



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**PROOF**

**REGULATIONS AND DETERMINATIONS**

**Small Pelagic Fishery Total Allowable  
Catch (Quota Species) Determination 2012**

**Disallowance**

**SPEECH**

**Wednesday, 22 August 2012**

BY AUTHORITY OF THE SENATE

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## SPEECH

<p><b>Date</b> Wednesday, 22 August 2012  <b>Page</b> 89  <b>Questioner</b>  <b>Speaker</b> Whish-Wilson, Sen Peter</p>	<p><b>Source</b> Senate  <b>Proof</b> Yes  <b>Responder</b>  <b>Question No.</b></p>
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**Senator WHISH-WILSON** (Tasmania) (17:43): I move:

That the Small Pelagic Fishery Total Allowable Catch (Quota Species) Determination 2012, made under subsection 17(6)(aa) of the *Fisheries Management Act 1991* and under section 17 of the Small Pelagic Fishery Management Plan 2009, be disallowed.

Something quite extraordinary happened in my home state this afternoon that relates directly to the debate on the Greens's disallowance motion in the Senate tonight. I would like to table a document in the Senate that relates to a motion that was passed in the Tasmanian lower house, the House of Assembly, today.

It was quite extraordinary in the sense that from what we can gather from the Greens here federally it is the first time that we have seen tripartisan support for a conservation outcome. It is the first time that Liberal and Labor MPs have broken ranks with their federal MPs on a conservation issue. I seek leave to table a document.

Leave granted.

**Senator WHISH-WILSON:** I start by reading it. I had a speech prepared but I think this summarises a lot of the issues upfront and then I will address a couple of key points. The final amended motion passed reads as follows:

That this House

1. Notes that:

(a) The growing community concern and disquiet over the potential arrival of the super trawler, FV Margiris, to operate in Australian waters to fish the small pelagic fishery;

(b) The questions raised regarding the potential impact of the increased quota of 18, 000 tonnes per annum on local fisheries;

(c) This is a matter for Federal authorities who are responsible for access to ports, fishing in Commonwealth waters and the setting of quota in those waters;

(d) That the Tasmanian local recreational and commercial fishing communities remain strongly opposed to the FV Margiris operation and have held large protest rallies around the state to stress their concerns;

(e) Both the Tasmanian Greens and the Tasmanian Liberal parties have publicly voiced their respective opposition to this proposed super trawler, with the shared concern that the Federal Labor Minister, Senator Joe Ludwig, has failed to demonstrate that this commercial fishery activity will be sustainable and will not cause localised depletion off Tasmania;

2. Requests the Speaker to write to Senator Ludwig, to advise him that the House will not support the FV Margiris operation in Australian waters and waters around Tasmania until the Parliament can be satisfied that the vessel and proposed harvest strategy will not adversely impact on the recreational fishery.

3. The House recognises the need for a balanced approach between the needs of a sustainable commercial fishing industry, access for recreational fishers and appropriate marine conservation outcomes.

What is very important about this motion passed by the lower house is that, in a state that is divided by conflict, we have seen a rare glimpse of all political parties putting aside politics and coming together on an issue that is very important to the community.

The issues relating to the super trawler have been around for three or four months—in fact, the issues internationally relating to concerns and the risks posed by super trawlers to commercial fisheries, recreational fisheries and ecosystems have been around for years. The super trawler as a large fishing vessel that targets the small pelagic fishery has come to symbolise to lots of people everything that is wrong with the overfishing that occurs in the world's oceans.

While I commend the lower house in Tasmania's parliament for their brave stance on supporting both recreational fishers and conservationists, I make it very clear that standing behind the motion from Tasmania today are both recreational fishermen and conservationists working side-by-side to get a conservation outcome. This is not something that we see very often and, while it is powerfully symbolic

and very important in so many ways that we see the old divisions being put aside, it does not have any teeth in preventing this super trawler from operating in Australian waters. Today we are proposing to debate and seek the support of fellow senators in the chamber to disallow the quota that has been set for the small pelagic fishery.

