**FISHERIES (SOUTHERN ZONE ROCK LOBSTER FISHERY RATIONALISATION) BILL 1987**

**Legislative Council, 10 September 1987, Page 875**

Second reading

**The Hon. J.R. CORNWALL (Minister of Health)**: I move: That this Bill be now read a second time.

As this Bill comes from the other place, I seek leave to have the second reading explanation inserted in Hansard without my reading it.

Leave granted.

**Explanation of Bill**

This Bill provides for the rationalisation of the number of rock lobster licence holders in the southern zone fishery, the establishment of a primarily industry-based rationalisation authority to oversee the rationalisation, for payment of compensation to those licensees who voluntarily leave the industry, and for repayment of compensation moneys by remaining licensees.

By way of background, the South Australian rock lobster fishery is currently fully exploited with greater fishing capacity than is required to take the available catch. In addition, the continual introduction of new technology and new techniques results in further increases in this excess effort. Assessment of the industry has clearly indicated that, due to this excess, the economic returns to the fishery are significantly less than could be obtained as well as there being the potential for a slow run-down of the stock due to the need to fish harder to maintain a share of the catch. Numerous reports, since 1978, have indicated that the viability of the fishery would be significantly increased by reducing the number of participants in the fishery. The long-term yield from the fishery would remain the same.

Following the introduction of a number of less effective measures aimed at reducing the effort in the fishery and improving the viability, the Department of Fisheries and the industry conducted a two-day workshop in June 1986 at Millicent to assess the effectiveness of past measures and identify future options. This meeting supported the rationalisation option. During May 1987 a referendum of all licence holders in the southern zone rock lobster fishery was conducted by the South Australian Fishing Industry Council and the South-East Professional Fishermen's Association to determine support for the rationalisation scheme. The majority of licence holders (51.5 per cent) supported implementation of the scheme. During the period May to July 1987 a series of meetings was held between officers of the Department of Fisheries and delegates of the southern zone ports to discuss and finalise the details of the scheme.

It is proposed that the number of licence holders in the southern zone rock lobster fishery be reduced by the equivalent of 40 average licences (that is, approximately 2400 pots) through voluntary surrender of pot entitlements and licences to a rationalisation authority. The rationalisation authority would consist of an independent chairman, 14 representatives of the southern zone rock lobster fishery; two each elected by the properly constituted fishermen's associations in Kingston, Robe, Beachport, Southend and Carpenter Rocks, and four elected by the properly constituted fishermen's association at Port MacDonnell, the Executive Officer of the South Australian Fishing Industry Council, a representative of the South Australian Department of Fisheries and a representative of the South Australian Government Financing Authority.

It is proposed to compensate licensees for the voluntary surrender of their pot entitlements and licences and for the remaining licensees, who will benefit from improved viability in the fishery, to contribute, according to the pot entitlements held, to the cost of providing that compensation. Vessels will be disposed of separately on the commercial market by those licence holders voluntarily surrendering their licences and pot entitlements to the rationalisation authority. Under the proposal, the Minister of Fisheries will borrow up to $6.5 million for distribution through the rationalisation authority to those fishermen who voluntarily surrender their licences. Funding is to be provided by the South Australian Government Financing Authority. In addition, an application has been made for contributory funding from the National Fishing Industry Adjustment Committee, a committee formed by the Commonwealth Government to provide funds to assist Australian fishing industries seeking rationalisation.

The documentation distributed to industry during discussion on this scheme provided indicative estimates of the value to be paid for the surrender of a pot. The actual value that will be paid will be determined by the authority at its first meeting. The price to be paid per pot will remain constant throughout the rationalisation period. The rationalisation period is defined as the time required to remove the 2400 pots or two years, whichever is the lesser. To avoid speculation in licences prior to the introduction of the proposed scheme, the transfer provisions in the 'Scheme of Management (Southern Zone Rock Lobster Fishery) Regulations, 1984' have been removed with industry concurrence. It is proposed that transfer provisions only be provided during the rationalisation period within the family or to the rationalisation authority. It is further proposed that, if the rationalisation period extends for the full two years, that transfer provisions will not be returned to the fishery until nine months after that period has elapsed. This is to provide a disincentive for licence holders not to sell to the ration­alisation authority towards the end of the rationalisation period.

