

Division 16: Primary Industries and Regional Development — Services 6 and 7, Fisheries, \$138 536 000 —

Mr R.S. Love, Chair.

Mr D.J. Kelly, Minister for Water representing the Minister for Regional Development.

Mr R. Addis, Director General.

Ms H. Brayford, Deputy Director General, Sustainability and Biosecurity.

Mr B. Mezzatesta, Executive Director, Operations and Compliance.

Mr R. Fletcher, Executive Director, Fisheries and Agriculture Resource Management.

Ms M. Taylor, Chief Financial Officer.

Ms N. Arrowsmith, Chief of Staff, Minister for Water.

Mr L. Clarke, Principal Policy Adviser.

[Witnesses introduced.]

The CHAIR: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day. It is the intention of the Chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item, program or amount in the current division. Members should give these details in preface to their question. If a division or service is the responsibility of more than one minister, a minister shall be examined only in relation to their portfolio responsibilities.

The minister may agree to provide supplementary information to the committee rather than asking that the question be put on notice for the next sitting week. I ask the minister to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the principal clerk by Friday, 31 May 2019. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice through the online questions system.

I welcome the advisers here tonight and I remind them that they speak through the minister.

I give the call to the member for Vasse.

[8.20 pm]

Ms L. METTAM: I refer to the line item "Shark Hazard Mitigation—SMART Drumline Trial" on page 206 of budget paper No 2. Given the minister's comments in the past, and given that the SMART drum line trial is intended to replicate the New South Wales trial, can the minister guarantee the community that that has actually happened, and that the department has taken every possible measure to replicate the New South Wales trial, which has been successful?

Mr D.J. KELLY: We undertook to conduct a trial of Shark-Management-Alert-in-Real-Time drum line technology in Western Australia. We identified locations around Gracetown as suitable for the trial. Since February, 10 drum lines have been in the water. As much as possible, we are adopting the methodology and technology that is used in New South Wales. The member would be aware that, for example, we are sourcing the drum line technology from the same company that is used in New South Wales. That technology is procured from outside Australia, and the member had a go at us for not using a local company. The member was probably not aware that that technology was not available in Australia. Mirroring, as much as possible, what was done in New South Wales required us to procure that equipment from Europe. We are as much as possible mirroring what goes on in New South Wales. Another example would be that in New South Wales there is a requirement for the contractor to attend a shark within 30 minutes of it being caught, so that is the benchmark requirement for the contractor in our trial. The safety requirements that are in place in New South Wales, including the operator not setting the drum lines if the weather is unsafe, have been adopted here. Again, I think the member criticised us for that.

In a range of areas, we have adopted the practices of New South Wales. One of the reasons for doing that is so that we can compare our results with the results that are achieved in New South Wales. One of the difficulties that the member will be aware of is that New South Wales has not been willing to share its data with us. It is willing to share publicly available information, such as how many sharks have been caught, but it has not been willing to provide us with a complete set of data, in particular about where those sharks go after they have been released. Knowing the member's question, she could not help but put in a comment that the trial has been successful in New South Wales. No scientific, peer-reviewed assessment has been made of what was done in New South Wales to determine whether

Extract from Hansard

[ASSEMBLY ESTIMATES COMMITTEE A — Thursday, 23 May 2019]

p436b-446a

Ms Libby Mettam; Mr Dave Kelly; Chair; Dr Mike Nahan; Mr Vincent Catania; Ms Jessica Shaw; Amber-Jade Sanderson; Dr David Honey

it actually reduces shark attacks. That is surely the point. The purpose is not just to catch and tag sharks; it is to make our beaches safer. That is why, in Western Australia, we have asked the Chief Scientist to review the trial and give us some advice on whether that key benchmark—whether it makes our beaches safer—has been met.

Ms L. METTAM: Does the \$1.62 million in 2019–20 include any funding for VR4 receivers for Yallingup main break, Margaret River and Bunker Bay? If not, how would we know that a shark that has been tagged, such as that 4.6-metre shark that was tagged recently, would be at any of those locations?

Mr D.J. KELLY: I have really been quite surprised at the member's criticism that we do not have enough VR4 receivers in the south west. Apart from the VR4 receiver at Smiths Beach, no other VR4 receivers were placed in that whole region.

Ms L. METTAM: If you are tagging sharks at Gracetown—a 4.6-metre shark —

Mr D.J. KELLY: Just listen—you asked the question.

No VR4 receivers were placed at Yallingup or Margaret River in the eight and a half years of the previous government. One of the obvious holes the previous government left in the shark monitoring network was the lack of VR4 receivers in that area. We have funded and located three VR4 receivers in that area. When we came to government I was told that it was a bit rough down there, and that we may not be able to locate them. The department worked hard at it and located a number of sites where the VR4s could be placed. We consulted with the community on where the priority locations for those VR4 receivers were, and that is where they have been placed. The member is being a bit disingenuous, considering that in eight and a half years the previous government did not put any receivers in the Margaret River–Yallingup region. We have come to government and we have put in place three, after consulting with the community and asking where it wanted them. All the member has done is picked another couple of places on the map and said, “What about here?”

