

## REGULATIONS AND DETERMINATIONS

### **Great Barrier Reef Marine Park Amendment (Hammerhead Shark) Regulations 2018**

#### **Disallowance**

**Senator WHISH-WILSON** (Tasmania) (17:41): I move:

That items 1 and 2 of Schedule 1 of the Great Barrier Reef Marine Park Amendment (Hammerhead Shark) Regulations 2018, made under the *Great Barrier Reef Marine Park Act 1975*, be disallowed [F2018L00191].

I find myself for the second time this month rising in the Senate to talk about marine protected areas in this country and about the need to take the strongest possible action around the conservation of our species, especially species that are listed as endangered or have conservation dependent listings.

Only three weeks ago, sadly, this Senate passed this government's marine parks plan that halved green zones on the water protections that were put in place in 2012, by a Labor-Green government, after decades of hard work by thousands of Australians. We saw that shameful outcome. It's really got me in the gut that I've seen this happen in my time as a senator. I was involved in putting together marine protected areas well over a decade ago, before I became a senator, and to see that outcome in my time as a senator was very difficult for me.

I find a situation has arisen where a scalloped hammerhead shark has recently been given a conservation dependent endangered listing in this country. A situation has arisen where laws are being changed by this government to allow a shark, another species that's endangered, to be fished. Not only is it an endangered species, but they want to change the laws to allow it to be fished in a marine protected area. You couldn't make this stuff up, seriously. If you can't protect an endangered species in a marine protected area, what can you do in this country? In a minute I will get to the reasons I think this is happening.

I'll give the Senate a bit of background. I thank the great work of HSI and other environmental groups through their continual chipping away to get this species listed as endangered in this country. It's been listed overseas as endangered for some time, but thanks to our powerful fishing industry and their vested interests that have their way in this place we've only now managed to get it listed in Australia. We know that the population of this globally endangered scalloped hammerhead shark is rapidly declining. It's getting killed on baited drum lines, which we have around this country and which I've campaigned very hard for in my time as a senator to see removed, and this is only one of the many woes that this creature has. It's highly sought after in Asia for shark fin soup and its numbers have declined by up to 80 per cent in North Queensland, since the 1960s, largely due to commercial fishing.

So let me make this statement and make it very clear: commercial fishing is the major threat facing the endangered scalloped hammerhead shark, and we are debating a disallowance motion to prevent the government actually reducing protections on the hammerhead shark. We are debating my disallowance motion, the Greens disallowance motion, to give the hammerhead shark added protection in the Great Barrier Reef Marine Park—a marine park that I hope this whole country is behind and proud of.

This shark is also caught in recreation and commercial fisheries in gillnets and trawl nets, and as bycatch in the Queensland Shark Control Program. We had high hopes that it would get full endangered listing and therefore wouldn't be available to be caught. However, the Threatened Species Scientific Committee gave it a conservation dependent listing, which means it doesn't receive special protection from commercial fishing, except under active management plans at a state level and except in marine parks, like the Great Barrier Reef Marine Park, where it does receive special protections because of the way the legislation is set up. But our previous environment minister, Mr Frydenberg, tabled the regulations we have before us today to remove the protection of this endangered scalloped hammerhead shark in the Great Barrier Reef Marine Park. What is the point of having marine protected areas if the government decides that, for a few commercial interests—and I understand it's only a few commercial fishing interests—they will change the law every time it suits their vested interests?

Why is this important? Well, we know our oceans face their greatest threat in history. We know our oceans right around the world have been plundered. We know that we're seeing up to 90 per cent of global fisheries either overfished or fully exploited. We've seen recently in this country scientists release peer reviewed reports in science journals that show the biomass of large pelagic fish in Australia has declined by 30 per cent, even under our fisheries management in the last 10 years. We've seen 1,400 scientists come out in support of the disallowance motion in this Senate, saying, 'Give our marine environment added protections.' We've seen a number of well-respected scientists come out and talk about the hammerhead shark, which we're discussing today, including James Cook University's Professor Colin Simpfendorfer, who I was pleased came to my Senator inquiry into warming oceans when I went to Northern Queensland.

