



Speech By  
**Hon. Mark Furner**


**MEMBER FOR FERNY GROVE**

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**FISHERIES (SUSTAINABLE FISHERIES STRATEGY) AMENDMENT BILL**

**Second Reading**

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries) (4.12 pm): I move—

That the bill be now read a second time.

I am pleased to speak on the Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018 and the report of the State Development, Natural Resources and Agricultural Industry Development Committee on the bill. Queensland's fisheries management framework is in desperate need of reform. Currently, decision-making processes are slow and unclear, and our ability to respond to issues such as black marketing lags behind other Australian jurisdictions. Our goal is for Queensland to have a system that represents international best practice for fisheries management, where Queensland leads other jurisdictions at home and abroad. Change needs to occur if we are to leave a legacy of sustainable fisheries for our children and grandchildren. That is why our government has introduced the Sustainable Fisheries Strategy and \$20 million in funding to support it. The bill will implement some of the key actions in that strategy.

The purpose of this bill is to modernise Queensland's fisheries management framework to enable us to meet the many challenges that lie ahead. The Palaszczuk government is committed to making our fisheries sustainable for the future, profitable for the commercial sector and enjoyable for recreational fishers. Our fisheries are a resource for all Queenslanders, whether they are making a living or fishing for enjoyment. We need to manage our precious public resources suitably.

The overwhelming message from stakeholders to a number of reviews since 2014 is that fisheries management must change. Doing nothing is not an option when the current system is not working. In 2017 the Palaszczuk government released the Sustainable Fisheries Strategy, outlining a vision for the future management of the state's fisheries. The modernisation of the Fisheries Act through this bill is a key step in providing the legislative foundations needed to support implementation of this strategy.

The proposed amendments to the Fisheries Act are intended to achieve four outcomes: firstly, modernise the objectives of the Fisheries Act and recognise the interests of key stakeholder groups; secondly, clarify the roles of the minister responsible for fisheries and the chief executive in the management of the state's fisheries to allow for more responsive decision-making through the use of harvest strategies; thirdly, strengthen the enforcement powers and penalties to address serious fisheries offences such as black marketing; and, finally, reduce complexity and remove redundant provisions.

The State Development, Natural Resources and Agricultural Industry Development Committee has considered the bill and has recommended that it be supported. I thank the committee for its comprehensive review of the bill and for discussing the issues facing our fisheries with individuals from all sectors. I acknowledge the committee's efforts to travel across Queensland to listen to communities

including Cairns and Moreton Bay. The committee heard from a wide range of stakeholders with diverse interests in the ongoing health of our fisheries. I also thank the committee for making the effort to join our Queensland Boating and Fisheries Patrol officers on-water to draw a direct impression of why these changes are needed. The committee has made a number of other recommendations that I would like to respond to.

A key component of the bill is to provide stronger compliance powers and penalties for serious offences such as seafood black marketing. The bill brings Queensland in line with other states by establishing a maximum penalty of 3,000 penalty units, currently \$391,650, or three years imprisonment for individuals convicted of trafficking in priority fish species. The bill as introduced defines a commercial quantity as being five times the recreational in-possession limit for priority species. The committee has recommended that 'commercial quantity' be redefined to a threshold that is significantly lower. While I support a tough stance on this issue, it is important that we meet legislative standards to ensure the penalty can and will be applied. Given the severity of the penalty associated with trafficking in priority fish in the bill, I believe that the current threshold—that is, five times the in-possession limit—is appropriate and in line with the seriousness of the offence. The government will undertake a review of the effectiveness of the provisions of the bill at combating black marketing of Queensland's fisheries resources in three years.

The bill also creates a new offence provision for failing to carry a vessel tracking unit or deliberately turning off a vessel tracking unit while at sea, with a penalty of up to 1,000 penalty units, currently \$130,550. This new penalty reflects the importance of vessel tracking to the future management of the state's fisheries. On 8 November 2018 an amendment was made to the Fisheries Regulation to require that vessel tracking equipment be fitted to commercial fishing vessels in Queensland's net, crab and line fisheries from 1 January 2019. The amendment to the regulation has been subjected to parliamentary scrutiny and was upheld.

At the early stages of drafting the bill the Palaszczuk government identified the need to safeguard information of fishers above and beyond existing safeguards. The bill establishes an offence for any inspector, Public Service employee, local government employee or delegate who inappropriately issues or disseminates such information with a maximum penalty of 50 penalty units, \$6,257.50. This will provide an additional safeguard beyond those provided by the Information Privacy Act 2009. Some submissions received by the committee expressed an opinion that this penalty was insufficient and out of step with the penalty for commercial fishers failing to comply with the new vessel tracking requirements. The committee has recommended that penalties for both these offences be at comparable levels.

I note the committee's recommendation. However, the current penalty is justified and consistent with Queensland legislation—for example, section 493 of the Biosecurity Act 2014. Any significant increase of this penalty would be a significant departure from established government policy. As such, the government does not support this recommendation. The government commits to reviewing the appropriateness of the provisions of the bill related to information security in three years.