Ms L. METTAM: What is the point in tagging a 4.6-metre shark at Gracetown when we do not know when that shark goes to Yallingup or Bunker Bay? We would be none the wiser. What is the point of investing in a tagging program that no-one is aware of at the most populous surf beaches?

Mr D.J. KELLY: The member could ask herself that.

Ms L. METTAM: This is the government's trial.

The CHAIR: Member, you need to ask a question and wait for the response. I think you have asked a question; now let the minister make his response.

Mr D.J. KELLY: Thank you, Chair. The previous government conducted a tagging program for eight and a half years and never placed a VR4 receiver anywhere near Margaret River, Gracetown or Yallingup. The member could ask herself the question: why did the previous government not place any VR4 receivers in that area? The member represented the local electorate for part of that time.

Dr M.D. NAHAN: The Labor Party is in government now.

Mr D.J. KELLY: The Leader of the Opposition has just reminded the chamber that we won the last election, because in so many areas members opposite were hopeless, the Leader of the Opposition in particular.

Dr M.D. NAHAN: What is the minister doing—that is the issue. Be accountable.

Mr D.J. KELLY: This is not question time. Members do not get any latitude here. If the member wants to ask a question, he should ask a question.

Dr M.D. NAHAN: Answer the question.

The CHAIR: Leader of the Opposition, let the minister complete his answer, and you will have an opportunity to ask a question then.

Mr D.J. KELLY: We have placed three VR4 receivers in that area. We placed them where the community wanted them. We asked people what the priority locations were for VR4 receivers, and we have located them. I find the member's criticism of the government in this area completely disingenuous.

Mr V.A. CATANIA: Does the minister have any plans to put further receivers along the coastline there?

Mr D.J. KELLY: We will consider that. As we have said, we will consult with the community, which is what we did with the VR4 receivers we placed around Gracetown. We have not ruled it out, but at this point in time a decision has not been made for an additional one, but we do not rule it out.

Mr V.A. CATANIA: How many potential locations are there for these receivers, and how much is one of the receivers worth?

[8.30 pm]

Mr D.J. KELLY: The number of potential spots is limitless. We could have one every 500 metres between Esperance and Exmouth if we wanted. The receivers are worth about 20 grand each. They cost about \$30 000 to install, depending on the location. It is not insignificant, so we want to make sure that they provide bang for our buck.

Mr V.A. CATANIA: Has the minister been provided with advice of any black holes down south where these \$30 000 receivers could be put? As the member said, a 4.6-metre great white has been tagged. Obviously, we would want to be able to track it and set the alarms off. Has the minister been issued with advice of potential black holes where these \$30 000 receivers could be put?

Mr D.J. KELLY: Yes. The advice we got was that there was a hole around Gracetown. We went to the community, identified some locations, and that is where we have put them. As I said, the number of potential locations is limitless. That is presumably why the previous government did not put any in Gracetown. It did not think that area was important enough, but we did.

Mr V.A. CATANIA: Has the minister spoken to any other communities along that part of the coastline to see whether they would like to have a receiver, or is it only communities that approach the minister? If a community were to approach the minister to say that they would like a receiver, would he consider it?

Mr D.J. KELLY: The other community that was very keen on having a VR4 receiver was Esperance, which was another area that the previous government completely ignored, despite the activity in Esperance. We now have two VR4 receivers in Esperance. This government has responded to community concerns in the Gracetown and Esperance areas. I do not understand why, given the shark activity there had been around Gracetown and Esperance, the previous government ignored those communities, but we responded to it and they now have receivers in those areas, which have been very well received.

Mr V.A. CATANIA: Is the minister saying that he will respond to a community requesting to have these receivers put in along the coastline? That is what the minister has said his government does—it responds to the community's needs and wants. It responded to Gracetown and Esperance, so the government will respond in a favourable way to any other community that says it wants that \$30 000 receiver; is that what the minister is saying?

Mr D.J. KELLY: Is that a question?

Mr V.A. CATANIA: Absolutely.

Mr D.J. KELLY: If the member is suggesting that it is a process of “anyone who wants one will have one”, that is not the case. An assessment has to be done to find out whether it is practical for the area and whether it is the best value for money to make our beaches safer.

Dr M.D. NAHAN: I refer to agricultural and fisheries natural resource management on page 213. I would like to focus on the crayfish industry. Will the minister commit to no further attempts to nationalise the —

A member interjected.

Mr V.A. CATANIA: Point of order. We have a member not sitting in her chair and yelling out.

The CHAIR: Let the Leader of the Opposition ask his question without interruption.

Mr D.J. KELLY: What line item is the member talking about?