The funds borrowed to compensate fishermen who voluntarily surrender their licences will be recouped by licence surcharge over a 10-year period. The surcharge will be payable quarterly from the date of implementation of the scheme and is expected to be of the order of $ 100 per pot. The Act only allows the implementation of the surcharge for defraying the net liabilities of the scheme. To ensure some proportionality in removal of licences along the south-eastern coastline, the Act provides for acceptance of licences voluntarily surrendered in the first 18 months to be based on the distribution of pots between southern zone ports at the commencement of the scheme.

To reduce the costs of the scheme to the authority and therefore industry, the Department of Fisheries will be responsible for receiving and processing applications (submitted by certified mail) at the direction of the authority. The authority itself will not see any personal details of applicants such as licence number, boat name, licence holder's name, etc.; the only information made available will be the port name and the pot allocation. This will avoid nepotism (favour to relatives) or patronage (beneficial treatment) towards any applicant who voluntarily surrenders his/her licence and pot entitlement.

All southern zone rock lobster fishery licence holders will be advised in writing of the procedures associated with the scheme (including the requirement for lodgement of applications by certified mail) prior to its implementation. Licence holders will not be able to split their licences—this applies particularly to holders of State and Commonwealth licences, and also to the holders of Victorian and South Australian rock lobster licences. An application for voluntary surrender of a licence and pot entitlement from either of the above two categories of licence holders will not be considered by the rationalisation authority. It is the Department of Fisheries' intention (resources permitting) to provide for monitoring of the southern zone rock lobster fishery during the course of the rationalisation scheme. This will include monitoring of the stock/recruitment relationship and the economic condition of the fishery. It is not intended to introduce any further restrictions in the fishery other than those required for resource conservation purposes. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 provides for commencement on a proclaimed day.

Clause 3 defines certain words and expressions used in the Bill. In particular, 'the rationalisation period' means a period of two years or that required to remove the equiv­alent of 40 average vessels (that is, 2 400 pots) from the fishery, whichever is the lesser.

Clause 4 provides for the formation of the Southern Zone Rock Lobster Fishery Rationalisation Authority, which comprises 18 members appointed by the Minister of Fisheries. Representation consists of a presiding member (approved by the Minister of Fisheries), four appointed on nomination of the Port MacDonnell Professional Fishermen's Association, two are appointed on nomination of the fishermen's associations of Kingston, Robe, Beachport, Southend and Carpenter Rocks, one appointed on nomination of the South Australian Fishing Industry Council, one employee of the South Australian Department of Fisheries and one appointed on nomination of the South Australian Government Financing Authority. The clause also provides for the authority to conduct business in the absence of the Chairman or a member and outlines provisions for the replacement or removal of a member. In addition, it provides for immunity of members from liability.

Clause 5 provides for the procedures of the rationalisation authority meetings. In particular, 10 members constitute a quorum and a decision in which a majority of the members present at a meeting concur is a decision of the authority.

Clause 6 provides for the functions of the authority, namely, the assessment and acceptance of voluntary offers of surrender of licence.

Clause 7 provides that the authority has access, with the approval of the Minister, to the services of employees and/or facilities of Government departments.

Clause 8 provides for the transfer provisions that will apply during the rationalisation period, namely, to a member of a licensee's family only. If the rationalisation period is two years, transfer provisions will not be reintroduced until nine months after the period. When transfer provisions are reintroduced, a licensee cannot transfer his or her licence unless the licensee pays the accrued liability she or he has as a result of this Bill.

Clause 9 provides for the authority to assess and accept an application from a licensee to surrender a licence during the rationalisation period, in considering surrender applications, the authority must for the first 18 months of the rationalisation period ensure, as far as possible, that the distribution of pots between the southern zone ports at the commencement of the scheme is maintained. Otherwise applications must be considered in the order they are received.

Clause 10 provides for compensation for surrender of licences to be paid to former licensees. The amount to be paid per pot for surrender will be determined by the rationalisation authority and fixed by gazettal notice within three months of the rationalisation period. Once determined, this amount will remain for the full rationalisation period. The amount paid will be the value per pot determined by the authority multiplied by the number of pots allocated in respect to the particular licence less any amounts owing by the licensee by way of surcharge. On acceptance of a sur­render application, the Minister will pay the surrender value to the licensee within 21 days.

