

AQUATIC RESOURCES MANAGEMENT BILL 2015
AQUATIC RESOURCES LEGISLATION AMENDMENT BILL 2015

Second Reading

Resumed from 12 May.

MR J.M. FRANCIS (Jandakot — Minister for Fisheries) [4.02 pm] — in reply: I will start by thanking the opposition for its support for the Aquatic Resources Management Bill 2015 and the Aquatic Resources Legislation Amendment Bill 2015. This is my first contribution to the debate as the Minister for Fisheries. I have had the job for about six weeks, since just after Easter, and it has been an exceptionally steep learning curve and a really fascinating portfolio. It is a significantly large industry that makes an amazing contribution to the Western Australian economy. It creates thousands of jobs and the future is very bright. To stimulate the aquaculture sector of the economy is something that is not only needed, but also effectively a no-brainer when the natural catch, if you will, or the ability for the ocean to provide protein to the human race, is limited, even when using a scientifically proven and sustainable method. If we add to that the fact that export markets are booming—particularly the Chinese market, not just for lobster but all kinds of seafood products—and that the price paid for a premium quality Western Australian product has increased, because the sustainable catch is maintained at the same rate, give or take a little bit, the only way to fill that void is through aquaculture, which presents many opportunities.

I understand that we will finish the second reading debate today but we will not go into consideration in detail.

Mr D.J. Kelly: Yes.

Mr J.M. FRANCIS: I will do my best to go through some of the issues raised by the other speakers in this debate and address some of their concerns, but it is a fairly technically complicated bill and I understand that we will go into consideration in detail when the debate resumes another day.

The shadow Minister for Fisheries, the member for Bassendean, spoke about a number of different issues. As I said, I appreciate that members opposite have also had lots of conversations with industry, not just the recreational fishermen but the professional fishermen, and that they understand about getting the balance right. As I said, I accept that members opposite support this bill because it is effectively trying to do a number of different things, including maintaining the catch on a sustainable level and keeping the balance of take between recreational and professional fishermen at a point of harmony, if you will, where both sides can make the most of the wonders of the ocean.

The member for Bassendean spoke about how fisheries management has moved on from the debate around commercial fishers—not my quote—plundering the oceans and conservationists trying to protect ocean resources to the point where we all now see the need to use the ocean's resources in a sustainable manner. The government is very pleased that the sustainability of the state's aquatic resources is paramount—everyone gets that now—under the proposed legislation. The member for Bassendean spoke about the cursed pollution by discarded plastics and the need to develop technology that will enable the eradication of plastic waste into the future. From the outset, I support those sentiments. I am watching a number of different areas, from off-grid storage through to interruptive technologies and the uberisation of almost everything, but in particular the industrial revolution that is still happening now. I am watching the development of plastic that effectively biodegrades very quickly, and that will be a very healthy thing. I have spent a lot of my life, as members could imagine, at sea and the pollution has always amazed me, especially when I was up in northern waters in South-East Asia around India. A few years ago I took a patrol boat over to Colombo, Sri Lanka. It is a massive ocean, but the amount of plastic and waste floating in all kinds of places out in the open ocean was quite depressing and catastrophic. I encourage people to watch this space as different technologies develop. We can do what we want here in Australia with plastic bags out at Fremantle or whatever it might be, but it will make very little difference because the ocean waters know no boundaries. Plastic floats and currents do all kinds of things. If everyone else in the world is still polluting to a large degree, the situation is similar to the debate on carbon emissions. If one country does their bit and no-one else does anything, it is almost futile. I would say that the same principles apply.

Mr D.J. Kelly: You're not saying that we shouldn't take the lead, are you?

Mr J.M. FRANCIS: I am not saying that at all. But the answer has to be both economic and morality based, which means that it is worthwhile looking at how we can help as a country to develop fast-biodegrading plastic. Then, if it is economically viable, other countries will follow that lead. That is just my feeling on what the answer will be. If we act alone, it will not make much difference to the waters around the rest of the globe unless everyone else does it as well. If we can swap one plastic bag that costs 3c for another plastic bag that costs 2.5c —

Mr D.J. Kelly: Or ban them.

Mr J.M. FRANCIS: You can ban them in Fremantle, but it will not make any difference.

