it is, at least when he is in attendance—but who knows! These sorts of things are left hanging, suspended, leaving us all to agonise and lie awake at night about where it might be. Heavens, I once went to Japan with Hon Ken Baston. I never found out where his favourite fishing spot in Shark Bay is, and Shark Bay is a big place. I have been to Japan with him and I can vouch for the fact that he likes his fish.

Another person who likes his fish is Barry Carbon. Barry Carbon wrote an article that was reproduced in *The West Australian* the other day. It was headed “Sting in the tail to WA's humpback success”. Barry Carbon was talking about a subject that gives rise to a lot of angst in the public domain directly related to the marine environment, marine sanctuaries and marine wildlife. We all like whales. They are magnificent mammals and are so often used as a metaphor for things that are great, graceful and a whole range of other terms of merit that can be applied to the whale species. In his article, Barry Carbon, who has a very distinguished history in a range of jurisdictions in environmental regulation and expertise, was commenting on the population of humpbacks off the Western Australian coast. I will come to the population of humpbacks on Western Australian beaches in a moment, but in terms of humpbacks off WA, Mr Carbon was commenting about the ups and downs, literally, of the humpback whale population off the Western Australian coast and was discussing the east coast whale population also. I think that that article appeared in *The West Australian* yesterday, 25 November, and if members are interested, they can source that story.

In that story Mr Carbon was talking about the decline to the point of species endangerment of the humpback whale population off the Western Australian coast and how the humpback population was reduced to perhaps a few hundred animals. It is a big ocean out there. He also was talking about the cessation of commercial whaling, at least by Australians, off the Western Australian coast, the way that we have treated whales and how that species has fought back. The way the humpback population has recovered is a great example of Mother Nature and its strength. About 30 000 humpbacks travel past WA each year. That is a dramatic increase and I think we would all consider that a dramatic success in the intention of allowing the humpback population to recover. That population will probably increase at a guesstimated 3 000 animals this year—a 10 per cent increase. In his article Barry Carbon pointed out—I think I am paraphrasing him fairly—that that is what nature tends to do with a recovering species: it tends to speed up its recovery process, perhaps because there are fewer animals competing for the same food stock, there is a degree of protection provided that was not available before, and all the rest of it. A species goes from a position of recovery to perhaps over-recovery. What happens then? Despite all the efforts of humans in our essential arrogance, Mother Nature also has a way of trimming the dish and finding equilibrium. As Mr Carbon discussed, that means we will probably find a few more humpbacks than has historically been the case washed up on our beaches and there will be a fair few sick or young humpbacks finding themselves as shark food. That is the way of the wild. That can be seen in species over the years, endangered or recovering populations of animals, both marine and terrestrial, going through this process of endangerment, then hopefully recovery, then over-recovery and then achieving equilibrium. This has gone on not only from time immemorial but also since the dawn of time; but that has been the experience when humans have been involved.

The question of marine parks of course is a direct intervention by humans in preserving and enhancing protection for a species, particularly for endangered populations of marine animals at a time when it is needed. I certainly think that Hon Donna Faragher, a fine minister for the environment, was involved in the creation of a number of marine parks, to the distress occasionally, both real and jokingly, of Hon Norman Moore, because perhaps he realised that sometimes when a marine park is established, it ignores the question, which I think Hon Rick Mazza is asking us to address via his motion, of when do we un-gazette a marine park. When is it necessary, but when does it outlive its usefulness? I do not think anyone really wants to contemplate getting rid of or un-gazetting marine parks or anything of the like. But Hon Rick Mazza is at least prepared to ask us to contemplate the level of restriction that applies to, for example, recreational or beach fishers in and around a marine park, and whether that should be varied as time goes by as the health and prosperity of populations of marine animals grow and abate, and whether we should revisit the rules that apply. I do not think there is anything wrong with asking those sorts of questions, and we should not be scared to do so and find out the answers.

Hon Donna Faragher has provided some useful information about her time and experience in the creation of marine parks. I have already acknowledged the outstanding job she did. I was in a good position to observe the great job she did as a minister for the environment and the dedication she had for the job. The honourable member's approach was not only about a caring and reasoned concern for the quality of our environment, but also distinctive, as it should be for any good minister, to ensure that the job is done right, that restrictions are introduced are done so for good reason and not for arbitrary purposes. It is easy to say—as a lot of people in the political sphere do—that we should not do this or that or that we have to have moratoriums that stop people from doing things, whether it is hunting, farming or drilling for oil, and, heavens, I do not know, riding pushbikes on the side of the road. Whatever it might be, there are always people who want to take a dogmatic approach that applies to everyone and believe that people should not question them because it means others do not care about something that needs to be cared about. I think Hon Rick Mazza has done the right thing and has had the courage to raise these questions for analysis. There have been many ministers on both sides of the house in the environmental portfolios who, like Hon Donna Faragher, understand the balance to be struck in all these things. That is the role of a minister of the Crown as, indeed, it is the role of a legislator to understand there are always many aspects and dimensions to each of these issues.

I was thinking during consideration of my opening remarks that I might tell members, particularly newer members to the house, about the first decision that I can recall Hon Donna Faragher making as Minister for Environment, but taking a leaf out of the book of another member who I admire greatly, Hon Mark Lewis, I will not tell members about that today, but perhaps another time.

