



Speech by

**Hon. RUSSELL COOPER**

**MEMBER FOR CROWS NEST**

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Hansard 25 May 1999

#### **QFMA; PILCHARD FISHERY TRIAL**

**Hon. T. R. COOPER** (Crows Nest—NPA) (11.50 a.m.): I wish to draw to the attention of the House the Minister for Primary Industries' bungled attempt to disguise the political assassination of the board of the Queensland Fisheries Management Authority and to expose how he misled the people of Queensland in regard to the purse seine pilchard fishery trial on the Sunshine Coast.

By way of background—Mr Gary Pinzone lodged a proposal for the establishment of the pilot fishery in March 1995. On 26 October 1995, the then QFMA board refused that application. Mr Pinzone subsequently appealed the decision to the Fisheries Tribunal, which, in due course, upheld his appeal and ordered the then QFMA board to issue the permit to conduct the fishing trial. Since then, Mr Pinzone has made a considerable investment in developing both the fishery and a pilchard processing business. As has been revealed, there have been nine dolphin deaths during the course of this trial. On 10 May 1999, the Minister secured his Cabinet's approval to sack the QFMA board, citing the deaths of nine dolphins in the purse seine fishery trial conducted by Mr Gary Pinzone and the apparent mishandling of the unfortunate incident by the QFMA board as his justification.

I am now in receipt of documents and advice from a number of sources which reveal clearly that the current Minister has deliberately misled the people of Queensland and maligned the reputations of the highly qualified QFMA board for his own political gain. I now table a copy of the minutes of the QFMA board meeting on 5 February 1999 and a letter dated 5 February 1999 from the now-sacked QFMA Chairman, Mr Jim Miller, to the current Minister, informing him of the board's actions on learning of the dolphin deaths.

In short, the board adopted the following resolution—

"That the Board—

1. Take immediate action to stop this fishery forthwith by both:
  - (a) emergency declaration prohibiting the taking of pilchards by use of a purse seine net from the date of gazettal; and
  - (b) commencement of a 28-day show-cause notice process as to why Mr Pinzone's permit should not be cancelled.
2. Conduct an immediate review into this fishery.
3. Not permit the fishing activity to recommence unless it can be clearly demonstrated that it will not result in dolphin mortalities.
4. Notify the Minister for Primary Industries and the Department of Environment and Heritage.
5. Advise the permit holder of this process and invite his response.
6. Conduct an internal review on why this matter was not brought to the Board's attention sooner."

That resolution was actioned immediately.

Importantly, I would emphasise that those actions are consistent with the provisions of the Fisheries Act 1994 and utilise the board's powers afforded to it under that Act. The fishery was closed under section 46 of the Act, which provides the board with the ability to issue emergency fisheries

declarations if "urgent action is needed to meet a significant threat to fisheries resources or a fish habitat or another emergency." However, section 46(6) specifically requires that—

"The fisheries agency must repeal the declaration as soon as possible after the fisheries agency is satisfied the emergency no longer exists."

And section 46(7) states—

"Unless it is earlier repealed, the declaration expires 2 months after it is gazetted."

That is the law.

The review into the fishery was conducted by dolphin expert Dr Peter Hale of the Centre for Conservation Biology, University of Queensland, who made a series of recommendations for the trial in his report *Ways in Which Dolphin Mortalities Might be Minimised or Avoided in the Conduct of a Purse-Seine Net Fishing Operation for Pilchards in South-east Queensland*. Those recommendations were adopted by the board and incorporated into Mr Pinzone's permit conditions. As the Act stipulates, once the QFMA board was satisfied that the emergency no longer existed, as a result of changes to fishing operations imposed by the new permit conditions, it must repeal the declaration as provided in section 46(6). Accordingly, the trial was allowed to start again.