We have a number of scientists who are openly saying that commercial fishing is the key threat to the hammerhead shark and that their populations have declined in Northern Queensland by up to 83 per cent since fishing. We've seen HSI, a group that I've worked with closely around shark nets and baited drum line programs, talk about the documentation we have before us, which, sadly, is very poor, around hammerhead shark catches and scalloped hammerhead shark catches. We know that 14,000 scallop hammerhead sharks have been reported as being killed in the Queensland Shark Control Program because of drum lines or shark nets. These sharks have very small mouths and very small teeth, and, as far as I'm aware, they aren't responsible for any attacks on human beings, yet they continue to be killed by nets and drum lines in places like the Great Barrier Reef. But that's an argument for another time; that's certainly a fight for another time. If the Senate disallows regulation 69 of the Great Barrier Reef Marine Park Regulations 1983 today, then we will see an impact on fishing in the Great Barrier Reef Marine Park for the scalloped hammerhead shark.

I've spoken to the crossbench to try to get their support for this disallowance motion. I've sought legal advice. I've had the Parliamentary Library do research. I've spoken to scientists—and Senator Patrick, no doubt, will speak on his issues around this disallowance—and my understanding is that the hammerhead shark is also very vulnerable to bycatch, especially in gillnets. There are some statistics, although, as I mentioned earlier, the dataset is very poor. The Parliamentary Library, who went to all available sources, said that essentially the dataset is useless to work with. We don't really know. We do know that there's a large number of discards of hammerhead sharks. For every four hammerhead sharks that are caught, only one is kept; the others are discarded. I want to make this very clear to Senator Patrick: those discards are not bycatch; they are deliberate discards by fishermen.

I've spoken to stakeholders about why those sharks would be discarded, and their view is that the market for these sharks has declined significantly over time as the public has become more aware of the fact that these species increasingly are endangered and are listed globally as endangered species, and their consumption has been going down. So you can't say that for every one shark that's kept you're going to get four thrown in the water as bycatch. They are deliberate decisions and, I suspect, they are part of the shark finning market, which we know is highly targeted at the scalloped hammerhead shark. Some new regulations have been brought in by the Queensland government.

The implication of letting this disallowance go ahead and making it very difficult for the two commercial fishing operators to continue to catch scalloped hammerhead sharks is that they can't go outside the Great Barrier Reef Marine Park Authority to catch their excess quota, because their catch is limited outside the Great Barrier Reef Marine Park under these new rules and regulations. There is a potential side effect, and I acknowledge that they may decide to catch other hammerhead sharks in the Great Barrier Reef Marine Park, rather than the scalloped hammerhead shark. That is a potential side effect, and there may be some bycatch associated with that, but that's exactly what we want: we want less targeted fishing of hammerhead sharks and more targeted fishing of other species. That's actually what we're trying to achieve here.

It's also very unclear how bycatch of scalloped hammerhead sharks could be avoided if other hammerheads are caught. We know that as a fact. But there is no data at all about bycatch of scalloped hammerhead sharks or even other hammerhead sharks. We also know that enforcement and reporting are going to be a very important part of this disallowance if it gets up. It's going to be very important that we have robust reporting and enforcement regimes in place to make sure that we see the conservation of this endangered species.

So I'd like to pose the question that I raised earlier: why is the government introducing these regulations that I'm trying to disallow and that I hope the Senate disallows? Well, there are two commercial fishing interests left operating in the Great Barrier Reef Marine Park Authority area, under the authority's jurisdiction, that are using gillnets to target sharks. Environment groups, to their credit, have worked very closely with other fishers and have raised the money to buy out that fishing effort. Of course we would like to see an outcome whereby the existing fishers get bought out. I understand that they're amenable to that. I applaud the environment groups for thinking about the fishers and their communities and going to the extent that they have to get a win-win for both the fishing industry and conservation of these species. I understand that Senator Patrick has had some discussions with government about getting them to do this, and I look forward to hearing shortly about how successful that has been. That would be the ultimate outcome here: conserve a species in a marine protected area and get those fishers bought out, especially if they're amenable to a buyout. Certainly other fishing interests have been, because the environment groups have been able to raise the money to go ahead and do that.

