

FISHERIES ADJUSTMENT SCHEMES AMENDMENT BILL 2009

Second Reading

Resumed from 17 September.

MR M. McGOWAN (Rockingham) [8.44 pm]: I will be handling the Fisheries Adjustment Schemes Amendment Bill 2009 on behalf of the opposition. The opposition supports this legislation, which came to us from the other place, where the opposition also supported it.

This bill provides a mechanism by which the compensation scheme for people involved in the fishing industry can be adjusted, and it allows for some changed mechanisms to provide compensation for people who might want to leave the fishing industry. In particular, it allows commercial fishermen to leave the industry and it allows for some changes to the ways in which compensation is calculated for fishermen who might be seeking to exit the industry. It also allows for some new schemes to be introduced by which people can voluntarily, or compulsorily, exit the industry. It provides for different entitlements to compensation other than for boats, nets or pots to be introduced by way of a fisheries adjustment scheme. It also enables the Department of Fisheries to set fees that properly take into account the cost to the government of establishing and administering industry-funded fisheries adjustment schemes, and it provides a fisheries adjustment scheme to buy out all the entitlements in a fishery, if that is the objective of the scheme. It enables a voluntary fisheries adjustment scheme to be established in which only some authorisation holders in the fishery are prepared to participate in the scheme and pay an associated fee. I understand that, on occasions, someone might object, which means that the entire arrangement might fall over. This legislation allows an ability to distinguish between various people who might want to seek compensation under the scheme, and so on and so forth. Essentially, it is a technical change to the existing fisheries adjustment scheme arrangements, and the legislation has been worked on for a period of time to provide some flexibility for people who want to exit the industry.

It does, of course, raise the more significant issue of the use of fisheries resources in Western Australia. As we know, the fisheries industry is a big employer in Western Australia, and it is a very important industry to the many people who work in the industry. It is also a very important recreational pastime for hundreds of thousands of Western Australians. The issue was brought into focus earlier this year when the government introduced plans to charge a licence fee for recreational fishing, and a fee for catching various sorts of fish in Western Australia, which caused a great deal of controversy in our state. The government changed the arrangements, although, as I understand it, there is still a fee in place for some people who want to participate in recreational fishing. It also brings into focus the bigger issue, which is the decline in the marine environment in Western Australia and around the world, which has resulted in the loss of biodiversity and biomass, and the endangerment and loss of many species around the planet in both fresh and seawater environments.

The ACTING SPEAKER: Could members take their private conversations outside, please? I am having difficulty hearing the member for Rockingham.

Mr M. McGOWAN: The decline of fish stocks is a very significant issue in Western Australia and every other place around the world. Once upon a time it was assumed that they were inexhaustible and that they would be there forever; that, of course, has not proven to be the case. It has proven not to be the case because of the actions of us; it is a completely and utterly human-created phenomenon. I am not a sceptic about this; I believe the problem is human created, and we need to do something about it.

It is a significant issue all over the world, but Western Australia, in particular, has had a reputation for having well-managed fisheries over a long period of time. I remember that for many years it was said that the western rock lobster fishery was the best managed lobster fishery in the world. That fishery has now had some difficulties, brought about by over-fishing, and some significant adjustments had to be made. The previous government recognised that there were serious issues with the decline in fish stocks throughout the south west of the state, particularly the area to the north, south and west of the metropolitan area, and there was a mass removal of commercial fishing licences in that area. Then there was a reduction in the catch of some iconic species that were facing extreme pressure. People knowledgeable in this area say that we can lose a fishery—lose the capacity to catch the fish—if the breeding stock of a species declines. It can reach such a point that the fish population of those species disappears and extinction takes place. We must avoid those sorts of things at all costs. If that means we must use mechanisms such as this to get people out of the fishery, and go to all sorts of lengths to preserve the capacity of the species to regenerate in future years, we must take those actions.