Dr M.D. NAHAN: I refer to the total cost of service under “Agricultural and Fisheries Natural Resource Management” on page 213, volume 1 of budget paper No 2. Will the minister commit to no further attempts to nationalise portions of the crayfish industry in the future?

Mr D.J. KELLY: If the member is talking about the plan that we negotiated with the Western Rock Lobster Council at the end of last year, I do not accept that that was a nationalisation of the industry. As I am sure the member is well aware, the resource is owned by the community. I do not accept the Leader of the Opposition's characterisation of that plan as an attempt to nationalise the industry. On the assumption that that is what the member is talking about, we negotiated that plan with the Western Rock Lobster Council. The council endorsed that plan. The Leader of the Opposition will remember that it included quite a substantial industry development package. The figure that comes to mind is \$30 million. The plan was put to the industry's members, and they did not like the plan. The government withdrew that plan. We have indicated that it is off the table. It is not a plan that we will pursue.

The member would also be aware that when the Premier met with the industry in February and indicated that the plan would not be implemented, we reached agreement with the industry that 315 tonnes of crayfish would be available for domestic supply. It was our intention to use that domestic supply so that people could have access to lobster at Christmas, so there could be a lobster festival and other tourism-related arrangements. We left that meeting with the industry's agreement on that. By the end of March we were to negotiate how that domestic lobster would be used. That deadline was moved to the end of April. The government had a number of discussions with the industry about how that could best be done. The industry put a proposal to us about how it wanted it to work.

The department sat down and negotiated a document that was agreed to in principle. It then went to the members. They had what they call a coastal tour, which did not support the proposed method of delivering the domestic lobster that the council had agreed to with the department. The council told us that the members did not like it, so we needed to come up with a new version. The department again sat down and produced what was called a compact. It was agreed with the Western Rock Lobster Council, which again put it to its members. I think a fraction over 50 per cent of the members endorsed it and somewhat less than 50 per cent did not. On that basis, the council advised us a couple of days ago that it would not go ahead with the compact, which would have delivered the domestic lobster. The department and the government have twice reached agreement with the council on a method to deliver domestic lobster. The council has twice taken it to its members. Because of a lack of support from its members, the council has told us that it will not implement domestic supply in that way. It is regrettable, but on that basis that will now not go ahead.

Dr M.D. NAHAN: In December, when the government had that initial agreement for the large nationalisation, was there not a cover letter that the council provided that made it quite clear it did not support the government's attempt to acquire 17.3 per cent or whatever of the industry? There was no actual agreement to the overall deal. The government argued it, but the council did not agree; is that not correct?

[8.40 pm]

Mr D.J. KELLY: If the member looks at what happened, the total package was negotiated with the council over a period of about a month. It appointed a negotiating team. We had a group from the department negotiating it. A total package was put to the board of the Western Rock Lobster Council. The board voted on that package and the board supported it. Although there were elements of it that it was not happy with, it was very happy with a range of elements, one of which was the \$30 million industry development package, which is the most development money that has gone into that industry ever. It is true that it did not like some elements of it—that is not unusual—but, overall, the board supported the package. It was on that basis that it went out to its members for consultation.

The government always said that it has to consult with the members. We put the proposal out for public comment, as the member will remember. I think we even extended the public comment period. When the Western Rock Lobster Council got the views of its members back and we likewise got support from the Australian Hotels Association and the tourism sector, they were very supportive of there being more local lobster. At the end of that consultation period, the government decided not to proceed with the package.

Dr M.D. NAHAN: I think the minister has done this but can he just confirm—yes or no—that the negotiation with the industry for 315 tonnes of local crayfish has collapsed?

Mr D.J. KELLY: I would not use that terminology. There has to be a mechanism to deliver local lobster to a festival or for tourism. The department sat down with the industry and came up with two mechanisms. Both of them were put on the table by the Western Rock Lobster Council. Both times, the department came up with a package that we were prepared to agree with. Both times, the industry then put it out to its members. Both times, the support from the membership was not sufficient for the Western Rock Lobster Council to endorse the package. The most recent attempt was a couple of days ago. Terry Lissiman, the Chair of the Western Rock Lobster Council, wrote to us saying that the latest mechanism was not supported and that it would not go ahead with it.

The member would understand that it would probably take two years to organise, for example, an international lobster festival. The government was willing to spend hundreds of dollars, if not several million, organising it and promoting it. Local governments from the City of Geraldton to the City of Fremantle and almost every council in between was very keen. A festival cannot be organised or promoted if there is no guarantee that the lobster can be supplied.

We have sat down with the industry over three months, taken on board the mechanisms that it has put forward on how to deliver this lobster for people at Christmas, to a festival and to tourism operators, and both times the government has said, “Yes, we are happy to give that proposal a go”, and twice the industry has taken it out to its members and members have not supported the council's own mechanism. In those circumstances, it is very difficult for the government to proceed. On that basis, we advised the council that we would not proceed with domestic lobster because it simply could not come up with a mechanism to deliver it.