HON RICK MAZZA (Agricultural) — in reply [3.11 pm]: I would like to thank all members for their contributions over the last couple of weeks. Obviously, I am somewhat disappointed but not surprised by the government's position on this subject. The government gave us a fairly sweeping overview of its political position on marine parks, but not necessarily specific scientific reasons for its position, nor did it give the outcomes and goals that it is trying to achieve by managing marine parks. I particularly thank Hon Mark Lewis for his contribution, which goes to the heart of this motion, which is bang for our buck. We are talking about spending tens of millions of dollars on marine park establishment and management. The question is: are we really getting value for money? That is the whole question on marine management.

I appreciate the contribution by Hon Robin Chapple, who agrees that science is a very important ingredient in determining whether a marine park should be established or not. With all due respect, the science from the 1960s or the Red Book from the 1980s is probably obsolete in this modern time, as is his mate's method of fishing by using dynamite to blow fish out of the water. That brings to mind the Henry Lawson short story *The Loaded Dog*. That is what really concerns me, because it is easy enough to establish a marine park but as Hon Simon O'Brien said, a marine park will never be ungazetted and every time we put in another layer of marine park, with the associated costs, it will be very difficult to roll back those costs. We have to be mindful that we do not leave a legacy of a financial millstone for future generations and a political loaded dog that will follow governments around for time immemorial.

Hon Jim Chown: You do understand you can fish in marine parks apart from sanctuary zones?

Hon RICK MAZZA: Thank you, Hon Jim Chown. Yes, I do understand that we can.

Hon Jim Chown: You haven't made it very clear.

Hon RICK MAZZA: I did, actually, in my opening speech make it clear that marine parks can be multi-use.

Hon Ken Travers: It's okay, Jim will come in and correct the record—don't worry!

Hon RICK MAZZA: Hon Jim Chown always makes valuable contributions during debate on my motions. Unfortunately, the Labor Party presented a similar position to that of the government on marine parks.

Hon Ken Travers: The only thing that is unfortunate is that we agree with the Liberals.

Hon RICK MAZZA: Hon Ken Travers put forward the opposition's position, but I did not hear anything about the science around marine management. From my research, I understand it is not so much about fishing but pollutants—plastics, chemicals, marine pests and all those sorts of things that affect the marine environment—which do not respect any marine park boundaries. Hon Ken Travers also spoke about the perceived value of marine parks for scientific research and being able to conduct scientific research in a marine park. I think that could be done anywhere in the ocean, to be quite frank; it would not necessarily have to be a marine park.

Hon Ken Travers: There is evidence to show it helps being able to get research, by having areas that are restricted or sanctuary zones and comparing them?

Hon RICK MAZZA: Unless it is a sanctuary zone, if people can fish in them, they are not that protected.

Hon Mark Lewis; Hon Paul Brown; Hon Donna Faragher; Hon Simon O'Brien; Hon Rick Mazza

Hon Ken Travers also commented that I was elected by a particular group of people, along with a lot of preferences. I do not think there was any malice in that comment, but I would like to say that I am not the only member in this place who was elected specifically on preferences; about seven members here were elected on preferences. I represent not only the Agricultural Region, but also supporters across other regions, who are very interested in this debate because it affects a lot of them.

Hon Ken Travers: If you take an interjection, my point was not made with malice; it was to recognise that we would expect you would raise issues like this because of the way that you were elected.

Hon RICK MAZZA: I accept that, but the member did mention that I was elected with a lot of preferences and I wanted to make the point that I am not the only member here elected on preferences. A lot of people in all the regions support my reason for being in this place.

It is important, too, to close by saying that we should question whether marine parks are the panacea of marine management and the marine environment when, at the end of the day, science is about questioning, challenging and bringing up all matters concerning the marine environment to get the best outcomes and the best bang for our buck.

In one scientific study a comment by Professor Bob Kearney of the University of Canberra reads —

The current commitment to a National Representative System of Marine Protected Areas ... falls far short of providing adequate protection against the suite of existing and potential threats even though areas are designated as being ‘protected’.

...

Waters do not have to be closed to all forms of fishing to be effectively protected against the adverse effects of fishing ... For unexplained reasons Australia remains reluctant to accept that its well managed fisheries qualify most of the country’s marine waters to be determined as already protected against the effects of fishing. Most Australian MPAs provide little protection against other threats, while fishery management is relatively robust and demonstrably effective throughout Australia’s marine realm ...

Science is saying that marine parks are not necessarily the best way to manage the marine environment.

Division

Question put and a division taken, the Acting President (Hon Amber-Jade Sanderson) casting her vote with the noes, with the following result —

Ayes (1)

Hon Rick Mazza (*Teller*)

Noes (30)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown
Hon Robin Chapple
Hon Alanna Clohesy
Hon Peter Collier

Hon Kate Doust
Hon Sue Ellery
Hon Brian Ellis
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Nigel Hallett
Hon Alyssa Hayden

Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Lynn MacLaren
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien

Hon Ljiljana Ravlich
Hon Samantha Rowe
Hon Amber-Jade Sanderson
Hon Ken Travers
Hon Darren West
Hon Phil Edman (*Teller*)

Question thus negatived.