

Mr Mick Murray; Mr Chris Tallentire; Mr Roger Cook; Mr David Templeman; Mr Mark McGowan; Mr Bill Marmion

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**FISH RESOURCES MANAGEMENT AMENDMENT BILL 2011**

*Second Reading*

Resumed from 31 August.

**MR M.P. MURRAY (Collie–Preston)** [4.45 pm]: The Fish Resources Management Amendment Bill 2011 is certainly a bill that the Labor Party welcomes, although there are a few finer details to be worked through. As one who has a very great interest in the fishing industry, both recreational and commercial in some ways, I feel that this bill is well overdue. In earlier times, under former minister Hon Jon Ford, I gave some input on the aquaculture industry and on the workings of the aquaculture groups. I was the chair of the aquaculture deregulation working group in 2005, which included Mr Peter Millington of the Department of Fisheries and Mr Steve Nel, a representative of the Aquaculture Development of WA. We did a lot of work on recommendations to free up the aquaculture industry, particularly that on land. At that time—these figures certainly would have changed—Western Australia was \$200 million behind the moneys being earned by Queensland's aquaculture industry. Since then, of course, there have been changes and the pearl industry has gone ahead, especially in the north of the state, and now coming further south into the Geraldton area. I heard the other day that another species of pearl is also available around the Abrolhos Islands area. Again, we are building in some areas, yet not building in others, which is of concern to me. The aquaculture industry needs to have the red tape removed because the monetary cost and time factors in establishing these farms put a lot of people off. Many, many aquaculture industries have started. The mahi mahi and kingfish groups in the finfish industry have been very close to success, but have not quite got there because there is not enough confidence in the industry to go out there and get the big developers behind the aquaculture pursuits that have been put on the table. Of course there are also prawns at Derby. I went up north there and had a look at a prawn farm. The name of the owner just will not come to me.

**Mr W.R. Marmion:** Is that the chairman?

**Mr M.P. MURRAY:** No, it was a prawn farm south of Derby. I went out to the tidal flats there. His name is Mr Crimp. He is working very hard to establish a prawn farm. He gave me samples when I was there that were second to none. It is really hard work. The people work in those tidal flats in mud up to their knees all day. Of course there are weather variations in those flats as well and cyclones on top of that, which makes it very difficult to make the industry viable. He has sunk his life savings into that farm. I am not sure where he is at the moment.

However, reform is needed, and this bill goes some way to picking up that reform. It is needed so that the industry can compete on an equal footing. Most members who go out to the courtyard tonight will find that the prawns on a satay stick out there are generally from overseas, particularly Vietnam. I recently had a look at the aquaculture farms in Vietnam. They are, of course, quite different from the farms here, because on those farms they grow rice as a supplementary crop while they are growing fish and prawns. One night while I was sitting on the beach—I cannot remember what sort of stubby I had in my hand—I counted up to 80 fishing boat lights just out the front of where I was. They were mainly squid boats. The delta areas are, of course, very food rich for the fish. That is quite different from our fisheries here.

**Mr W.R. Marmion:** Where was that?

**Mr M.P. MURRAY:** That was at Hoi An. That is also the case down south on the Mekong, but of course that is fished a lot more heavily. Having had a look at what they are doing in Vietnam, and at the labour costs and all the sorts of things that go with that, I think it makes it very difficult for aquaculture to succeed in Western Australia. It is not impossible, but it does need help, and it does need a reduction in red tape so that people who want to invest in the industry will not have to wait two years before they can get approvals. In saying that, I know that some of my colleagues are very concerned about the Environmental Protection Authority and the environmental side of aquaculture. I believe that some of the inland aquaculture farms that are being set up will be viable in the long term with a bit of help. That will mean that the base of some of the agricultural pursuits will change from being just sheep and wheat farming. I know of some families who during the last drought were able to survive and keep their kids in school because they were trapping yabbies in their dams. Those small ventures were nearly always run by women, who went to the markets on Saturdays and Sundays and got a premium price for their product, and the extra \$10 000, \$12 000 or \$15 000 a year that they were able to pick up enabled them to assist their husbands or fathers to scrape through in those farming areas.

So there is a chance that we will have a very viable aquaculture industry both onshore and offshore if we can reduce some of the red tape and the reporting systems that are there. I am not saying we should go hell for leather and forget all the environmental concerns, but these people need our help. When we look at the variations

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in our climate and our coastline, it leaves us open for anything we like from Kununurra all the way down to Perth. It surprises me that in the Kununurra region, in the Ord, there is no attempt to put the water that is left over from aquaculture, which is rich in nutrients, onto the crops. It would certainly be a win-win situation if that water did not flow into the pristine waters off the coast but was utilised as a fertiliser substitute. I believe that further studies should be done into that.

One important environmental requirement is to ensure that the fish in the fish farms are impounded so that they cannot get into the wild stock. In Canada, most of the salmon is farmed in cages out at sea. A remarkable industry has been developed in Canada. It employs thousands of people, and the boats that are used are as big as the tugboats that are used to push the ships up north. It is an eye-opener to see what they have done in that industry. They farm around 60 000 tonnes of salmon a year. They have fish-filleting factories where no-one touches the fish. After the fish have been netted, they are brought into the factory in baskets. The fish are then poured out of the baskets onto a stainless steel, vibrating plate that turns the fish around so that they all face the same way. The fish then go down a little chute, and the electronic knives then come out and cut off the fillets. The fillets are then picked up by rubber stoppers, and they are cut and wrapped all in one motion, without a single person touching the fish. Some of the fish that we pick up in our supermarkets today probably come from one of those factories. We are nowhere near the way they are doing things there and the way their industry has progressed. Some would say that we do things differently. But we need to work a lot harder, and work with our technology, as well as work through our systems, which sometimes do not allow that to happen. Another environmental requirement is water quality. That is also something we need to look at.

The other thing in Canada that I found quite remarkable—I am glad to see there is some recognition of it in the bill—is their restocking program for claw fish. Claw fish is similar to our crayfish, but it has claws. They use a big cage that looks like a castle, and it is built up with floors like an apartment block, and as the claw fish grow, they are moved down one level, but they still have shelter, and they are then filtered out onto the reef. It is highly monitored so that no disease can be taken into the wild stock. That is done very carefully and very cleverly, and of course there is a very profitable return from that claw fish. So I am glad to see that is a part of the bill.

I was interested to see a report from 2004. It is a bit dated now, but I would like to quote some of the figures in that report. In 2003, Japan imported 68 000 tonnes of tuna. A lot of that would have come from the Great Australian Bight. There were a lot of problems with overfishing there. Australians were the first ones to put the brakes on and say this fishery is not sustainable and start to work towards the sustainability of that species. They then turned to tuna farming in that area off the South Australian coast, but they messed it up. There is no other way of putting it than to say they messed it up, because they found that when a storm came through, all the nutrients that had dropped below the cages were stirred up, and that killed all the very valuable fish stocks that were in those cages. We want to make sure that we do not make those mistakes again by putting in place good legislation. I know that the former Minister for Fisheries, Hon Jon Ford, was working towards this bill as well, and certainly the upper house did not have a great deal of concern about this bill and in fact saw it as a positive. We will be raising a few concerns during consideration in detail. We will not be calling for amendments, but we will certainly be raising our concerns, because we want to ensure that the drafting is right.

The report also refers to some of the people who have been and gone from the market, such as the Shark Bay tuna farms and the Latitude Fisheries–Tohzi King joint venture. Some of the people who have been in the industry have not been overly successful. Down my way not so long ago the Minister for Regional Development opened Nulan Boodja fishery. That is an aquaculture project that is producing marron. I hope it is successful. But it will need support. It is doing two jobs at the moment. One of those jobs is training Aboriginal kids to be work ready. Sometimes there are up to 15 young people working on that project. But the whole focus of this project is to make sure it is not just another job project but will be viable into the future. To do that, it may need help. It is a bit concerning that I was told by one of the Aboriginal elders that the Minister for Regional Development would open it as long as there was not a request for extra funding. I do not put that directly at the minister's feet; I am just concerned that that is the impression they got. What I am saying is that it could have been an aid to say, "We don't want a disruption in the presentation". I ask that we consider that project especially. It was started by the Collie Coal Futures Group, which I was chair of at the time, so I have a special interest in it, and \$350 000-odd was made available from the Collie futures fund. Wesfarmers Premier Coal has been a great ambassador to that; it has put a huge amount of in-kind payment and money in. When there is a D11 pushing up banks for an aquaculture project, other people come around and they cannot believe the size of it, the layout of it or the amount of water there is. Another person who has worked very hard on the project is Professor Louis Evans who has worked very, very closely with the industry to try to make this a sustainable and job-creating aquaculture project. That ran into red tape and funding problems, but we need to have the infrastructure and the basis of having an industry in Western Australia. If that could produce 500 tonnes, that would be magnificent, but there is

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room for 10 000 tonnes of marron produced in WA. That is absolutely enormous and when we start to look at wholesale prices that are up around \$15 to \$25 a kilo, the returns are huge.

Therefore, the minister can see that I welcome these changes that are coming in. Barramundi is another fish that has been tried in many, many areas around Western Australia. It has been successful in some of them and not so successful in others. Certainly, barramundi will grow in a reasonably warm temperate climate; in fact, some people in the South West have them in their private dams. Another is silver perch, which again has been a success, although probably not on the market as much as others. Silver perch is a very fine looking fish, but in my view—maybe I am spoiled—it is maybe not the best eating fish, but certainly it is something that can go into the market and will be snapped up. As with any fish, if it is put with a bowl of rice or a sweet-and-sour sauce or some sort of mix like that, it is a very, very healthy part of a staple diet. Therefore, we need to work on that and look at what other stocks can be brought into WA and be impounded so that they do not escape into our waterways—rivers and the sea—and on which we can get a return at a reasonable rate.

I watched Marine Pro, I think it was, on the stock market because at one stage it looked like being something, but over time—I do not even know whether it is still listed—it has had problems with finance and returns. However, in the first instance, it looked like being something special, so we do need bills such as the Fish Resources Management Amendment Bill 2011. We need a lot more help along these lines, but we need to remember that we have had a wild fishery, such as the crayfish industry, which is a huge industry that many times carried the north west coast and the coastal towns that went with it. The crayfish industry absolutely carried that area and it has had its ups and downs. At one stage it was regarded as the best managed fishery in the world, but then there was a bit of a collapse and people could not quite understand that, although it is making its way back. There have been changes to the way that the industry does business up there and although accepted by many, the quota system was not necessarily accepted by all. It is unfortunate when we have change—the change, we hope, is for the better—that not everyone will jump on board and move forward. But we do know that a quota, from watching some of those TV shows, is a far better system than having a good year when they are all there and people catch well over the numbers of a normal year, which will impact on them sometime further down the line. Personally, I am quite a fan of the quota system because I believe that it can reward good fishermen as well as average fishermen, not just necessarily the lazy fishermen or the smart fishermen who sometimes do not do the right thing. I believe that can be accommodated once they get used to the system and the market.

As I said earlier, people do not always have to catch fish and put it straight onto the market; sometimes the fish can be left and caught a bit later. To use another industry as an example, not everyone in the wool industry sends their wool to market on a particular market day; they hold back. Sometimes people in the wool industry have had their wool in the shed for a couple of years because the market price was not high enough. I am not saying that people can do that with species such as crayfish—or should I say lobster these days—because they are wild creatures and we have to manage that. Also, the weather plays a major part in how people fish. But I think that once people get used to the quota system for crayfish, we will see more efficient and keener fishermen who understand the market themselves, rather than fishermen who just bring in their catch, drop it off and go out for the next catch.

Those are some of the issues. Another issue is around the reduction in shark netting—the gill netting. At one stage just around the Augusta area more than 40 kilometres of net was being laid out, as we saw when they laid them all on one day, and of course the numbers of finfish and sharks started to diminish. When we look at that and also look at the white pointer issue, one of my colleagues was trying to tell me that we should put more nets in the water to get rid of those sharks. I am not so sure. I see the minister himself had a dive, but I notice it was in the Swan River; he did not get outside the other week, just in case, I am sure. Being a very keen diver, I have noticed a slight increase in the number of shark sightings of various species in the past couple of years, which —

**Mr M. McGowan:** Have you spotted any?

**Mr M.P. MURRAY:** There are more over there. I thought the member for Vasse was going to be a shark, but someone pulled his teeth out. But when we look at the number of sharks in a bush scientist's way, when I start seeing more now than I have after 30-odd years of diving, there is a comeback and I think that is really good to see because it means that we are managing our environment properly.

Another issue, of course, is the huge cuts that the recreational fishing sector has now taken. I am disappointed in the licensing issue because I do not think young people should be subject to a fishing licence. I think that is totally wrong, although it is not picked up so much in the bill before us, because I would rather see any kid down the beach, off a jetty somewhere or in the river fishing rather than downtown carving their name into a seat or

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skateboarding and knocking old ladies over—that sort of thing. I think that we should encourage people to be as one, catch and release and maybe have a couple of fish to take home.

A special point that I must get in, otherwise my constituency will certainly be angry with me, is that I cannot for the life of me understand why people have to have a licence to fish in our freshwater rivers, given there are very few compared with many other countries in the world. Why do we need a freshwater licence to catch what are deemed to be exotic or introduced species, such as redfin? Last year a grandfather was fined, I think, \$150 because he took his two kids fishing in the local Collie River and did not have a licence. I think it is just disgraceful. I am sure that the fisheries officer could have said, “You’re doing the wrong thing; you’d better go and get a licence.” When we see things coming down to that level, it shows we have a long way to go towards engaging the public about what they are doing in these areas. However, I do not know why we need to have licences for freshwater fishing when I can still take my kids down to the Busselton jetty and hang a line over the side for nothing, without fear of being fined, or go crabbing in the member for Mandurah’s electorate without a licence. I believe that the Deputy Premier, the member for Dawesville, used his political clout to make sure that people in his electorate did not need a licence to go crabbing, and I think that is great. When we look at this, there are some anomalies, and I hope that someone in the future will make a decision to say that they are wrong, because we are penalising one group of people at the expense of another group. Licences have to be paid for by freshwater fishers, but people living on the coastal strip do not have to pay. People fish in the Donnelly River and the Blackwood River in Nannup, and it is still a fair drive to get to the coast, but they have to have a licence to fish in a local river. We should encourage young kids to get out there fishing; let us not put an impost on those families when, in some cases, the only enjoyment they get is from half a dozen fish hooks and a small line, which these days are quite cheap.