Why is the government pushing ahead with this? If you believe its technical explanation, it's to get consistency of regulation across areas and to conform with Queensland state government regulations. To get consistency across areas—what does that mean?

The whole reason we have marine protected areas, the whole reason we set up the Great Barrier Reef Marine Park, a marine protected area—the whole reason we went to those lengths—was to have a different set of rules

and regulations for areas of high conservation value. That is why we have a marine park at the Great Barrier Reef, and that is why we have set up marine parks in other parts of this country. Obviously this government has acknowledged the need for those marine parks; however, it's extremely disappointing that, because they're representing a few commercial fishing interests in this place, they've halved those green zones right around this country, which has been a devastating outcome for the conservation movement.

I hope that Labor, when they get elected, if they get into government—and I've had discussions with them and I've heard them say it publicly—will upgrade marine protected areas in this country. That's certainly something that I and thousands of other Australians are going to continue to work towards. But, at this time, it is so highly symbolic. The hammerhead shark is an endangered species everywhere around the planet. It has only just got a listing in Australia, and we're contemplating a new set of regulations to actually reduce protections for this endangered species in a marine protected area. You honestly couldn't make this stuff up. That's what this government are doing. That's what this is. There's nothing you can say about the fact that there needs to be consistency of regulations across areas. Seriously, this is what marine parks are set up to do: they're set up to provide conservation outcomes. They're set up to protect species, especially endangered species.

**Senator Colbeck:** They're not fisheries management tools.

**Senator WHISH-WILSON:** I'll take that interjection, Senator Colbeck. You can argue, back and forth, about whether they're fisheries management tools. You don't happen to believe that, but I would ask—

*Senator Colbeck interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator Williams):** Order on my right!

**Senator WHISH-WILSON:** why the government are trying to do this? Do you believe that it's because, somehow, they want consistency of regulations—

*Senator Colbeck interjecting—*

**Senator WHISH-WILSON:** This is a really important point that you might want to listen to, Senator Colbeck—or is it because the fishing industry and the fishers who are fishing in the Great Barrier Reef Marine Park have been in this place, lobbying crossbenchers in recent days and recent weeks, saying that if this disallowance gets up it will devastate their industry and livelihood? That flies in the face of your saying this is not about fisheries management. This is exactly what this is about. This regulation is designed to help the fishing industry. So, that's fine. That's what the Liberal Party do. They're here to represent a few interests.

*Senator Colbeck interjecting—*

**The ACTING DEPUTY PRESIDENT:** Order on my right!

**Senator WHISH-WILSON:** I represent the tens of thousands of Australians who want to see integrity in our marine protected areas, who want to see a species extinction crisis in this country avoided. I represent the tens of thousands of Australians—in fact, the hundreds of thousands of Australians; there's nearly half a million on some lists amongst conservation groups—who care about marine protections, and this is something they are watching very closely. Do not sacrifice the integrity of a marine protected area and an endangered species for the interests of a few fishermen. We can actually make a stand here and send a very strong message that we do care about marine protected areas and we do care about conservation outcomes. If we look after our oceans, we will get spill-over effects from marine protected areas. We will get recovery in stocks and biomass. The evidence is clear.

**Senator Colbeck:** No, it's not.

**Senator WHISH-WILSON:** It is. Professor Graham Edgar recently released a report, which has been published in *Science*—and I know it has been disputed by Senator Colbeck and other cronies in the fishing industry because it doesn't fit their mantra about the best managed fisheries in the world—that clearly says one-third of the biomass of large pelagic fish has been lost in the last ten years under this government's fisheries management. We know the culture in AFMA, from the Borthwick review. It doesn't look at the ecosystem impacts of fisheries. We have worked really hard to try and get this system changed over the years.

