



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

**ENVIRONMENT PROTECTION AND
BIODIVERSITY CONSERVATION
AMENDMENT (RECREATIONAL
FISHING FOR MAKO AND
PORBEAGLE SHARKS) BILL 2010**

Second Reading

SPEECH

Thursday, 11 March 2010

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Thursday, 11 March 2010 Page 40 Questioner Speaker Sidebottom, Sid, MP</p>	<p>Source House Proof Yes Responder Question No.</p>
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Mr SIDEBOTTOM (Braddon) (1.50 pm)—The member for Flinders, an eloquent speaker at the best of times, tells a story—

Mr Hunt—At the best of times?

Mr SIDEBOTTOM—I will give credit where it is due. He tells a story but he never tells the full story. I would like to correct the record for those listening and for *Hansard*. Essentially, what we have in the Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010 is an amendment, required because this government was forced under the legislation of the former government—that is, the government of the member for Flinders made it mandatory—to list a threatened species in our legislation. That is what the member for Flinders did not say: under the legislation that we are bound by, both nationally and through our signing of the convention of 1991 in relation to this, the Environment Protection and Biodiversity Conservation Act 1999, it was mandatory —

Mr Hunt—Except you guys argued for the listing of the species in the first place!

Mr SIDEBOTTOM—The member for Flinders, who wants to make a noise or a squeak on the way out of the House, at least now knows what the full story is. I wish that he would tell the full story. He forgot to mention that members on this side of the House, the member for Braddon—moi, if he has forgotten—and the member for Corangamite, to name two, along with their communities of fishers, were also onto this issue, which arose because we were forced by the former government's legislation to carry out our obligations. That is what a responsible government does.

In his frenzied attack on the Minister for Environment Protection, Heritage and the Arts, the member for Flinders forgot to mention (1) that the minister himself was bound by the act and (2) that the minister moved quickly. To resolve this issue upon investigation required more than regulatory changes. It also required more than administrative changes. It required a legislative change. Nothing moves quickly in this place. Nothing moves quickly unless those opposite are trying to think up a new policy on the run. Nothing moves quickly in this place when drawing up legislation. However, that is what this amendment is

designed to do. I am glad that those opposite are going to support this, because we are trying to introduce an amendment to fix up a situation which does not allow enough flexibility and unfortunately has negative consequences for offence provisions under the current act. That is what this legislation is essentially trying to do.

I would like to take the House through this because it is an important story and it is going to have a positive result—not just because we have both sides of the House going about our business, as we should, in a responsible way but also because it will allow recreational fishing to continue in a sustainable way in our waters, particularly down Tassie way. We have magnificent waters both onshore and offshore and we have a lovely recreational fishing industry. I encourage everyone to come down and participate in it. I think I am the only person who does not fish up my way. No doubt I will develop the patience to do that.

Effectively, as the minister made clear in his second reading speech, the introduction of this legislation is trying to overcome an inflexible provision under the Environment Protection and Biodiversity Conservation Act of 1999. It intends to make recreational fishing of shortfin mako, longfin mako and porbeagle sharks legal. Once any species is listed under appendix I of the Convention on the Conservation of Migratory Species of Wild Animals as being in dire threat or under appendix II as maybe being threatened, under the provisions of the Environment Protection and Biodiversity Conservation Act 1999 of this country we are obligated to list it as a threatened species. That is what happened. We were obligated under an international convention and our national law to list them. Once that was done, it unfortunately threatened recreational fishing, particularly of the shortfin mako shark. That is basically what the situation is.

Rightfully so, fishing groups, particularly recreational fishing groups, were mad about this. That was for a couple of reasons. Firstly, it is an important recreational hobby. People have been doing it for a long time and have invested in equipment—particularly boats, reels and so forth—and it is important to them. Secondly, it plays an important part in recreational fishing clubs. Thirdly, in the main, the fishing of mako sharks in particular and most of our recreational fishing is done in a very sustainable way. As the member

opposite pointed out, there was no scientific evidence to suggest that the mako shark was threatened in our waters. We acknowledge that. But what the member for Flinders did not point out was that under the 1999 act of the former government and because of our obligations to the international Convention on the Conservation of Migratory Species of Wild Animals we were obligated to put a moratorium on the fishing of the mako shark. That is the situation.

Those opposite will ask why we did not just ring up and say, 'Hey, forget about it.' The problem is that under those obligations we could not make a regulatory change, nor could we make an administrative change. This required a legislative change, which we now have before this House. We acted a hell of a lot quicker than those opposite ever acted on any other issue requiring legislation. The point is that we are obligated under the current act, the act of the former government, and under appendices I and II of the international convention listing threatened species.

Mr Baldwin interjecting—

Mr SIDEBOTTOM—No amount of cat-calling from the member for Paterson is going to change that. It is very sad that the member for Flinders did not tell the whole story in his attempts to run out and attack the minister for the environment. He forgot to mention, too, that those on this side of the House have been working constructively and closely with the fisher groups and also with the minister to get this change. But the member for Flinders did not mention the member for Braddon. He did not mention the member for Corangamite and others. Why would that be? He was not trying to score a political point, was he? Was he really trying to fix the situation or was he trying to ramp up some public meetings and put out another petition, knowing very well that the minister would meet the obligation to introduce legislation rather than regulation and administration to change the current law forced on us as part of the Howard government's legislation? The minister acted responsibly and quickly, and I thank all those on this side who worked with the minister instead of grandstanding in little public meetings, knowing very well that we could do nothing until the legislation was passed. I commend the minister for his action on this. I certainly commend the member for Corangamite—and the member for Braddon, frankly—and all those on this side who tried to do something about it. Shame on the member for Flinders for not telling the full story about what was necessary to change this legislation.

The SPEAKER—Order! It being 2 pm, the debate is interrupted in accordance with standing order 97. The debate may be resumed at a later hour and the member for Braddon will have leave to continue speaking when the debate is resumed.