When we get into consideration in detail, I certainly have a few questions I would like to ask the minister for the sake of clarification. I do not see, at this stage, that there will be any amendments moved, but we need to be sure about the letter of the bill. With that, I commend the bill to the house.

**MR C.J. TALLENTIRE (Gosnells)** [5.11 pm]: I rise to support the Fish Resources Management Amendment Bill 2011. I am very pleased to follow on from the remarks made by the member for Collie–Preston, and to add a little in certain areas. This legislation fundamentally provides for aquaculture to be considered in a more in-depth way than is presently provided for in the legislation. Many of us think of aquaculture in a terrestrial sense, but there is a strong degree of focus on the marine environment, our oceans, our Western Australian waters, in relation to changes that will come about through this legislation.

There is the intent to bring about a risk-based framework to the assessment of aquaculture proposals. I have some concerns when I hear terms such as “risk-based framework”; we are hearing it more and more. It is one of those managerial English–type phrases that rolls off the tongues of some very easily and perhaps does not mean very much to most of us. It is my understanding that a risk-based framework should allow us to determine the risks associated with a particular proposal and then to respond to each of those risks by outlining a management plan that tackles each of them. Often proponents will then say that there is a very high likelihood of a project causing danger, and they will come up with a traffic light system. That is how we develop this risk-based framework, and it is critical that we have management plans to respond to each of the risks.

I hope it is the case that when we have an aquaculture proposal, there is a very detailed, risk-based identification that leads to detailed presentation of management plans. Too often, though, we see that it means that we identify what the risks are but do not actually develop a management plan to tackle the risks; that is the worry I have, but I am sure the minister will be able to allay that concern and let me know that the government has every intention of ensuring that detailed management plans are developed and that there will be resourcing in place to make sure that that can happen.

I will talk a little more about aquaculture in the marine setting. It is not always as benign as it might sound. I was involved in a campaign in 2004–05 regarding an aquaculture proposal for southern bluefin tuna in the Recherche Archipelago off the south coast in the Esperance area. Southern bluefin tuna are not reared to go into aquaculture; they are corralled from the ocean, so we are actually diminishing ocean stocks to corral them into areas where they are then fed fish that are caught elsewhere in an intensive manner. We have a fairly inefficient food conversion ratio; the estimate is that 10 tonnes of food are put into a pen of corralled southern bluefin tuna to get one tonne of meat. We can see that it is a very inefficient way of fattening fish, and there are many other problems that go with this concept of aquaculture in the marine environment. It was a particularly problematic proposal that led to the creation of a campaign known as the “Vive la Recherche” campaign, named in acknowledgement of that part of the world’s strong connection with French explorers from the early part of the nineteenth century. The islands that make up the Recherche Archipelago are near the magnificent Cape Le Grand National Park, a beautiful, pristine area. When it came down to it, there were not many areas there that were suitable for aquaculture. The proponent was M.G. Kailis Group Pty Ltd, a group with which I personally worked

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very well on another campaign. We were actually fighting two campaigns at the same time in my previous role at the Conservation Council; on one we worked closely with Kailis up in Exmouth Gulf in its endeavours to stop a project there, but on the other campaign, down in Esperance, we worked against it. It was interesting that Kailis eventually came to realise that its proposal would compromise many of the values of the Recherche Archipelago.

The proposal was feared by locals, and I am sure that if the member for Eyre were here, he would be able to confirm that there was great angst in the Esperance community about it. People feared that there would be an increasing number of sharks coming into the area because of that very inefficient food conversion ratio and that all sorts of imbalances would come about, largely because of the waste that would be brought into that marine environment. Tourism operators were concerned that it would damage their operations, whether dive operators or people running businesses spotting the wildlife that is currently there, including seals, dolphins, seabirds and other fantastic natural marvels. Recreational fishers were also concerned that the proposal would change their preferred fishing grounds, as were professional fishers, especially the sardine fishery people. They were very concerned that the fish fed to the southern bluefin tuna could lead to the introduction of diseases that would destroy their fishery, which has already in the past, on a number of occasions, been seriously damaged by various viruses.

That gives a little example of the sorts of problems that we can see in the aquaculture context. I have some concerns when I read that one of the purposes of this legislation is to enable us to designate aquaculture development zones in Western Australia. I will be very happy if there is to be a careful process that leads to a designation where there is no risk, but I certainly would be worried if a designation led to, for example, the Recherche Archipelago again being thought of as an aquaculture development zone. We have to hope that this process will ensure that there is adequate consultation and utilisation of the sort of community knowledge that helped win the “Vive la Recherche” campaign, helped M.G. Kailis Group see reason and realise that its aquaculture proposal was not a viable operation, and helped the Department of Fisheries also realise that the proposal was fraught, and brought good knowledge to the public space so that a sensible decision was made. I have confidence that within our community we have the knowledge to make the right decisions, but I hope that in facilitating the designation of aquaculture development zones we do not bring about a process that cuts so fast that we cannot properly consider that community knowledge on such matters.

The parts of the Fish Resources Management Amendment Bill 2011 that bring about and enhance the quality of fisheries management plans are important because they provide the potential for the greater protection of aquatic mammals, birds and reptiles that may be at risk because of a particular fishery. That is a very good measure. I have already spoken on fisheries legislation in this house, and talked about the sea lion-excluder devices and how the management plans for the western rock lobster fishery should require the western rock lobster fishery people to put the excluder devices in their craypots so that sea lions cannot get caught in the craypots. That sort of thing is very much needed.

This legislation also contains amendments to the fines process. Currently, people who are in breach of a management plan suffer quite hefty penalties if they are prosecuted. They can be banned from going out on boats or lose their livelihood, but the amendments in clause 67 provide for a more graded approach to the sorts of penalties that can be imposed. I think that will bring about better management of our fisheries.

Talking about the management of our fisheries, I think it would be remiss to not look at a very important issue; that is, marine protected areas, especially sanctuary zones. Such areas are the ultimate insurance policy for our fisheries. If we do not have adequate preservation of marine areas in sanctuary zones, we do not know what is going wrong and what changes are occurring in the exploited areas. Currently, between only one and two per cent of our state waters are in sanctuary zones, which is simply not adequate. We need a good representation of all of our fisheries in sanctuary zones. This is just basic science: there should be a control area and there should be a modified area. The environment in the commercial activity control area can be compared with that of the sanctuary zone control area. That is vital. It is an insurance policy as well, because so often those sanctuary zones can be the areas where restocking occurs and there may be a spillover into the commercial area for exploitation.

I would like to provide a few examples of how this works, the first being the Exmouth Game Fishing Club. Exmouth, of course, is in the heart of Ningaloo Marine Park, where, thanks to the excellent work of former Premier Geoff Gallop and the Labor government of the time, we saw 34 per cent of Ningaloo Marine Park made into a no-take area—a sanctuary zone. As a result, Ningaloo Marine Park has some of the best fishing in the world, so much so that the Australian International Billfish Tournament, which happened in March of this year, was out of Exmouth. It has been realised that a 34 per cent sanctuary zone around Exmouth is no impediment to game fishing—far from it; it means that there is some of the best game fishing in the world in that area. Pulling a beautiful sailfish out of the water is not exactly a sport that I would like to partake in, but a lot of people enjoy

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that, and they seem very happy that we can have major billfish tournaments up north in Exmouth that are very successful and enhanced because of the sanctuary zones at Ningaloo Marine Park.

On a number of occasions we have discussed the issue of the vulnerable five; that is, those species that have suffered very heavy takes by recreational fishers. Western dhufish, I think, are the number one example, because, unfortunately, the breeding cycle is quite slow, and it is a fish that is much sought after by recreational fishers. It is quite easy for recreational fishers to locate dhufish with fish finders and mark them on their GPSs, and so, unfortunately, they are very heavily targeted. We have done things like limiting the catch to a bag limit of one and restricting the time that the fish can be caught, but that is not enough. That is why we need this dramatic enhancement of making our marine protected areas no-take zones.

The minister has previously said, “Yes, watch this space; I’ll be introducing a whole series of marine protected areas”. However, the next time he touches on this subject, the minister needs to say what percentage of that area will be a no-take zone. It is not enough to talk about a marine park; there has to be a very substantial no-take area within that marine park.

Hon Norman Moore, Minister for Fisheries, comments on this issue from time to time, and a paper put out by the Department of Fisheries looked into the issue of marine protected areas. I think the scientists who put together that paper that came out a few weeks ago were a little disappointed by the interpretation put on it. I have noted some comments by Professor Loneragan, one of the lead authors of the paper, who stated —

The primary purpose of sanctuary areas in MPAs is for biodiversity conservation and not fisheries management. These areas are an important component of sustainable oceans management ...

“The protection of biodiversity through MPAs is an insurance policy to enhance resilience in the face of human impacts, particularly climate change.

“They also increase the scope for multi-purpose management of marine areas and provide reference areas to help us understand how the marine environment is responding to a range of influences from fishing to climate change.”

The headline of that post on the Murdoch University website was “Marine sanctuaries still important despite healthy WA fish stocks”, and it made reference to that important paper. I am concerned that perhaps the minister did not quite appreciate the position being taken by the authors of that paper.

Marine sanctuaries can also have enormous economic benefits. They provide a core breeding area that can then lead to a sound recreational and commercial fishing industry. We have to nurture those breeding areas and we must ensure that they cover the right sorts of habitat for the species that we want to regenerate. Marine sanctuaries are of course essential to good tourism; the number of people who want to go diving or snorkelling and want to see fish, or the marine environment, in a pristine condition is growing all the time. A lot of science has looked at the importance of sanctuary areas, and that body of science is growing. I have an impressive list of 200, I think, eminent marine scientists who have put their name to supporting the whole concept of marine protected areas and sanctuary zones. I would recommend the minister read “Developing Australia’s national system of marine reserves: A statement of concern about the proposal for Australia’s South West Marine Region”. This looks at the federal domain as well, where this topic is very much a live issue. I understand that the federal Minister for Sustainability, Environment, Water, Population and Communities is considering a very extensive rollout of marine protected areas.

[Member’s time extended.]

**Mr C.J. TALLENTIRE:** I wanted to move on to the issue of community support for no-take zones in marine protected areas. I have come across a paper that was put together by Patterson Market Research, a well-known market research company, in April this year. It followed its usual process. A total of 604 adult Western Australians were surveyed. The survey is a reliable assessment of community attitudes and opinions about the health and importance of the marine environment off the WA coast. The overwhelming view is that there is huge support for these no-take areas. One would think that perhaps there would be some reluctance amongst recreational fishers to support the idea of no-take zones. That is not borne out by this market research. In fact, it shows that 61 per cent of frequent fishers—I think that is defined as people who go fishing at least once a week—support the view that 30 per cent of our state marine waters should be no-take zones. Frequent fishers—people who go fishing at least once a week—are well aware of the decline in fish stocks. They have been able to fish in the past but now find that there is a serious diminishment in the number of fish that they are able to catch. As I said, 61 per cent of regular fishers support this idea of 30 per cent of our state waters being in no-take zones. That is very telling. The figures get higher amongst those who do not go fishing at all. Statistics were put together on ALP voters, Liberal–National voters and Greens voters. The figures are fairly consistent. Sixty-five

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per cent of Labor voters support 30 per cent of our state waters being no-take zones compared with 60 per cent of Liberal–Nationals and 86 per cent of Greens. There is strong support for the rollout of marine sanctuaries. That is something that Parliament needs to take careful note of. The minister should be encouraged and emboldened by that news. As Minister for Environment, he could lead the way in marine conservation knowing that he has good community support in moving toward that goal of having 30 per cent of our state waters in a no-take area. I am not talking about marine parks; they are not no-take areas. We need them to be no-take areas. I look forward to hearing the minister’s comment on that. He may be concerned that he could receive some criticism from some commercial operators. Any number of them are coming around to this.

A growing body of recreational fishers certainly support the whole concept of no-take zones. Mr Jay Cox, an Abrolhos Island fishing charter operator, said he had witnessed a massive decline in fish stocks over the past 35 years and that things are getting worse. He said —

“I think it will be good for fishing if there are more sanctuaries.”

I think elsewhere I have seen Mr Cox say that he does not like the idea of a Green agenda taking over but he fully understands that sanctuary areas are good news for his business as they would bring about an important insurance policy for the business that he is involved in.

I would like to talk a little more in the commercial context about things that our state fisheries are facing. The member for Collie–Preston touched on the issue of the western rock lobster fishery. He rightly identified how valuable that fishery has been. In the past it has generated sales of somewhere between \$300 million and \$400 million. I think it even got up to \$600 million in some years. It is a very valuable fishery. As it is so valuable, the monitoring of that fishery has been excellent. We really have some top scientists monitoring it. Counts of the puerulus, the baby rock lobsters, can anticipate what the actual catch for western rock lobsters should be in three or four years. The member for Collie–Preston rightly identified that the western rock lobster fishery has had some difficult times. It is not entirely clear what has gone wrong and what has caused that drop in the puerulus count but it will start to hit. The next results from the puerulus count come in November. In another month or so we will know how we will stand for the next year. The fact is that we do not really know what has caused that serious drop in the puerulus count.

**Mr A.P. Jacob:** The new quota system’s a much better way to manage it.

**Mr C.J. TALLENTIRE:** No, member. The puerulus count system lets us project into the future. It lets us see what the breeding population is today—the ones that we will catch in a few years.

**Mr A.P. Jacob:** I mean as opposed to the old way, which was just open the season and go nuts. The movement towards the quota system is far better and really the way to ensure the fishery survives into the future, too.

**Mr C.J. TALLENTIRE:** The point I am making is that the fishery in Western Australia has had the most research dollars associated with it and we still do not really know what has caused it to drop off and what has caused this serious problem. I will quote from a very good paper—I commend it to the member for Ocean Reef and others—called “Stocking Up: Securing our marine economy” put out just a few weeks ago. It is an excellent paper. It looks at why the Western Australian rock lobster fishery is in decline. It lists the possible causes as —

- unknown environmental factors
- setting the catch limits too high; although for years the system had worked, implying either that something changed or that the limits did not have an adequate buffer to cope with variation from any source
- increases in effective fishing effort by as much as 8% a year, ...