We hold these waterways, oceans and lands in trust, and it is not for us, as one generation, to wipe out the species and not provide the opportunity for future generations, to not only catch but also, simply, to enjoy them. The rich biodiversity, the scale and beauty of the marine life of this state must continue to exist. This can be done by a range of mechanisms, and this is one—that is, taking people out of the industry and making sure that the catch limits are such that the species can survive, and making sure that biodiversity can survive. That is a

fisheries-run program. Of course, in the area of the environment, the view would be very strongly that we need to set aside areas of the ocean as, in effect, national parks, and I support that absolutely. Areas of the ocean must be set aside as marine parks where species can survive, flourish and prosper. That is one of the big future conservation challenges for Western Australia and Australia. Much of the terrestrial environment is now set aside in conservation reserves and national parks. There could be more, and there are certainly areas of Western Australia that could be incorporated into the conservation estate. There are mechanisms by which this can be done, and we do not even have to remove the capacity for mining activity to take place in those areas. However, we can remove some of the more destructive practices of other industries that might impact those areas of land. We recently had a debate in this house about some of the pastoral activities, particularly in the southern rangelands.

There is also the new frontier of conservation, which is the oceans. As we now know, and as any old fisherman will tell us, the fish are not there like they used to be. Any fisherman—he does not even have to be old—will tell us that once upon a time he could throw his line in and catch 12 fish in five minutes, and it did not matter what the species was. Of course, everyone was doing that, and therein lies the problem. Everyone was taking too much and exploiting the fisheries too much.

Mr J.E. McGrath: Have you ever been fishing, member?

Mr M. McGOWAN: I have been fishing.

Mr J.E. McGrath: Have you ever caught a fish?

Mr M. McGOWAN: I am not a good fisherman; I can absolutely guarantee that.

Mr J.E. McGrath interjected.

Mr M. McGOWAN: That is exactly the issue, and the member has nailed it. Some people are very good at it, and they still do not catch anything. It is a statement of the bleeding obvious that if they are not catching anything in seas where 50 years ago they were catching many, something has happened. We have intervened. I know that people love to fish, and that their livelihoods are part of it, but we cannot pursue a pastime or a commercial activity to the degree that in five, 10 or 20 years it does not exist any more. Who does that benefit? It does not benefit the people, and it certainly does not benefit the environment. The practices that we are engaging in here are good, but we need to look at those other practices, including conservation of areas of the ocean, as another mechanism by which, in the tiny part of the world that we actually control, we can make a difference. Bearing in mind that we are one of the most affluent parts of the planet, if we cannot do it, what hope is there anywhere else?

I read a book once—in fact, I launched it—written by a school principal in my electorate. It was about a ship called the *Boonah* that came to Fremantle in 1918 to transport a large group of soldiers to the First World War. It left Fremantle in October 1918 on its way to France, with hundreds of soldiers aboard. It crossed the Indian Ocean and arrived in South Africa, where the message came through that the war had ended. The ship waited in Cape Town for a couple of weeks, then turned around and came back across the Indian Ocean to Perth. While the ship was in Cape Town, a number of the soldiers went ashore and had a good time and so forth, but when they got back on board, they were coughing, and they were sick. They had influenza. When the ship arrived back in Fremantle, it was quarantined because these men had caught influenza on their way to the battlefields. The men started dying in large numbers on board the ship. The ship was put into Cockburn Sound. This was in 1919. The author got interested in the story because many of these men are buried at the various cemeteries around the area—Rockingham, Henderson and Woodman Point. Some were buried at sea as well.

Dr K.D. Hames: This has some relevance to the bill, I presume.

Mr M. McGOWAN: The point I am going to make is that I know a bit about Cockburn Sound; I live there.

Ms A.J.G. MacTiernan: It's a good story, and I'm interested in it.