I know that Professor Edgar, who released this report, has been attacked, by people in the fishing industry and vested interests, for speaking out. He showed very clearly in his study, through observations and modelling—not the pie in the sky stuff that Senator Colbeck represents—through actually physically measuring changes in species, that you can't ignore the loss of our marine species, especially our targeted commercial species, in these areas. His study showed that marine protected areas were the only places where we didn't get big losses in biomass—that they work.

Fourteen hundred scientists, who might disagree with a couple of Senator Colbeck's fishery scientists, came out and made a public statement about the disallowance. Those 1,400 scientists said very clearly: the evidence is in; marine protected areas work. So why make changes to the Great Barrier Reef Marine Park for one species of

endangered shark? Why go to the length of setting that precedent? That's why we have marine parks. That's why we have a process to get sharks like the scalloped hammerhead shark on an endangered species list. It will be a very bad precedent if these regulations get up. This is the fishing industry, the special interests in this place in the ear of the minister, getting what they want. It will not be a good outcome for them, in the end, if this species continues to decline in numbers, as everything suggests it will, and it will not be a good outcome for the Barrier Reef ecosystem. In fact, no-one's going to win if we keep going down this road. Let's make a stand today. Let's stand up for the Great Barrier Reef. Let's stand up for the scalloped hammerhead shark and the powerful example this sets for other marine species that are under pressure. It's hard enough as it is getting something listed in this country, without having to deal with the kind of crap we've got in front of us today.

**Senator IAN MACDONALD** (Queensland) (18:01): If it comes to a question of who to believe in these issues, Greenpeace and Senator Whish-Wilson or the Threatened Species Scientific Committee, I will always go with the scientific committee. I've seen the Greens political party in action before. In fact, I remember a Senate committee that Senator Whish-Wilson chaired. After wanting to go for a taxpayer-funded snorkelling trip to the Barrier Reef, he called the Great Barrier Reef Marine Park Authority, who, contrary to the allegations of the Greens political party gave evidence every day, inconveniently for the Greens, that actually the waters in the northern Great Barrier Reef were one degree cooler than they had been the previous year.

**Senator Whish-Wilson:** What a stunning revelation!

**Senator IAN MACDONALD:** It's the evidence given to a committee that you chaired, Senator Whish-Wilson. But of course you don't like it because it is an inconvenient truth. Don't worry about the Great Barrier Reef Marine Park Authority; we will take the view of a politician, Senator Whish-Wilson.

I once employed, when I was the environment parliamentary secretary, a very able and committed young environmentalist who had previously worked for Greenpeace. I said, in conversation with her once, 'Why did you leave Greenpeace?' She said, 'I could not stand the lies and misrepresentation that these green groups put out.' That was because they worked on the basis that the means justifies the end. They'd just make up any story, any story at all, as long as it would attract a headline on the ABC, which is pretty easy to do. It didn't matter how inaccurate it was. That was the approach of Greenpeace and, from what I've seen through long experience in this chamber, it's the approach of the Greens political party as well.

The Threatened Species Scientific Committee found that the scalloped hammerhead shark could be eligible for the endangered list, but its clear recommendation was for Minister Frydenberg to list the species in the conservation dependent category, as that would provide the best outcome for the survival of this species. That was the recommendation of that scientific committee, but it doesn't accord with Senator Whish-Wilson's jaundiced view on this and other matters. Why did they recommend that? Because strong management actions agreed with the Northern Territory and Queensland governments for the species' protection and recovery could be implemented under law, including within the Great Barrier Reef Marine Park. That includes limiting the total annual catch of scalloped hammerhead to 200 tonnes or less. The committee said:

... management actions will remain in place while the species remains listed as Conservation Dependent.

It also said significantly improved monitoring and reporting would facilitate knowledge of the rates of recovery for the species and underpin the management reforms and future reviews of conservation dependent listing. That's the recommendation of the scientists, but Senator Whish-Wilson and his crazy mates from the Greens political party don't like the scientific evidence, so they make up their own.

