



Speech by

**CHRIS CUMMINS**

**MEMBER FOR KAWANA**

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Hansard 20 August 2002

**FISHERIES AMENDMENT REGULATION [No. 2] 2002**  
**Disallowance of Statutory Instrument**

**Mr CUMMINS** (Kawana—ALP) (5.12 p.m.): I rise to speak to the disallowance motion in relation to the Fisheries Amendment Regulation (No. 2) 2002 (Subordinate Legislation No. 110 of 2002). The National Party opposition is attempting to disallow a Queensland Fisheries regulation enacted in June 2002 to prevent the commercial harvest of pilchards for human consumption. The regulation in question is section 35 of the Fisheries Regulations 1995. I believe, for several reasons, that the opposition's notice to disallow the regulation is without foundation. Not only is the opposition's motion without foundation, it also ignores the findings of the Scrutiny of Legislation Committee. The bipartisan Scrutiny of Legislation Committee is comprised of seven members of this parliament, including the members for Callide, Nicklin and the Tablelands. This bipartisan committee examined the lawfulness of the amendment regulation, section 35 of the Fisheries Regulation 1995, and concluded that it was legally valid in its report no. 23, tabled on 8 August.

The issue has been raised as to whether the amendment regulation is valid, given that a regulatory impact statement was not issued. The Scrutiny of Legislation Committee concluded in its report that it did not consider that a regulatory impact statement was required for the amendment regulation. Instead, a consultation process was carried out by the Department of Primary Industries prior to amending the regulation and the committee was satisfied that the consultative process was sufficient for the amendment regulation in question.

On 11 September last year, the DPI received an application to establish a developmental pilchard fishery in south-east Queensland waters. The consultative process included an advertisement placed by the Department of Primary Industries in the *Courier-Mail* on 3 November 2001 stating its intention to assess applications for the development of a pilchard fishery, making available an information paper. Submissions in response to the information paper were to be made by 3 December 2001. The DPI received 286 submissions, of which 262 were opposed to the proposal of a developmental pilchard fishery in Queensland waters. The negative response from the community prompted the Minister for Primary Industries and Rural Communities to make the decision to amend section 35 of the Fisheries Regulations 1995 to prevent the proposed large-scale commercial exploitation of pilchards.

I believe my community has demonstrated that it is against the establishment of a pilchard fishery in Queensland waters. In representing them, I must therefore support the decision made. Our government, taking into consideration the community disapproval for the proposed pilchard fisheries, introduced the regulation. The Minister for Primary Industries and Rural Communities made the decision to amend section 35 of the Fisheries Regulations 1995 to prevent the proposed large-scale commercial exploitation of pilchards. The amendment of section 35 of the Fisheries Regulations became effective in June this year in order to restrict the taking of pilchards for commercial purposes, including in the manner proposed by the applicant for the proposed developmental fishery and to remove the administrative discretion to issue a general fisheries permit in relation to the proposed fishery. Section 35 of the Fisheries Regulations 1995 now prevents the commercial harvest of pilchards for human consumption.

This government is committed to high standards of fisheries sustainability. It is this commitment from the government that will overcome the appalling legacy of the inept Borbidge government. The application sought to establish—

**Mr Seeney** interjected.

**Mr CUMMINS:** I did. It is actually in my electorate.

**Mr Rowell:** What about the \$5 million we put up?

**Mr CUMMINS:** The member for Hinchinbrook was a minister in that Borbidge government.

**Mr Rowell:** Yes.

**Mr CUMMINS:** The member agrees that he was a minister in an inept Borbidge government.

**Mr Rowell** interjected.

**Mr CUMMINS:** I hope the member is an opposition front bencher come the next election because he will really do a great job. He is an absolute disgrace!

**Mr Rowell:** You don't know what you are talking about. You weren't here. You listen to all the gobbledegook from the people opposite.

**Mr CUMMINS:** So the people of Queensland do not realise how inept the member was because we did not sit in this parliament? All of Queensland knew! That is why they threw you out.

**Madam DEPUTY SPEAKER** (Ms Liddy Clark): Order! The member for Kawana will direct his comments through the chair.

**Mr CUMMINS:** The application sought to establish a developmental pilchard fishery in the region between the Queensland and New South Wales border and Breaksea Spit at the northern end of Fraser Island. The fishery would have been established at a distance of about 800 metres from the shore of the Queensland and New South Wales border. Given the location of the proposed developmental fishery, the fish stock would be a communal resource shared largely by Queensland and New South Wales alike. Therefore, it is a relevant consideration in assessing the application that the New South Wales fishery has advised it does not support, that is, the proposal for a developmental fishery for pilchards in Queensland. During the consultative process, prior to amending the regulation, the New South Wales government expressed opposition to the proposal. The applicant was seeking to harvest up to 350 tonnes of pilchards per year, predominantly for the domestic human consumption market. There is also concern among stakeholders about the potential for expansion of the proposed fishery, once it is initially established.

The impact of the proposed fishery on predatory and other marine species is also of concern to the community. Pilchards are an important food source for many species. They are a primary food source for reef fish, whales and dolphins, as well as marlin and mackerel. There is a real concern that the removal of bait fish could have a major impact on the sustainability of these stocks. Removing the food sources of these fish will only increase the likelihood of further stock decline amongst recreational fish. Also, it was raised with me that dozens of professional fishermen may also face real issues and they, too, have families and they, too, have jobs.

It is important to recall some recent history about developmental pilchard fisheries in Queensland waters. A developmental fishery for pilchards operated in south-east Queensland waters using purse seine nets between September 1997 and October 1999. Concerns over the number of dolphin mortalities resulting from the use of the purse seine net led to the developmental fishery being closed in 1999. Legislation permanently prohibiting purse seine netting in Queensland fisheries was enacted in March 2000.

The opposition, as we have heard tonight, is attempting to disallow this regulation. It shows that the opposition has no regard for our community on the Sunshine Coast and no regard for the community's opinion. It also shows the National Party maintains a cavalier attitude to the important job of fisheries management. I continually hear that it is unaware of those people who spoke against it. I for one have been lobbied long and hard by a large number of people right across the Sunshine Coast. I am amazed that the member for Maroochydore is saying that to get this information she has to go to FOI. The minister, many other members and I were given this information. To hide behind that I believe is a complete untruth.

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