Members can imagine in Australia—or in any country—someone could develop a much cheaper product. Then there will be an economic driver for people to do something differently in the countries that do the predominant amount of dumping in the ocean, even if the product is only slightly cheaper. We are never going to ban plastic bags. I do not have the figures but I guess as a percentage of the world's plastic pollution in the ocean, we are not really that high. We are a country of only 25 million people; we are nothing on some of these countries.

The member for Bassendean raised the question of uncertainty in the industry and the community about what the aquatic resource management strategies and aquatic resources use plan—ARMS and ARUP—will look like. I accept that and I can advise the member for Bassendean that both of these documents will be prepared in consultation with the major users of the resources. The bill is quite specific about the matters that can and cannot be contained in the ARMS and the ARUP. Further, I mentioned to the member that the government intends the ARMS and the ARUP for a managed aquatic resource to be released simultaneously for public comment so that the key stakeholders who are involved, and the community, will be able to see how the strategic settings for those particular resources are contained in the ARMS, how they will be given operational effect in the ARUP, and how that will specifically apply to each individual resource. Because so many different areas are involved in this, I understand the department does not intend to do them all in one big go. There will be a continuation of the current rules and licensing that apply for taking a catch until it is transitioned. I will have to take it as a question during the consideration in detail stage, but lobsters might be done first; different fisheries will be done in different orders so the department can slowly work through it over a period. One fishery will obviously be done before another; they will not all be done and dusted on one particular date. I think that is a sensible way of doing it.

The member for Bassendean also queried why we need clause 26(2)(d) in the Aquatic Resources Management Bill, which will enable the minister to allocate shares in a resource by sale or by public tender. I am advised that paragraph (d) would be used only in the case of a new resource coming under management if there are no existing users at that moment. In all other cases, existing rights of access and entitlement would be retained at the same level as was enjoyed immediately before the transition to the new management framework. The member also spoke about temporary reallocations of the recreational catch to the commercial sector and whether there would be a robust measurement system in place so that we would be sure that, say, the two per cent of rock lobster allocation that the recreational sector may wish to sell on a temporary basis is actually surplus to recreational requirements. This was also raised by the member for Collie–Preston and I am advised that if such a request is made by the recreational sector, decisions will be based on the best information available at the time, including data from the department's recreational fishing surveys. Obviously, that would be matched up with what has been reported by fisheries inspectors.

On the subject of biosecurity, the department will allocate its resources to the areas identified as being of greatest risk and it will continue to work with the shipping industry and the community to prevent the introduction of invasive marine species or unwanted fish into our freshwater and marine environments. I will come back to this later, but I note the member for Warnbro's comments about inspectors, including the education of new inspectors and his concerns about whether the standard for inspectors had been reduced.

In respect of customary fishing, a few members raised the issue of Aboriginal people's rights to their customary fishing. People are currently able to claim native title defence provided in the Native Title Act 1993 whether or not the person is successful in having their native title rights formally recognised; in other words, it will not apply. This matter was also raised by a few other members, including the member for Kwinana and the member for Mirrabooka. These existing rights are specified in the Native Title Act and the aquatic resources legislation has no impact at all on these rights. For the Aboriginal people of Western Australia, it is exactly the same as it was before. They still have exactly the same entitlements; whether or not they have been granted native title will have no impact on those rights. Hopefully, everyone will be happy with that outcome. The legislation provides customary fishers with a priority use of any managed resource under an ARMS.

The member for Bassendean queried whether the new aquatic resources management framework would allow action to be taken that led to the closure of the commercial "G" trap fishery and the reduction in the recreational bag limit for herring in response to sustainability concerns in that fishery. The short answer is yes. Any future aquatic resource management strategy for the herring resource will include a harvest strategy for that resource that contains trigger points to detail the necessary response when sustainability of the resource is at risk. It is not dissimilar from what we have seen recently with herring anyway—the old red herring. This could include a range of measures —

Mr D.J. Kelly: Did he call it a red herring?

Mr J.M. FRANCIS: It is the funniest thing I have said for a long time!

Mr D.J. Kelly interjected.

Mr J.M. FRANCIS: I am working on my dad jokes, though, because the member is starting to get them now!

