

## **THREATS TO MARINE AND TERRESTRIAL ENVIRONMENT OF NORTH WEST**

### *Motion*

Resumed from 23 March on the following motion moved by Hon Kim Chance (Leader of the House) on behalf of Hon Shelley Archer -

That this house calls on the Australian government to better protect the land and waters of the north west of Western Australia from threats to our marine and terrestrial environment such as -

- (a) illegal fishing of Australian waters and the consequent impact on marine biodiversity and fish resource use;
- (b) unauthorised incursion of persons, plants and animals onto the mainland and the consequent threat of quarantine breach; and
- (c) any other incursion that would affect the environmental and economic future of the north west.

**HON KEN BASTON (Mining and Pastoral)** [2.07 pm]: Last week I alluded to the memorandum of understanding that was set up in 1974 for the fishing zone, consisting of some 54 000 kilometres, into which only sailing boats are allowed to enter and fish in a traditional manner. That fishing zone is very close to the Western Australian shoreline and it acts as a sanctuary for boats to stay in and travel from; hence, it has caused the problems being faced today. I believe there is justification for closing that fishing zone based on environmental grounds alone, bearing in mind that it has been denuded of fish stock. Therefore, it could be handled in a diplomatic way by the federal government, which would help overcome some of the problems. In my speech last week I referred to the zebra mussel that comes in on the Indonesian boats illegally fishing in the area, and the problems it causes. The mussels are actually black-striped mussels; the zebra mussel is a freshwater mussel. Although closely related, they are not the same but they cause the same problems. It cost some \$US600 million to eradicate the zebra mussel when it infested Lake Michigan in America. I should also mention that about six years ago the black-striped mussel was found in Darwin harbour, and the eradication cost was some \$2 million. The black-striped mussel causes huge financial losses. It attaches itself to rope lines, buoys, shells and boat hulls, and the sheer weight of the mussels on the rope lines is enough to cause them to sink. Extra costs are also involved for cleaning the mussels off pearl shells. The mussels not only foul the boat's hull, but also they cause overheating by blocking the water outlets in the craft's cooling systems. The only way to poison the mussels is with copper sulphate or chlorine. Apparently in Darwin canvass baths were made for the hulls of boats and they were filled with chlorine, which was the only way to kill the mussels.

The invasion of Indonesian fishermen is also a problem for the pearling industry, because pearls are often removed and stolen. That alone presents a huge cost to the industry. The Indonesian fishermen cause many problems for not only the Western Australian coastline, but also the northern coastline of Australia. This issue is very much a three-state and federal issue. I have been told that because Australia is trying to maintain diplomatic relations with Indonesia, we should consider more positive ways of countering the problem of illegal Indonesian fishermen. It has been suggested that we should offer Indonesian fishermen work in our pearling, prawning and aquaculture industries. Why do they raid our lucrative fishing grounds? They do so to raise funds to feed their families. These workers could certainly help us, bearing in mind the shortage of labour that is evident in the north of Western Australia, particularly in the aquaculture industries. Obviously, Indonesian fishermen are good seafarers, because they make the journey from Indonesia to Australia in boats that I would not use even to go fishing at Rottnest Island. The issue of illegal fishing in our waters has become even more difficult in the past week, particularly given the acceptance into Australian of some West Papuan asylum seekers and the withdrawal of Indonesia's ambassador to Australia. This is a very touchy issue, bearing in mind that we had an agreement with Indonesia not to allow illegal immigrants into Australia because it was considered the kick-off ground. We could open the floodgates for illegal immigrants into Australia, but that would probably pose an even worse problem than the one posed by illegal Indonesian fishermen.

I mentioned the bugs and diseases that can be brought into our waters by illegal fishing boats. We must destroy those boats at sea. Of course, doing so would cause environmental problems. Therefore, before we sink and destroy those crafts, processing boats at sea should pump out diesel or any products with an environmental downside. In one press clipping that I read last week, it was stated that the state government would increase prison terms for illegal fishermen. I do not believe that that is necessarily the answer. We must increase the fines and make it a disincentive for illegal fishermen to fish in our waters. As I alluded to previously, illegal fishermen who are sent to jail are paid while they are in jail. Western Australia and the Northern Territory must enforce the same rules, so that illegal fishermen do not gain by coming to our waters. We must remove some of the incentives. We could also increase the number of grey ships - the ones with the white numbers on the side - that are sailing in our waters as a deterrent. The Fremantle class boats that I saw at Austal Ships, which I believe were finished at the end of March, would be perfect.

This very difficult issue has been around for years. Only last week I was talking to someone in Derby who said that he has seen evidence of Indonesian plant life off the northern coast where he fishes. He has been fishing in that area for 30 years, so that is how long Indonesian illegal fishermen have been landing on our shores. That does not mean to say that we have to let the problem continue. This is a difficult issue. I certainly support the motion.