Mr M. McGOWAN: It is a very good story. It is very interesting because when they arrived back, the editor of one of the newspapers took up the case of the men on the ship, who were isolated and were dying and could not get off. These were young men going off to serve their country. There was a controversy between those who did not want them to come ashore and those who said that we could not treat our young men like that—we need to bring them ashore and put them somewhere where they can get proper attention. Anyway, they ended up coming ashore, but a number of them died in the meantime. The point I am getting to is that while they were anchored in Cockburn Sound, those who were healthy did not have much to do, and so they fished. Many letters quoted in the book talk about the size and number of fish they were catching in Cockburn Sound. They were just hauling them in one after another. Nowadays we do not catch many fish in Cockburn Sound.

Dr K.D. Hames interjected.

Mr M. McGOWAN: The minister can give us the benefits of his experience in his response, but we do not catch many fish there any more. There is an intervening period of 90 years, but the way the soldiers described it, they were hauling in the fish in such huge numbers that they created a pool on the deck into which they were throwing all the fish, because they had so many, including large ones, that they could not deal with them all. Something has happened in the meantime.

I have made a very broad statement of my views on conservation and the fact that we need to do something, but I think that this legislation is important. The scheme is designed to try to assist in the conservation and preservation initiatives in our fisheries, so it is a pretty good thing to do.

MR P. PAPALIA (Warnbro) [9.00 pm]: I rise to support the Fisheries Adjustment Schemes Amendment Bill 2009 and to endorse the comments the member for Rockingham made about the need for the appropriate management of fisheries. To some extent, we have all witnessed the demise of or reduction in fish stocks, be it along the coast or out at sea. When I was a patrol boat captain and policed the Exclusive Economic Zone, I had firsthand experience of the threats that are constantly posed to our fisheries stocks. I absolutely support any measures that can be taken to improve our ability to manage our fish stocks and preserve them for the future for both professional and recreational fishers.

I must take the member for Rockingham to task on his suggestion that Australia is in the privileged position of being, economically, a relatively powerful and well-off country but that we represent only a small place and just a tiny portion of the world's population, because he has not taken into account that our exclusive economic zone is the third largest in the world. The Exclusive Economic Zone extends to 200 nautical miles from the territorial sea baseline in most places, and in some cases is less than that where it is in close contact with the Exclusive Economic Zones of neighbouring countries. When we consider the extent of our coastline and what that means, we understand that our ability to impact on and maintain the fish stocks for the world is significant. When we take into account our management of waters around places such as Heard Island and our ability to influence the control and management of the Southern Ocean and Antarctic waters, it can be seen that we have a significant role to play. It is essential from our state's perspective that we be as effective, efficient and proactive as possible in the management of that resource.

Having said that—I totally support any measures that can be introduced to enhance our capacity in that regard—I am also very much of the opinion that people who have engaged in fishing, for generations in many cases, as not only a profession, but also a family business and industry, should definitely be compensated appropriately in the event that we prevent them from continuing their activity, which is the source of their economic wellbeing. In many cases, depriving them of the industry in which they have been engaged for generations has a bigger impact than just removing their income streams; it has a significant cultural impact and affects their sense of wellbeing and purpose. There will come a time, and there is coming a time, when governments must step in to preserve the fish stocks for the benefit of everyone for a long time. However, that will have a negative impact on those people. I totally support those people being thoroughly and entirely compensated in every possible way. In that regard I note with some pleasure that this legislation seems to broaden the ability for the government to compensate those people for entitlements other than just boats, nets and pots. I support the Fisheries Adjustment Schemes Amendment Bill 2009 and the premise behind it. I endorse the government's signalled intention to do everything it can to maintain our fish stocks appropriately.