This could include a range of measures, including the immediate cessation of fishing, if required, in the case of a catastrophic event such as a marine heatwave, as we have seen, wiping out fish stocks in an area. This is similar to what happened near Kalbarri with the abalone.

The member for Bassendean also spoke about the hazards of sharks. I can advise that exemptions can and may continue to be granted under the legislation to take a shark that is posing a threat to the public; the member for Fremantle also raised this question. I can tell members my position on it. Taking a shark would happen only when it poses a threat to human life. We know from recent research that was released on the shark tagging project, which members opposite will be happy we are continuing, that it is exceptionally rare for a white shark—or any shark, but a white shark in particular—to come into shallow water. From the tracking of the tagged sharks, it does not seem to happen very often. I will take advice from the scientific experts in the department but that says to me if a shark is in shallow water on a beach that is being used by people, it is acting out of the norm for that shark.

Mr D.J. Kelly: It's misbehaving!

Mr J.M. FRANCIS: Unfortunately, I cannot put up a sign and talk to sharks. If a shark posed an imminent threat to human life, obviously, we would look at those particular options, specifically if it was a sustained threat—if it stayed at the beach for three or four days and the beach was closed —

Mr D.J. Kelly: You'd be down at the beach with your ute with a gun on the back and kill it yourself! A machine gun on the back of a ute!

Mr J.M. FRANCIS: I am saying that it would be a very rare occasion so there would have to be something out of the ordinary about the shark's behaviour. On that issue, we are looking at all the technologies. I spoke about it the other day and members have seen some things rolled out. Shark nets will work in some areas and we are investing in the development of new technologies, whether they are shark-shield types of high energy, low frequency emissions or continued monitoring and tracking to try to learn more about the species—whatever it might be. We are seriously looking at all the alternatives.

The member for Collie–Preston talked about the importance of recreational fishing to community members and the need to better tailor programs to meet the needs of recreational fishers—I think that was the point that he was making—particularly in the south west, which he represents, including more boat ramps and whether artificial reefs should continue to be deployed. He spoke about whether the inland recreational fishing licence should be abolished to encourage more people to fish for redfin perch, an introduced pest known to eat marron. Obviously, his comments should be given some consideration. I am not saying that it is something we are going to do but it is certainly worth looking at his suggestion.

The member for Fremantle spoke about the importance of the rock lobster industry to her electorate. I was in Fremantle in a private capacity a few weeks ago and I caught up with some people I knew who knew some rock lobster fishermen. We had a conversation. I am very aware, having been to the Italian community's fishing festivals, of the significant contribution of not just the rock lobster fishermen but the entire fishing community. If anything, the fishing hub of Fremantle is the original heart of fishing in Western Australia. Other than the native rights of Aboriginal fishermen, as far as the settled state is concerned, Fremantle is predominantly where the industry started on a large scale. It has made a significant contribution over the years and has made very generous donations to very worthwhile charities. It is a really decent group of people. The member for Fremantle is lucky to have these fishermen in her electorate.

My understanding from the conversations I have had with the various stakeholders, in particular, the rock lobster fishermen and the rock lobster industry, is that this legislation cannot happen soon enough. No-one has yet said to me that they have been trying to get their head around it. I have spoken to as many people in the industry as I can, including Recfishwest, and it seems to be broadly welcomed. I have not had anyone say to me that they do not like anything about it. Maybe I am missing something.

The member for Fremantle also talked about certification of the Marine Stewardship Council. It has had certification for some time—I think 15 years. It was one of the first fisheries in the world to gain certification. As far as I am aware, no other fishery in the world has managed to achieve that length of certification. Again, we should applaud the industry for that. The reduction in whale entanglements has come through the industry, obviously under the leadership of the Western Rock Lobster Council. I think that is a good thing. Members of the council were here the other day and it was raised. I will not try to guess the figures but I had the number of reported whale entanglements, and they were down significantly from the last two years. I will get those figures

for the member for Fremantle. It is a fairly good news story. Unfortunately, when we look at the depth of water in which they are operating and therefore the length of the line and the strains on them from time to time, it is likely to happen but the industry has come a long way in doing its part to reduce that risk. I think the number of reported entanglements has declined because of that.

