

FISH RESOURCES MANAGEMENT AMENDMENT BILL 2009

Second Reading

Resumed from 12 November.

MR M. McGOWAN (Rockingham) [9.25 pm]: The opposition is supportive of this piece of legislation. This legislation stems from an agreement between the commonwealth and the states that was made in 2004, and of course the state Labor government at that time was involved in the construction of that arrangement. It has taken a little while to get to this point. I think all the states have put together legislation along the same lines. Therefore, the laws that we are debating this evening are similar to those that have been debated in other states.

I do not wish to go over everything that was said in the debate on the Fisheries Adjustment Schemes Amendment Bill 2009, but I do appreciate some of the sentiments that some of the members in this place expressed. I disagree with the Minister for Health's analysis about conservation zones in the ocean. I think that sanctuary zones will become common and they will happen. But they will need, of course, to be appropriately policed. I think there is now in the broader community a recognition, particularly by people who engage in fishing, that we need to preserve a greater degree of the marine environment than we have in the past. Certainly my experience as environment minister is that that was the common sentiment that I received from fishing people. Of course a lot of these zones will be self-policed, because although some people will break the law, generally most Australians are law-abiding citizens.

The purpose of this legislation is to change the fisheries arrangements between the Australian government and the states and territories to allow those arrangements to operate with greater flexibility and efficiency. Clause 9 of the bill seeks to insert a new section 29A, which states —

The Minister may enter into an agreement with a Minister administering a corresponding law, or with an authority of another State or Territory concerned in the administration of that law, for the purpose of cooperation in furthering the objects of this Act (whether in this State or in that other State or Territory).

That provision is very clear. When we break it down, it means that the offshore constitutional settlement between the states and the commonwealth will allow for flexibility in the intergovernmental agreements between the state ministers and commonwealth ministers. As I understand it, if the state minister wants to provide for the commonwealth government to administer some of the state waters under commonwealth law, that can happen. If both the state minister and the commonwealth minister want to ensure that some of the commonwealth waters can be administered under a joint arrangement or under Western Australian law, it is authorised. Any mix of those two arrangements is also possible. This bill basically provides a lot of flexibility about which law applies where and to which waters, based upon agreement between the states and the commonwealth. The rigidities that exist now will be removed and there will be greater flexibility about which laws apply in which places.

The bill does a range of other things. It abolishes some statutory committees: the Rock Lobster Industry Advisory Committee, the Recreational Fishing Advisory Committee and the Aquaculture Development Advisory Council—all of which must, I assume, be created by statute. The bill abolishes those advisory committees and councils and provides for the minister to now take his advice about matters formerly covered by those committees and councils from the Department of Fisheries. It is also indicated in the bill that the Department of Fisheries will receive advice from peak bodies—the Western Australian Fishing Industry Council and Recfishwest. When the Department of Fisheries provides the minister with advice, the department will in turn seek the advice of those peak bodies of the commercial and recreational sectors.

Those three committees will be done away with, which is good; 180 committees created and three abolished is a good start for the government. I assume that the government will be able to do away with the support of those committees and whatever costs they imposed on the taxpayers of this state and the industry. As we know, the operations of the department are roughly 50 per cent funded by the industry; it is an interesting phenomenon. The industry very much supports the operations of the agency that provides the assistance, guidance, laws and rules that govern it. The industry covers 50 per cent of the department's costs; I assume that 50 per cent of the costs of these committees are also met by the industry. It has therefore created some angst in the industry that the government has cut the budget of the agency, even though the agency is 50 per cent funded by the industry it serves.

In any event, the two main changes brought about by this legislation are the changes to the Offshore Constitutional Settlement and the abolition of the three committees. I will be interested to hear in the minister's response whether there has been any advice about the abolition of those committees and whether any consultation took place with the various industries involved; I assume and hope that it did. Considering that the legislation has been in gestation for the past five years, I assume that some serious consultation took place. The opposition supports this legislation.