I would have liked to have contributed a full 20 minutes on this, but I'm aware there are a lot of senators who would like to make a contribution. So, unlike Senator Whish-Wilson, I won't take the full 20 minutes. I'll attempt to leave some time for other senators who want to make a contribution. But, before I do allow colleagues to speak, by curtailing my remarks, I just want to read a couple of excerpts from a couple of pieces of correspondence which I've had from constituents of mine in Queensland. One's from David Caracciolo from Mackay Reef Fish Supplies, and I suspect many other senators have got this letter. He says: 'To all senators, I'm writing to make you aware of the false allegations by some green groups who are trying—and succeeding—to see the demise of all commercial fishing activity in Australian waters.' As a former fisheries minister, I happen to know that that is true. The Greens would like nothing more than to shut down all forestry and to shut down all fishing within Australian waters.

**Senator Canavan:** They still eat fish.

**Senator IAN MACDONALD:** Yes, they still eat fish! So we could use imported fish from sources that are sometimes questionable—that's what the Greens want. But fortunately the majority in this place don't agree with them. This letter from Mr Caracciolo, who is a well-regarded, well-respected person in the Mackay area, says: 'The latest allegations are that the scalloped hammerhead shark is near extinction in the Great Barrier Reef Marine

Park. These allegations are totally incorrect. The commercial sector does not target this species, so the managers will not see big catches reported in logs, but we do catch some when we are targeting other species that are incidental catches.' He goes on with some very compelling arguments which I don't have time to read in full, but I will come to the paragraph that is important to me as a representative of Queensland constituents. He says: 'There are lots of associated businesses along these coastal towns of Queensland that rely on these producers for supply of fresh seafood to sell to consumers who cannot catch their own fish and our tourists who come to these regions. I do hope this does not fall on deaf ears and you can see how wrong these motions are. There are a lot of livelihoods that you guys are holding in your decisions.' That's a sentiment that I think is mirrored by most people, not just those in the fishing industry, along the coast of Queensland who I represent.

The other letter I just want to very briefly mention is from Margaret Stevenson from Burnett Heads near Bundaberg in Queensland. She's the wife of a commercial fisherman. She's been involved in fisheries issues for 20 years. She was on the Queensland shark working group and is currently on the Queensland government's East Coast Inshore Fishery Working Group. She says: 'Whilst the hammerhead shark is supposed to be under threat in some parts of the world, when I was on the shark working committee we were told that the entire Australian take of these sharks is approximately one per cent of the world's take.' So clearly—and I say this with irony—this is a fish that is under threat! She goes on to say: 'They are extremely common in Queensland waters. In recent years our Queensland government has taken steps to control and reduce the commercial take to ensure that it does not increase in order to prevent our Queensland catch, less than one per cent of the world's take, impacting on world stocks.' Mrs Stevenson goes on to mention the importance of the fishing industry to a lot of communities along the Queensland coast and to the consumers of seafood who like to eat Australian seafood, rather than imported seafood. The science is with the way this government has dealt with matters. Clearly, there is no danger to the species whatsoever. It's properly managed. And this disallowance motion should be defeated.

Can I just conclude by making reference again to this book I've often referred to, a book put out by a lot of the mature, sensible conservation groups, entitled *A Big Blue Legacy: the Liberal National Tradition of Marine Conservation*. I like to wave this around. Senator Whish-Wilson and the Greens hate it, because this book clearly demonstrates that the only political parties that have ever done anything for marine conservation in Australia are not the Greens or the Labor Party but the Liberal-National party coalition, and we will continue to do that.

**Senator PRATT** (Western Australia) (18:10): Tonight this disallowance motion is one that Labor supports. It is against the proposed amendments to change the Great Barrier Reef Marine Park Act regulations to allow fishing for the scalloped hammerhead. We know that these are internationally recognised as endangered and under threat from fishing activity. We know that this issue before us today, in terms of the disallowance, should be supported because this government hasn't taken the time to find a solution that works for the fishing industry or, frankly, for the protection of a World Heritage area and this protected species.