**HON SHEILA MILLS (South Metropolitan)** [2.14 pm]: I will add some brief comments to those already made by other members of the house. The commercial fishing industry in this state is crucial to the state's economy; indeed, it contributes more than \$1 billion a year and is the third largest industry after mining and agriculture. In addition, the industry employs approximately 5 000 people. A large number of coastal communities are dependent or partially dependent on the fishing industry. Currently, the various fisheries in this state are successfully managed fisheries, be they snapper or the iconic rock lobster industry. Indeed, the western rock lobster fishery was the first fishery in the world to be granted marine stewardship certification. This is a reflection on the success of the fishery in ecologically sustainable fishing, which is supported by the fishers themselves through various sustainability measures, such as pot reductions and moon closures. All the initiatives that are in place ensure there is no over-fishing; consequently, there is no dramatic depletion of fish numbers. However, the situation that has been developing in the north west and along other parts of the northern coast makes a mockery of our successful sustainable management of our fisheries. The memorandum of understanding box, which was agreed to by the Australian and Indonesian governments, was at the time probably an appropriate mechanism to allow traditional fishing by Indonesians. However, in the main, fishing is now no longer carried out by traditional fishers. It is quite clear, and supported by an overwhelming body of evidence, that the box is fished out. This was acknowledged by the previous federal fisheries minister Senator McDonald, who admitted that the MOU box is a marine desert.

As Hon Bruce Donaldson mentioned, he and I recently attended an international fisheries conference, at which Minister Ford indicated in his opening address that at the current rate of depletion, shark, red emperor, gold fin snapper and other reef fish would be extinct in three to five years. The fact is that the MOU box allows Indonesian vessels to make excursions into Australian waters, even those that do not carry traditional fishers. Rather, they are well-organised commercial boats that are financed, as noted by Hon Kim Chance, from dubious sources. Indeed, in last week's media it was reported that an Australian defence ship stopped two Indonesian ice boats off the Northern Territory coast. Between them the two boats had 2 500 kilos of reef fish. That is not traditional fishing. It is not only the Indonesians who are a problem, because the Chinese are also involved. Hon Ken Baston already mentioned the ice ship, *Chen Long*. Last week two 31-metre Chinese trawlers were apprehended by an Australian defence ship. Between them, they had a combined total of 7 000 kilos of reef fish. As in the case of the *Chen Long*, the two trawlers were also released. The problem, as I understand it, is that unlike state law whereby a boat only has to be caught in possession of fish, under federal law a boat has to be caught in the act of fishing. A review of the federal legislation would be appropriate. Obviously, we need additional resources for the apprehension and processing of illegal fishers or poachers, and cross-government cooperation. I have been informed that currently 10 different agencies are involved, and very few coordination mechanisms are in place.

I also agree with Hon Ken Baston that there should be an end of the memorandum of understanding with Indonesia, as the rationale for its existence no longer exists. This issue has reached a critical stage. I do not know whether Hon Ken Baston and Hon Bruce Donaldson are aware that two hours ago Senator Chris Ellison announced that 23 boats with more than 200 fishers have been apprehended off our northern coast, after a major sea and air operation. The operation was known as Operation Clearwater. The fishers put up some resistance, including shots being fired. Two of the ships were Chinese registered. If this is not large-scale poaching, I do not know what is. I support the motion.

**HON VINCENT CATANIA (Mining and Pastoral)** [2.21 pm]: I support the motion on foreign fishing boat incursion into the waters off the north Kimberly coast. I want to add my concerns about the threats that they pose. When refugees are fleeing an oppressive regime, the federal government has no difficulty in turning them away from our shores and isolating those unfortunate individuals by one means or another, whether it be on an island in the Pacific or indefinite incarceration in a detention centre. However, the Howard government appears impotent when it comes to protecting the country from exotic diseases and protecting its fish resources. Western Australia has a much-envied marine environment, a multimillion-dollar pastoral industry, unique wildlife, and a fledgling trochus shell industry, all of which are in jeopardy while the federal government languishes in apathy. Members might well ask why this situation exists when there are laws and agreements in place to protect Australia's sovereign coastal waters. For example, in 1978 Australia declared a fishing zone that comprised waters from three nautical miles, the limit of coastal waters, to the edge of the exclusive economic zone boundaries. Also, the Petroleum (Submerged Lands) Act 1967 defined the outer limits of the adjacent areas of the states and the Northern Territory for the purpose of exploration and development of oil and gas reserves. At the time that those adjacent areas were being agreed upon, the extent of the continental shelf was not known, so

the limits were set at distances that ensured they encompassed all possible claimable areas. In 1996, after more than a quarter of a century of negotiations, Foreign Minister Downer signed the Australia-Indonesia Maritime Boundary Agreement; so there can be no misunderstanding on the part of the Indonesian government on the location of the maritime borders.