MR P. PAPALIA (Warnbro) [9.34 pm]: I also rise to support the Fish Resources Management Amendment Bill 2009. I was prompted to speak by the minister's comments about his personal view being that fish sanctuaries would not be effective or would be too difficult to police, or a combination thereof. I have to take the minister to task on that. In many areas, particularly the north west coast and the box area, traditional fishing is permitted by Indonesian fishermen from Rote and other islands. We preclude them from fishing outside the box area by means of what is, in effect, a fish sanctuary. We do not police it with a 24/7 presence in the form of Department of Fisheries boats, aircraft or patrol boats. We take into account the area we have to police and make a risk assessment of the threat represented by traditional fishing boats. We know generally their maximum speed of transit and their traditional sites of preference. We know what type of fish stock they are chasing and we generally gather intelligence on what the market has dictated is the most attractive stock that they will be pursuing at a particular time. It varies; it does not always stay the same. In the 1970s it was trochus. Now it is trepang and shark fin. It changes over time. We gather that intelligence because we have the capacity to do so. We then know what resources we have to police the zone and we utilise the resources in accordance with the intelligence we have garnered to achieve maximum effectiveness. We do not ever catch 100 per cent of the fishers who are acting in an illegal fashion, but we get enough of them to provide a deterrent.

The member for Rockingham made the point that the vast majority of fishers fish legally. We are providing rules for honest fishers to pursue and follow, and we are trying to catch enough of the dishonest fishers to create a deterrent. That is possible. The state does not necessarily have the resources that the federal government has, but this legislation may enable the utilisation of assets from both jurisdictions. I know that they effectively operate together anyway, because I carried fisheries officers many times on board my patrol boat. We also utilise aircraft from Coastwatch, which is another agency, to maximise our capabilities. The agencies all work together. I do not think that fish sanctuaries as a concept should be discounted. During the course of the campaign against the government's fishing tax I was approached by a number of recreational fishers in Bunbury, who raised that concept as a good idea. I assume that there will be just as many people within the recreational fishing sector —

Mrs L.M. Harvey: If we go down the path of sanctuary zones in Australia, what will we do to address the demand for fish in Western Australia that will need to be sourced from overseas fisheries that are not managed? What is Australia's responsibility towards the collapse of those fisheries?

Mr P. PAPALIA: In making this contribution, I am not necessarily suggesting that this is the only solution. I am saying that a combination of sanctuaries and other measures may be the option. I do not think that sanctuaries should be discounted on the grounds that they are too difficult to police. I am not trying to be negative. If we are talking about shallow enough waters, they can be marked by buoys, if there are concerns about the difficulties involved in notifying people. The threat is, however, that most people have global positioning systems, and they are pretty accurate. It would not take much effort to promulgate on our charts by that or other means the location of a site or sanctuary. I do not advocate that as the only solution, and far be it from me to try to tell the member for Scarborough about how to manage the recreational fishing industry; I do not pretend to have knowledge to match hers in that field. My experience is in another area; it is offshore in a wider industry primarily concerned with commercial fishing but also traditional fishermen from the north. I have witnessed a capacity to generate enough coverage with reasonably few resources, when one considers the extent of the ocean we are covering, to be efficient enough to capture enough fishers to effectively create a deterrent. It depends on the assets available and all sorts of things, such as the weather—although prevailing weather conditions can often be one's best asset anyway. I wanted to take the minister to task a little on that. I am not being super critical.

Dr K.D. Hames: I partly agree with the member, and I will answer when I stand.

Mr P. PAPALIA: Having said that, I share the member for Rockingham's enthusiasm for supporting any measures that will preserve our fish stocks, as I am sure does everyone on this side and the other side. It was not that long ago that a group of members on this side of the house were in Karratha and met recreational fishers. I have concerns about consultation. I know there is a desire to reduce the number of committees and thus consultations, but I would appreciate it if the minister can confirm that the Minister for Fisheries is comfortable with the level of negotiation or consultation that took place before the government eliminates these committees and that there will still be adequate consultation. As a backbencher in government for a short time, I was not entirely convinced that our then minister consulted as widely as I felt he perhaps he could have. That is not a criticism of the former minister and now shadow minister because I have deep respect for him. However, as a mere backbencher at that time—I have not really progressed much further—I was always a little concerned that once a person reached the lofty heights of being a minister his capacity to take stock of whether he was consulting adequately was diminished. I would appreciate it if the minister representing the fisheries minister could reassure me that adequate consultation will be continuing.