Dr M.D. NAHAN: Can the minister confirm that the Premier's task force that was set up, I believe in February, to address the enhancement of local crayfish in the domestic market and other factors, including Indigenous fishing rights, was disbanded this afternoon before it even met?

Mr D.J. KELLY: What the member is saying is not quite correct. That task force was not set up to deal with domestic supply. The Premier met with the council in February. Two elements to the agreement were reached and that was reflected in the press releases. It related to 315 tonnes of domestic lobster for things like a festival and lobster at Christmas. The mechanism to deliver that was to be agreed by the end of March. Subsequently, an industry task force was convened to look at a raft of issues such as improved return to the state and Indigenous economic development opportunities. The industry wanted to talk about its access rights. Those issues were to be

dealt with by the task force. The size of the domestic lobster catch was seen to be agreed to and not contentious, certainly from the government's view. We needed to work out how that would be done and get on with it. The member's question predicated that the task force was to deal with that domestic lobster. That is absolutely not the case. The government's view is that if we could not agree or come up with a mechanism to deal with domestic lobster, the rest of the process would also fall away.

Dr M.D. NAHAN: The government claimed to have two processes underway from February. One dealt with enhancing the domestic sale, which the industry long supported. I understand that it put forward a range of ways to achieve that. It is not simple but it can be achieved. The task force was also supposed to address other major changes. The minister enumerated those. Why was the task force disbanded before addressing serious issues: returns to the state, Indigenous involvement and rights, and security of access? Why has the government held fundamental issues that the task force would deal with to ransom over the issue of an additional 315 tonnes of local crays into the domestic market?

Mr D.J. KELLY: The member talked about two processes, the first being domestic supply. He said that the industry has long supported that. There has been considerable resistance in some sections of the industry to increase domestic supply. The member can shrug his shoulders. We thought we had an agreement and a commitment from the industry based on the meeting we had with the Premier in February. It was very clear—the member can look at the media statements—that there were only basic technical issues and no issues of great philosophical difference with that domestic supply. That would be sorted out by the end of March, so we could get on with it. As I said, a festival would take up to two years to organise. If we wanted to have lobster available for Christmas 2019, we should just get on and do it.

Those other issues that were discussed as part of the bigger package that the government talked about would be put onto a task force agenda. It was not expected to reach any conclusion, I think, until September 2019. With that timetable, if we mixed domestic lobster into that issue, we would not be in a position to provide enhanced lobster at Christmas time. Tourism operators were anxious to get access to it straightaway. Tourism operators want access to domestic lobster now. I met with the Mid West Chamber of Commerce and Industry in Geraldton couple of weeks ago. It is incredibly supportive of greater local supply of lobster. That is the key issue. Twice we have asked the industry how it wants this policy to be delivered. It has put a proposal on the table. We have talked about it with the department and come up with a document. We said we were happy with the proposal. The council took the document to its members, first with the coastal tour. The council came back to us and said its members did not like the document and it did not support it. We asked what the council members wanted and negotiated a second document, which was called “the compact”. It would have delivered domestic lobster. The council put it out through an online survey of its members. The results came back with 50.4 per cent of members in favour and 49.6 per cent of members against it. On that basis, the council said that there was not strong enough support for it. Terry Lissiman, the chair of the council, wrote to us saying it would not sign the compact. We have been willing to work with industry on its own proposals to deliver it. We have done it twice and both times the council has walked away from those instruments. It has not worked and so the government has come to the conclusion that it is not possible with the industry's current attitude to domestic supply to progress those issues.

[8.50 pm]

Dr M.D. NAHAN: Is it not true that the issues are not with the domestic supply? The minister wants the council to focus on that, but the real issue is the task force, which the Premier agreed to set up, but which has never met, and the minister is dragging the chain on the issues the task force is to address. Those are the fundamental issues for the industry, given the minister's attempt in December to nationalise 17.3 per cent of the industry.

Mr D.J. KELLY: This is not an opportunity for a speech. What is the question?

The CHAIR: Member!

Dr M.D. NAHAN: Has the task force ever met?

Mr D.J. KELLY: The first meeting was scheduled for Friday and that will not go ahead.

Dr M.D. NAHAN: Which Friday—tomorrow? The minister has cancelled the task force before it has ever met.

Mr D.J. KELLY: It has not met.

Dr M.D. NAHAN: It has not met.

Mr D.J. KELLY: I say to the Leader of the Opposition that we employed an independent chair and the first —

Dr M.D. NAHAN: That does not matter. Has it met?

Mr D.J. KELLY: I do not have to answer the member's question. He can interrupt away.

The CHAIR: Minister, carry on with your answer. Leader of the Opposition, let him answer, please.