The fact is that we have a fishery that has been extremely well managed but one that has had many research dollars put into it. It is still a fishery that has struggled. I think that is a word of warning for us. Even though we imagine that our fisheries are extremely well managed, they can go wrong and unknown environmental factors can cause a sudden decline in the viability of a fishery. To me that means that we have to press on with ensuring we have the best insurance policy in place, the marine sanctuary zones, so that we can make the baseline comparisons and ensure we have areas in which the breeding stock are protected so that we can see just how dramatic the impacts of commercial and recreational exploitation are on those areas that are open to commercial and recreational activities.

I am very pleased to support this legislation. It is a positive step forward towards the quality management of our fisheries. Soon we need to re-visit the whole issue of how we look after our marine environment. I look forward to hearing the minister’s comments, especially on the issue of the rollout of sanctuary zones in Western Australian waters.

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**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [5.38 pm]: Once again, I am in the invidious position of having to follow the member for Gosnells after his well-researched, thoroughly well-argued and comprehensive contribution to the house. I shall do my best.

**Mr W.R. Marmion:** Aren't you a fisherman?

**Mr R.H. COOK:** I am a very poor fisherman. I wish to make some comments on the Fish Resources Management Amendment Bill 2011. As has been observed by others, this bill will bring about important changes to the act that take account of activities associated with aquaculture. It will modify the fishery management enforcement regime and will also go further by modifying the rock lobster quota system for each area. These are important changes for my electorate. I want to make some observations about the importance of protecting the natural resource that we have on our doorstep in Cockburn Sound. The member for Rockingham, the member for Cockburn and I share Cockburn Sound as part of our electorates. We can all say that we have coastal electorates, although it is fair to say that the member for Rockingham's share of Cockburn Sound is a lot prettier and easier to access than mine is. Although he has cafes and so forth that spill onto the foreshore of Cockburn Sound, I have one lunch bar and a bottle shop.

**Mr W.R. Marmion:** I'll bet it's a good bottle shop!

**Mr R.H. COOK:** It is a great bottle shop and a terrific lunch bar that look out onto about the 50 metres of beach in my electorate that can be accessed.

**Mr M. McGowan:** The bottle shop actually has an alfresco area. The alfresco area consists of a bunch of guys in utes!

**Mr R.H. COOK:** Even though a considerable part of the coastline is in my electorate, I can access only about 50 metres of it; the rest of it is taken up with large-scale refineries, port facilities and so forth. I am sure that one day, if I become an important person, I might get the opportunity to visit those parts of my electorate, but at the moment they remain inaccessible.

It is almost impossible to give a speech just before the dinner break when the smells from the function that is about to take place are wafting through the door. It is incredibly distracting!

Cockburn Sound is home to a whole range of different stakeholders, be they industry, defence, commercial fishers, recreational fishers, aquaculture companies, people who live on the water or people who live next to the water, just like the member for Rockingham. For that reason, it is important that the regulatory regimes for the Cockburn Sound ecosystem have the legal capacity and also the financial resources to properly manage an incredibly important natural resource in our community. It is also important to make the observation that we do not want the enforcement regimes that will come into place to discourage people from undertaking a very important recreational activity in our community. If it is not trail bikes that the people in Kwinana are enthusiastic about—I note at the moment that they are everywhere—it is fishing. People in Kwinana love to take the kids out in the tinnie to go fishing in Cockburn Sound. It is very much a part of the lifestyle that attracts people to places such as Kwinana.

**Mr W.R. Marmion** interjected.

**Mr R.H. COOK:** Yes, and we want that enforcement to regulate and guide people so that they become responsible fishers, not to provide overregulation or excessive fine enforcement, which discourages people from fishing in the first place. We are trying to carve out an opportunity for everyone to enjoy these important resources. We are looking for a regulatory regime rather than a punitive regime. We want a system in place that allows people to be informed, to continue to use those fish stocks in a sustainable manner and to participate in the aquaculture industry and in other activities around Cockburn Sound that impact on fish resources in a manner that is sustainable. The changes that we make to this legislation are incredibly important. Those changes will amount to nothing if the Department of Fisheries and other regulatory authorities do not have the resources, first of all, to monitor properly the fish stocks and aquaculture industries in Cockburn Sound and to regulate the activities that impact upon fish stocks in Cockburn Sound.

**Mr W.R. Marmion:** I think I smell crayfish being cooked.

**Mr R.H. COOK:** Whatever it is, it is clearly deep fried and crumbed. I am sure that whoever will be eating it will enjoy it.

As I said in my opening remarks, the Kwinana industries are incredibly important stakeholders and have a very high impact on the ecosystem of Cockburn Sound. I will give members an idea of just how big the Kwinana industrial strip is. It generates a combined annual output valued at about \$15.7 billion per annum, with direct sales of \$8.5 billion, and it directly employs 4 800 people. I understand it is the fifth largest heavy industrial zone in Western Australia. It is a very important part of our economy. As an intensive user of Cockburn Sound, it is



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an incredibly important player in the ecosystem. Those of us who grew up in Perth will recall those almost compulsory school excursions to Cockburn Sound to witness the impact of industry on the environment. I am reminded of the waste water treatment facilities and, in particular, the sand mining at Woodman Point. Coolant water was discharged from some of the industry —

**Mr A.P. Jacob** interjected.

**Mr W.R. Marmion:** We used to go and see Robb Jetty. It was the odour.

**Mr R.H. COOK:** It was always a compulsory school excursion. I think there was some discharge of water from outside the CSBP refinery. I think it was just coolant water, but it absolutely reeked and was quite pungent. The Kwinana Industries Council is very proud to say that, in terms of discharge, it has almost no interaction with the sound nowadays. It is probably largely responsible for the 80 per cent deterioration of seagrasses in the sound, but it is now a proud participant in the conservation and preservation of the environment in the area. Indeed, on occasions I have had the opportunity to watch members of the Kwinana industries participate in conversations with various environmental groups, particularly the Conservation of Rockingham Environment group, which pays particular attention to the interaction between the marine environment and the Kwinana industries. They are fiery, pointed and well-informed discussions. It is really a pleasure to watch environmental groups that are highly informed about the issues that impact on the environment in Cockburn Sound and industry representatives who are very tooled up and highly informed about the impact of their companies on the sound. From that perspective, it is almost best practice in action with the community groups working together, but not always in harmony, with industry to make sure that we continue to preserve Cockburn Sound.

We are fortunate enough also to have the Cockburn Sound Management Council, which is a great organisation that does a tremendous amount of work in continuing to defend the environmental values of Cockburn Sound. The Cockburn Sound Management Council was established in 2000 to coordinate the environmental planning and management of Cockburn Sound and its catchment area. It is made up of 23 members, who represent the community, recreation and conservation groups, industry, and commonwealth, state and local governments. It was established in response to the increasing pressures of Cockburn Sound, which I understand is the most intensively used marine environment in Western Australia. The Cockburn Sound Management Council was, I think—I am sure the minister will correct me if I am wrong—established under the act as an advisory council to the Minister for Environment on environmental policies for the area. I commend the work of the chair of the council, Professor Kateryna Longley, and her team, particularly Dr Tom Rose, the coordinator of the council. They work incredibly hard with scant resources for managing the Cockburn Sound environment.

As I said before, having all the rules and regulations in place for managing our fish resources amounts to nothing if we do not employ the inspectors and the rangers and undertake the necessary studies, so that we can monitor and regulate our fish resource stock. I do not know how often fish stock surveys are undertaken in Cockburn Sound but I understand, anecdotally, there is anxiety and concern in the community that surveys are not undertaken often enough and often they rely upon the commercial and recreational catch surveys rather than what might be deemed in situ surveys of fish stocks.

I should say, backtracking for a moment, if I may, that the seagrasses in Cockburn Sound play an incredibly important role as a nursery for other fish stocks, whether they be snapper and other more valued fish stocks or even herring, whiting and so forth. As I said, we have lost upward of 80 per cent of those seagrasses. It is incredibly important that the government provide resources so that groups such as the Cockburn Sound Management Council can protect the seagrasses that are left and look at developing ways of regenerating seagrasses to make sure that Cockburn Sound can continue to play its role as a fish stock nursery. For an intensively used resource such as Cockburn Sound we need ongoing rather than periodic monitoring because at the blink of an eye we could see fish stocks overrun simply by the force of the volume of recreation and commercial fishers in that space. On any weekend Cockburn Sound is dotted with boats as far as the eye can see, people participating in the much-loved pastime of fishing, all drawing upon an incredibly important resource for the community. I am not talking just about the important and, I guess, famous and valued snapper fish stock, but also whiting, herring, garfish and mullet—all the fish stocks that people rely on as part of our fishing culture. It is important that we continue to monitor these sorts of fish stocks so that they are preserved into the future. It is important also that we understand the contribution Cockburn Sound makes to other fish stocks in the area around Point Peron to the south, and areas to the north, given the important nursery role it plays.

Cockburn Sound represents a \$50 billion community resource when we think about the stakeholders it impacts on. We talk about the \$40 billion associated with heavy industry, and the \$5 billion worth of activity and assets associated with the defence facility at what we all like to refer to as Garden Island. There is another \$1 billion associated with the commercial fishers and other commercial activities in the area as well as domestic fisheries. This is an incredibly important resource. It cannot be mismanaged simply for the lack of financial resources

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required to continue to monitor and regulate that fishery. This should be a fundamental preoccupation for the Department of Fisheries and the Department of Environment and Conservation because this stretch of water has in it the heart and soul of our heavy industry and our metropolitan recreational fishing. It is on that basis that I implore the government to look at what extra resources can be provided for groups such as the Cockburn Sound Management Council to continue its work, to monitor and advocate for Cockburn Sound and to play its role in working with the Department of Fisheries to regulate the fish resources there. I am particularly excited about the work they do in the area of seagrasses. I think the conservation and regeneration of our seagrasses would be the single most important contribution we could make to Cockburn Sound. Seagrasses clean the water, provide sanctuary for smaller fish and continue to act as a barometer for the health of Cockburn Sound.

Sadly, Cockburn Sound Management Council's budget from the government is in the order of about \$500 000. A third of its funding comes also from private resources, which reflects the concern among the industry players in the area about the role they play in Cockburn Sound, but only \$500 000 comes from the state government. I am not criticising this minister for that situation; I am sure it was very much the same under our government. But, surely, if there is an organisation in the scheme of things that can assist the minister's department to play a proactive role in Cockburn Sound, it is a group such as the Cockburn Sound Management Council. It really needs another \$400 000 or double its current budget to enable it to do the job properly. At the moment, Dr Tom Rose works on a shoestring budget. He is by and large, I think, the only paid officer of the Cockburn Sound Management Council and for that reason alone the organisation should have extra resources so that it can continue to undertake its important research.

[Member's time extended.]

**Mr R.H. COOK:** To put this in context, I understand a similar organisation in Tasmania, the Catchment Council of the Derwent, responsible for monitoring the Derwent River, has twice the budget allocation of the Cockburn Sound Management Council. The Catchment Council of the Derwent does not have to deal with the same amount of heavy industry, intensive fishing or defence facilities as the Cockburn Sound Management Council, nor does it have the same size population living around its waterway. That council, with respect, does not play as crucial a role in protecting an iconic fish stock resource as does the Cockburn Sound Management Council.

I am very pleased to see aspects of this bill. I think it is important that the act is extended to include the management of aquaculture. I have not spoken about aquaculture; that is in the member for Rockingham's electorate, so I will let him speak on that. But I implore the government to examine the resources of groups such as the Cockburn Sound Management Council to ensure we have not only the regulatory regime but also the finances to regulate this important resource.

*Sitting suspended from 6.00 to 7.00 pm*

**MR D.A. TEMPLEMAN (Mandurah)** [7.00 pm]: I take the opportunity to speak to the Fish Resources Management Amendment Bill 2011, and I am pleased that the Minister for Environment is handling the bill on behalf of the Minister for Fisheries who resides in the other place. I want to focus on a number of elements in the aims of the bill that were highlighted by the member for Collie–Preston, the member for Gosnells and the Deputy Leader of the Opposition. I want to give my focus a local flavour from my area, which is the Peel region, and particularly to focus on the health of the Peel–Harvey estuary system as it relates to sustainable fishing into the future. I am pleased that the minister is here, because I highlighted on a bill we debated some months ago the growing concerns about the health and wellbeing of the Peel–Harvey estuary system, which encompasses the three key rivers that feed that system—the Serpentine, the Murray and the Harvey Rivers.

In speaking to the Fish Resources Management Amendment Bill 2011, particularly regarding fishing, I note a recent study that was released by the Peel office of Regional Development Australia entitled “Catchment condition and priorities: Peel–Harvey Catchment 2011”. There are some telling points in the study that I need to make to this house again, particularly to the Minister for Environment; these points directly affect the Minister for Environment's portfolio as well as that of the Minister for Fisheries. I want to quote from the study report. One area of the study was part of a scientific strategy developed for the Peel Harvey Catchment Council. I quote a comment from 2010 about the water quality of the system by Rogers, Hall and Valesini —

*“... water quality and environmental problems remain in the rivers and over time have continued to get worse. The lower reaches of the Serpentine River, as an effective ecosystem, could now be described as biologically dead and perhaps not possible to save, and there are indications that the health of the lower reaches of both the Murray and Harvey Rivers are in a parlous biological state.”*

That is of grave concern. As the minister would be aware, the history of the Peel–Harvey system dates back to when Aboriginal people, the local Nyoongah people, used the system for food, hunting and gathering, and used Mandurah as a meeting place—hence the original name for Mandurah, Mandjar, which means meeting place.