The member for Kwinana spoke about the important mussel aquaculture industry in Cockburn Sound in his electorate and the recent release of snapper fingerlings by Recfishwest into Cockburn Sound following the recent fish kill event. The member for Kwinana also asked who those fish belong to. I think it would be fair and reasonable that we should take the view that having been released in the wild, they now belong to no-one. I do not know if we will ever see the day—who knows—when they can be tagged and we can take their DNA before we release them and somehow be able to determine if they belong to someone. Who knows what the future holds? I think during my lifetime and that of everyone here, they will belong to the wild. They will replenish the natural stock and hopefully breed and continue to grow in number.

I think it is worth commending Recfishwest, Challenger Institute of Technology and the community that was involved in the grow out and release of the snapper eggs taken from Cockburn Sound just prior to the fish kill. This is the first time this has been done in Western Australia. It provides another potential tool for assisting in the sustainability of the snapper stock, particularly in Cockburn Sound.

The member for Mandurah spoke about the importance of the Peel–Harvey estuary to the residents of Mandurah and, indeed, the greater Perth region, as a source of fresh crabs, for the injection of funds that crabbing makes to the Mandurah community in particular and the need to ensure that the system is not subject to degradation, a view that the government obviously supports. The first person I met as soon as I became the Minister for Fisheries just so happened to be a professional crab fisherman from Mandurah. He talked about how the temperature, salinity and brackishness of water makes a difference to the behaviour of crabs in any particular year. It is very hard to predict but once the water cools down, the rate of growth diminishes rapidly and as a result the numbers go down. There can be good years and bad years. To a large degree, it is all in the hands of Mother Nature.

When one gets a job like this, one forgets how many people one knows. Suddenly someone rings out of the blue and says, “You know I’m into crabbing.” I was amazed how many people I knew had a little dinghy and took it down to Mandurah once a month to go crabbing. I guess it escaped my mind until I got this portfolio what a massive thing it is for families to go out crabbing, in particular, in the estuaries down in Mandurah.

Members would also be aware that over the years the government has provided significant financial support to enable the commercial fisheries in particular to participate in the Marine Stewardship Council accreditation process, which the member for Mandurah raised, as far as the crab catch in Mandurah is concerned. He asked me how long it would take to get that particular fishery certified. My advice last week was that it would probably be about two months. I ask the member to please not hold me to it. I mentioned to the member for Mandurah behind the Chair that it would take about eight weeks. In addition, the silver lipped pearl fishery, the west coast deep sea crab, the Peel–Harvey estuary sea mullet, abalone and the Kimberley and Pilbara traps are all going through a similar certification process.

The member for Warnbro also spoke about his support for the legislation and, as I mentioned before, the accreditation of biosecurity inspectors. I am advised that the Department of Fisheries has been working closely with biofouling inspectors over the last three years and has recently conducted another three-day workshop to assist them in meeting the criteria for suitably qualified biofouling inspectors in accordance with the guidance statement that the department recently released to the industry. The department does not licence biofouling inspectors; it only sets out the standards for reporting from the industry. The member is not in the chamber at the moment but I will talk to him and see if I can organise a briefing so that he can get a clearer understanding of the requirements and what the training is and what the licensing is all about. I think the member for Warnbro and I are probably the only two people in this chamber who have studied the regulations and have been legally responsible for pumping bilge water a certain distance off the baseline during our lives, exchanging it and ensuring that when we do a radio critique for a foreign port or even return to Australia, we tick all the quarantine boxes, not just the commonwealth ones but the state requirements as well. The legal responsibility to ensure that a vessel complies became second nature to us. The Navy was never going to be the organisation that drove Australian or state quarantine requirements. It was second nature. We did a checklist two days out the night before to determine how far we could go and when we need to do these checks to ensure that we have the right clearances. I understand it was so complicated that there was a high risk that a foreign flagged merchant ship may not be so good on the English and may not be so frequent a visitor to a Western Australian port and could easily slip up, which is why it is very important to maintain those standards.

The member for Gosnells spoke about bycatches in the Pilbara trawl fishery, particularly sawfish and dolphins. I understand that the Department of Fisheries and the particular fisheries are working with the commonwealth government to reduce the mortality rates. I am told they will continue to work with the fishery to minimise the

impacts, particularly on the high conservation value species. The member for Gosnells may be aware that marine reserves are established under the environment portfolio and that the government has a quite active program of providing for marine reserves on behalf of the community. The Aquatic Resources Management Bill and the Aquatic Resources Legislation Amendment Bill do not alter the process for creating marine reserves.