Mr D.J. KELLY: As part of the agreement we reached in February, the first step was to have an independent person appointed to chair the committee. As the first preparation for the task force, the independent chair went around and consulted with all stakeholders to see how the task force could best be progressed, but it was very clear in the agreement we had with the industry in February that there would be a two-stage process. The Leader of the Opposition said the domestic supply is not important, but he listens to the tourism —

Dr M.D. NAHAN: I did not say that; do not verbal me. I said it was important.

Mr D.J. KELLY: Chair!

Dr M.D. NAHAN: Do not tell untruths.

The CHAIR: Minister and Leader of the Opposition, could you confine yourselves to discussing the point. Carry on with your point.

Mr D.J. KELLY: The Leader of the Opposition made the point that domestic lobster was not the issue.

Dr M.D. NAHAN: Readily agreeable.

Mr D.J. KELLY: I suggest to the member that he talks to the hospitality industry, the charter boat industry, the City of Geraldton, the midwest CCI, the City of Fremantle and the local government association that represents all those councils between Perth and Geraldton. The immediate jobs benefit of what we were proposing all rested around having more local lobster available in the market so that this premium seafood, which we make a considerable amount of money from exporting, could be available here in Western Australia so tourism operators could use it and restaurateurs could have it on their menus. It could really be a visual part of tourism here in WA. I completely disagree with the Leader of the Opposition that domestic supply was not an important issue. For all those organisations it was the issue.

Dr M.D. NAHAN: I need to respond to that. What the minister has said is false. It is an important issue. In fact, the minister is holding them to ransom from his failure —

Mr D.J. KELLY: This is not an opportunity for a speech.

Dr M.D. NAHAN: It is a very important industry, I agree with the minister. The enhancement of local supply has the potential to add jobs and expand related industries.

The CHAIR: Leader of the Opposition!

Dr M.D. NAHAN: But the minister has held that to ransom by his failure to implement the position of the task force.

Mr D.J. KELLY: I have a point of order.

The CHAIR: Leader of the Opposition, you will need to ask a question.

Dr M.D. NAHAN: Why did the Premier's task force not meet and address the issues it was supposed to and that were agreed to back in February?

Mr D.J. KELLY: As I said to the member, there was a two-stage process that the industry well understood.

Dr M.D. NAHAN: No, why did the task force not meet?

The CHAIR: This has been asked about three times. I give the minister one more go to answer and then we will move on.

Mr D.J. KELLY: There was a two-stage process that the industry well understood. This is why the member is in opposition.

Dr M.D. NAHAN: You will be with the 17 per cent nationalisation of an industry, mate!

The CHAIR: Okay!

Mr D.J. KELLY: The agreement with industry was that we would implement domestic lobster here in WA. That was the seemingly uncontroversial matter that everybody could agree on. That is what local councils and the hospitality industry wanted. We twice went to the industry with its own proposal to deliver that —

Dr M.D. NAHAN: False.

Mr D.J. KELLY: — and twice the industry went out to its own members and it was not supported. It is not possible for the government to run a lobster festival if we do not have the support of the industry.

Dr M.D. NAHAN: The government does not have the support because it is screwing them over.

Mr D.J. KELLY: We cannot supply domestic lobster at Christmas if we do not have the support of the industry, and at this point in time we do not.

Dr M.D. NAHAN: Because the task force did not meet.

The CHAIR: Leader of the Opposition! The member for North West Central has a further question at this point.

Mr V.A. CATANIA: Given that the state government has been unsuccessful in its aim to deliver an international rock lobster festival or procure additional domestic supply through consultation with industry, will the state government enact these changes without industry support?

Mr D.J. KELLY: Which line item is the member referring to?

Mr V.A. CATANIA: It is a further question.

Mr D.J. KELLY: What is the question?

Mr V.A. CATANIA: Will the minister enact whatever ability he has as a minister and government to enact his wishes to have an international rock lobster festival and increased domestic supply to the community? Will he use his powers as a minister to do that without industry support?

Mr D.J. KELLY: No, it is not practical to have an international lobster festival without the support of the industry, so we will not be progressing that matter without industry support. We made that clear. That is the case.

Mr V.A. CATANIA: What about a domestic increase in the lobster quota? Will the minister use his powers to make that happen?

Mr D.J. KELLY: We have indicated that that will not happen. As I say, we negotiated with industry in good faith to deliver that. Twice the industry proposed a mechanism to deliver it, which we accepted. Twice the rock lobster council took it to its members and it was not supported, so we will not be implementing an increase to the domestic supply because it is not supported by the industry.

Mr V.A. CATANIA: Does that mean there is no support for a lobster institute?

Mr D.J. KELLY: A lobster institute was part of the package that was negotiated with the rock lobster council in November, and that was the package that was not supported by the industry. The Premier said in February that we are not proceeding with that package.

Mr V.A. CATANIA: Will the minister be raising any fees and charges associated with the rock lobster industry as a way of retribution for not getting his way?