Clause 11 provides that the net liabilities under the Act will be recouped to the Fisheries Research and Development Fund by means of a surcharge on licence fees payable by remaining southern zone rock lobster fishery licensees. The Minister will have the power to impose the surcharges, vary their amounts and give direction as to payment. If a licensee fails to pay the surcharge or an instalment of the surcharge, on recommendation of the rationalisation authority and by notice in the Gazette, his or her licence may be suspended or cancelled. Net liabilities of the fund under this Act relate to the aggregate of the amounts paid to former licensees for the surrender of their licences to the authority, the interest and charges in respect of loans associated with the Act, any costs in administering the Act less the amounts received by surcharge imposed under the Act.

Clause 12 provides for the Minister to borrow money for the purpose of the proposed Act, and any money so borrowed will be paid into the Fisheries Research and Devel­opment Fund.

Clause 13 provides, if the target number of pots is surrendered before two years, the rationalisation period must be declared ended by notice in the Gazette.

Clause 14 provides for the authority to prepare quarterly reports to be made available to the Minister of Fisheries and each southern zone port association, Clause 15 enables regulations to be made.

**The Hon. M.B. CAMERON (Leader of the Opposition):**

This Bill is introduced as a result of a move by fishermen in the South-East of South Australia—

The PRESIDENT: Order! When a second reading explanation has been made there must be either a suspension of Standing Orders or the moving of Contingent Notice of Motion No. 1 to enable the debate to proceed without waiting until the following day.

**The Hon. J.R. CORNWALL (Minister of Health);** I move: That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

The Council divided on the motion:

Ayes (17)—The Hons G.L. Bruce, M.B. Cameron, J.R. Cornwall (teller), T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, CM. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, Carolyn Pickles, R.J. Ritson, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Noes (2)—The Hons M.J. Elliott (teller) and I. Gilfilian.

Majority of 15 for the Ayes. Motion thus carried.

**The Hon. M.B. CAMERON (Leader of the Opposition):**

After that short interlude, I shall proceed with my remarks. The southern rock lobster industry has been around for a long time. I guess there are members in the Council who would say the same about me—and that is true. I first became associated with this industry in a minor way in the 1940s, when as a young person—

*The Hon. J.R. Cornwall interjecting:*

**The Hon. M.B. CAMERON:** Yes, I still had hair—I used to assist several fishermen in my now hometown of Beachport. So, I think I could claim to perhaps have more knowledge than most members in this place of the southern rock lobster industry. Secondly, when I became a candidate for the seat of Millicent in 1966, one of the issues that I took up very strongly was the need for management of crayfish, as they were then called, in the South-East. That was not an easy thing to do, because it meant that we had to start getting acceptance from the fishermen of the need to have a licence to do something that they had done completely unlicensed until that time. I believed that that was necessary because it was becoming very clear to everyone who was associated with that area that the rock lobsters were in trouble, that there was far too much effort going in with fewer and fewer rock lobsters. This was a process that took some getting through in relation to Governments of the day.

*The Hon. J.R. Cornwall interjecting:*

**The Hon. M**.B. **CAMERON:** That is probably still true. This was not an easy matter to get through, because it meant that a system of pots per boat had to be worked out and people had to be organised into accepting some restrictions. The matter of crayfish length was at odds then, as we had a different length than applied in other States. The designated length was altered in the very early stages of controls in the industry—not immediately but at a slightly later stage. All these things were necessary because, like any fishing operation, if there are too many people catching too few of the available resources then eventually the subject of the catch must slowly disappear—and that occurred. As the Minister of Health has rightly pointed out, I have rarely been in Government in this State, but this is one of the few matters over which I feel I had some direct influence. I was able to have a very direct influence in this matter, as a person outside politics altogether at that stage in the sense of one's being a member. I am quite proud that I did start that move in a very positive way.

But that was not the end of the subject, because one thing about fishermen is that, like farmers and everyone else, they get smart over the years. The fishermen have become smarter than the crayfish and they have developed technologies that have led to greater and greater effort being put in with the same number of pots. That has led to a lot of problems. One of the problems was—and I think anyone associated with the area would know this—that the number of pots of amateur fishermen increased dramatically. A lot of these amateurs came from Victoria, because, as I understand it, Victoria does not allow amateur pots. So, we found it increased tourism potential to the South-East no end but decreased the number of crayfish. This was because so many Victorians found South Australia an acceptable place to visit because they could in fact have pots here that they were not allowed to have in their own State.