MR C.J. TALLENTIRE (Gosnells) [9.42 pm]: There are many useful elements to this amendment bill. One that has not been touched on by my colleagues is the issue of penalties for someone who has committed a series of breaches. The present arrangements are that somebody who commits three serious breaches within a 10-year period risks losing his right to fish—his licence—for a substantial period. That is such a severe penalty that there has been a serious reluctance to impose that penalty. This bill provides that someone who did that would now lose his licence for 12 months and would not be required to pay an access fee. That is another element to this legislation.

On the issue of consultation with peak bodies, the new arrangements in this amendment bill will make sure that the minister continues to liaise with the WA Fishing Industry Council and also Recfishwest. Those two peak bodies will be able to continue their role as the minister's key advisory bodies in a non-government sense, but, of course, the Department of Fisheries will be the minister's principal advisory body. That is a change, and it means we will see the demise of the Rock Lobster Industry Advisory Council and also one of the management advisory committees, the Recreational Fishing Advisory Committee and the Aquaculture Development Advisory Council. I know that under present arrangements the minister is required to consult with and listen to those bodies but is not required to take their advice. I suppose this is somehow a streamlining of where the minister gets advice from and how he or she deals with that advice.

I have concerns about how things have operated without this legislation in place. I recall one case in which the previous Minister for Fisheries, Hon Jon Ford, was heavily lobbied by rock lobster fishermen and advised against putting in sea lion excluder devices in crayfish pots. This meant that the smaller sea lions—the pups—were able to get into craypots and get stuck in them while they tried to take the rock lobsters out. A very simple device can be put in there—just a sharp stick—that prevents the sea lions getting in there. It does not reduce the efficiency of the pots, so it made perfect sense to have the whole of our crayfishing fleet convert to these pots with the excluder devices. But there was some conservatism on the side of some rock lobster fishermen and they said they could not be required to make this conversion too quickly, so we had at least an extra 12 months of having to see the fishery continue to catch sea lions. That is the sort of advice that is given when groups are perhaps not particularly well informed or are putting their self-interest too much to the fore. This streamlining should lead to better quality advice going to ministers, and that is for the better.

My colleagues the member for Rockingham and the member for Warnbro touched on the issue of sanctuary zones in discussion on the previous bill. The minister representing the Minister for Fisheries did say that he is not convinced by the need for sanctuary zones. We have to bear in mind that we are calling for the equivalent of national parks. No-one would accept that we should have people raging through our national parks with guns to shoot the wildlife. It is the same situation when it comes to developing this network of sanctuary zones throughout our marine environment. It is about creating that same quality of ecosystem protection that we see in the terrestrial environment. It is very important that we see that in the future.

There are some very useful aspects to this bill. The member for Rockingham touched on the offshore constitutional settlement aspects. There can be a streamlining of arrangements with the commonwealth government and state governments, the Western Australian government in our case, to make sure that changes are quickly brought into effect when necessary. I support this bill.

DR K.D. HAMES (Dawesville — Minister for Health) [9.47 pm] — in reply: I thank the opposition for its support of this bill and of the quite obviously sensible recommendations that are contained therein. I want to take this opportunity to clarify, as I said I would, the issue of sanctuary zones. I accept the points that both members made. I think I have failed to make myself clear. When I was considering the issue of sanctuary zones, it was in the context of preserving the stock so that our grandchildren would still be able to catch fish. In that sense, I do not think sanctuary zones are the answer. Both members opposite were talking about protection of the ecosystem, which is a different matter altogether, and I support that concept; as the member for Gosnells said, it would involve a series of national parks in effect. I know that is what the commonwealth government is looking to do in Western Australia in conjunction with the state government; that is, to find areas where we can ensure the long-term preservation of the species. I do not think it is a mechanism that preserves stocks so that our grandchildren will be able to catch fish. The best way to do that is to breed them inshore and restock. That is a feasible option that has been discussed, and I think it will be the way of the future.

I am advised by the fisheries staff present that there has been considerable consultation with the three groups mentioned both before the draft bill went to cabinet and again prior to the approval to print the bill. They are all in agreement that that should occur. I do not want to go into the content of the Fish Resources Management Amendment Bill 2009; the opposition has covered that in detail. I commend the bill to the house.

Question put and passed.

Extract from *Hansard*

[ASSEMBLY - Wednesday, 25 November 2009]

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Mr Mark McGowan; Mr Paul Papalia; Mr Chris Tallentire; Dr Kim Hames

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Dr K.D. Hames (Minister for Health)**, and passed.

House adjourned at 9.50 pm