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Over the last 200 years, including of course colonisation, it is true to say that the Peel–Harvey system has been changed, initially by colonial development, but specifically, particularly in the last 50 years, by rapid population growth. I was at a function only last Tuesday, attended by a representative of one of the founding families of Mandurah, the Bassett-Scarfe family, and the gentleman was asked how many people were in Mandurah in 1936, because his family was traced back to pre that time, and his answer was no more than 200. When we consider now that there are some 80 000 people in the City of Mandurah municipality, some 14 000-plus people in the Shire of Murray and then further down into the reaches of the Harvey River, increasing populations into the Shire of Waroona, over the last 50 years, and particularly over the last 20 years, we have had massive population growth. It has now been indicated that urbanisation is having the greatest impact on the quality of the catchment and the quality of the water of the Peel–Harvey. We are reminded that fishing—that is the taking of crustaceans and finfish—from the Peel–Harvey system has been almost a birthright, ye back to the Indigenous inhabitants. Of course, many in this place would have fond memories of visiting the Peel or Peel region, visiting Mandurah, and taking home their catch of crabs or prawns et cetera, but in my view we are now at a very clear juncture in terms of the health and wellbeing of our catchment and the system. The recent report by the RDA, and additional reports handed down over the last couple of decades, have continued to show a deterioration of most, if not all, of the health indicators of that system. I want to again refer to the Rogers, Hall and Valesini report, which is highlighted on page 9 of “Catchment condition and priorities: Peel–Harvey Catchment 2011”. It looks at a number of indicators; they call them asset indicators. The status, particularly in the lower nutrient levels, is of concern, and the trend is likely deterioration. Estuary algae levels were average in status when that report was done, but there will be likely deterioration since that time. The lower river algae—concerning the Murray, Serpentine and Harvey Rivers—were of concern with likely deterioration. Fisheries in the estuary were average, and the trend was likely deterioration. Fisheries in the lower rivers were of concern, with likely deterioration. What we are seeing, and this is a telling point again by Rogers, Hall and Valesini, is that, I quote again —

*“During the last five or so years, ....., some of the biological indicators of estuarine health point potentially to a gradual reversal of ecological conditions back towards the status of the Estuary that existed immediately prior to the construction of the channel”.*

That is the Dawesville Channel. This is an important point. The Dawesville Channel was a human-made mechanism to particularly address algal blooms that were becoming more and more prevalent in the late 1970s and 1980s in the Peel–Harvey estuary, particularly as they were impacting on the growing population in Mandurah during that period. The government of the day, based upon scientific evidence and projected impacts, of course, committed to the Dawesville Channel. The Dawesville Channel was opened in 1993. Since 1993, the key result of the Dawesville Channel has been that the estuary has become a more marine environment—the water has become more saline and the water level has increased in some of the marshlands, having an effect on things like mosquitoes and other negative impacts. We have also seen an impact on the fishery. For example, the report that I quoted earlier made some key points about fish and crabs. It states on page 12 of the report —

River Prawn and Cobbler populations have practically disappeared, probably due to a general decline in estuarine and river health and perhaps for the latter species, also excessive fishing pressure

I remember as a kid going to Mandurah from Northam in the 70s. We used to go fishing under the old traffic bridge. Cobbler was one of the key species we would always catch. Most people would take a homemade clobber with them—a bit of wood—because if you caught a cobbler, you would have to smack it on the head so that you would not get stung. Cobblers are rarely caught under the old bridge now. It is very rare. There has also been a very rapid decline in the river prawn species and even in the Mandurah king prawn. Both of those species are now rarely caught. People still get a few. There are still people who dab net under the old bridge with the old gaslight and a long pole net. In an hour, a person might catch a dozen if they are lucky, but in the old days they would catch a dozen every minute. The other point made by this study is that the number of fish species and the composition of species have declined with the construction of the Dawesville Cut. This is a recent report. One disturbing thing that it highlights is that the whole biological system of the Peel–Harvey estuary is not improving by all indications, particularly in the upper reaches of those rivers.

The other point that needs to be made is that in the last 20 years it has been urban development that has had the most significant impact on water quality and the quality of the catchment. We know that the Peel is going to be asked to shoulder a large proportion of the Perth metropolitan area’s population expansion. The “Directions 2031” document highlights the Peel region as one area that will see significant growth. As the member for Murray–Wellington has said in this place before, the Shire of Murray continues to be one of the fastest growing shires in Western Australia.

**Mr M.J. Cowper:** It is in the top 10 in Australia.

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**Mr D.A. TEMPLEMAN:** That is right. Where is that growth occurring? It is occurring in the Ravenswood area, areas around the Murray River and areas to the west of Pinjarra. All of that development is occurring in a very sensitive catchment area. One disaster that is waiting to happen is if broadscale urban development is allowed on the eastern side of the Peel–Harvey estuary between the estuary fringe and the new Forrest Highway. We know that land has been bought up in that area by speculators. There will be pressure on any government and minister in the future to allow widescale urbanised development on that eastern side. In the past if a person was on the western side and looked out across to Wagerup, the only lights they would see at night would be from Wagerup, the Pinjarra townsite and a few lights in Coolup. If we allow broadscale development for urbanised infill along the eastern side of the Peel–Harvey estuary, we will see lights ringing the whole of the Peel–Harvey estuary.

**Mr M.J. Cowper:** A lot of it is locked up under the Peel region scheme.

**Mr D.A. TEMPLEMAN:** No, it is not. Some of it is in the proposed Peel regional park. I am glad the member mentioned that. It is one reason that the government needs to gazette and fund the Peel regional park. It is crucial that the area that has been identified for conservation purposes is in fact protected by clear and funded management plans. At the moment it is unfunded. One of my greatest disappointments from when our government was in power was that we did not fund it. I am very disappointed by that, because that is one way that we will protect the Peel–Yalgorup system into the future. I am pleading with the Minister for Environment that he make the gazetting and funding of the Peel regional park a priority when he goes into cabinet and expenditure review committee meetings so that we get this protection in place. I mentioned the impact of urban development. That is why I will continue to stand in this place and highlight the parlous state of the health of the Peel–Harvey estuary. We have seen the extent of population growth in this region and we know that the government has a plan for a major development at Keralup to the north, sitting on or straddling the upper reaches of the Serpentine River. Rogers, Hall and Valesini said —

**Mr W.R. Marmion:** Is this to do with Keralup?

**Mr D.A. TEMPLEMAN:** Yes. The report states that the Serpentine River —

*... could now be described as biologically dead and perhaps not possible to save ...*

For the government to have a plan to put up to 90 000 people in that area when we know that our estuarine system and the catchment is declining in health and wellbeing is a wake-up call for all of us.

**Mr M.P. Murray:** Did the report say that this was a fish breeding area?

**Mr D.A. TEMPLEMAN:** We used to get some species in the Serpentine and Murray Rivers. Bream and others were very popular species. There is not much there now, unfortunately.

**Mr M.J. Cowper:** You still get bream there at the moment.

**Mr D.A. TEMPLEMAN:** Not in the far reaches. Not as far as Keralup. They are not caught there now.

**Mr M.J. Cowper:** Not in the area of the member for Darling Range, no.

**Mr D.A. TEMPLEMAN:** That is almost dead. I say to the Minister for Environment that this is why I am so very concerned about the proposed Point Grey development in the Shire of Murray. What is being proposed? A proposal for a large urban development at Point Grey will come before the minister, if it has not already arrived.

[Member's time extended.]

**Mr D.A. TEMPLEMAN:** It will be directly opposite the Dawesville Channel. It will include a major proposal for the excavation of a channel from the Dawesville Channel right across to the Point Grey site, an excavation of a marina on land at the Point Grey site, and then urban development around it. I really want the minister to listen to this. I know the member for Dawesville may want to make a contribution; he should make a contribution to this debate. That proposed channel will cut right through a very productive fishing area. The minister only needs to talk to Damien Bell, the president of the Mandurah Licensed Fishermen's Association. He and other fishermen who have fished that area, some of them for decades, will tell the minister why that site is so very significant for them. That proposal is for a channel some 50 metres wide—30 metres at the most, but 50 metres in total. It will require ongoing dredging. The proposed dredging, once the channel is in, will need to happen every three to five years. We already know the problems of dredging in the Peel–Harvey system. We need only go to South Yunderup to see the problems with the entrances to the South Yunderup canals. We already know that they continue to silt up, and government is now being called upon by the Shire of Murray, as it was when we were in government, to take back the responsibility for the dredging of that area. Historically, the Shire of Murray made a huge blue when it took on responsibility from the government of the day—a huge blue. The fact is that that local government cannot afford to pay for the ongoing dredging of that channel, and ultimately it is, in my view, the responsibility of government to keep that channel open. The shire should not be up for that cost.

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However, we already know that the problems of dredging that channel are real and will continue into the future. But here we are with a proposal for the Point Grey marina—another development which will have a large, excavated, dredged channel that will need further dredging in the future. I have never had a bone with the developer, because the developer has done some very good stuff in the area of Dawesville, and some of its canal work down in Bouvard et cetera is excellent. I do not have a problem with the developer; I have a problem with the development, and I will say that consistently. Groups such as the Peel Preservation Group and others are calling for the precautionary principle to prevail. There are too many unanswered questions about the current impact and the future impact of this dredging on not only the fishery, but also the whole health and wellbeing of the estuarine system itself.

The minister has the power to look at whether that is an appropriate proposal, because it will go to him as Minister for Environment, and also to the federal minister. I urge the minister, before he makes a decision, to do a couple of things. One is to consult very widely with the people who have made submissions. I think a record number of submissions were made to the Environmental Protection Authority proposal. The minister should talk to the fishermen; he should talk to the Damien Bells of the world. He should talk to the PPG and to some of the scientists. He should talk to the City of Mandurah, which has a stake in this. Even though it is not in its jurisdiction, the impacts will be felt. The minister should talk to the city. I welcome the minister to come down and have a look. He should come down and get a feel for himself of exactly what this proposal means, because if the Point Grey development goes through as proposed, including the marina and the dredged channel —

**Mr M.J. Cowper:** If we took out the marina and the dredging, would you support it?

**Mr D.A. TEMPLEMAN:** I probably would, with reservations. I am really, really concerned about this channel; I really am. I just do not believe that we have all the science and all the information that we should have for the minister to make a decision to approve it.

I do not know, Mr Deputy Speaker, whether I am allowed to table this—I want to. It is not a specimen from me.

**Mr J.E. McGrath:** It's good that it's not a specimen.

**Mr D.A. TEMPLEMAN:** Yes, I know. It would be a cloudy one if it were. I would be going straight to the GP if I had this as a specimen. For the sake of *Hansard*, what I am holding is a water sample taken within the Yunderup area. The black ooze that sits at the bottom of this jar is a major problem when the seabed or the estuarine bed is disturbed. In fact, if dredging is allowed, we expect that this black ooze will not only develop a plume and be there for months, if not more, during just the dredging process to excavate the channel, but also continue to be stirred up and plume when any ongoing dredging is required. That will happen every time the bed of the estuarine system in the Peel is disturbed.

We also know that acid sulfate soils remain a key concern in the Peel–Harvey system. Did the member for Dawesville want to interject?

**Dr K.D. Hames:** No.

**Mr D.A. TEMPLEMAN:** If he did, he should go to his chair. This is important stuff for him. The member should really be taking an interest in this, because this is in his electorate; he really should. He did not make any representation on behalf of his constituents during the EPA assessment. Did he make a submission? I know the comments he made to Damien Bell, and I will not mention them in the house.

**Mr J.E. McGrath:** Member, it's the member for Murray–Wellington's electorate.

**Mr D.A. TEMPLEMAN:** Yes, but, as I have said, any impact of this does not affect just Murray or Dawesville or Mandurah; it affects the whole system. That is the point I am trying to make. I do not have any boundaries; I am not trying to put any boundaries on it. This is very serious.

[Quorum formed.]

**Mr D.A. TEMPLEMAN:** I am pleased to have a greater audience. I would love to mention the comments that the Premier just made to me, but I will not.

One of the things we have to be very, very conscious of is that if we are going to require areas such as Peel to take on the greater weight of population growth, addressing glaring issues with our environment is now paramount. I talked about the black ooze. I want to tell members that the black ooze is now appearing along the shores of the estuary in places where it was not previously found or had not appeared before. As I said before, we know that acid sulfate soil is a major issue that is now impacting on development approvals. In fact, in many respects developers are required to have an acid sulfate soil mitigation procedure to deal with it. It is now important for the minister to recognise that if we want future generations to enjoy the crabbing, the prawning and the fishing in the Peel–Harvey system, there are some glaring indicators of the declining health of that system. It

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is important that the minister recognise that any development such as the Point Grey proposal, which has the potential to impact on the health and wellbeing of that system, should be very seriously considered before the minister approves it. I invite the Minister for Environment, and I have invited the federal minister, Tony Burke, who also has a responsibility, to come down and look at the area.

One thing always concerns me, and rightly so. We are worried and concerned at the moment about the health and wellbeing of the whole Kimberley area for all the good reasons, but it does not mean that we forget about those areas such as the Peel–Yalgorup system, which sits just outside the metropolitan area and which is such an important environmental and economic asset to the community. Let us not forget the economics of this. That system has provided a viable livelihood for fishermen and their families in the region for decades. However, if we have a catastrophic collapse of the system, it is the economic cost that will really be felt by government and, unfortunately, in particular, by those people who live, as I do, in that region. The economic impact of a catastrophic collapse of that system is almost immeasurable, but probably could be measured in dollar terms of billions. Some may think that is an extravagant claim. Quite frankly, if we think about the investment that people have made in their homes, businesses and livelihoods in that region, we realise that it is all ultimately built around the health and wellbeing of the Peel–Harvey system into the future. I use the opportunity of talking to this bill to appeal to the Minister for Environment to fund the proposed Peel regional park and to get that protection in place. I ask the minister to ensure that any proposed urban development and the ongoing impacts of any urbanised development are investigated thoroughly, particularly those that directly affect the estuary and the waterways. I put the Point Grey proposal at the forefront of that concern.

Thirdly, I ask the Minister for Environment to urge the Minister for Fisheries to increase research into the health and wellbeing of our system, particularly with longitudinal studies in the fishing area. Ultimately, we need to protect that system; it is absolutely vital for not only the population that now calls the Peel region home, but also the many thousands of people who visit annually. We also need to protect the system for the reasons I highlighted about the Peel region shouldering a greater percentage of the population growth of the state into the future. I appeal to the minister to understand the seriousness of this issue. I will continue to make this point whenever I get the opportunity in this house, because I believe we are at the crossroads. The minister has the powers to act and I urge him to please do so.