This is not something that the Greens have done lightly. We have been speaking to the Minister for Agriculture, Fisheries and Forestry. We have put two series of complex, well researched questions on notice. We have met with AFMA. We have met with one of the chief AFMA commissioners and scientists who supports the super trawler. We have met with all recreational fishing groups and conservationists and only in recent days I have met the proponent, Seafish Tasmania.

Moving this motion has not been done lightly and we have done it as a last-ditch attempt to get parliament to debate this issue tonight and get support for what the public are clearly saying, which is: 'This super trawler shouldn't be allowed to operate in Australian fisheries until key risks have been addressed.'

I understand it is quite likely that the Greens are going to be criticised for shutting down a fishery. I also understand there are a number of fishermen out there who have investments in fisheries equipment and it creates some uncertainty. This is also something we have taken into account. The small pelagic fishery for which we are asking for the quotas to be disallowed for all intents and purpose was not fished last year—99.6 per cent of the quota was not fished. In large zones of the fishery, the small pelagic has not been fished for eight to 10 years.

We understand potential issues with investor uncertainty and operators in this industry but we feel that the risks posed to recreational fishermen, other commercial fishermen and ecosystems by the lack of a management plan that addresses the risk of allowing a super trawler to operate in Australian waters far outweigh the potential negatives that we may see by shutting down the quota. We also understand—and I am happy to stand corrected on this—that the government can introduce a new set of quotas fairly quickly once the issue has been properly looked at.

I mentioned earlier that there were concerns from the recreational fishing groups. The key concern relates to local fish depletion. A trawler this size has the capability to stay out at sea for months on end, and has very large refrigeration units, very large nets and all the best technology in the world for catching fish.

The concern is that this trawler could deplete fish in any given area, and that would have an impact on local ecosystems and local fishing activity.

I heard the proponent, Seafish, this morning on the radio saying that concerns about local fish depletion is misinformation being peddled by the Greens. I have been involved for three months with various stakeholders, and I know that the local fish depletion issue was brought to the Greens by recreational fishermen. It is not the Greens who are peddling this information, nor is it recreational fishermen. This is a valid community concern and there is disregard for a large number of Tasmanians and a large number of Australians who enjoy fishing. Localised depletion is where fishing reduces the abundance of fish in an area for a period of time. That is the technical definition. I heard a fisherman at a rally in Hobart recently say: 'It's when one of the world's largest supertrawlers comes to your local fishing spot, takes lots of fish and buggers up your fishing.' That is to put it in another way.

What is very encouraging to me, to the Greens and also to those outside this chamber who have concerns about this issue is the scientific report that was released yesterday by a number of key eminent scientists in this country. I would like to read a couple of conclusions from that report. This relates directly to the issue local fish depletion. It says:

Fishing should be spread out so as to avoid localised depletions, especially in relation to any local ecological 'hotspots' where there is particularly strong local dependency between predators and prey (e.g. in the vicinity of some seabird rookeries).

In the final paragraph in the conclusion of the report, the scientists say:

However given uncertainties about detailed movement patterns of several of the species targeted in the SPF, it would be prudent to distribute catches to minimise the chance of local depletion. This is consistent with global scientific advice on best practice for managing such species.

In terms of the science on this issue, it seems like everyone is in agreement. The scientists are in agreement, and these scientists have been involved with this fishery for a long period of time. Some of them are very well respected in terms of their publications and their standing in the community in Hobart. I would like to acknowledge that on the record tonight. We have never intentionally set out or implied that we do not respect the work of our scientists in our Commonwealth or state fisheries—quite the opposite. Scientists are saying it, local rec fishers are saying it, and conservationists are saying it.

To highlight the issue of local depletion with rec fishers, the government set up a working group several weeks ago. The working group brought in a number of stakeholders who had concerns about the impact that a supertrawler may have on their local fisheries. It is now common knowledge that that working group has fallen apart. The local fishing groups have walked. Their key concerns were very simple. They did not believe that this local fishing issue about depletion had been addressed in any detail. The report released yesterday, which I just mentioned, has been talked about today on every radio station around the country by the scientists involved. While it says that more work needs to be done to address this issue in a management plan, why hasn't it been done already, and why wasn't it in the report today?