At the request of the committee, I have been asked to clarify the nature of the indemnity provisions contained in contracts between fishers and third-party provisions of vessel monitoring systems. The management of vessel tracking data is delivered through the Australian Fisheries Management Authority and a memorandum of understanding. The contract between the vessel tracking satellite provider and the Australian Fisheries Management Authority requires data to be stored in a manner that satisfies Commonwealth government data security standards. Fisheries Queensland has confidentiality agreements with the providers. Independent of Fisheries Queensland, vessel tracking contracts between fishers and the providers have standard terms and conditions that limit liability of the company, and these contracts are still subject to Commonwealth and state consumer and privacy legislation that protects the rights of individuals.

I also want to take this opportunity to clarify that vessel tracking data is held and managed separately to data held by Fisheries Queensland. Fisheries Queensland has advised that no vessel tracking data is held with FishNet Secure, another fisheries information management system used by Fisheries Queensland. Some members may be aware that there was a brief period of unauthorised access to this database over the Christmas period. While this matter is currently being investigated, I can confirm that no vessel tracking data was accessed or available. The committee has recommended that the Department of Agriculture and Fisheries provide an update on the implementation of vessel tracking 18 months after the bill is passed. I am committed to reporting back to the committee and look forward to reporting on how vessel tracking has contributed to the sustainability management of our fisheries.

I also want to address some other matters raised in public submissions made to the committee. The first relates to the respective roles of the minister and the chief executive in decision-making processes under a harvest strategy. Through the bill, the Minister for Fisheries will be responsible for approval of harvest strategies which outline preagreed decision rules to achieve ecological, economic and social objectives that have been developed in collaboration with stakeholders. Once the harvest strategy has been approved by the Minister for Fisheries, the chief executive will be responsible for the day-to-day management and making fishery declarations in accordance with the harvest strategy.


The bill does, however, provide the Minister for Fisheries the capacity to direct the chief executive to make a different position other than that recommended through a harvest strategy. This requires the minister to publish a statement of reasons as to why it was necessary to depart from the harvest strategy. It is also important to note that all declarations made by the chief executive are considered subordinate legislation and must be tabled in the Legislative Assembly. As subordinate legislation, these declarations may be subject to a disallowance motion. All normal processes associated with the approval and scrutiny of fisheries legislation will continue to apply to the declaration made by the chief executive.

Concerns were also raised that the establishment of a 20-metre exclusion zone around the nets and baited drum lines used by the Shark Control Program would somehow affect the transparency of the program. Information on the Shark Control Program is published on the Department of Agriculture and Fisheries website. This amendment is to reduce the risk of people injuring themselves on Shark Control Program equipment. That will not apply to persons who pass through the exclusion zone on a boat without stopping. The nets and drum lines used by the Shark Control Program can be dangerous and the government is committed to ensuring the program operates effectively to protect swimmers and our beaches. I have personally been on the water for several hours with Queensland Boating and Fisheries Patrol officers and contractors involved in this program. I commend them for their hard work and their professionalism in protecting our patrolled beaches.

Finally, there were concerns from the Queensland Law Society with regard to the proposed powers to be granted to inspectors, specifically to enter a place without a warrant or consent or a reasonable notice period. The department has consulted with the Department of Justice and Attorney-General in drafting this bill. I note the concerns raised. The proposed powers are consistent with other legislation such as the Fair Trading Inspectors Act and is not establishing legislative precedent in Queensland. The bill provides fisheries inspectors access to businesses that deal in the buying, selling or processing of seafood under certain conditions without a warrant. This will not permit entry to any areas used for residential purposes, where a warrant will still be required.

The bill also provides a fisheries inspector with powers to access a vehicle where it is evident it has been involved in fishing activities and it is reasonable to inspect the vehicle to ensure compliance with the Fisheries Act. This does not extend to vehicles such as caravans that are set up as residential living quarters. No other changes to the fisheries inspector entry powers are proposed. Importantly, there are no changes that would allow access to tents, camp sites or any places used for residential purposes. This is a balanced approach between providing sufficient powers to effectively prevent black marketing and protect individual civil rights. The changes being made through the bill are part of the government's long-term strategy to ensure that our fishery resources are managed in a sustainable and responsible manner.

We all want our children and grandchildren to be able to enjoy a sustainable fishery, either for recreation or to support commercial fishing businesses or for all Queenslanders to enjoy local seafood. The bill will provide a framework to ensure that our fisheries will continue to provide economic, social and cultural benefits to the Queensland community well into the future. I note the committee's statement of reservation from members of the opposition, particularly in relation to vessel tracking.

 **Hon. ML FURNER** (Ferry Grove—ALP) (Minister for Agricultural Industry Development and Fisheries) (6.14 pm), continuing: The Palaszczuk government remains committed to rolling out vessel tracking, which is a key action under the Sustainable Fisheries Strategy. This was also a recommendation of the LNP government's MRAG review commissioned in 2014. In 1998 the former minister for primary industries the Hon. Henry Palaszczuk oversaw the rollout of mandatory vessel tracking in Queensland's trawl fishery. Despite strong opposition at the time, vessel tracking has since become a proven and vitally important part of this fishery's management strategy. Nevertheless, I understand this is a significant change for many of our commercial fishers. The government has recognised that assistance in managing the change was warranted. That is why \$3 million in rebates to support the cost of purchasing and installing vessel tracking devices has been made available to affected commercial fishers.