**The Hon. T.G. Roberts:** They were good at bandicooting, too.

**The Hon. M.B. CAMERON:** Yes, they were. So, we headed towards a situation where the number of amateur pots was frozen and, at the same time, professional fishermen accepted a 15 per cent reduction in pot numbers. The assumption at that time was that this would lead to a reduction in effort. Of course, that did occur in terms of pot numbers but not in terms of effort, because the technology that fishermen now use is very much improved. For example, I refer to the location of reefs and the type of depth sounding equipment that they use. They now have a very excellent system of locating their former fishing spots, so any reef out at sea can be located forever. There is no hit and miss anymore. With the navigation aids that they now have, fishermen can go to within virtually a square metre of where they have been before and drop their pots right on the spot. This has meant a very large increase in effort.

So, I guess it reaches the stage of what is the next thing to do. I must say that I have been a little disturbed by the criticism that has occurred in relation to some officers in the department on this matter of management. I think they have the most difficult job that I know of—and that is, pleasing fishermen. There is no-one in this world who can do that. I do say that I respect the way that they do their job. No doubt they are not always right, but no person in this world can claim to be that.

**The Hon. R.I. Lucas:** Except John Cornwall!

**The Hon. M.B. CAMERON:** Well, the Minister thinks he is. But at least these officers have a go. I would say to the fishermen who do not agree with the attitudes of the department that they should keep their criticism at a professional level and perhaps be careful not to get down to the personal level. I fear that in some cases that has occurred. One of the disappointments that I have found in this whole argument is that the industry in my home area is divided. That is a disappointment, because it has been a very close community in terms of people's respect for one another and their concern for one another's problems on issues associ­ated with the fishing industry. I am extremely disappointed that this matter seems to have caused a division. I say to the Hon. Mr Elliott, who divided this Council a minute ago on the matter of getting this Bill through today, that I would be very careful if I were him in taking a stand on a matter in a way that will exacerbate these differences because, after this Bill is passed, the fishermen have to go back to sea and work with one another; they have to go back and conduct an industry.

I believe that that is absolutely essential, once this Bill is passed—and the Opposition will be supporting this Bill— that these people go back to their industry at sea without having deep feelings against one another and that we should assist the commencement of the healing process between people in the industry. It might prove to be the case (I am not a genius in this matter anymore than are the fisheries officers, the Minister, or anyone else) that this is not the final answer, but I can say to the Hon. Mr Elliott and to anyone else that, if we are to try to reduce effort and to increase the number of crayfish, one of the things that must be considered and tried is a reduction of the number of people fishing that industry and, through that, the number of pots being worked in that industry.

It is simple arithmetic: if there are fewer pots and fewer fishermen then there must be less effort. I would have thought that that was a fairly reasonable proposition. I would say that we may well have a problem with fishermen developing further technology and that maybe at some stage we will have to look at abandoning some of the technologies, to reduce effort to a bit more of a hit and miss practice, where the fishermen are not always smarter than the crayfish. We might well have to do that.

The Hon. M.J. Elliott interjecting:

**The Hon. M**.B. **CAMERON:** I understand what the honourable member is saying—but it is not a joking matter. There is now some technology that is making it extremely difficult for the crayfish to miss the pots, and that is creating a lot of difficulty. I would say to everyone associated with the industry that certainly there will be problems, but one very serious problem that could occur is that, if this matter has not been resolved by the beginning of the season, that is, 1 October, all hell will be let loose down south. There will be real problems on the high seas. Occasionally I go fishing with the fishermen but after 1 October if this matter is not resolved, you would not be able to drag me on board one of their boats with a drafthorse.