[9.00 pm]

Mr D.J. KELLY: I am not sure what the member has in mind —

Mr V.A. CATANIA: I am asking the minister what he has in mind.

Mr D.J. KELLY: As I said, I do not have to answer the member's questions. I am quite happy to, but do not interrupt me.

Mr V.A. CATANIA: Do not bully me either.

Mr D.J. KELLY: There is no decision or plan to increase any of the fees. Fees go up through the ordinary budgetary process, but there is no plan to do anything out of the ordinary.

Mr V.A. CATANIA: Is the minister intending to issue additional western rock lobster licences?

Mr D.J. KELLY: We would need to change the management plan in order to do that, so the answer is no.

Dr M.D. NAHAN: Can the minister confirm that the Aquatic Resources Management Act 2016 was meant to come into effect on 1 January 2019? Is it now in effect? If not, when is it intended to come into effect and what is the reason for the delay?

Mr D.J. KELLY: There are a number of reasons. The first industry to transition is planned to be the pearling industry. In preparation for that to take place, the department identified a problem with the legislation. As the Leader of the Opposition may be aware, there are a number of zones or entitlements in the pearling industry. The legal advice that we have received is that the new legislation, as it is currently drafted, would not allow us to implement a zone system. That would impact the pearling industry and it would potentially impact other fisheries. We are looking at what amendments to the legislation are necessary in order to remedy a defect in the legislation brought by the previous government. I understand it was the intention to allow for zones in that legislation, but the advice we have is that that is not possible. Remedying that defect is the very real reason that the legislation has not yet been implemented.

Dr M.D. NAHAN: Under the amendments that the minister will bring into the house to the Aquatic Resources Management Act, does the minister intend to give the minister the authority to allocate or sell additional quotas in the western rock lobster industry to individuals or body corporates that currently do not own units of entitlement in the fishery?

Mr D.J. KELLY: We do not intend to make any changes to the legislation, which was passed by the previous government, other than what I have indicated to the Leader of the Opposition. At this point, it is to remedy an error that, the advice is, would have serious ramifications for a number of industries. The issues that the Leader of the Opposition just raised will be in the new legislation, as they are in the legislation that the previous government passed.

Dr M.D. NAHAN: Under the existing legislation, does the minister have the power to allocate or sell additional quotas in the western rock lobster fishery to individuals or body corporates that do not currently own units of entitlement?

Mr D.J. KELLY: As I said, it is the legislation as the previous government passed it. I am sure the Leader of the Opposition is not asking for a legal opinion from me on that legislation, but it is the legislation that the Leader of the Opposition passed in government. It is not our intention to change it.

Dr M.D. NAHAN: When the minister was in so-called negotiations in November and December last year, the minister threatened the council that he would use his emergency powers to allocate additional quotas to people in body corporates other than those who currently own entitlements in the fishery. Does the minister still intend to do that or is he still considering that?

Mr D.J. KELLY: I never made that threat.

Dr M.D. NAHAN: It is on the public record that you made that claim.

Mr D.J. KELLY: I cannot comment on that.

Dr M.D. NAHAN: The minister never made that claim?

Mr D.J. KELLY: No, I never did. The government has been very clear that it is not planning to issue units or entitlements to anyone else, other than the existing holders. We are absolutely crystal clear on that.

Can I just inquire—the agreement that we reached was that this division would end at 8.30 pm. That was the agreement that was reached.

Mr V.A. CATANIA: With who?

Mr D.J. KELLY: Who is chairing this? The member for north west Claremont or what?

The CHAIR: I am chairing it, but there are a number of divisions here. There is no allocation of time to any of the divisions, but I do know that there were discussions about timing and I am sure that the opposition will get to their questions as quickly as possible.

Mr D.J. KELLY: The discussions that we had were with the chief of staff of the —

The CHAIR: The management committee has set out the divisions and the divisions have been allocated for a block from 7.00 pm to 10.00 pm. That is what the Parliament decided it would do. Any other arrangements that are made between members on the floor at the time cannot be enforced.

Mr D.J. KELLY: I am just telling you that it was an arrangement made with the Leader of the Opposition's office.

Ms J.J. SHAW: Just for clarification, this morning in Estimates Committee B, the Chair there made a determination to stick to the agreed timing. It was discussed at quite some length. Can we have clarification please, or advice, perhaps, from the clerk?

Mr V.A. CATANIA: Point of order!

The CHAIR: I can advise you that the estimates management committee has proposed this schedule to Parliament and it has been accepted as the timetable by Parliament. Anything else that might be arranged is of a casual nature, and it is not bound by the standing orders. I do not believe that I need to seek anyone's advice further on that.

Mr D.J. KELLY: You cannot rely on anything the Leader of the Opposition says.

Mr V.A. CATANIA: Point of order! They are wasting time, Chair.