We know that the marine park act applies stricter conditions to the fishing for species listed in any category of the Environment Protection and Biodiversity Conservation Act, the list of threatened fauna, than applies in other areas managed by Australian governments. This is important to note because we expect a high standard of protection within the Great Barrier Reef Marine Park—this act predates the EPBC Act—and because of the reef's conservation value and subsequent World Heritage protections. This is important to note because, again, it goes to the onus on us in the parliament to make sure that the reef and the species within it have the necessary protection they need. So we know that under this act targeted fishing for any species listed under any category in the EPBC Act of threatened fauna is simply not allowed. This is different to the EPBC Act itself, which allows for conservation dependent species to be fished within the provision of a management plan.

We know that in 2018 the Threatened Species Scientific Committee confirmed that scalloped hammerheads met the criteria for listing as endangered, but advised the Minister for the Environment to list them as conservation dependent under the EPBC Act, which allows fishing to continue in some waters. We know that the scientific committee required certain improvements to management of the species in order to support the listing category from jurisdictions around the country. They did not recommend amending the Great Barrier Reef Marine Park regulations to allow for targeted fishing of scalloped hammerhead sharks to continue in the marine park. The Threatened Species Scientific Committee did not recommend that. What they did recommend was a revision of the total allowable commercial catch limits for hammerheads, and that these limits should include discarded shark and catch by the Queensland Shark Control Program. They also recommended the landing of hammerhead sharks with fins naturally attached. The Threatened Species Scientific Committee considered this a critical element within management arrangements to maintain a conservation dependent listing. The absence of this policy, they said, could lead to a review of the listing category and a possible up-listing of this species to endangered.

So we have before us tonight in this disallowance a recognition that the federal government has failed in its responsibility to address fishery issues outlined in the *Great Barrier Reef outlook report* of 2014, where the

targeting of top predators such as sharks is identified as a critical risk to the health of the reef. The Minister for the Environment has tabled amendments to the Great Barrier Reef Marine Park Act regulations that would allow for the fishing of the scalloped hammerhead species within the marine park, despite its conservation dependent listing. So the motion before us tonight, which Labor supports, is against the proposed amendments to change the Great Barrier Reef Marine Park Act regulations to allow for the fishing of the scalloped hammerhead. They are, in fact, internationally recognised as endangered and under threat from fishing activity.

Despite the protestations from those opposite, we have received advice that says the numbers of scalloped hammerheads have declined by between 63 per cent and 80 per cent within the reef. They are more at risk of extinction than lions, cheetahs, polar bears and giant pandas. We support this disallowance motion because the government has not taken the time to find a solution that works for the fishing industry or for the adequate protection of a World Heritage area. This government simply wants to change the rules in our most precious of places—the Great Barrier Reef. They, tonight, want to weaken environmental protections. I stress: this is a World Heritage area of great value to Australia and also to the world.

Extractive industries are and should be subject to the very strictest of rules in World Heritage areas, and the Great Barrier Reef should be treated no differently. We know that the reef is under enormous pressure from this government, and this is all happening at a time when it wants to weaken regulations to allow an endangered species to be killed—not accidentally caught by a fisher and reported as something to be concerned about but sold on the market if caught. We understand on this side that sustainable fishing jobs are important. We want jobs in the reef to remain, but we will not compromise on standards that have been in place since the marine park was first established. Shark sightings of this very species are highly valuable to the tourism operators on the Great Barrier Reef. Did you know that shark diving, shark tourism, is worth some \$25.5 million annually to Australia's regional economy, and that this kind of tourism is growing? We accept that standards in the reef, a World Heritage area, should be and are higher than other protected areas.

The government tonight is trying to present a case that the sharks caught will simply be wasted, because they can't be sold and industry will lose an income stream. Let's be clear: if a fishery relies on catching threatened species to make money, it's just delaying the inevitable. If they rely on funds from selling that threatened species, eventually there will be none left to catch. This revenue stream is simply on an inevitable decline. We have to stop it so that we can protect the species, or the revenue stream will end because the species is simply no longer there; it will be extinct. So the government's logic simply does not add up. It has presented a case but it has not tried to find a solution that protects the World Heritage values of the reef and marine park. There are options, and the government should be pursuing them.