**The Hon. T.G. Roberts:** You'd come off quicker than you went on.

**The Hon. M**.B. **CAMERON:** Not just because of me, but I suggest to anybody not in the industry to keep right away from it until the matter is resolved. It has to be resolved or there will be problems with people at sea. Once the legislation is passed the healing process will start. I have no doubt that some people in the South-East associated with the industry will suffer financially. That is a problem that the Minister and his staff need to look at very closely, because for some smaller fishermen fishing is a way of life rather than a profession. They do not try to catch thousands of dollars’ worth of crayfish each year. To them it is an occupation rather than a business and they will find the situation financially difficult. I accept that. That is a matter that needs to be looked at, although I understand that it was looked at by the select committee in the other place.

A more important point, however, is the future of the industry. This industry is extremely valuable to South Australia, Australia and, particularly, the South-East of South Australia. It is of the utmost importance that we do not allow it to deteriorate any further. It is sad that we have reached the point where this has to be done because I know, from experience as a young person who went out to sea with those fishermen, that the pots used to come up absolutely full of crayfish, they could hardly wait to get in the pots. Now, pot after pot is empty. The disappointment to these fishermen is enormous in view of the money that they expend on bait, plant and equipment. Something must be done to ensure that a reasonable average catch is restored, that is close to the situation that existed when they first started fishing.

Fishermen have always taken the initiative. I come from the town where SAFCOL began, where the initial steps were taken by the fishermen to control their marketing. That story is a legend in that town. The fishermen used to catch crayfish, pack them in wooden crates for holding offshore, then put them in bags, put them on the train at Beachport and send them to Adelaide. Almost inevitably at some stage during the season they would receive a bill for freight because the fish were unsuitable for sale. One day some of the smart old fishermen thought they would go on the train with the crayfish—and they did. They followed them to town. They watched them being sold in the fish market and the next week they received a bill for the sale of the fish because they were unsuitable for sale. That was the beginning of SAFCOL because the fishermen realised that they had been taken for a ride for a long time. That was one occasion when fishermen took control of their industry and set up their own marketing organisation.

On this occasion the fishermen are also taking control. The only problem that I have with the motion that was passed by the fishermen is that I believe there was some pressure brought to bear by the Minister and other people to ensure that the matter was passed by saying, 'If you don't do it, we will do it for you.' I advise the people who were involved in that process to be careful that they do not appear to be putting on undue pressure. It is far better if the decision is made on the basis of the fishermen's own feelings. After discussion with some of the fishermen concerned, I believe the motion is a true reflection of the opinion of the majority of fishermen in the majority of ports—only just, I agree, but nevertheless it was a reflection.

I believe that in some areas undue pressure was exerted on both sides, but particularly by fishermen who have a greater gift with words than others. This influenced the situation. That is not a one-sided situation; both sides were involved. There is no doubt that an opposing point of view was put by both sides in a way which some fishermen found it difficult to vote against. However, out of all that discussion emerged a vote that was narrowly won by the case for buy-back. I accept that.

I also accept that there has been a select committee in another place that allowed people to put their point of view. As a result, some changes have been made to the original Bill and those changes are of great value to the fishermen. For the first time, fishermen in the southern area will be able to use their licences as collateral for loans. That is a big advantage. That provision is not contained in the Bill but it will come about as a result of the Minister's agreement to that in the select committee. I will be watching very closely to make sure that the Minister brings that provision into being. Some problems exist at Port MacDonnell. As I said, I have some feeling for the people down there because some of them who have spoken to me are, or at least were, very close friends. I have heard their case and have had many conversations with them. There is the problem of the border and those fishermen who have what is called a historic licence which was issued on the basis that they could fish in Victoria and South Australia. I understand the problems that they now face. There is no compulsion on anyone to sell his licence. This is not a compulsory scheme. It is different from the prawn scheme in that way because in the prawn scheme a certain number were going to be taken out whether the fishermen liked it or not, and if not enough were taken out then there was going to be a ballot. In this case there is not going to be a ballot. The fishermen are conducting the scheme themselves and they will be managing it.

**The Hon. J.C. Irwin:** It's their scheme.

**The Hon. M**.B. **CAMERON:** Yes, they will be managing it. There will be no compulsion, I would say to those who oppose this proposition that it is far better, once the matter has been decided by this Chamber—as I assume it will be because of the support it has received—for the process of reconciliation, acceptance and assisting one another through the difficult times to commence I do not believe that any purpose will be served by continuing problems among the South-East fishermen. They have been a very united group, a very easy-going group, easy to deal with. There will always be fishermen who do the wrong thing. One of the things I would say to fishermen is that it is about time that they stopped relying on the department to discover the wrongdoers amongst them. They should go out and find the people who are doing the wrong thing and, if necessary, report them because I do not believe that such people are doing the industry or themselves any good by their actions. The Hon. Mr Roberts would know that who does the wrong thing is well known. I could give names of people who have been reported to me by fishermen, people who scrub the spawn off the female crayfish, who consistently do the wrong thing within the industry and it is those people against whom action should be taken.

