




Speech By  
**Patrick Weir**

**MEMBER FOR CONDAMINE**

---

Record of Proceedings, 27 February 2019

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

 **Mr WEIR** (Condamine—LNP) (6.48 pm): I rise to make a contribution to the Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018 as a member of the State Development, Natural Resources and Agricultural Industry Development Committee. The Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018 was introduced into the Legislative Assembly and referred to the committee on 4 September 2018, with a reporting due date of 2 November 2018. The committee heard at the departmental briefing by Mr Scott Spencer, the Director-General of DAF—

In 2014, the previous government had an independent inquiry by MRAG Asia Pacific, led By Professor Glenn Hurry. That report was released in 2015 ...

...

... the current government then released a green paper on fisheries management in Queensland. We received a very large number of submissions—11,800 submissions—to that green paper. Over 10,000 of those were from the conservation sector.

A discussion paper was released for public consultation for a period of nine weeks from 16 March 2018 to 20 May 2018. At the committee's public briefing in Brisbane, Mr Scott Spencer spoke about the intention to modernise the Fisheries Act, stating—

For the first time, the legislation will recognise the fact that there are different sectors in the fishing industry. We often get the response that the act is all about commercial fishing, which is not unusual given that that is where the majority of restrictions apply. However, the new legislation before you will actually recognise for the first time recreational, commercial, charter fishing and Aboriginal and Torres Strait Islander fishing as all part of the very complex area and stakeholders that we manage.

This aspect of the bill had general support. This was evidenced by Ms Hance, President of the Queensland Game Fishing Association. She stated—

With an estimated five million Australians going fishing each year and spending \$10 billion a year in doing so, we are pleased that recreational and charter fishing have been formally recognised for its economic, social and environmental contribution to the Queensland and Australian economy and communities.

The bill will introduce a harvest strategy framework into the act, which was met with a mixed response. Ms Claire Anderson from the department, whom I notice is here tonight, stated about a harvest strategy—

They will cover all sectors, so commercial, recreational and charter. A harvest strategy will pick out key indicators that measure the performance of a fishery. For the commercial sector, for example, it may be catch rates.

An example of this was the coral trout fishery which has recently been granted a quota catch increase due to increased catch rates. Ms Anderson further commented—

We also have other indicators such as biomass, so we estimate through modelling how much biomass of a particular fish stock is available and we can see whether it is trending up or down.

This aspect of the bill was the subject of some difference of opinion, although the desired outcome was supported by Mr Kleinschmidt, a commercial and recreational fisherman in Moreton Bay. He told the committee—

We should not be at a point where we have to shut a fishery down because the biomass is not there. We have to be one step ahead of that. We cannot let any fishery get to that point. It has to be stopped before that point.

The concern expressed by industry was around the validity of the data. At the committee's hearing in Scarborough Dr Pollock, Scientific Adviser, Sunfish Queensland, commented—

The biomass model is basically a mathematical model that you plug data into and you get some information out of. The mathematical model is not too bad, but the data being put into it is pretty dodgy, to say the least.

Mr Spencer responded by stating that biomass was only one tool used for the collection of data. He stated—

Currently we collect data from commercial fishers by way of log books, via their VMS so we know how many days they are operating. We collect it from the charter boats through log books.

...

We are doing our boat ramp surveys for recreational fishers, because one of the areas in which we were probably deficient in data was recreational fishing. It is so difficult to collect it.

As acknowledged earlier, there is support for the strategy. However, the department needs to work more closely with industry to ensure the reliability of that data.

In relation to the clarification of the decision-making process, the minister will maintain responsibility for a strategic oversight of Queensland's fisheries, including the approval of harvest strategies and relocation decisions. The chief executive will be responsible for day-to-day management. The department advised the committee—

It is important to note that the proposal is for the chief executive to be able to adjust possession limits and total allowable commercial catch only if it is outlined in a pre-agreed harvest strategy which has been approved by the Minister for Fisheries after public consultation.

All declarations made by the Chief Executive are considered subordinate legislation and must be tabled in the Legislative Assembly and may be subject to a disallowance motion.

One area of the bill that received almost unanimous support was the need for tougher enforcement on black marketing. In an effort to combat black marketing, the bill will introduce a new offence of engaging in trafficking activity for priority fish. If the trafficking relates to a commercial quantity, which is currently five times the recreational bag limit, the maximum penalty will be 3,000 penalty units, \$391,650 or three years imprisonment. Otherwise it will be 1,000 penalty units.

The committee has recommended the commercial quantity limit be reduced from five times to a much lesser amount. If anyone is caught with five times over the bag limit, it is not a mistake. That recommendation has been ignored by the minister.

By far the most controversial aspect of this legislation is the introduction of the vessel monitoring system. This is not surprising given the sneaky way this government has gone about introducing this aspect of the legislation. The laws for implementing VMS were introduced by regulation, tabled in this House on 13 November 2018. This has meant that the regulation is already in effect as of 1 January 2019, with no opportunity to debate it in this House. The bill we are debating today only deals with the penalties for noncompliance. As of 1 January 2019 VMS must be fitted to all commercial net, crab and line fishing vessels and charter vessels by 1 January 2020.

The proposed purpose of VMS is to prevent fishing in protected zones and to assist in addressing black marketing as all commercial vessels will be tracked in real-time. The industry has expressed strong concerns around the protection of data collected by VMS as it is the intellectual property of the owner and takes years to collect. This data is the most valuable resource the fishing operator has.

The penalty for not having a VMS installed and operating properly and interfering with its operation will be 1,000 penalty units or \$130,550. Conversely, if the data is leaked or sold on the black market, the penalty is 50 penalty units or \$6,500. The committee finds this grossly inadequate and has recommended that the penalty for breach of the data reflect the penalty for noncompliance. This is another recommendation that the minister has ignored. There were concerns raised as to the reliability and durability of the VMS in certain conditions and the impact that that would have on the fisher if the system failed. The committee has requested an update on the implementation of VMS in 18 months.

Once again we see the Palaszczuk government overstepping the mark when it comes to powers of entry, without the need for a warrant by a departmental inspector. The same applies in the vegetation management laws. If a police officer suspects there may be drugs or a dead body at a premises they would need a warrant to enter, but if a fishing inspector suspects there may be an undersized mud crab at a seafood shop, they do not require a warrant.

The last part of this bill that I will touch on briefly is the new offence of being inside an exclusion zone within 20 metres of a shark control apparatus. This is an attempt to prevent the deliberate sabotage of shark prevention devices. This is supported where those devices are in place.

It was apparent during the committee hearings that there was a lack of trust between the fishing industry and the government. There needs to be urgent attention given to building that relationship going forward.

I must say that I am very disappointed that the significant recommendations put forward by the committee have been ignored. They were endorsed by the entire committee. We all voted on them. We all endorsed those recommendations. They were significant concerns. They were the major concerns as we went through this process.

The minister has once again disappointed. He has failed to represent the very people that he is charged to represent. He has let down the commercial fishermen of this state. I am extremely disappointed. I feel sorry for the rest of the committee members, particularly those on the Labor side, who have to rewrite their speeches to defend that position. It is an atrocious decision.

Debate, on motion of Mr Weir, adjourned.