**MR M. MCGOWAN (Rockingham)** [7.32 pm]: I rise to make a few remarks on the Fish Resources Management Amendment Bill 2011. This bill provides a vehicle to discuss the health of our fisheries and oceans; I will take advantage of that opportunity. The opposition supports the legislation. The legislation provides for some changes to the way in which the law is implemented in Western Australia; it clarifies a few positions; it provides some changes to how offences will be enforced and some of the punishments involved; and it provides express powers for fishery management plans to protect some aquatic species, birds, reptiles and the like. I particularly support that provision. As I understand it, the bill has support on both sides of the house. The debate on this bill provides an opportunity, which I have noted some members have taken, to speak about issues broadly related to H<sub>2</sub>O in whatever form it might adopt. Whilst addressing the bill, I would also like to take that opportunity.

I will start with Western Australia. According to the advice I have received over time as a minister and in opposition, our fisheries are much better managed than are fisheries in most parts of the world. In a Western Australian context, we have done, broadly, a better job than that done in most of the world's waterways and world's oceans. We can have some pride in the fact that we have done better. Is that to say that we have done as well as we could have? Is that to say that we have resolved the issues here? No; we could do better. Is that to say that that is a broader statement for the rest of the world's oceans? No. I think the world's oceans are under enormous stress and although we may be only a small Parliament in the most isolated capital city in the world, it is worth saying that the world's oceans are under enormous stress and that human activity is the cause of that stress. The extreme overfishing that takes place in some parts of the world should be a cause for huge international concern. What has gone on in our oceans—what we have taken out of the oceans and the impact on ecosystems—is of huge concern.

I agree with a lot of the efforts that have been made, particularly since the 1960s and 1970s, to protect—if I get the pronunciation incorrect, please forgive me—cetaceans, which are in effect whales and dolphins. I agree with that effort. Enormous effort has been made to protect the world's whales. Whales are widely recognised as the second or third most intelligent creature in the world; they are beautiful, majestic and magnificent creatures. Considering the state of the world's population of whales in the 1960s and 1970s, that effort was worth undertaking because many of those species that were pushed to the brink have now recovered. We can be proud that we in Western Australia played a part in ensuring that happened. Some additional whaling has taken place recently and I know that one or two countries—Japan and Norway—for inexplicable reasons have been involved in that. It does neither country's international reputation any good. For the life of me, I cannot understand why

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people who are so civilised and who take such pride in their international roles in so many respects, persist with whaling, which very obviously upsets many people around the world and is manifestly wrong. I cannot understand that, but whilst the world concentrates on that issue alone, we forget about many of the other issues concerning pressure on the world's oceans.

I will not go into some of the statistics, but I have read about the pressures on some of the cod populations of the North Sea and the Atlantic Ocean and about the pressures on tuna populations in the Southern Ocean. More broadly, the pressures that are placed on such extreme levels of fishing are totally unregulated outside the exclusive economic zones of individual countries—in effect, 200 kilometres off the shore. Fishing is totally unregulated outside those zones. An extraordinary level of fishing is going on outside those zones, which is devastating the populations of many species of marine life around the world, and something should be done about it.

The other day, I read an article about sharks. Once upon a time, people would have been very unconcerned about the decline in the population of sharks. I think the world, particularly this country, has changed its view on that issue and people are now very respectful of the role that sharks play in the ocean. In the article I read about the increasing affluence of China and how that means that people can now afford what was once a delicacy—shark fin soup. On an average basis, 100 million sharks are slaughtered every year to meet the needs of the Chinese shark fin soup industry. Often, sharks are slaughtered by being brought aboard a fishing boat and having their dorsal and tail fins sliced off before being thrown back into the ocean. That is absolutely abhorrent. To me, it is difficult to explain why those issues do not attract the same attention as the issues with cetaceans in the ocean, such as whales and dolphins. I think the importance of the health of the oceans in total is an extremely important issue. Not only is the health of whales and dolphins important, but also the broader health of the ocean and the health of all those other creatures that play an important role in the ecosystems of the earth. These issues of abhorrent cruelty need to be addressed on an international basis. In my small role in Western Australia, in our little toy Parliament in Australia, I urge the world community to do something more than what we currently do for these issues.

**Mr M.P. Murray:** Member, I just have a question about that. Having heard the member for Mandurah previously, do you think the mosquitoes down in Mandurah could have eaten most of the fish?

**Mr M. McGOWAN:** I think he is making fun of the member for Mandurah and not me. I will let the member for Mandurah reply in the way he no doubt can when he thinks about his reply, and in five minutes he will come up with something funny.

I am making a serious point about the health and wellbeing of the world's oceans. Perhaps some of the ways to deal with it are by some of the bodies that have been established to deal with the whaling issue—bodies with international powers and international force to deal with international fishing issues, to deal with the issues of the destruction of the world's shark populations and some of those other important fish species. Perhaps we need to replicate the 1982 international convention that established the exclusive economic zones of each of the countries with an ocean coastline. It basically established the 200-kilometres exclusive economic zone. Perhaps we need to expand that exclusive economic zone. Of course it will provide some benefit to the countries that have an extended coastline such as ours, but at the same time perhaps it will also result in greater protection of ocean species. I think the world is going to have to take those sorts of initiatives. I am disappointed that we focus too much on one or two issues that, whilst important, are largely resolved, whilst all of these other issues to do with the decline of all sorts of species around the world, the decline of sharks and the overall decline in the health of the world's oceans, remain unresolved and broadly undiscussed. It is time for us as a race, if you like, to do something more in respect of all those other issues. I propose that if two small things that could be done to make a huge difference were done—expanded exclusive economic zones of countries with coastlines and the creation of international bodies with the power, force and wherewithal of the International Whaling Commission—we might do something more in protecting those other species out there in the oceans that are not as large, majestic and intelligent as whales and dolphins.

In respect of other issues in Western Australia, I was shocked both as tourism minister but also as environment minister by reports about our whale shark populations. They are not exactly ours; they are migratory species. They move enormous distances. They are one of the most beautiful and majestic of species, but they are a shark; they are not a whale. Therefore, they do not receive the protection or the attention that the International Whaling Commission provides to other species. Whale sharks reproduce rarely. As I recall, they reproduce when they are older; they need to reach a certain maturity level before they can do it. I cannot quite recall what age that is, but I have a recollection that they have to reach five or 10 years of age before they can reproduce. Hence, there is a small population of whale sharks. As we all know, they are a magnificent population. They transit up the coast of Western Australia. They head up to the islands of the north, as they have done for millennia. That is what they do. They head back in a southerly direction at a later point and then they do it again. Hence, in May, I think it is,

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they pass through the Ningaloo Reef, although I think it is a broader period in which they pass through the area. In around the month of May there is a whale shark festival—I might have my dates slightly wrong—and we celebrate the magnificence and beauty of that species of shark.

However, as they head further north they are vulnerable to fishermen who perhaps do not appreciate their beauty and magnificence in the same way that we do. Hence their population is in decline. I have read reports that on an average yearly basis their recorded size—bearing in mind that they can grow to seven or eight metres in length—is generally in decline. That means that the species in a general sense is in decline. Because of their endangered status, because they are rare and because they have such long lead times in reproduction, I have grave fears that that species will become extinct, and it is a magnificent species. Not only do they provide us with a Western Australian icon and an industry for a part of the north west of the state, in their own right they are also part of the world's magnificent natural heritage. I think more needs to be done in terms of their protection.

As I was saying before, we are a small Parliament. This is a migratory species. They leave our waters, and there is only so much we can do. However, at some level our federal government and the international community need to put that species on the agenda and need to treat that species in the same way as its namesake, the whale, which of course is a very different species but has some similar characteristics to whale sharks.

If we want to be particularly pecuniary in the way that we address this issue, that species is crucial for the future of the community of Exmouth in the north west. We should look at doing something as a state in taking up that issue. Now that the Premier is here, having partaken of the chops and vegetables that were outside in the marquee, I would implore him and I would implore anyone who has some say in respect of these issues to take up the cause of what is a magnificent creature that has some strong connection with our state.

I have always been surprised by how the wheel has turned. I have seen a whale shark at sea once. It was an absolutely incredible creature. I saw it from the bridge wing of a ship once. It is often mistaken for a tiger shark, sometimes to the detriment of people who want to swim with the whale shark. It is bigger and broader and longer than a tiger shark. For that matter I have often been amazed by how attitudes have changed in respect of sharks. Some shocking examples of people being attacked and killed by sharks took place recently. I suppose one a year happens in Western Australia, where almost always it is a great white shark that attacks and kills a swimmer. To my recollection the family members of those people almost invariably say that they do not want anything done to the shark. That does not fit with what I would have thought would historically have taken place, but these days people's attitudes have changed. They recognise that these are majestic, amazing creatures that have evolved over millions of years. The ocean is their domain, and they do not understand that whatever they see swimming in front of them is not food but a person with life, loves, dreams and hopes. They just act in accordance with instinct developed over millions of years.

What I do acknowledge and I agree with is those people's family members who basically say it is not the shark's fault. Sharks rarely, if ever, engage in a killing spree à la *Jaws* at Amity Beach. Broadly speaking, these days most Australians and family members of the people who have been killed are basically of the view that we should leave this endangered species alone. I agree with that particular philosophy.

Having ranged not nearly as broadly as the member for Mandurah in relation to this legislation, I think that any legislation that does anything to try to preserve and protect our marine life is good. I will not make my speech about sanctuary zones, which I do support. I believe that any legislation that does anything to protect and preserve our state's and our world's marine life is a good thing. Even if this legislation does that only at the edges, I support it and I will make sure that we do something at whatever level we can to preserve the marine life that is part of our natural heritage.

**MR W.R. MARMION (Nedlands — Minister for Environment)** [7.49 pm] — in reply: I begin by acknowledging all the members opposite who spoke on the Fish Resources Management Amendment Bill 2011—the members for Collie–Preston, Gosnells, Kwinana, and Rockingham—and thank them for their contributions. The amendments contained in this bill are designed to improve the legal and administrative framework of the management of the state's fisheries and the aquaculture industry and protect the state's marine and aquatic environment. The Minister for Fisheries in the other house thanked the previous Minister for Fisheries, who initiated the review of the Fish Resources Management Act that has resulted in this bill, which contains a number of important amendments being brought before Parliament. I am informed by the Minister for Fisheries in the other house that this will be the last amendment to the act before it and the Pearling Act are replaced with a new act when the fisheries and aquatic resources management bill, which is expected to be introduced into Parliament next year, is passed. Members will have the opportunity to comment on a proposed new fisheries management framework in the not too distant future.



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I will now address my comments to the issues raised by members opposite, beginning with the member for Collie–Preston, who supports the bill. He raised a couple of issues and is quite knowledgeable on these matters. I thank him for his pertinent comments on the bill relating to both aquaculture and fisheries. Obviously he has had a fair bit of experience in that area, having chaired an aquaculture committee in association with Peter Millington from the Department of Fisheries, who I understand has moved on to the ChemCentre. He is a very good operator. The member for Collie–Preston suggested that red tape was an issue that discouraged investment in aquaculture. I think this bill will help to address that in some respects through the requirements to prepare management and environmental plans that can specify the factors that the proponent's application may have to address. It could be quite a comprehensive plan if the fishery is in danger or in peril, but for the more mundane species, the management plan will not be so detailed. That is one aspect of the bill that will help to reduce red tape. Another area in which the government is seeking to reduce red tape is by the creation of aquaculture development zones. The government intends to identify zones that are suitable for aquaculture and do the preparatory work beforehand so that the zone is basically investor ready. That is another opportunity.

The member for Collie–Preston made some interesting observations about the amount of tuna caught in Japan—68 000 tonnes—which is quite astounding. He also talked about the marron farm down south that is being supported by the government and Wesfarmers, and the need to keep that going. I will make sure that I pass on the member's comments about that to the Minister for Fisheries. The member for Collie–Preston also talked about crayfishing and said that he supports the new quota system. I think everyone thinks that is a good way to go. There are a lot of benefits to the new quota approach to spread out the possible peaks and troughs in the pricing of the market, as well as allow the crayfishermen to fish whenever they so choose. The member said that sometimes there are some constraints on that, and I believe that this legislation gives them extra flexibility. I will refer the member's comments about the cuts in the recreational catch to the minister. He made another good point, which I share, about inland fresh water licences. Many years ago I had an interesting experience when I bought a fishing line at Derby Discounts and drove to Windjana Gorge. As I drove in, I was met by the Department of Conservation and Land Management officer who thought that he recognised my car because his son-in-law had the same type of car, although mine had a different numberplate.

**Mr W.J. Johnston** interjected.

**Mr W.R. MARMION:** It was an XW Falcon; it was a collector's item! I sold it for \$100.

The officer noticed that I had some fishing lines in the boot and asked whether I had a fishing licence. I was unaware, as a 28-year-old, that I needed a fishing licence. I asked him whether I could buy one off him and he said that I would have to buy one at Derby. I think that was the last time I went fishing! I never did any inland fishing when I was in Derby. I thank the member for Collie–Preston for his comments.

The member for Gosnells also supports the bill. He raised concerns about the risk-based management and suggested that risk-based management was about identifying the actual fishery and what risks are involved and drawing up a management plan based on that risk. He is exactly right and that is exactly how it is intended to operate. We would expect a very strong and stringent management plan to be in place for the assessment of the southern bluefin tuna fishery, for example. That is what that particular amendment to the bill is about. The member also mentioned the designated aquaculture development zones. As I said in response to the previous member's comments, the purpose of that is to cut red tape and provide an opportunity to assess the areas for aquaculture and further develop them for investors. Naturally, they will have to be properly managed when the proposals come in.

**Mr C.J. Tallentire:** How does the choice of the designated aquaculture zones mesh with your activities in your own portfolio? Is that something you have done in concurrence with you as Minister for Environment?

**Mr W.R. MARMION:** No. If there is an issue from the point of view of my portfolio, I would expect that the Department of Environment and Conservation would consult with the Department of Fisheries. That is something we have to look forward to.