The Opposition will support this Bill. I have been told that a Mr Rainer, Principal Research Scientist with the CSIRO, was not called before the select committee. I have received a copy of correspondence which indicates that even if he had given evidence he would have said at the end of his submission:

At this stage of our understanding, I could not see a proposal for mariculture of the southern rock lobster providing a substitute for traditional management measures.

This piece of correspondence would be useful if it were available to the Council. I will not table it, but if any member wishes to read it, I would be prepared for them to do so. With those few words, I support the Bill.

**The Hon. M.J. ELLIOTT:** I called for a division when it was moved to proceed with this debate today because I felt that it gagged me from saying much of what I wanted to say, and, in particular, did not present me with the opportunity to do some research that I wanted to do. For example, a couple of volumes containing a couple of hundred pages were given to me this morning. They could not be given to me earlier because they were evidence before the select committee. I wanted to look at the proceedings of the select committee to see what all the expert witnesses had to say. I have only had a chance to read through a rather thin report, namely, the report of the select committee. I really do object very strongly to the Parliament acting this way. The sorts of excuses given—that it had to be done before the opening of the season—are absolute nonsense and the only excuses that could be concocted. Nothing about this Bill requires that it be done by 1 October. I have had a gag placed on me for political reasons and no other—no doubt exists about that at all.

I tried to play a constructive role in this matter as, indeed, I did in the Gulf St Vincent buy-back scheme. I made suggestions that led to alterations to that Bill that made it more workable. Any constructive role that I could have played here I have been barred from for political reasons. These political reasons led to a select committee, which was a total farce. The Liberal Party had problems, with Harold Allison, representing Port MacDonnell fishermen who were against the buy-back, and Dale Baker, the member for Victoria, representing many ports supporting the buy-back. That in itself is a very uncomfortable position.

When I spoke with the fishermen some weeks ago, I said that, if a select committee is set up in the Lower House (which is what I expected), there will be no sensible debate. I said that if they wanted a balanced committee it should be set up in the Legislative Council where there would have been a balance of three Government and three non-government members and where the terms of reference would have been set by the Legislative Council and not by the Government, which clearly did not want a select committee and had firmly committed itself to a certain path. That select committee sat—

*The Hon. Peter Dunn interjecting:*

**The**Hon.**M.J. ELLIOTT:** That is absolute nonsense.

**The** Hon.**R.I. Lucas:** That's an interesting development.

**The** Hon.**M.J. ELLIOTT:** That is a lie.

**The Hon. Peter Dunn:** It is not a lie.

**The**Hon.**M.J. ELLIOTT:** The fishermen know—because I committed myself to them—that I was willing to support a select committee of the Legislative Council.

**The**Hon.**Peter**Dunn: You did not.

**The Hon. M.J. ELLIOTT:** The honourable member can ask them himself. I gave a commitment to the fishermen and they know that. The Liberal Party passed the buck to the select committee, which sat very quickly over a small number of days and took evidence before five people who knew as close to nothing about fisheries as we could get. The committee heard evidence that would have been beyond members' comprehension in the time allowed, and then brought out a report that was very thin on the ground.

The Hon. Mr Cameron claims some expertise. I cannot claim expertise but can claim that Port MacDonnell was a town in which I lived for some 30 years of my life. I had an uncle who had two crayfish boats and was in the industry for 25 to 30 years and now manages the crayfish factory in Port MacDonnell. My family still knows many families in the business.

**The Hon. R.I. Lucas:** And you eat crayfish, too.

**The** Hon.**M.J. ELLIOTT:** When I can get it—it is so expensive. I have reasonably close contacts with the fishing industry. My science majors in ecology would have given me a chance to understand the biological arguments involved. I should address that point. No argument has been put forward that the fishery is in any form of biological problem. According to the people in the fisheries in the South-East, they are essentially harvesting the crayfish once they reach the legal size. The catches have dramatically declined because when the fishery first began there was an accumulated biomass. There was a large number of very old crayfish and we are essentially harvesting the crayfish as they come to size.