The CHAIR: We had a question, I thought, that was going to be asked by the member for Morley. I will ask the member for Morley to ask her question. If government members wish to ask questions or pass on their questions, that may save some time, but it is the member for Morley's call.

Ms A. SANDERSON: I will ask my question, thank you, Chair. I refer to page 206 and the line item "Surf Life Saving Western Australia Aerial and Beach Patrols and Response". Can the minister explain how this initiative is delivering the wider shark mitigation strategy?

Mr D.J. KELLY: I thank the member for the question. The funding that the government provides to Surf Life Saving WA is a very important part of the shark mitigation strategy that we have in place. One of the issues that we had to deal with when we came to government was that the funding to Surf Life Saving WA was going to run out. I am very pleased, notwithstanding the tight fiscal situation, that in this budget we have committed an additional \$8 million to Surf Life Saving WA to continue its work. This will enable it to continue its aerial patrols

in both the metropolitan area and the south west, services that are well received. It will also enable it to use drones to supplement its efforts. Drones are proving to be very useful. Surf Life Saving WA has managed to train a number of its volunteers so that they are competent to use those drones. We are committed to an ongoing relationship with Surf Life Saving WA. We are prepared to support the adoption of new technology, similar to our attitude, for example, with Surfing WA. We have struck a partnership with Surfing WA and provided it with funding. I think Surfing WA would say, and I have heard it say, that there is more happening in the shark mitigation space now than ever before. We have committed to new technology and are working with community groups such as Surf Life Saving WA and Surfing WA to complement the government's other measures.

[9.10 pm]

Ms L. METTAM: I refer to page 206 of budget paper No 2 and the SMART drum lines trial. I note the minister's reference to Surf Life Saving WA and I ask: why are tiger sharks in particular, but also bull sharks, not recognised as potentially dangerous in WA, as they are in New South Wales, and tagged for public safety and research purposes? These sharks are highlighted on Surf Life Saving alerts. We know that beaches are shut when there is a three-metre long tiger shark in the area. Why are we not taking the same opportunity to have these species tagged and monitored?

Mr D.J. KELLY: The member should be aware that all the fatal shark attacks in Western Australia, certainly in the last 20 years, have been attributed to great white sharks.

Ms L. METTAM: That is not conclusive.

Mr D.J. KELLY: The member asks the questions and I answer them.

Ms L. METTAM: Are we not replicating New South Wales? I thought that was the idea.

Mr D.J. KELLY: If she keeps interrupting me —

The CHAIR: Member for Vasse! Let the minister answer the question. You can have a follow-up if you like.

Mr D.J. KELLY: All the experts—the member might consider herself to be an expert—attribute all the fatal shark attacks in the last 20 years in Western Australia to great white sharks. That is different from the east coast of Australia, where a number of fatalities have been attributed to bull sharks and tiger sharks. That is not the case in Western Australia. The thing that most focuses my mind is what will make our beaches safer. Tagging tiger sharks is not going to do that, because no fatal shark attack in Western Australia this century has been attributed to a tiger shark. For us to determine whether the SMART drum lines trial is successful, we have focused it on great white sharks. The experts at the department also tell me that there is no scientific necessity to tag tiger sharks to track their behaviour and the like because the behaviour of tiger sharks in Western Australia is well understood. There is no reason to tag tiger sharks for scientific tracking purposes and there is no apparent reason to tag them because they have not been responsible for any fatalities in Western Australia. However, we still do record them on the Sharksmart website. We basically close beaches for any large sharks—for example, hammerhead sharks, which even in New South Wales are not considered to be a target shark. If we spot a large hammerhead close to a beach in WA, we close the beach under those circumstances as well. Tiger sharks are not a target species for the drum lines trial in WA because they have not been attributed to any fatal shark attacks in WA in recent times.

Mr V.A. CATANIA: I refer to page 221 and the table headed “Details of Administrated Transactions”, and specifically the line item on recreational licence fees. Given that the minister and his government have considerably increased recreational licence fees since coming into government, does he have any intention of increasing them further to utilise the money at his will?

Mr D.J. KELLY: When we came to government, recreational fishing licences had not been increased since they were introduced. As the member should know, the value of a licence diminishes over time if it is not adjusted. We adjusted the fishing licence fee by \$5, which essentially equated to a consumer price index adjustment from the time it was introduced. We then increased it a second time, also by \$5, and we undertook to make that the last increase in this term of government. Again, that increase equated to CPI. As the member would well know, 25 per cent of the income from fishing licence fees goes into the recreational fishing initiatives fund. That fund provides such things as the new artificial reef that we are going to have in the metropolitan area. They are the types of things that Recfishwest says will improve the recreational fishing experience in WA. If the fees remain static and that income does not increase, we cannot do that into the future. We made an election commitment to put 25 per cent of the fees collected into that fund. When the member was in government and the now Leader of the Opposition got us into all that financial trouble, his government released a budget that saw some of that money from recreational fishing licences go not into the recreational fishing initiative, but into that government's budget black hole. We committed to maintain 25 per cent of fishing licence fees going into the fund, and that is what we have done. The member can look at the string of projects that we are going to roll out to improve the fishing

experience here in WA because of that commitment to recreational fishing. We are not going to raid that fund—like the previous government was going to—to sort out the budget mess that the previous government created.