MR C.J. TALLENTIRE (Gosnells) [9.04 pm]: I also support the Fisheries Adjustment Schemes Amendment Bill 2009, which makes some relatively minor, almost administrative, changes to the Fisheries Adjustment Schemes Act 1987. One change that is particularly noteworthy is that it enables us to reduce to zero the number of people engaged in a fishery when a voluntary or compensation adjustment program is in place. Unfortunately, when the current act was drafted, it was not anticipated how the word "reduce" would be interpreted. That means that the number of people engaged in a fishery cannot be reduced to zero. Under this bill, the number of people engaged in a fishery can be reduced to zero. We are improving an already useful piece of legislation. This legislation will help us ensure that the Western Australian marine environment is properly managed. We are paving the way for the level of marine protection that our community expects. Our community's knowledge of the marine environment is growing. For too long we have seen blue oceans stretching to the horizon, perhaps speckled with islands, but we had not anticipated what was going on below the surface. The community is acquainted with cases around the world in which the fish resource is declining. That is becoming more and more apparent to the community. In many parts of the world there are fisheries and fish stocks that people assumed would be there forever, including staples such as the North Sea cod. If we do not act and do something about them, there will be a serious decline in those fish stocks. There are a multitude of reasons for this, not the least of which is the overharvesting and exploitation of the fish resources. Super trawlers travel the world pillaging fish resources.

This debate is an opportunity to mention that climate change is probably another major factor in either the movement or the decline in the fisheries because of the ecological instabilities that come about as a result of the shifting climate bands. The changing temperatures are not conducive to the micro-organisms in the ocean that are fed on by one species that in turn supports another species in the food chain. We have seen a gradual move that has caused a change in what were previously thought to be reliable fish resources.

We are introducing into Western Australian legislation the ability to remove people from a fishery, albeit in a compensated form and often in a voluntary form. People would not necessarily be compelled to leave the industry, although the act does provide for that. It can all be done through voluntary mechanisms. This legislation will ensure that we can respond to the changes in our marine environment by changing the level of exploitation that we wish to engage in in our marine environment.

It is worth reminding ourselves that the area in the south west of the state from Eucla up to Kalbarri is estimated to have a greater level of marine life than the Great Barrier Reef. We are talking about our natural marine heritage that is of international significance. It is our duty to manage that heritage to the best effect. Strikingly, we find that about only one per cent of that marine environment is in a no-take zone. That will be a key issue for us in the future. I have no doubt that in this house we will have many more discussions about the need to provide for significant no-take, protected marine areas for those fish species, but the ecosystems that support the species need to be protected so that the fish can be there for future generations and so as to provide the feedstock for the commercially productive areas as well. This is therefore a very important development. The house can be proud of the fact that we are at the forefront of marine conservation and at the same time we are protecting the commercial realities of the fishery by ensuring that our fisheries remain viable so that we do not have people struggling to survive with access to a fishery that is no longer viable. We can use this legislation as a mechanism to buy them out. I commend the bill to the house.

DR K.D. HAMES (Dawesville — Minister for Health) [9.11 pm] — in reply: I thank members opposite for their comments on the bill and their support for it. It is somewhat ironic that I am the minister in this house representing Hon Norman Moore from the other house on fisheries issues, because it is true that along the way I have had some differences of opinion with the Minister for Fisheries on the progress of restricting fishing in this state. One thing I can say for sure is that I strongly support this bill.

It was interesting to go through the comments made in the other place on the content of the bill. Each member who spoke dutifully went through what the bill is about and what is in it, as did the manager of opposition business in this place. I do not therefore feel the need to express what is in the bill, because I think it has been made quite clear what is in it, nor will I go on at any great length about some of the issues that have been raised, even though it is an area of some interest to me. I will make some comments on the points members of this house have made. I am a regular fisherman who greatly enjoys fishing. I have been fishing for many years. I strongly support the comments members have made and most of the areas on which members have made them. There is no question that numbers of stock in the specific species of demersal scalefish have reduced significantly over the years, particularly dhufish and snapper.