Nothing from the select committee suggests any biological problems at all, -and nothing I have seen anywhere else suggests that, although the Hon. Mr Cameron seemed to suggest otherwise. I am aware that the size of catches has dropped. I saw with my own eyes as a child, fishermen coming in with eight, nine or 10 bags of crayfish. They now get between a quarter and a half a bag, so no doubt exists that catches have declined. That does not reasonably indicate that the crayfish population is at risk.

If that is the case, for what reason are we intervening? The reasons are given as economic. I can understand the economic arguments when put forward for the Gulf St Vincent fishery where we had expensive boats going out for a handful of days in a season. If they had gone out any longer, they would have decimated the fishery. We had the interrelationship of a real economic over-investment combined with a fishery which was at risk biologically. We do not have that situation in the South-East. We might argue about the level of investment, but the problem is not compounded by biological problems.

The Liberal Party espouses freedom for individuals and denounces regulations. I do not denounce regulation—we need necessary regulation. The Bill has thrown in extra regulation which has not been demonstrated to be necessary. The fishermen even now have the capacity to sell out. If they hit hard economic times (and there is no suggestion that they will not have any fish to catch but that the price will drop), there is the capacity in the industry now for them to be removed. If remaining fishermen went up to the maximum of 80 pots, another 70 boats could be taken out of the fishery now. That is due to the 15 per cent pot reduction that occurred a few years ago. The slack is there to remove the boats if there are any economic problems. Why on earth are we buying into it at this stage? There is no biological case and I do not believe there is an economic case.

The Hon. Mr Cameron suggested that we do not have compulsion in this case, so it is not a problem, as we had in the Gulf St Vincent fishery. We have a compulsion that everybody in the fishery will have to pay extra, whatever their economic situation. Some have just bought into the industry and had to borrow at high interest rates because they had no collateral against their pot licence. They are very hard pressed. They will be forced out of the industry. The guys who borrowed to the hilt to get in will be out.

Some of the wealthy investor fishermen—and there are a few mostly up in the northern ports—will be fine. They will write it off against their tax as they have cash in hand and strong assets. They may be running farms and I know of one who is running a motel as well. They will have no problems, but some of the smaller fishermen doing their own thing will have a compulsory levy thrown on top and that is not right. If an alternative exists, we could have done something to help the 15 per cent pot reduction to bite further.

The real problem was that a lot of people did not buy pots, partly because of the cost of buying them. I believe that the Government could have helped the pot buy-back by offering loans through SAFA at a little under 14 per cent, while at the same time allowing extra for costs. At 14 per cent it could have made moneys available, with a special proviso that SAFA could take the pots back. It would be in a position where it could use them as collateral and resell them, so at 14 per cent it could have loaned moneys to these fishermen and I think that very quickly we would have seen a lot of these pots disappear and many fishermen go out of business, but we will not see one lot willing to buy when they have to borrow at 20 per cent or more.

I believe that we could have looked at that sort of option, but the commitment indicated by the Liberal Party and theGovernment has made that sort of option impossible. The Hon. Mr Cameron calls for a bit of belt tightening and a bit of camaraderie among the fishermen and a little solace for some people who are perhaps forced out. People say, 'That's life.' In this case, it is something that has been inflicted probably unnecessarily. I do not want to make any judgment of the Department of Fisheries, although I believe that recommendations that are philosophical and not biological in nature really should not emanate from that department. I believe that the key role of the Department of Fisheries should be to give advice on the state of the fishery and the ongoing resource. I am not sure that it should give advice as to economics but, rather, I think that is something upon which the Government and the Parties should make decisions.

I am extremely disappointed that, on what was a very narrow vote of 51.5 per cent to 48.5 per cent, a decision has been made. I recognise that the State and Federal elec­tions are decided on narrower margins than that, but in this case, there was not an urgency for this to be done now, or even this year. I believe there was opportunity for discussion so that the majority could have been stronger one way or the other. In fact, the vote was so close that, even in the past couple of weeks, a letter was received by the select committee that showed a few of the Southend fishermen had changed their minds. If there were a vote today, the majority of fishermen would be against it.