If the government presented Labor with a plan to transition the industry, we would be happy to discuss it. If it made an effort to protect a species in a World Heritage area and brought the industry into discussion, we would also be up for that. Reform of the fishery in which scalloped hammerhead sharks are caught is certainly an option, as it's a high-risk fishery operating in a World Heritage area. The Queensland government, which manages the fishery in which scalloped hammerheads are caught, has said that they're committed to overall reform of the Queensland fisheries, as outlined in their sustainable fisheries strategy. The fishery in which these hammerheads are caught is a priority fishery for review by the Queensland government. So we have here a Queensland government that's taking positive steps. We'd like to see the Commonwealth Morrison government do more to help. What could you do? What kinds of time frames on regulations could be a solution?

You have options available to you. But, no; instead, what you do is sell out our environment. Whenever there's an opportunity to protect the environment, you choose its destruction. Whenever there's an opportunity to protect a species and do some work to find an answer, you take the easy option and you're completely missing in action.

**Senator PATRICK** (South Australia) (18:20): Centre Alliance will not be supporting this disallowance motion, and it does so on the basis that the likely outcome of disallowing the legislation is that we'll see more hammerhead sharks being killed than if the regulation were to stand. The threatened species scientific community has determined that hammerhead sharks should be protected. The hammerhead shark is now conservation dependent. Queensland fishery management has been adjusted accordingly.

The question is: if we let the Great Barrier Reef Marine Park be a sanctuary for hammerheads, would it stop the catching of hammerheads; would it reduce the number of hammerheads caught? I spoke to all sides of the argument. I spoke to Humane Society International. I spoke to AFMA. I spoke to scientists. I spoke to fisheries. I spoke to Senator Whish-Wilson on a couple of occasions. The first point to appreciate is that these sharks are migratory. A sanctuary doesn't actually assist them. The second point to appreciate is that the catching of the hammerhead is largely incidental to other fishing. Certainly, in the Great Barrier Reef Marine Park, that's the case.

When sharks are caught in gillnets that are designed to catch other fish, they often die before they make it on board the fishing vessel or shortly thereafter, and they're returned overboard. That happens because of stress to the animal. Four out of five sharks die irrespective of whether they're thrown back. So you can ban the fishing of hammerheads in marine parks, but they'll still be caught in gillnets and will still die. But, in that instance, what will happen is they won't be taken back to shore and counted. More sharks could legally be caught outside the marine park. In fact, they could be targeted in other areas of Queensland outside the marine park. With the regulations in place, those sharks are retained on board, counted in the Queensland quota and are returned to shore where the scientific data that everyone agrees is lacking is then collected. If the regulation is disallowed, the sharks will still be caught, four in five sharks will die, but they won't be included in the Queensland quota and they won't be taken back to shore to allow scientific data to be collected.

Now we accept, as Labor has put, that there are many things that could be done for the betterment of the species, but unfortunately that's not on offer here. So, just focusing on the regulation that is before the Senate, it's our considered view, after talking to all sides of the argument, that the disallowance in this circumstance would result in a worse outcome for sharks, and therefore we can't support it.

**Senator COLBECK** (Tasmania—Assistant Minister for Agriculture and Water Resources) (18:23): I have just a few points to counter some of the discussion that has been around the chamber. I say to Labor: the Queensland Labor government actually supported this process. So to suggest that Labor's actions here in Canberra are supported by the Queensland Labor government is not true. They actually supported this process because, rather than this affecting just a couple of net fishers, as Senator Whish-Wilson indicated, this would affect hundreds of net fishers all up and down the Queensland coast.

Let's not be shy about this. Senator Whish-Wilson's motion is just about stopping fishing. That's all it's about. He's not interested in good fisheries management. He misrepresents terribly. He is not interested in good fisheries management. He quotes a piece of alleged science—I think is probably better to say—which is based on people going snorkelling in inshore waters and trying to correlate that to the impacts on our Commonwealth waters outside three kilometres. This is not science. This observational science that he talks of, that he quotes in support of his argument, is not science.