It would therefore appear that the board fulfilled its responsibilities under the Fisheries Act 1994 with regard to the purse seine trial. If the board did not follow the letter of the law, its decisions could be subject to appeal via the Fisheries Tribunal. In fact, if the board did not fulfil its legal responsibilities, the Minister has still not provided any evidence to show that and justify its sacking. So who did not fulfil his responsibilities? That is clear. It is the Minister for Primary Industries. How? Because, firstly, he did his best to suppress the dolphin deaths.

At its meeting on 5 February, the board drafted a media release to inform the public of the incident and the reasons for the closure of that fishery. It subsequently advised the Minister for Primary Industries that the release should be issued. The Minister and his advisers were briefed fully on the issue. What was the Minister's response? "Don't do that. Keep it quiet." In fact, a number of the sacked board members have stated publicly that the Minister did not raise his apparent concerns with the board prior to his dismissal of them by way of media release. That is an absolutely extraordinary action on the part of the presiding Minister. Why would the Minister try to suppress the dolphin deaths? Was he trying to avoid public scrutiny? Or did the timing and the board's actions not suit the Minister's political agenda, aimed at later dismissing the board?

But as well as trying to suppress public access to information about the dolphin deaths, the Minister failed to fulfil his responsibilities on a second front. Despite having very clear powers under the Fisheries Act, he personally did nothing about the dolphin deaths—the deaths about which he has claimed publicly to be so concerned, and for which he has held the board fully at fault. While the Fisheries Act 1994 only gives the board the power to close a fishery for two months on an emergency basis, it clearly gives the Minister the power to intervene.

Section 30 of the Act, "Reserve power of the Minister to give directions in the public interest", allows the Minister to give the QFMA a written direction in the public interest because of exceptional circumstances with which the QFMA must comply. Before giving the direction, the Minister must consult with the QFMA. The Act then stipulates that the Minister must gazette a copy of the direction within 21 days and that the direction be included in the QFMA's annual report. Despite briefings from both the QFMA board and his department, the Minister did not use those powers. Despite calls from the recreational fishermen's organisation, Sunfish, in the *Sunshine Coast Daily* on 16 February for the Minister to make the closure permanent, the Minister did not take his apparent concerns or those of Sunfish to the board, nor did he use his reserve powers.

So while the Minister was apparently so publicly concerned—concerned enough to sack the board for using every power it was entitled to under the Act—he does not seem to have been concerned enough to talk to the board or to close the trial using his own very significant powers. The Minister has clearly shirked his responsibilities and has misled the people of Queensland. He has used these tragic dolphin deaths as nothing more than a tool to further his political objective of sacking the QFMA board to make way for the orchestrated introduction of his own politicised fisheries management structure.

On learning of the dolphin deaths, the board acted immediately to issue the emergency closure on that very same day. Even the Minister's spokesman in the *Courier-Mail* on 12 February conceded that. But then on 10 May, according to the Minister, it had not done enough and it was sacked. The QFMA board has been used as nothing more than a political scapegoat. What this Minister has done is to sack a highly qualified board, which happened to be appointed by the former Borbidge Government, and replace it with another interim board which includes a couple of old Labor mates. This has nothing to do with the board's actions. And later, by his own admission, the Minister conceded that. In his own media release on 10 May, the Minister said—

"The overhaul of Queensland's fisheries management had been a key plank in the Labor Party's election platform at the last State election."

"Dolphingate" is all about another Labor purge and another Labor pre-election deal. But once again, Labor has assassinated the reputations of a highly qualified and widely respected board to fulfil that deal.

Just to dispel any false aspersion that the former board was a political appointment, I want to remind all members that these were recommended to the former Minister following an open and transparent selection process—something this Government has consistently spurned. I would like to table a summation of the qualifications of those board members. It was not a political board. It was a board that has fallen victim to another malicious Labor hatchet job under one of the most deceitful Ministers Queensland's fisheries have ever seen. The Primary Industries Minister stands condemned.

As I said, I table the draft minutes of the meeting leading up to a letter that was written by the board chairman, Mr Jim Miller, a former director-general of Primary Industries, to that Minister on 5 February recommending the taking of those actions, and a list of all the appointees and their qualifications. I table all those for the benefit of the House.

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