Rec fisher groups started asking questions on rumours that they had heard that one of the largest trawlers in the world was coming to Tasmanian waters to fish the small pelagics, which are forage fish that big fish such as tuna feed on. They heard this rumour back in March and started speaking to their elected representatives and other people. It is now nearly the end of August. We asked the fisheries minister detailed questions about local depletion back in June. Only yesterday did a research report arrive that acknowledged that this is an issue for the management of this fishery, but it does not say how that local depletion is going to be managed or what science we have to address that at this point in time. If our disallowance motion is supported, it will give the government a chance to step back from this process and put in place regulations—whether it is adjustment to the Fisheries Management Act or whatever the appropriate format is that satisfies the stakeholders in this debate.

The other issue on which the rec fishers walked from negotiations was that they did not feel that a voluntary agreement would satisfy them. The Greens have said publicly that they did not feel that a voluntary agreement would work. A legislated agreement was what the fishermen were asking for—a legislated agreement that provides safeguards for the risks of local fish depletion. Conservation groups have a larger list of requirements as well: guarantees of 24-hour monitoring on a vessel this size and lots of issues surrounding the potential for by-catch, which is when local sealife is killed by a large trawler—which happens all the time. These issues can be worked through. I would urge the other senators, especially those from Tasmania who have seen such a strong message from our state, to take note of the concerns. In the *Sydney Morning Herald* today there was an article with the headline 'Angling for power'. It talks about the power of rec fishers in this country when they come together to get outcomes.

I want to stress that it is not just the Greens and conservationists who have valid concerns about ecosystem impacts. Rec fishers are one of the largest lobby groups in the country. I have not heard one of Senator Boswell's infamous rumblings about rec fishers and how the armies of Armageddon, armies of rec fishers, are going to march over the horizon and tread on the Greens, but I understand that there are nearly five million across the country—which is a large number. A lot of them have concerns that need to be addressed.

We all agree that more scientific research needs to be done, we all agree that we could tighten up regulations and we all agree that risks need to be addressed before we let this supertrawler operate in Australian waters. One question that I have been asked in recent days when speaking to media and to a number of constituents is: why is this supertrawler coming to Australia? The technical answer is that we have an underutilised fishery. It is not economic to fish these fish because they are low value and it is high cost. That is why the fishery is not being utilised at the moment. Only a supertrawler has the capacity to fish these waters economically.

There is also a bigger issue here—a desire or a dream to use Australian protein from these small pelagic fisheries to feed the world. It is a sad irony that we may use our small pelagic fish to send to and feed countries like Africa who have had their local waters depleted by exactly the same supertrawlers. This is just one of many issues of concern that the community have with this boat. That may be scientifically valid and it may be that daily egg production method studies show that this fishery is sustainable into the future. But that work has not been done yet either. None of that work has been done for eight to 10 years in this fishery. I understand it will happen if the boat arrives and the company pays for it. This is another issue that conservationists would like addressed.

There is also a lot of very strong public concern about the process that has led to the quota allocation—the AFMA process. We have seen significant media on that in recent weeks. The only way we can allay those concerns is to revisit the quota allocation process—stand back, take our time and do this properly. It is my job as a parliamentarian, as it is the job of everyone in this chamber—and I am learning these things very quickly—to represent my constituents, voters for my party, and all concerned Tasmanians, on this issue. Once again, I applaud all the MPs in the lower house of Tasmania today—Labor, Liberal and Greens—for presenting such a strong message to their federal counterparts here tonight that they do not want this supertrawler to operate in Australian waters without the appropriate checks and balances put in place. Only

we can put checks and balances in place, and we need to do it now. This boat is due to arrive in Australian waters any day. Any day now we have the potential for more public concern and an escalation of this conflict. It is our duty as parliamentarians to take action.

I know that a lot of my federal counterparts in the Labor Party have concerns about this—it is all documented in the media. I have had discussions with my Liberal senator counterparts, and I know they take this issue seriously as well. I am not pointing fingers at anyone; I am just saying, 'Listen to the spirit of Tasmania tonight.' It is not very often we see such a divided state come together and vote on a conservation outcome. We need to listen to and take note of what they have done and we need to take action on this tonight.