



Speech by

Hon. KEN HAYWARD

MEMBER FOR KALLANGUR

Hansard 15 September 1999

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Hon. K. W. HAYWARD (Kallangur—ALP) (12.12 p.m.): I rise to speak in support of the Bill. I want to address the amendment in relation to marine plants. Clause 26 of the Bill amends section 123 of the Fisheries Act 1969. Section 123 creates an offence where a person unlawfully removes, damages or destroys a marine plant. Currently, the section attracts a maximum penalty of 2,000 units. As most members of this Parliament would know, a penalty unit is \$75.

This amendment will clarify the meaning of section 123 by outlining three specific examples of what actions constitute the removal, damage or destruction of a marine plant. Those examples are removing seagrass from a beach or foreshore, burning saltcouch, and pruning or trimming mangroves. This amendment does not create a new offence with respect to marine plant damage, removal or destruction, because that offence exists already within the scope of the Act. However, this amendment clarifies by way of example the activities that come within the scope of the existing offence provision.

Apart from anything else, clause 26 will increase the current penalty from 2,000 penalty units to 3,000 penalty units. This proposal follows the imposition of extremely low fines upon conviction for this offence. Examples of fines of \$100 to \$500 are not uncommon for the unauthorised disturbance of relatively large areas of mangroves. The fishing industry initiated this penalty increase proposal to raise the profile of vegetative habitats so that we all understand the value and the role that vegetative habitats play in fisheries production. In contrast, fines for taking several undersized barramundi are often greater than \$1,500. The loss of an area of mangroves, in that we are talking about the habitat for barramundi and other economic fish species, is considered by the fishing industry to be a greater crime than the taking and keeping of several undersized barramundi.

Seagrass has been included in the clause, because it plays a key role in sustaining local prawn populations and their commercial or recreational harvesting. Dead seagrass along foreshores is the equivalent of compost and contributes to the local fisheries production food chain by the slow release of nutrients into tidal waters.

I refer to two issues that have been raised by canegrowers about the impact of clause 26 of the Bill. Firstly, a permit may be required for levee bank maintenance by canegrowers if marine plants protected under the Fisheries Act are present on the bank. DPI Fisheries is jointly developing with the Canegrowers organisation a code of practice for on-farm practices involving marine plant removal. On that issue, consultation with farmers in key canegrowing districts has occurred already. The code of practice is reaching completion. I expect that it will soon be endorsed by the canegrowers and the Minister will soon be making some comment on it. The code will allow for three-year permits to be granted to local cane production boards or their equivalent and cover all canegrowers who hold cane assignments from these boards.

Mr Malone: It just needs commonsense.

Mr HAYWARD: Absolutely. As I said, in regard to that matter I think that the Minister will be making some comments very soon.

Secondly, a permit is required to control the ingress of mangroves onto cane land. The likely conditions for the removal of mangroves on such a permit would include permission to clear the bed of one bank of any drain and both banks if the drains are less than four metres wide. Headland movements of saltcouch would also be approved. Any acid sulfate soils exposed during works would

have to be identified and treated properly. Other conditions may relate to the advising of works to be done and the reporting on the completion of those works.

A permit fee is \$147. The amount of assessment fees vary depending on the extent of the works proposed, their impacts and assessment time—somewhere between \$100 to \$500. Generally, permits are issued for 12 months but they have been issued to local governments for up to three years for important work associated with mosquito control. I commend this Bill to the House.