I have been going to the Abrolhos over the years, which is not in the area of restriction, nevertheless it has some restrictions. I have caught dhufish during a regular visit each year. Although towards the end of perhaps 10 or 12 years of going to the Abrolhos I was probably still catching similar numbers of fish, the size of the fish, particularly the dhufish, had reduced significantly. Whereas I could catch a dhufish that was 22 or 24 kilos in weight at one stage, by the end of my time of visiting, the biggest fish that I would catch would be 18 kilos, and I would be lucky to get that one. There is no question that the size of fish was reducing. I am not sure that it was people such as I who were causing the problems, because when I talked to the people from the crayfishing industry in that area, they of course had all the spots marked for their pots. If they had a bit of a bad season, it was not uncommon for them to make up for the loss of revenue coming in by taking a significant haul of dhufish and sending those fish to the restaurants in Perth at a relatively cheap price, but in such bulk that it resulted in a significant income.

Of course, further down, and out from the metropolitan area, the catching of dhufish has always been difficult. It is very difficult to find them. However, since the introduction of global positioning satellites and echo sounders, it has become significantly easier. It is not easier so much for the occasional fishers, such as I am, who might go out looking for dhufish half a dozen times a year. We are lucky if we catch one or two dhufish a year. It is hard to find the spots and it is hard to find the dhufish. We certainly cannot get the GPS spots off other people because they will not give them to us and they protect them like gold. Probably 80 per cent of the people who own boats and go fishing would not catch more than a dhufish or two a year, but a small percentage who have the GPS spots and know where to go, and who have good boats—it is often a long way to go for them, particularly in my electorate—would catch a lot of dhufish all the time.

I now strongly support putting changes in place. I was not a great supporter of the original proposal, but the current proposals that have been agreed to and that significantly reduce the allowable catch for each boat are the right way to go. I support the licence fee. It is \$30.15 for pensioners. To go out fishing for dhufish costs \$100 a day at least just for fuel, not counting all the other costs associated with a boat, a licence and all those other things. It is \$100 just for fuel to go out for a day's fishing in most boats. I have an 18.5 foot Caribbean, which would cost me \$100 for a day's fishing. The licence is not a big fee to pay. It will give us the opportunity to get much more information from people about what they catch, where they go and what they do.

I am not a big supporter of sanctuary zones for a few reasons. One is that my understanding is that when an area becomes a sanctuary zone for a breed of fish, the fish increasingly breed in those areas, but what tends to happen outside those areas is that they are targeted much more. The fish do not spread out. Those fish are not a great migratory species, particularly dhufish, blue bone and the like—perhaps snapper a bit more. They stay in the same area; they do not move out. People tend to fish right up to the boundary of a zone if they know where it is, so any fish that gets outside is soon caught. The great difficulty also is in policing it. To use my electorate as an example, it has a bank called the Five Fathom Bank, which runs up and down the coast right through Rockingham, north and south. People can catch an occasional dhufish there, but they are pretty hard to find. To get to those dhufish from Mandurah, people need to go out through the cut and travel about half an hour south west before they come to a lot of bombies where there are dhufish. People have to have a reasonably sized boat to get there in the first place. Winds often pick up quickly, so they cannot go in anything small. They find their spot and they fish for a dhufish. If that area is made a sanctuary zone, which is where those dhufish are in my area, a line cannot be marked on the water, so a line must be marked on a chart. People have to have a GPS to know where that boundary is. There must then be coppers there to catch those people fishing inside that boundary. The area is half an hour by boat south west of the cut at Mandurah, and is actually an hour and a half south west of where the police boats are stationed. The police would need to be there 24 hours a day, because fishermen are pretty crafty people and they will not be fishing there when they see a boat coming, and they can see a boat coming from a long way off. Trying to keep people out of that sanctuary zone would be extremely difficult.

I favour a couple of things. One is the reduction in the size of catch. With the new rules there has been a significant reduction in the number of fish that people are allowed to catch in a boat. I forget what the exact numbers were—I think it is two dhufish per person. If four people with a licence were on a boat, that would be eight dhufish per boat. The really good fishermen would go out to those spots and maybe not get eight but get four or five dhufish in a day's fishing in those areas. They are the people with all the GPS marks, who know where to go, who get out there, take the species out and reduce the numbers.