There was the so-called threat posed by 14 asylum seekers who beached on Melville Island, 50 kilometres off the coast of Darwin. Canberra tightened Australia's borders by excising Melville and thousands of other islands from the Australian migration zone. In a get-tough policy, the asylum seekers were towed back out of Australian waters to take their chances in Indonesia, a country that had not ratified the 1951 Refugee Convention. It may all sound as though Canberra is consumed with border protection, but we know that the drivers are greed, because under the Timor Sea lie vast reserves of oil and gas. What is happening now in our coastal waters is nothing new. Western Australia has documented evidence of illegal activity by foreign fishing boats dating back to the 1970s. Then, as now, these boats targeted shark fin, trochus shell and a wide range of scale fish. So brutal have the Indonesian fishermen been to their own stocks that their reef industry has all but collapsed, and now they are plundering our resources as never before.

Our conservation-based laws demand that local commercial operators protect the state's \$150 million fishing industry. How disappointed those commercial operators must be to know that while they are complying with the legislation, their industry remains under attack from illegal fishing boat skippers who have little or no regard for conservation or indeed our territorial boundaries. It is irrelevant to excuse the conduct of the Indonesian fishermen by saying that they have been coming to these waters for centuries. Times have changed and we all know it. Moreover, with the recent escalation of tensions between commercial fishermen and illegal fishermen, surely it is high time to resolve these issues before violent protest erupts and causes relations with Indonesia to plummet irreversibly. We have done our level best in appealing to Indonesian fishermen to act responsibly. More than a decade ago, Ernie Bridge, a former Minister for Aboriginal Affairs, led a delegation to the Indonesian island of Rote to explain our territorial boundaries and the adverse effect that illegal fishermen were having on our fish and trochus shell stocks. Frankly, although the initiative was applauded, the outcomes were far from satisfactory, largely because Indonesian fishing grounds are mostly depleted to a point at which our stocks are seen as the best option for Indonesian fishermen.

Allow me to describe the magnitude of the problem. In 2005, Coastwatch recorded more than 13 000 sightings of foreign fishing boats off Australia's north coast. Although I acknowledge that this figure includes multiple sightings of the same vessel, the number of illegal fishing boats entering Australia's fishing zone amounted to thousands; yet last year only 607 foreign fishing boats were intercepted in northern Australian waters. Of these, just 280 boats and 2 175 crew were apprehended and the vessels destroyed. The remaining 327 boats were released after having their catch and gear confiscated. Some deterrent! Those 327 boats were able to be re-equipped and returned as quickly as possible to our fishing grounds to have their holds filled at the expense of our fishermen. It does not end there. In the last week of 2005, 76 foreign trochus shell fishermen were apprehended within three nautical miles of the Western Australian coastline near Broome. They were charged under the state fisheries legislation, and are now serving prison sentences. However, even when illegal fishermen are apprehended, they pose a significant financial cost to the state, estimated to be about \$30 million a year.

Despite all the assurances, most of us know that Coastwatch has an impossible task when attempting to conduct effective surveillance of Western Australia's 12 000 kilometre coastline. Coastwatch does a commendable job, but the route distance is simply too far, and the range of the aircraft used for observation is insufficient to permit surveillance of every cove between Broome and Darwin. To illustrate my point, I take members back to January 1993 when 56 Chinese refugees arrived on the north Kimberley coast. After three weeks of waiting to be found by authorities, they set off by foot to find help, living on whatever the bush could provide. All were eventually found, but it was after a week of aerial patrols and ground searches by customs officers, police and volunteers. Take that incident one step further, and it would be effortless to conclude that those people would have had little difficulty remaining in obscurity for almost as long as they wanted. I am not questioning the need for Coastwatch. It is a vital service, but the state needs additional capacity to apprehend, confiscate and destroy illegal foreign fishing boats found in its waters. Their crews should be prosecuted and receive meaningful jail terms before being repatriated to Indonesia.

Clearly, the federal government's policy of confiscating fishing gear and catch has not achieved the efficacy for which it was designed. Too many boats dealt with in this manner are returning to continue their illegal harvest, as demonstrated by the recent apprehension of a Chinese mother ship off the Northern Territory coast. It simply steamed away, only to return after the navy had released the fishing boats.

Having provided honourable members with a broad sketch of the serious issues facing Western Australia in particular, and northern Australia generally, I seek the support of my colleagues, including those in the

opposition, to actively canvass their federal counterparts for a unified national foreign fishing compliance program. I commend the motion.

Question put and passed.