Mr V.A. CATANIA: I am glad the minister touched on the 25 per cent of fees going back into the recreational fishing space through the development of things such as artificial reefs. Taking into account the recreational fishing licence fees and the contribution from particularly the Gascoyne and the Pilbara, when is the minister going to approve an artificial reef for Carnarvon and the Gascoyne that the previous government did some work on? It has been with the minister and his department for some time now.

Mr D.J. KELLY: The member should know—even though sometimes he asks questions that indicate he does not know—that under the recreational fishing initiatives fund, Recfishwest calls for expressions of interest for projects. People put forward project ideas and Recfishwest decides which ones it wants to support.

Mr V.A. CATANIA: To be signed off by you.

Mr D.J. KELLY: Recfishwest then brings those to the government.

Mr V.A. CATANIA: To be signed off by you.

Mr D.J. KELLY: As I said, if the member wants me to answer his questions, he should not interrupt. If he keeps interrupting me, I will not answer his question.

Mr V.A. CATANIA: Do not bully me. Stop bullying me.

The CHAIR: Member!

Ms J.J. SHAW: Maybe the member needs some time out. He is getting pretty tired.

Mr D.J. KELLY: It is a pretty simple process. Recfishwest then presents projects to the government and we work through them. If the member's government never approved an artificial reef for his region, it probably shows what a lousy local member he was when his own government was in place and he could not get that project up. It probably shows how poorly he represents the constituents in his area, which is consistent —

Mr V.A. CATANIA: You are right. I must be like you with your rock lobster policy!

Ms J.J. SHAW interjected.

The CHAIR: Members! Member for Swan Hills, thank you.

Mr D.J. KELLY: That is consistent with what I hear about the member in a range of areas. If there is a proposal for an artificial reef in the member's area, it should be put through the normal process. If it is a good proposal, it should be progressed, but if the member has not managed to achieve that, he probably should ask why. He had eight and a half years to do it!

[9.20 pm]

Mr V.A. CATANIA: My understanding is that Recfishwest has proposed it to the minister and his department for him to sign off on. It may be that the minister does not know what he has on his desk, because clearly it is sitting perhaps in front of the head of fisheries, or on his desk. The question is: why is the minister holding it up?

Mr D.J. KELLY: No-one is holding anything up. There is a current round of projects being considered. They have not yet reached my office.

Mr V.A. CATANIA: You say that with a smirk, or is that just your general face?

Mr D.J. KELLY: I cannot help myself. The things I hear about you from your constituents are priceless.

Mr V.A. CATANIA: What I hear about you through your Labor Party is priceless.

The CHAIR: Member for North West Central, I will call you again if you keep interrupting. Minister, you mentioned that you wanted to get through this. Quick answers, quick questions, and we might get ahead.

Mr D.J. KELLY: If that project is within the current round of applications, it will be considered in due course, but it has not yet come to my office for approval.

Dr D.J. HONEY: Chair, with the agreement of the other members and in discussion with my colleagues, in order to save time, and to save officers from being here, I think we are happy to move forward with the ChemCentre appropriation as it is.

Mr D.J. KELLY: Point of order. We have to deal with this appropriation first before we move on to anything else.

The CHAIR: I am just listening to a proposal which goes along the lines of what you were talking about.

Dr D.J. HONEY: Yes. I understand that my colleague from the National Party has one question on the Forest Products Commission. Perhaps we could do that next, after we have completed this division, which I believe we are going to complete now.

Extract from Hansard

[ASSEMBLY ESTIMATES COMMITTEE A — Thursday, 23 May 2019]

p436b-446a

Ms Libby Mettam; Mr Dave Kelly; Chair; Dr Mike Nahan; Mr Vincent Catania; Ms Jessica Shaw; Amber-Jade Sanderson; Dr David Honey

The CHAIR: If members wish to move to vote on this particular division, then I understand that division 30 will be voted without any questions being asked.

Dr D.J. HONEY: That is correct.

Ms J.J. SHAW: I have a question on division 30.

The CHAIR: I am trying to clarify what is proposed; then we will move to division 39.

Dr D.J. HONEY: That is correct.

The CHAIR: Is everybody on the committee agreeable to that, minister and other members?

Mr D.J. KELLY: The proposal is to move on from this division now and move straight through division 30?

The CHAIR: To put division 30 without any examination?

Mr D.J. KELLY: Yes, and then move on to the Department of Water and Environmental Regulation. I am happy with that.

Dr D.J. HONEY: With your agreement, Mr Chair and minister, we move on to division 39.

The appropriation was recommended.