Of course, all recreational fishers love to hate the commercial fishers, because they see them going out and taking everything. The poor old pensioners want to go down to the shop to buy a fish, crab or whatever, and they are totally reliant on those fishermen, unless, of course, the fish come from overseas. There is always some concern about the way fish stocks are managed overseas, the things they are fed and the things they are exposed to, so people always prefer to have local fish stocks where possible. We therefore need to have some area for the commercial use of a fishery.

The great thing about the Fisheries Adjustment Schemes Amendment Bill, and in fact the act itself, which I understand was introduced by Julian Grill back in the 1980s or 1990s, is that the act allows the modification of a fishery, and the changes to the act allow a modification down to zero, where it is necessary, even if it is not a permanent change. It allows modification where it might get down to a couple of people who still have a licence and it might have a scheme to buy out everybody else, either voluntarily or compulsorily. That creates an enormously flexible tool that allows us to manage the fish stock. No-one wants to see what happened in Cockburn Sound happen with the crab stock. No-one wants to that happen in the Peel. There was some talk among fishers about stopping crabbing in the Peel. I hope we do not get to that stage.

Mrs L.M. Harvey: Minister, would you support seasonal closures in spawning seasons?

Dr K.D. HAMES: I am not sure.

Mrs L.M. Harvey interjected.

Dr K.D. HAMES: It is certainly important, particularly in areas where there is seasonal spawning, to keep people from fishing in those areas. I was told a story about the snapper fishery in Shark Bay. This story came to me from a professional fisherperson in the area, who had ended up not being able to fish there any more. He said that there is one site in that area that is the breeding site for snapper. People were using their GPS to pinpoint that spot, so they knew when the breeding stock were there, and they just fished and fished at that spot until all until the breeding stock had gone from that spot, and that affected the whole of the sound and the fisheries that were in there. I do not know if that is a true story. Fishing stories do tend to be fairly long in the arm. However, that was the story from a fisherperson in that area. I do not doubt that these sorts of things do happen. I have heard

Extract from Hansard

[ASSEMBLY - Wednesday, 25 November 2009]

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

two stories about the reduction in crayfish stock. As the member would know, last year there was an enormous reduction in the number of puerulus that settled along our reefs. The theory was that an easterly wind had been blowing for a prolonged period at the time when the puerulus were coming to the surface of the water. The puerulus are always blown out to sea a bit, but they always come back in and settle along the shores, and they develop new crayfish spawn three or four years down the track. However, for the first time in a hundred years, the El Niño and La Niña interactions resulted in prolonged easterlies that blew them out so far that they could not come back in and settle. That seemed a great theory, except that, a year later, although the number of puerulus is improving, it is still significantly reduced.

The other story that I heard was to do with a certain fishery north of Geraldton. I do not know the story accurately enough, but it was to do with catching males and not females, or vice versa. The story is that the fishers were targeting the males, and there were almost no males left in the area, and because that was a breeding area, it resulted in the puerulus count coming down. Therefore, the reason that we now getting sequential drops in the puerulus count is because a large portion of the males within that area were wiped out. I have to say that in the crab fishery in Mandurah, we always take the males, because there are so many of them, but we leave the females, whether they are carrying eggs or not. The advice that we are now getting from fisheries is that that is wrong, because it creates the wrong balance of males and females, and we need to take the females, provided they are not carrying eggs, as well as the males, to maintain the balance. Again, we hear lots of stories from lots of people. What we need is scientific evidence. What we need is a lot more work to tell us exactly what we should be doing. It is difficult for fisheries research officers themselves to be out there and to find out where the stock are breeding, and also to find out at what time they are breeding. We talk about zones, but different fish breed in different areas at different times of the year, and it is not always easy to isolate exactly where those breeding areas are.

I think I have gone on enough in responding to the comments that were made. This bill is supported by both sides of the house. I think it was formally initiated when Labor was in government, and it was continued by us in government, because it is a good bill and one that we should all support.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

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