The member talked about the management plans. They are designed to protect the marine environment and biological values of the areas. The management plans are broad and all-encompassing. Basically, management plans can be enhanced to give greater protection to the environment. The member informed the house about a number of aspects of sanctuary zones and said that he supported sanctuary zones comprising 30 per cent or more of marine parks. That is a metric that is promulgated by many people, including a survey that was recently done in Western Australia. The member for Gosnells gave us some of the results of the survey, which were quite interesting. He said that 61 per cent of fishers support a 30 per cent no-take zone in marine parks. I think I know the person who provided the capital funding for that survey, but it was interesting to get those results. As the member knows, this government is creating four new marine parks in the Kimberley. We are concentrating on

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establishing a marine park in the Pilbara and another in the south west. I think our record on marine parks will be very good. Indeed, those marine parks will have sanctuary zones.

**Mr C.J. Tallentire:** What percentage of the marine parks will be sanctuary zones?

**Mr W.R. MARMION:** The member will find out when they are released.

**Mr C.J. Barnett:** You will be very pleased.

**Mr W.R. MARMION:** Yes; the member will be very pleased with the indicative management plan—and when they are released the member will, I am sure, be pleasantly surprised.

I think the member closed with some comments about the Western rock lobster and the importance of the puerulus count and I agree with his comments.

The member for Kwinana, who is not in the house now, spoke mainly about Cockburn Sound and the importance of strong regulatory arrangements for the management of the sound. Once again, if there are management plans in relation to this bill, any management plans around fishing in Cockburn Sound will have to take into account the environmental aspects of Cockburn Sound—so that should not be a problem. The member then made some very good comments supporting the Cockburn Sound Management Council, which I meet with regularly. Every year, it produces a publicly available report on the status of the sound. The member basically supports the council and I certainly do as well.

The member for Mandurah used a bit of licence on the bill; it is unusual for the member for Mandurah to not talk specifically to the bill and I was quite surprised. He mentioned a few issues that he has raised in the house before, including something that we are obviously all passionate about; namely, the health of the Peel–Harvey system and the importance of its sustainability from a fishing point of view. I grew up not too far away in Bunbury. We used to drive up to Mandurah when they eventually put the road through. It was not initially through in my day.

**Mr D.A. Templeman:** Because you are much older than me!

**Mr W.R. MARMION:** That is right; by a long way! Not really! In fact, I remember going through Mandurah and it had a sign saying “Population — 6 000”. That shows members how old I am!

**Mr D.A. Templeman:** That would have been in about 1942, I think.

**Mr W.R. MARMION:** No; it was, I think, around the early 1970s—the very early 70s. But it might have been less than that. I think we could get through as far as Lake Clifton. There was a farm at which people could get some petrol. We had to ring the house and the people would come out to pump the petrol.

**Mr M. McGowan:** The good old days.

**Mr W.R. MARMION:** Yes.

I agree with the member for Mandurah’s concerns about nutrients and I share his concern about the importance of looking at all developments around the Peel–Harvey area to make sure nutrients are constrained.

I know the member has raised Point Grey before and it will obviously come across my desk for consideration, along with Keralup in the Serpentine catchment area, which is, I know, a problem river.

The member for Rockingham supports the legislation. He touched more closely on the bill than did the member for Mandurah, including an international perspective in terms of the quality of world oceans, which is, I think, a big issue and something that we can keep an eye on in terms of commonwealth relations and international treaties et cetera. The member suggested two ways forward to improve the current situation. One was an international body of equal strength to those set up for whaling issues, to address the oceans issue. He also suggested that the definition of the exclusion zone should be extended past 200 kilometres. I am sure that will be reported in *Hansard* and I certainly have —

**Mr P. Papalia:** Are you really going to rewrite international law?

**Mr W.R. MARMION:** The member for Rockingham suggested that it is something that should be looked at in terms of it being a suggestion that is perhaps good for Australia—indeed, if we are responsible. However, I guess it depends on which countries we extend the 200-kilometre zone —

**Mr M. McGowan:** Can you send that off to—who is the guy who runs the UN now? Who replaced Kofi Annan? Can you send that off to Kofi Annan’s successor? Can you send that off to Ban Ki-moon?

**Mr P. Papalia:** With your endorsement!

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**Mr W.R. MARMION:** Not me personally; but I think the federal minister for the environment might be interested.

**Mr M. McGowan:** I am pretty sure that when Ban Ki-moon gets it he will say, “Oh, my goodness! Bill Marmion’s on the case.”

**Mr W.R. MARMION:** I am sure—from Western Australia. Where is that?

**Mr M. McGowan:** Yes.

**Mr W.R. MARMION:** Yes; I get the member’s point on that.

I thank all members for their contribution and commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*Consideration in Detail*

**Clauses 1 to 4 put and passed.**

**Clause 5: Section 3 replaced —**

**Mr C.J. TALLENTIRE:** Clause 5 outlines the objects of the act and I note that on page 3, lines 1 to 4 state —

- (2) Those objects will be achieved by these means in particular —
  - (a) conserving fish and protecting their environment;

This is essentially a resource management act; that is, it is about managing a resource for all commercial endeavours, and that is recognised. I am, however, curious to know from the minister how he reconciles the use of a piece of legislation for commercial endeavours with an object that is about protecting environmental values. I ask the minister this, because I think it is important that he consider this with a view to having a view on the proposed aquatic resources management bill. He has foreshadowed that the bill will come to Parliament in the near future and that the Minister for Fisheries already has drafting instructions underway for that piece of legislation. I think in that we will see more acutely this issue of a body that manages our aquatic environment being not only responsible for the aquatic environment, but also involved in the economic exploitation of that resource. I am interested to hear the minister’s views specifically on proposed section 3(2)(a) and to know how he foresees that situation playing out when we come to look at the aquatic resources management bill.

**Mr W.R. MARMION:** Proposed section 3 refers to “conserving fish and protecting their environment”. That is a restatement of what is in the existing act. It has not changed at all. They are the exact same words under “Objects” of the current act. Some of the other words have been embellished to give greater strength and clarity. The one the member has picked out is slightly different. The existing act reads “to conserve fish and to protect their environment”; the amending bill reads “conserving fish and protecting their environment”. Basically, it has not changed at all. The drafters have found a clearer way to express how the objectives will be achieved by following those principles of conserving fish and protecting their environment. If someone is doing a management plan or dealing with this legislation, that is what they must take into account. They had to before, and they still have to.

**Mr C.J. TALLENTIRE:** More broadly, does the minister have any thoughts on this issue of a piece of legislation that would empower an agency, perhaps the Department of Fisheries, to have responsibility for the aquatic environment not only for its environmental values, but also for the economic exploitation of that aquatic environment?

**Mr W.R. MARMION:** I am confident that the Department of Fisheries is the right vehicle. I get the member’s point: there is an industry of taking the fish and there is a conservation role. If we do not conserve the fish, we will not have an industry. I am not the minister—I am speaking on his behalf—but I am sure he would be confident that the Department of Fisheries has that balance right and it has the science behind the fishery stock to make sure conservation becomes paramount; otherwise we do not have an industry.

**Mr C.J. Tallentire:** Does the minister realise, though, that the power of this aquatic resources management legislation could be such that it could undermine the marine division within the Department of Environment and Conservation? It currently has a role in managing the marine environment for biodiversity objectives. At some point there has to be a discussion about which is the main agency when it comes to looking after the marine environment.

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**Mr W.R. MARMION:** Apparently the next legislation will come in next year. We are looking at the whole act of the Department of Fisheries. That issue will be clarified and there will be an opportunity to debate that in the new bill.

**Clause put and passed.**

**Clauses 6 to 20 put and passed.**

**Clause 21: Sections 74 and 75 replaced —**

**Mr M.P. MURRAY:** This clause proposes a new section 74, “Contravention of management plan”. I ask quite a simple question: is it only aimed at corporates, or is it aimed at fishing groups or recreational fishers, because the fines are \$80 000 upwards?

**Mr W.R. MARMION:** The proposed section relates only to the commercial side of fisheries. The recreational side is picked up in another part of the act. This is to do with commercial fishers.

**Mr M.P. Murray:** This is for clarification more than anything.

**Mr W.R. MARMION:** Yes.

**Clause put and passed.**

**Clause 22 put and passed.**

**Clause 23: Section 77 replaced —**

**Mr M.P. MURRAY:** The proposed section is headed “Contravention of condition of managed fishery licence or managed fishery permit”. It is stated at proposed subsection (1) —

A person must not intentionally or recklessly contravene a condition of —

- (a) a managed fishery licence; or
- (b) a managed fishery permit.

“Intentionally or recklessly” are two issues: for how many warnings, notifications or otherwise is the law being pushed on intentionally, unintentionally or recklessly on that issue? I am not sure whether I have explained myself very well. It could be that people who push the boundaries at all times are caught by “recklessly”. They may say, “I’m sorry, it’s reckless. Give me a chance this time”. Is there any note-taking or anything on a file to say that these people have done this previously? They might be across the line, say, at the Abrolhos three times in three years. I think that would then be detrimental to this bill.

**Mr W.R. MARMION:** This proposed section again relates to the commercial fishing industry. I am advised that fisheries officers have clever ways of getting intelligence. I have learnt a little about that today. The intelligence they can get is pretty extensive. If it was blatant recklessness in contravening a condition, the officers would obviously have a choice; for example, if it is a first offence, they could charge straightaway or they would have the flexibility to impose a lesser fine. It would depend on the intelligence. Obviously if it is a second or third offence I would assume very little leniency would be given.

**Mr M.P. Murray:** Some years back there was a very similar case about whether it was done intentionally, recklessly or unintentionally. A series of pots were placed in one area. Apparently on due reckoning it was only a few metres either way. That is the point I am trying to make: some people will push a metre this way or that way. With today’s technology, that mistake should not be made anyway. That is where I am coming from. I understand what the answer is but I am sure the minister understands —

**Mr W.R. MARMION:** Although I am not the Minister for Fisheries, I suggest that it would be up to the fisheries inspector to decide, and the fact they have all the gear, a GPS and the like, probably means they are commercial fishers, but if someone was in a tinny and has drifted only half a metre or a metre over the line and they are arguing over that, they would not be a commercial fisher—I do not know. The benefit of proposed new section 77 is that there is now a little flexibility, whereas under a black-and-white law they would get the heavy fine. Fisheries officers will now have flexibility. The member may recall that horror case some years ago when a person got pinged for fishing in an exclusion zone, when he claimed he had rung up the department, which said it was okay. Hopefully, those sorts of things will not happen again.

**Clause put and passed.**

**Clauses 24 to 29 put and passed.**

**Clause 30: Section 91 amended —**

Mr Mick Murray; Mr Chris Tallentire; Mr Roger Cook; Mr David Templeman; Mr Mark McGowan; Mr Bill Marmion

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**Mr D.A. TEMPLEMAN:** I am interested in the minister's comments on division 1, "Aquaculture licences". I may be naive, but I am interested in the effect of this section on backyard aquaculture activities, which seem to be on the increase; that is, people who purchase a tank or tanks for the backyard and use a system whereby a by-product of the fish is used on the gardens for fertiliser et cetera. Are those sorts of enterprises licensed currently or will they be licensed under this amended section? This is a growing phenomenon. There are a number of people in my electorate who are experimenting with growing barramundi and bream. Are they required to be licensed; and, if not, is there an intention to monitor such enterprises? Can the minister comment on these backyard enterprises, the cottage-type industry, that someone might decide to get into? It is my understanding that it costs a few thousand dollars to set up a system and it can be done in small or large tanks. A lot of people are using poly-tanks.

**Mr W.R. MARMION:** I am advised that the small-scale hobbyist-type ventures are currently not licensed. Section 92 provides that the Director General of Fisheries grants an aquaculture licence. One of the concerns about backyard enterprises is stopping people from disposing of fish stock, for example, gold fish, in a river. We do not want that, and clause 41, which will insert proposed part 9A, covers that.

**Mr D.A. Templeman:** I was going to ask a similar question on clause 41.

**Mr W.R. MARMION:** Hobbyists are not licensed at the moment, so they can carry on their operations. However, the Department of Fisheries can act if it gets word that there may be a problem with exotic fish being released into the natural environment. It will depend on the scale of the operation.

**Mr D.A. TEMPLEMAN:** At what point does it become of interest to the Department of Fisheries and an enterprise is not a cottage or backyard enterprise? At what point will the department decide an enterprise is commercial and is obviously not breeding the fish for personal and family use, but potentially for sale, which brings into play health regulations et cetera. Whilst the minister said that the backyard cottage industry-type stuff is not currently licensed, at what point does the department require a licence?

**Mr W.R. MARMION:** I pre-empted that question when I gave that advice previously. I do not have a precise dollar figure for when an enterprise becomes commercial, but if a backyard venture, such as marron farming, starts to make a commercial return and becomes a larger scale operation, obviously it will need to be licensed.

**Mr M.P. MURRAY:** On that point, in some areas I see cottage industries with marron and even barramundi for sale. If no dollar term is specified, is there a weight restriction or limit on cubic metres of water or anything like that? There are hobby farmers, especially down in Balingup and those areas, who are making a living from selling whatever they can. If they have a dozen marron and they can sell them for \$40, they are out on the side of the road selling them.

**Mr W.R. MARMION:** If they are selling to the public, they need to be licensed.

**Mr C.J. TALLENTIRE:** We are being asked to add the term "harvesting" to section 91(a) of the act. I refer to an example I used in the second reading debate on corralling of southern bluefin tuna from the ocean. Would that constitute harvesting? What controls are there on a person corralling a school of southern bluefin tuna into a pen arrangement somewhere? I am worried that we do not have a control mechanism; in fact, we have an exemption for someone who might be doing that.

**Mr W.R. MARMION:** I refer the member to the proposed new wording in section 91(a), which reads, in part, "keeping, breeding, hatching, culturing, harvesting ... any fish". If they are in the ocean, that is fishing; if they are in a tub, that is harvesting. We are being consistent. We are bringing in more rules around aquaculture.