I am confident that the use of vessel tracking will help to modernise the management of our other fisheries and, along with harvest strategies, will help demonstrate that these fisheries are also sustainable. Vessel tracking is widely used in other Australian and international fisheries. It gives authorities better information on what vessels are doing and where they are operating. The department continues to work with commercial fishers to implement vessel tracking. I am pleased to advise that fishers have gotten on board and now have vessel tracking units in place. I thank them for working hard with the department to implement and design workable regulation that will help improve compliance and improve Queensland's confidence in the sustainability of their fisheries. There are now approximately 1,300 units that have been purchased from the providers, with approximately 550 activated, registered with Fisheries Queensland and polling. Since 1 January this year, Queensland Boating and Fisheries Patrol has focused on educating fishers and improving awareness of the new vessel tracking obligations. Vessel tracking will help secure the future of our commercial fisheries and clearly demonstrate that they are sustainable and compliant.

The government is continuing to pave the way for a world-class fisheries management system and has recently released a directions paper outlining management reforms for Queensland's priority fisheries. These reforms are the product of extensive consultation with all sectors. These changes, which will be implemented over the next 12 months, will help to ensure Queensland's fisheries rank amongst the best managed fisheries in the world. Recently I have been out talking to stakeholders, with the majority supportive of the proposed changes to the Fisheries Act and the direction we are taking. Many are saying that it is long overdue and will finally enable Queensland to have more contemporary, responsive and best practice fisheries management.

I want to emphasise that many of the provisions in the bill will not have a major impact on ordinary fishers. These provisions will have an impact on those who are doing the wrong thing. That is the case if they are black marketing seafood or whether they are flouting the rules that govern private access and profit from our precious public resources in the fisheries. We need to emphasise that these resources belong to all Queenslanders. We need to take action and adopt policies that keep our fisheries sustainable. The illegal take of seafood is a real and present danger to that goal. It has a real impact on jobs and employment in the industry. The unlicensed selling of fisheries resources undermines the legitimate commercial fishing industry and threatens Queensland's reputation as the producer of high-quality seafood. These concerns were echoed by many industry stakeholders in the consultation. They know that any person doing wrong casts an aspersion on the acts of everyone operating in the fishery and undermines the efforts of so many to demonstrate sustainability over a long period of time. These laws will help crack down on these opportunists.

Similar concerns were raised with me by a professional crabber in Hervey Bay who took the time and effort to show me how his business operates and his concerns for the future. He is one of the many commercial fishers who are serious about the future of their industry, who thinks about their markets and consumer needs and who is passionate about their product.

I want to give just one example of the blatant black marketing and illegal take of seafood that has occurred over the past year. I commend the officers involved for their actions. In April last year, an angler at Somerset Dam took a gross excess of red claw from that dam. By way of background, red claw has a possession limit of 40. This offender had around close to 200 in his possession—more than 133 kilograms. Eighty-two freshwater traps were seized along with a 4.5-metre catamaran and a kayak. This was clearly not an amateur or off-the-cuff operation and nor was the person involved a first-time offender.

A restaurant manager, who said he bought the red claw for a staff party and did not intend to sell it, was fined \$1,000 after pleading guilty to one count of selling seafood without an authority. Yesterday, we took this message of deterrence further. As the boat was so illegally modified that it could not be sold, we determined that stronger action was needed. We crushed that boat and we will crush other boats as required. We will not abide black marketing in Queensland.

I would like to acknowledge those Queenslanders, especially on social media, who expressed their support for strong penalties against black marketing. If fishers are thinking about breaking the rules, they had better be ready to risk losing their fishing boat. To reinforce that message, the forfeited vessel has recently been displayed at prominent boatramps in South-East Queensland. Our new offence will play an important role in stopping and deterring this kind of conduct.

It is clear that more action needs to be taken. I make this point to emphasise that black marketing is a real issue. We need to support our fisheries staff, including our patrol officers, by giving them the powers that are operationally appropriate and necessary to carry out their enforcement duties and objectives. We did not fund 20 new officers on the fisheries beat without reason. Those officers are passionate about their work and we in the government are passionate about giving them the tools they

need to stop black marketing and support fisheries compliance. That is why we are giving inspectors the powers to do their work properly, in full compliance of public expectations, so that people who are doing the wrong thing can be stopped. That is in the public interest.

The same principle underpins our movement to harvest strategies in the bill. This bill is an opportunity for our parliament to move our current outmoded system to a best practice framework in line with Queensland's rightfully high expectations of the management of our precious public resources. All sectors will have a role to play in ensuring the health of our fisheries now and into the future. This bill is this parliament's opportunity to create that legacy for our children and our grandchildren.