*The Hon. T. Crothers interjecting:*

**The Hon. M.J. ELLIOTT:** There is always the opportunity. We have a very evenly divided fishery and, without the sort of urgency that we pretend to have at the moment, I believe that we could have pushed it one way or the other, or that we could have worked out a better solution—such as the one that I suggested before in terms of cheap money being available so that the pots would be transferred between fishermen and some could go out voluntarily, without impositions being placed on those fishermen who could not afford it at the time, which is what we are doing now.

I repeat again my protest. There are many things that need to be said. We have not heard during debate in this place any real discussion of the biology or economics involved which apparently necessitated this Bill. It has been pushed through. It is a highly political Bill but it is more political in the way that it has been treated. I am extremely disappointed and I oppose the Bill because I believe that insufficient discussion took place to justify its being passed.

**The Hon. J.R. CORNWALL (Minister of Health):** I will be very brief. I do not think that I have anything to add to Mr Cameron's contribution, and I thank him for it. Perhaps it is a pity that I am not the Minister of Fisheries—we might be able to find common ground more often. I thank Mr Cameron and the Opposition for their cooperation. It is important that this Bill passes today: it is important that there be certainty before the opening of the season. It is not conservative ideology at work; it is not the great democratic socialist initiative of our time. It is not a political Bill.

**The Hon. M.B. Cameron:** It is a request from fishermen.

**The Hon. J.R. CORNWALL:** It is a request from fishermen and from the industry. The Hon. Mr Elliott said that he wished he could have more time to consider it. It seems that virtually in every subject that comes before this Chamber he has a remarkable breadth of knowledge. Mr Elliott suggested that, if only he had more time to consider it, he could have single-handedly, presumably, come up with a better solution. I do not know for how long he has been dealing with fishermen, but I lived in the South-East for a decade and I participated in the now fabled Millicent by-election in 1968.

**The Hon.M.B. Cameron**: So did I.

**The Hon. J.R. CORNWALL:** And so did Mr Cameron, indeed. In fact, he was very actively involved. If there was one identifiable vote which at the end of the day—

*The Hon. M.B. Cameron interjecting:*

**The**Hon.**J.R.CORNWALL:** There was certainly one identifiable vote, we believe, but many people said that they were the identifiable vote. In the re-run, as it were, a tremendous amount of effort went into wooing the fishermen's vote.

*The Hon. M.B. Cameron interjecting:*

**The Hon. J.R. CORNWALL:** I said 'wooing' them. I think at the end of the day, probably on balance, the Labor Party might have won one, two or three back, but even at that time, the whole question of a managed fishery and the effort in the fishery was a very hot topic and it has been so for a generation. I do not think that Mr Elliott will discover or rediscover anything in the South-East that a lot of us have not known about for a very long time.

Fishermen are very rugged individuals. I think that sometimes they make other primary producers such as farmers and graziers look as though they are highly organised and following the leader. Fishermen tend to go in all directions depending on their view at any particular moment. This initiative came from the industry and from the fishermen. I think that Mr Elliott makes the mistake, in putting forward his proposition, of coming up with something that would merely redistribute effort. There is a very significant difference. This legislation upon which the Government and the Opposition are agreed results in a significant reduction of effort.

**The Hon. M**.B.**Cameron:** Two thousand four hundred pots out.

**The**Hon.**J.R. CORNWALL:** It takes 2400 pots out, as Mr Cameron says and, as a result, there will be a reduction in effort and an even better management of the resource. Management of the resource is something in which successive Governments and officers in the Department of Fisheries have been involved for a generation. In all of the circumstances and on balance, I believe that it is the best that can be arrived at.

The Hon.**M**.B. Cameron: They train steamer captains down there dodging the pots. It is great steering experience, I am sure.

**The Hon. J.R. CORNWALL:** Mr Cameron is interjecting a little and I think that in a sense he is indulging in a little journalistic licence. However, I am sorry that Mr Elliott has not had more time perhaps to digest all of the evidence that was presented to the select committee, but I know that at the end of the day it would not have made one jot of difference, because common-sense will prevail on both sides of the Chamber. I suggest that we get on with it.

Bill read a second time and taken through its remaining stages.