**Mr M.P. MURRAY:** I do not want to labour the point, but I am not clear on the definition of "commercial" and whether that means someone who sells half a dozen marron as a hobby or whatever. It is my understanding that in agriculture someone has to be able to show that they are going to make a living or a profit to be called commercial. I am trying to understand how a hobby farmer who sells a dozen marron and is considered "commercial", should be any different to a hobby farmer selling a hundred sheep, who is not considered "commercial" for taxation purposes.

**Mr W.R. MARMION:** Under section 91 of the main act there is an exemption. The exemption is for —

keeping, breeding, hatching, culturing or selling any fish of a prescribed class ...

Therefore, if a fish is of a prescribed class, which I assume marron and yabbies could be, section 91 gives an exemption for that.

**Clause put and passed.**

**Clause 31: Section 92A inserted —**

Mr Mick Murray; Mr Chris Tallentire; Mr Roger Cook; Mr David Templeman; Mr Mark McGowan; Mr Bill Marmion

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**Mr M.P. MURRAY:** My question is one that has been asked of me by the aquaculture groups about the classifications of water quality in proposed section 92A. On page 23 of the bill, mention is made of water quality, sediment, disease, maximum nutrient levels or loads, environmental monitoring et cetera. Which agency deals with those issues and when does it change over from the Environmental Protection Authority or the Department of Fisheries? The concern in the aquaculture industry is that there was some understanding within the industry that these sorts of issues would be dealt with by the Department of Fisheries and not by the EPA, or vice versa. From my briefing today, I understand that there are some agreements between the Department of Environment and Conservation and the Department of Fisheries. But to me there is still the EPA and the Department of Fisheries issue. Does there need to be double dipping with the responsibility? Does it belong to the Department of Fisheries or does it belong to the EPA?

**Mr W.R. MARMION:** In the legislation, the power is basically given to the CEO of the Department of Fisheries, which has a memorandum of understanding with the Department of Environment and Conservation, as the member was briefed.

**Mr M.P. Murray:** Therefore, there is also an MOU with the EPA, not only with DEC?

**Mr W.R. MARMION:** If something is of a large scale—I use the example of Cone Bay barramundi for instance, which is a large-scale operation—that would be referred to the Environmental Protection Authority anyway. It gets down to scale. We do not want everything going to the EPA, but if something looks like it is a major development that could have implications outside —

**Mr M.P. Murray:** I understand that—please bear with me—nothing much has changed from the previous act then. A concern from the industry itself, the onshore aquaculture group more than any other group, was about which body really controls that environmental issue. It looks as though the process is very similar to what was in the legislation previously; I am just trying to understand it.

**Mr W.R. MARMION:** With onshore developments things are pretty well as they are: the Department of Fisheries does the management. The example I gave of Cone Bay is actually offshore and in that particular case, which is also large scale, the EPA is brought in. But I have been advised that generally onshore concerns will be the responsibility of the CEO of the Department of Fisheries.

**Clause put and passed.**

**Clauses 32 and 33 put and passed.**

**Clause 34: Sections 97A and 97B, Part 8 Division 2 heading and section 97C inserted —**

**Mr C.J. TALLENTIRE:** I am interested in clause 34 on page 26 of the bill, from line 26 onwards where it is stated —

The Minister may offer areas of land or WA waters for aquaculture leases by means of public auction, public tender, ballot or private treaty.

The legislation as it currently stands states —

The Minister may only grant a lease under this section in respect of an area of land and waters vested in the Minister for that purpose or an area of coastal waters.

I just want clarification that what I just read out from the main act still stands and that we are really limiting this power of the minister to grant leases to areas that are vested in the minister.

**Mr W.R. MARMION:** I did not get all of the member's question, but my understanding is that this land will not be vested in the minister. The minister already grants leases, but the land will not be vested in the minister himself. There will just be the opportunity for the minister to grant aquaculture leases within an aquaculture development zone that may have been gazetted as an area where studies have already been done, and where it has been decided that it is an area where there could be aquaculture, and a lease could be granted. That does not mean that the lease will be vested in the Minister for Fisheries.

**Mr C.J. TALLENTIRE:** I seek the minister's clarification that section 97(8) of the existing legislation still stands, because it states —

The Minister may only grant a lease ... in respect of an area of land and waters vested in the Minister for that purpose ...

I just seek the minister's clarification that that line is still retained.

**Mr W.R. MARMION:** If the member reads section 97(8) of the existing legislation carefully—I had to read it three times—he will see that it states —

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The Minister may only grant a lease under this section in respect of an area of land and waters vested in the Minister for that purpose —

That is purpose, full stop —

or an area of coastal waters.

**Mr M.P. MURRAY:** Proposed section 97B(1) states —

The CEO may grant a temporary aquaculture permit to the holder of an aquaculture licence authorising the licence holder to carry on ...

And so on. Could the minister explain to me what an original area is, because the proposed section states “alternative area” rather than “new area”?

**Mr W.R. MARMION:** I have to read it again so that I am clear, but I have the answer; I am reading it.

**Mr M.P. Murray:** I would have thought that if someone was moving from one area to another, that area would be classified as a new area, not an alternative area.

**Mr W.R. MARMION:** Let us say there was an aquaculture area that for some unknown reason got contaminated by an oil spill or something. This provision allows the CEO of the Department of Fisheries to grant a temporary aquaculture permit so a move could be made to another area without starting up a new process. Let us say that for some reason someone had an area and something happened to it. That person would grizzle, as they should do —

**Mr M.P. Murray:** Let us say if you get a bug in one area, and you say, “We have got to get them out of there quickly; we can go to an alternative area,” it is not necessarily deemed a new area, it is an alternative area.

**Mr W.R. MARMION:** Yes, correct.

**Mr M.P. Murray:** Okay, thank you.

**Clause put and passed.**

**Clause 35: Section 97 amended —**

**Mr M.P. MURRAY:** Again, my question is very similar to the previous one. I refer to proposed subsection (5A)(d), which refers to the activities to be, or that are being, conducted under the lease et cetera. Who has the final say on the leaseholders? Is it the Environmental Protection Authority or the Department of Fisheries? It is the same question, but we are now dealing with leaseholders, and my understanding is that the leases are granted by Fisheries. Therefore, I come back to ask: who makes the final decision? Should the minister grant a lease if there is a chance that the EPA will not grant its end of it? It is about spending money, when the decision should probably not have been allowed in the first instance. Alternatively, should it be separated from the EPA and go back to Fisheries?

**Mr W.R. MARMION:** Proposed paragraph (d) relates to the Minister for Fisheries. The memorandum of understanding would go out for public comment. If the minister is satisfied that the activities to be, or that are being, conducted under the lease are unlikely to adversely affect other fish or the aquatic environment, he can renew the lease. That is specifically the Minister for Fisheries, and he would obviously have to take into account the public comment and the MOU with the Department of Environment and Conservation.

**Mr M.P. Murray:** I assume that due diligence or some studies would have been done before the lease is put up. That, I think, is the crux of the whole matter.

**Mr W.R. MARMION:** Yes, a whole lot of due diligence, including a management and environmental plan, would have been done by the proponent anyway, so that would go to the Department of Fisheries and then to the minister for approval.

**Mr M.P. Murray:** That is exactly what I thought. I thank the minister.

**Clause put and passed.**

**Clause 36 put and passed.**

**Clause 37: Section 101 inserted —**

**Mr C.J. TALLENTIRE:** This clause inserts proposed section 101, “Clean-up and rehabilitation of former leased area”. I certainly applaud the intent of this clause, but I am concerned that there is no provision for recovering costs. It is fairly easy to imagine a situation in which perhaps a leaseholder has gone into receivership and would not be in a financial position to pay the clean-up costs. I imagine that those clean-up costs could be

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quite straightforward; they could be for the removal of pens from an ocean environment perhaps to something far more complicated if it related to contamination of an area. So I am curious to know whether there is a cost-recovery mechanism anywhere—perhaps some sort of bond—and how that would be implemented.

**Mr W.R. MARMION:** I am advised that there is a bond. Therefore, if a leaseholder goes into liquidation, as the member said, the costs cannot be recovered, but there is a bond.

**Clause put and passed.**

**Clause 38 put and passed.**

**Clause 39: Section 101A amended —**

**Mr M.P. MURRAY:** This clause amends section 101A. Proposed subsection (2A) states —

Subject to subsection (2B), the Minister may declare an area of WA waters (other than inland waters) to be an aquaculture development zone.

Can the minister give a bit more substance to that? Certainly, a question I have been asked is: what does that actually mean?

**Mr W.R. MARMION:** I guess the member is asking for the detail of the process for how an aquaculture development zone would eventuate. Proposed subsection (2A) just says that the minister may declare an area of WA waters, other than inland waters, to be an aquaculture development zone. Does the member want to know the process for how that will be declared? My understanding is that a management plan will be prepared and there will be a public consultation process about an area in the ocean, obviously, to be declared a zone for aquaculture development.

**Mr M.P. Murray:** It comes from Flinders via Augusta. I am not sure whether the detail is too much, but there was an area that one of our boys put up and said, “This is an area that we’re going to study.” The general public was quite angry that there was no consultation about that area, because they wanted to turn it into an abalone farm. Consultation was not held with members of the local community, and it was their favourite whiting spot. So the conflict of interest was there. I am just wondering whether there is any process other than just saying that, yes, someone has applied, and that is it.

**Mr W.R. MARMION:** There will definitely be a public consultation process about where these zones will be located. So, with this process, the public will be able to have input. The minister will get that input, and he can take that input on board.

**Mr M.P. Murray:** I will just make a further comment. If you have that public consultation period in the middle of winter, there will be seven people and three dogs, and when it comes to summer, there will be 7 000 people and 40 dogs, so the issue is quite different. That is the point I am trying to make. Is there a process that is a bit larger than dealing with just that area, because that was quite a contentious issue?

**Mr W.R. MARMION:** Proposed subsection (2B) goes on to give a bit of the extra process around it. It states —

The Minister can only make a declaration under subsection (2A) ...

- (a) with the concurrence of the Minister to whom the administration of the *Land Administration Act 1997* is committed; and
- (b) after consulting with the Minister to whom the administration of the *Conservation and Land Management Act 1984* is committed.

I, as Minister for Environment, am the minister who looks after the Conservation and Land Management Act. So there are a couple of other checks and balances. Perhaps a wise minister would be listening to the local people if he was going to —

**Mr M.P. Murray:** Conflict is what I am talking about, minister.

**Mr W.R. MARMION:** Yes. The short answer is that the minister can do it. How he does it is probably his choice, but one thing he has to do is get the concurrence of the minister who looks after the Land Administration Act, and he has to consult, under proposed paragraph (b), with the Minister for Environment.

**Mr C.J. TALLENTIRE:** On the point the minister raised about proposed section 101A(2B), he identified that there has to be concurrence with the Minister for Lands. That means that the Minister for Lands must agree with the declaration area proposal, whereas the Minister for Fisheries simply has to consult the Minister for Environment. I am concerned that this puts the Minister for Environment in a subservient position to the Minister for Fisheries. I touched on this earlier. There has been a lot of discussion in the media about the conflict



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between the Fire and Emergency Services Authority and the Department of Environment and Conservation. It is also well known that there is conflict between DEC and the Department of Fisheries in relation to the marine environment. I am touching on the issue that, potentially, the minister would be told by the Minister for Fisheries that he is going to go ahead and declare an aquaculture area and he would not have the right to say no, unlike the Minister for Lands who would have the right to say no. The different choice of wording in proposed section 101A(2B) seems quite deliberate; in one case it refers to “concurrence” and in the other it refers to “consulting”. I am keen to hear the minister’s answer, but I certainly hope that he takes note of this. Potentially, down the track we will see this situation come up again and there will be a conflict between agencies about the management and control of our marine environment.

**Mr W.R. MARMION:** I think this has been well drafted by parliamentary counsel. Proposed section 101A(2B)(a) reads —

with the concurrence of the Minister to whom the administration of the *Land Administration Act 1997* ...

That minister would probably own the land and he is responsible for it; he is the owner. Therefore, obviously, we need the minister’s concurrence before we can declare something on his land. I think it is very prudent and useful that this bill makes sure that the Minister for Fisheries consults with the Minister for Environment, who looks after the environmental values of the marine environment.

**Mr C.J. TALLENTIRE:** The minister would concede that “consult” is an inferior position to one of “concurrence”. I am sure that the minister is aware that concurrence is required in many other areas, such as in the resources sector. The requirement for concurrence with the Minister for Mines and Petroleum is quite commonly practised. I do not understand why the Minister for Environment would not have to give his or her concurrence to the declaration of an aquaculture zone.

**Mr W.R. MARMION:** I am pretty comfortable with the wording. I am very comfortable that the Department of Fisheries has a conservation bone. If it does not look after the fishery stock, it does not have an industry. The objects of the act are quite clear—that is, fisheries stock needs to be conserved. I am comfortable with this wording but I take the member’s points on board.

**Clause put and passed.**

**Clause 40 put and passed.**

**Clause 41: Part 9A inserted —**

**Mr D.A. TEMPLEMAN:** I suppose my line of inquiry is similar to the question I asked before, but this specific clause relates to exotic fish. We are all well aware of the potential damage from the escape of exotic fish into our waterways. For example, I think of the koi carp in other parts of Australia. Koi carp has escaped or been released into waterways—even into the Murray River, from memory—and caused damage to the natural environment and native species. My reading of the elements of this clause is that a fisheries officer has the powers to intervene to “inspect, seize and destroy fish”. On page 33, as part of the same clause, proposed section 103A(3) reads —

The CEO may direct a fisheries officer to intervene in relation to that fish if, in the circumstances, intervention will or could minimise the risk of the accidental introduction of exotic fish into WA waters.

We all know that koi carp, for example—there are others—are sold in a variety of places, including our average pet store and nurseries. I am interested in the extent to which the department is being strategic, if you like, about this particular issue of exotic species. I would like to hear the minister’s comments on whether this particular proposed section bolsters existing protocols and procedures or whether it is new. Does a provision such as this, which relates to exotic fish, already exist? I am interested to know where this sits with the current acts of control.