The member for Maylands spoke about fish welfare. In fact, the member for Mirrabooka spoke about her fish tank. I grew up always wanting a saltwater fish tank. Being a submariner, I was fascinated by it, so about 13 years ago I put an eight foot by three foot saltwater fish tank in my house, and I still have it. I have a clownfish, and an emperor angel called Ming. I will not name all my fish, but they all have names. If anyone wants to judge someone for keeping marine fish, they should ask whether they name their fish. Unfortunately, I name my fish. They are quite intelligent species. Believe it or not, they all have different personalities and are fascinating to keep.

The member for Cannington spoke about the appalling conditions that can be inflicted on deckhands and crew in overseas countries and international waters. To be honest, I was incredibly moved by some of the accounts he read from the United States newspaper. I think it might have been *The Washington Post*. I had not read any of that. It was an eye-opening experience. Obviously, I have boarded a lot of ships in different parts of the world as a boarding officer, and I have seen some pretty unpleasant things done, particularly to human beings on boats. However, to be confined to slavery in South-East Asia and effectively held to ransom for the times he spoke about is incredibly sad. His was a really moving contribution. Along with that he raised the drowning of a pearl diver in the workplace in 2012. That was obviously a tragic event. I am advised that the Department of Fisheries is not the regulator for health and safety on vessels in the workplace. Obviously, we all have an obligation to ensure that every single person who goes to work goes home safe. I do not care whether someone is a member of Parliament, a pearl diver or whatever they do for a living, we all have a right to go to work and come home safe.

The member for Mirrabooka referred to koi carp and the need to raise public awareness about not disposing of unwanted pet fish in our rivers and lakes, which is something the department is educating the public about. The department runs education programs on these issues. To the question about whether the legislation has been amended to allow bodies such as the Conservation Council of Western Australia to be funded through the aquatic resources research and development account, the short answer is no, at the moment. But I am advised that if the government took a policy decision to fund such a body, funds could be made available through the normal budget process as a grant to carry out that kind of education work.

My good friend the member for Albany spoke about the fishing industry in Albany. I appreciate his support for what we are doing down there, particularly the new grow-out facility for molluscs, mussels and oysters. One of the unfortunate events in Tasmania was the disease among a specific species of oyster that has done incredible damage to the oyster industry there. Hopefully, we can help fill some of that void. Someone else's loss can be someone's gain—hopefully our gain. The sooner that work is started, which is funded to commence now, the better.

The member for Albany spoke about the danger of rock fishing in Albany. When I was in Albany a couple of weeks ago, I looked at Salmon Holes where a lot of people have lost their lives. I stood at the top and looked down. It was not a particularly rough day but it was rough enough to wonder why people do it. It is very sad that many people have lost their lives in one spot, but I concur with the member for Albany in saying that people need to be careful. Their life is not worth a fish. Fencing it off will not stop people from doing it; they will climb the fence and work their way around. We cannot put fences through national parks. People will find somewhere else just as dangerous. I do not know whether it is the thrill of the catch or the need for food, but whatever it is, it is an unfortunate tragedy. Another gentleman—from Afghanistan—went fishing there. I think he was living in Kalgoorlie and went fishing in Albany, and he has lost his life. Obviously, our thoughts and prayers are with his family and all the other people who have lost their lives there. We can only do so much. We can put anchor points down, provide a free life-jacket loan system and flashing warning signs in various languages but still people take that risk so we beseech people not to do that, especially in that particular climate.

The member for Albany was the last person to speak on these bills. In closing, Leader of the House —

Mr J.H.D. Day: Look behind you.

Mr J.M. FRANCIS: I think they want to go home!

Obviously, I am looking forward to the consideration in detail stage. It is a very steep learning curve. It is a very interesting portfolio. As I said, from the consultation I have had with everyone involved in the industry, these bills have been warmly welcomed. Again, I thank the opposition members who contributed to this debate for their input. A couple of good ideas came from them and a couple of very notable contributions. I thank the opposition for its support of the bills.

Questions put and passed.

Bills read a second time.

Leave denied to proceed forthwith to third reading.