**Mr W.R. MARMION:** Under existing part 9, headed “Noxious Fish”, the department has powers to intervene, but that will be repealed under the Biosecurity and Agriculture Management Act. Proposed part 9A is a head of power to make sure that fisheries officers can intervene with unlicensed people involved in aquaculture, or carp or goldfish, in certain circumstances, if they believe that could minimise the risk of accidental introduction into WA waters. This is a new head of power relating to exotic fish, but part 9 of the act, headed “Noxious fish”, will eventually be repealed. Therefore this provision replaces that.

**Mr D.A. TEMPLEMAN:** I do not want to take up too much time, but does that include intervening—I am just using an example—with a local government authority that may seek to stock an artificial lake in a new subdivision with an exotic species such as koi carp? Can the department have any control in, if we like, discouraging a local government or a developer from doing that? The developer may have this view that this will

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be great for the development and to put koi carp in will be wonderful, but we know that the more koi carp or exotic species are allowed to breed—they are prolific breeders—it can cause problems in the long term. I am interested in how this provision might relate to disallowing a local government authority or indeed a developer from stocking an artificial lake with exotic fish. I would think that proposed section 103A(3) might allow a CEO to direct an officer to do so.

**Mr W.R. MARMION:** Certainly the department would encourage local government or developers to introduce fish into inland lakes that they develop. They would need to get approval normally to do that anyway. Indeed, there are local governments now coming to the Department of Fisheries with advice on how to eradicate these particular fish. In terms of proposed section 103A(3), “WA waters” is a very broad term. It relates to any water, including in a toilet, I have been advised. It can also be quite narrow in terms of its interpretation.

**Mr D.A. Templeman:** An officer could come in and seize a fish from a fishbowl from the minister’s home in Nedlands.

**Mr W.R. MARMION:** I do have two goldfish, member.

**Mr M.P. MURRAY:** Could it be aquariums or anything like that? If it is unlicensed, if it is on your property—it may be something that has been brought in illegally—and you find out about it, you can go and say, “They’ve got to go.” Is that the intent of that law?

**Mr W.R. MARMION:** They have to have a strong suggestion that the person is not looking after the property and they could release it into WA waters and contaminate a river or something like that. There has to be a risk—even if it is accidental.

**Mr M.P. Murray:** Point taken, but it could relate back to that aquarium.

**Mr W.R. Marmion:** Correct. I could lose my goldfish.

**Clause put and passed.**

**Clauses 42 to 48 put and passed.**

**Clause 49: Section 141 amended —**

**Mr M.P. MURRAY:** I would like the minister and his adviser to briefly explain the advantage of this provision. I think it is important that we do that. It is my understanding it may bring extra pots into the industry and be worth some money. I would like a brief explanation on that.

**Mr W.R. MARMION:** This is an important clause that relates to the release of stranded assets. In the crayfish industry, for instance, my understanding is that people can transfer their pots, but they have to hang onto one. If they transfer them all, they are in trouble. In this amendment, if someone is a crayfish pot owner, they can actually transfer that as well, and it will come back to them. My advice is that by doing this it actually allows an extra \$3.5 million of crayfish to be caught. It is a fairly important thing for the industry and also for the owner of the pots to get a return because it is being used.

**Mr M.P. Murray:** I think it is very important that that is put on *Hansard* for people to understand why that law is to be changed.

**Clause put and passed.**

**Clauses 50 to 53 put and passed.**

**Clause 54: Part 15A inserted —**

**Mr M.P. MURRAY:** Clause 54 includes proposed section 153 and defines “commercial quantity”, “priority fish” and “traffic”. My concern is about the commercial quantity and how that is worked out. We know that there are bag limits and weights for both amateurs and professionals. Does that mean that that weight is a commercial quantity?

**Mr W.R. MARMION:** The actual detail around the commercial quantity will be defined through regulations. They will be subject to disallowance. I have been advised that proposed section 154, “Trafficking in fish”, is more to do with organised crime than a genuine commercial operation. The actual specifics will be defined in the regulations, which could be disallowed.

**Clause put and passed.**

**Clause 55 put and passed.**

**Clause 56: Part 16A inserted —**

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**Mr D.A. TEMPLEMAN:** This clause inserts part 16A, specifically dealing with emergency powers to deal with biological threats. I am interested in the minister's comments regarding the powers of the CEO that are then devolved to the relevant officer. I am concerned about proposed section 177C, "Dealing with biological threats". As we are aware, the potential for biological threats and their impact on waterways and native fauna and flora is certainly something that continues to grow in importance. I am interested in where the responsibility, or the jurisdiction of responsibility, comes into play. For example, crown-of-thorns starfish —

**Mr W.R. Marmion:** Try the black-striped mussel; we'll use that one.

**Mr D.A. TEMPLEMAN:** The one that attaches to —

**Mr W.R. Marmion:** Ships, and they drop off when they go into port.

**Mr D.A. TEMPLEMAN:** They are deposited in a port. First of all, does an example of that nature come under this particular proposed section? What measures are used currently to keep in check these potential biological threats? I think the crown-of-thorns starfish has caused major problems for many ports around the world. I know—the member for Gosnells may be able to help me here—a lot of the threats come from ports in South-East Asia where they are picked up and potentially deposited in ports around Australia.

**Mr C.J. Tallentire:** Through ballast.

**Mr D.A. TEMPLEMAN:** That is right—through the emptying of ballast et cetera. I am interested in part 16A; is that an example of where these powers would be enacted? Again, I am assuming this is a new part 16A to the act. What currently exists in dealing with potential biological threats of the example I have given?

**Mr W.R. MARMION:** We have been relying on the noxious fish provisions under part 9, which will be repealed under the Biosecurity and Agriculture Management Act. But the member is right: this is a new power to specifically deal with those invasive marine species that might stick on the bottom of a ship. The Department of Fisheries has the power to prevent ships from coming into our waters. If the biological threat gets into the harbour, the department has the power to do anything it can to eradicate it. I do not know how that can be done because I am not an expert, but the bill gives the department the power to do that.

**Mr D.A. TEMPLEMAN:** The reason I asked that question is that over the next decade a number of major resource projects in the north of our state in particular will be either planned or underway and we will see a much greater increase in the number of marine and ship movements from those waters to China and India, for example. Many of those ships are very large and potentially could carry a species that is a biological threat. The marine environment of the north west of our state in particular is pristine and a range of environs require ongoing monitoring and protection. I can foresee that the Department of Environment and Conservation will have a greater responsibility to monitor those ships in cahoots with the Department of Fisheries. The minister may have received advice on this matter from his adviser. Ideally, those vessels would be checked before they left their country of origin for Australia. I am neither a lawyer nor an expert on international law, but I believe that that would be ideal. The reality is that we will see more and more vessels in the north west of the state, particularly in the Kimberley and Pilbara regions, both of which have significant environmental assets, and marine environmental assets in particular. This aspect of the bill is paramount. I would hate us to suddenly find that the new ports that are opening up for these types of vessels to take on board their export cargo will cause a major problem because we have not been keeping up with the game. I am interested to hear the minister's comments on that.

**Mr W.R. MARMION:** I do not want to confuse the order, but an amendment was moved in the upper house specifically relating to what the member just addressed. One of the issues was biological organisms that were either attached to vessels or were dropped with the ballast. I draw the member's attention, under the amended bill, to clause 74 "Section 258 amended". Proposed section 258(1)(f)(ib) states —

prohibit or regulate the entry into or movement or use within, or direct the removal from, WA waters or an area of WA waters of boats or equipment on or attached to boats for the purpose of —

- (i) preventing organisms, as defined in section 177B, that pose or are likely to pose a threat to fish or other aquatic resources or to their habitats from entering WA waters or an area of WA waters;

The government moved that amendment in the other house to strengthen the bill and protect the marine environment.

**Mr D.A. TEMPLEMAN:** I will finish on this point. If, for example, a ship that is filled with LNG in the proposed new port at Onslow berths —

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**Mr W.R. Marmion:** Or before it berths.

**Mr D.A. TEMPLEMAN:** Okay, before it berths. If the Department of Fisheries or an inspector has reason to believe that there is a biological threat that is either contained in the ballast or is attached to the hull —

**Mr W.R. Marmion:** Possibly because the department has intelligence of where the boat came from.

**Mr D.A. TEMPLEMAN:** Yes. Clause 74, part of which the minister just read, relates to the clause that I just mentioned. I understand that the CEO of the Department of Fisheries, through the authorised officer, has the power to prohibit the entry of that ship into a port and/or prevent it from leaving that port until the threat has been removed. Is that a correct reading of what these powers do?

**Mr W.R. MARMION:** It is more about a ship that enters our waters. I will give the member some practical examples of what can be done. We can demand to see the ship's cleanliness certificate. If the ship came from a port that caused us to be concerned about the marine life it might have picked up, we could check the ship's cleanliness certification. Ships have to make a record of the ballast, so we could get that intelligence. If the CEO or authorised person with the designated power continued to remain concerned, they would have the power under the act, as I understand it, to prohibit the ship from entering our waters and could physically inspect the hull of the ship before it was allowed into the port. I think that would be a better and safer way to go to ensure that there are no risks to Western Australia, rather than letting the ship berth. That is what this clause is all about.

**Mr D.A. Templeman:** By way of interjection, obviously there are clear resourcing implications for the department with regard to those areas that will see traffic of this nature through those ports.

**Mr W.R. MARMION:** I have been advised—I am not the minister—that the department has received \$9.2 million over three years to deal with biological threats.

**Mr M.P. MURRAY:** We are all concerned about funding and whether the ship's owner can get the ship clean and tidy or whether the owner will leave the rust bucket tied to the wharf. I am concerned that we can put in place all the rules we like but if the Department of Fisheries or the company that owns the ship does not have the means to finance cleaning the ship, where do we go?

**Mr W.R. MARMION:** I am not saying how I would do it myself, but if the ship was not allowed in, it would not be tied up to the wharf. Probably the best way to deal with this is to make sure that it does not get tied up. I guess the member is asking what we could do if a ship snuck through the cracks and was tied up to a wharf.

**Mr M.P. Murray:** It is totally about finance.

**Mr W.R. MARMION:** I have been advised that if we were not happy with the cleanliness certificate, we could order the ship to dry-dock in Singapore before it entered our waters.

**Clause put and passed.**

**Clauses 57 to 73 put and passed.**

**Clause 74: Section 258 amended —**

**Mr M.P. MURRAY:** I refer to proposed paragraph (eb), which states —

provide for the reseeded of fish stocks or the release of fish for the purpose of restoring or improving fish stocks;

My understanding is that this is a major change in the industry. Does that include wild stocks as well as impoundment stocks in oceans and rivers? Both amateurs and professional fishers have asked for this for many years.

**Mr W.R. MARMION:** This relates to the regulations; that is, it allows regulations to be made in relation to this amended section. This allows for a regulation to restock Cockburn Sound with, for instance, dhufish or snapper, or we may want to restore or improve fish stocks in a river—trout, for example.

**Mr M.P. Murray:** Does this mean that a reef—for example, near Rottneest—that has been without dhufish for many years could now be restocked?

**Mr W.R. MARMION:** This is about a regulation on how that would be done. A broad paper on this policy will be put out to allow people to discuss this prior to the regulations being developed. Once the regulations are in, a person who wants to reseed or restock would have to apply for a permit to do so. This amended section allows for the regulations that will allow that to happen, and then the process will be done by way of permit.

**Mr M.P. MURRAY:** I am a little bit confused about the actual proposed paragraph, which states —

Mr Mick Murray; Mr Chris Tallentire; Mr Roger Cook; Mr David Templeman; Mr Mark McGowan; Mr Bill Marmion

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- (eb) provide for the reseeded of fish stocks or the release of fish for the purpose of restoring or improving fish stocks;

To me, that is quite clear, yet there is a bit of a sting in the tail along the lines that it is not necessarily what is stated in the proposed paragraph; that is, other regulations go with this provision. I am concerned that this gives the false impression to anyone who reads the act that this may not be the case.

**Mr W.R. MARMION:** I am not quite sure of the question. This is a regulation head power; it allows, I guess, the department or the minister to put up the regulation to do this. I cannot see why the member would not want the capability to restore fish stocks. The member mentioned Karnak Island, which has snakes on it. Let us say, for example, that historically there had been a lot of dhufish in the area, and we would now like to restore those stocks. This amendment gives the power to do that—namely, to put the fish back; to reseed and to restock. That is, I think, a pretty good head of power to have in a regulation.

I am also advised that protocols will be in place and we will not be able to put in just any old fish. We would obviously have to consider other aspects of the marine environment. I guess we are restoring what used to be, and a reasonable reason would be needed to do so; for example, historical evidence that it was once a dhufish habitat. I would have thought restoring was a good conservation approach. I am also advised that there will need to be strict rules and protocols around this work.

**Mr M.P. MURRAY:** On the same issue—I am probably labouring the point a little—we have heard press stories over many years about how “easy” it is to grow pink snapper, but I understand that pink snapper have never been released into the wild; it is not the same with black bream in the Swan River. I am a little confused. I am not saying that I want to stock a reef that has never had dhufish on it with something that is a bit out of the ordinary. I am trying to work out exactly how we would go about this. For example, the heating of waters in the north wiped out many fish species and abalone stocks. There is no abalone season now because there is no abalone due to the heated water. How would we restore that stock? If that were a certain species of fish that we were easily able to breed, how would we go about putting them back on that reef?

**Mr W.R. MARMION:** I feel like I am going around in circles because I am getting advice that I have already given to the member. This does not tell us how to do it; it gives the head of power to allow us to do it. When the regulations come in, they might go to the level of how we might do it, but they can be disallowed. The member used the example of abalone. This will do exactly that; namely, a reef that previously had abalone but no longer does will be able to be restocked with abalone if it was felt that that was the right thing to do. The drafting of regulations merely puts in place a process to allow that to happen.

A member interjected.

**Mr W.R. MARMION:** No.

**Mr M.P. MURRAY:** The other part of my question is that this seems to be a major move away from the previous policy position in which this was not allowed.

**Mr W.R. MARMION:** I am advised that that is true; it is a change in policy.

**Mr M.P. Murray:** Thank you.

**Clause put and passed.**

**Clauses 75 to 78 put and passed.**

**Title put and passed.**

Leave denied to proceed forthwith to third reading.

*House adjourned at 9.29 pm*

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