*Senator Whish-Wilson interjecting—*

**Senator COLBECK:** It's not science. And he also quotes, in an attempt to frighten the Australian people about global fish stocks, a number of 90 per cent of global fisheries that are overfished or fully exploited. That is actually the number, but what he fails to say is that 'fully exploited' means 'sustainably fished'—so, a complete and utter misrepresentation; a lie, in fact—

**Senator Whish-Wilson:** In your language it might be!

**Senator COLBECK:** No; in global fisheries management language. Senator Whish-Wilson simply cannot be trusted with the truth in this argument. All he wants to do, with Mr Tony Burke—I was going to say 'from the Greens', and he might as well be—from the Labor Party, is shut down fisheries management. That's what he wants to do. He neglects to say that the reason for the listing of scalloped hammerhead sharks as a conservation dependent species under Australia's EPBC Act follows a listing on appendix 2 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES. The listing was due to poor fisheries management and the result of heavy overfishing in the Atlantic Ocean. That was the reason for the listing on CITES. Senator Whish-Wilson makes no comment about that in his remarks. He wants to give the impression that there's an issue here. This process will actually manage it. This will manage the fishery sustainably, and disallowance of this regulation will do nothing to protect or recover the species in the Atlantic or other populations.

This motion is about shutting down fisheries. Senator Whish-Wilson tries to cast aspersions on the overall fish stocks in Australian waters, yet the Australian Fisheries fish stocks reports since 2013 have consistently said that not one single fish stock that is Commonwealth managed is either overfished or subject to overfishing.

**Senator Whish-Wilson:** They write their own science!

**The ACTING DEPUTY PRESIDENT (Senator McCarthy):** Order!

**Senator COLBECK:** Madam Acting Deputy President, for Senator Whish-Wilson to cast those sorts of aspersions on ABARES, who do these numbers, when he is quoting a report that's effectively a compilation of a group of people going snorkelling—

*Senator Whish-Wilson interjecting—*

**Senator COLBECK:** that's effectively what it is—as observational science in inshore waters and then trying to translate that to Commonwealth waters outside three kilometres, is, quite frankly, a disgrace. ABARES is recognised globally for its work around fisheries management. This motion, as I've said a couple of times, is

simply about stopping people fishing. Our marine parks are not fisheries management tools. For us to have a continued, well-managed series of fish stocks in this country, we need to use all of the tools that we have together, in concert—

*Senator Whish-Wilson interjecting—*

**Senator COLBECK:** including marine parks, Senator Whish-Wilson. In fact, the coalition's record in the context of marine parks is a proud one. We are very proud to have put in place the best marine parks and one of the largest marine parks regimes in the world. The government, obviously, won't be supporting this disallowance motion. I urge other colleagues in the chamber not to support this disallowance motion, because it won't do anything to improve the stocks of hammerhead sharks. It will reduce the access to science in support of protecting the hammerhead sharks. This motion is all about stopping people fishing—that's all.

**The PRESIDENT:** The question is that business of the Senate notice of motion No. 1 be agreed to.

The Senate divided. [18:34]

(The President—Senator Ryan)

Ayes .....29  
Noes .....33  
Majority .....4

#### AYES

Bilyk, CL  
Carr, KJ  
Di Natale, R  
Faruqi, M  
Hanson-Young, SC  
Keneally, KK  
Lines, S  
McAllister, J  
McKim, NJ  
Polley, H  
Rice, J  
Singh, LM  
Steele-John, J  
Waters, LJ  
Whish-Wilson, PS

Cameron, DN  
Collins, JMA  
Farrell, D  
Gallacher, AM  
Hinch, D  
Ketter, CR  
Marshall, GM  
McCarthy, M  
Moore, CM  
Pratt, LC  
Siewert, R  
Smith, DPB  
Urquhart, AE (teller)  
Watt, M

#### NOES

Abetz, E  
Bernardi, C  
Burston, B  
Canavan, MJ  
Duniam, J  
Fierravanti-Wells, C  
Gichuhi, LM  
Hanson, P  
Leyonhjelm, DE  
Martin, S.L  
McKenzie, B  
Paterson, J  
Payne, MA  
Ryan, SM  
Seselja, Z  
Stoker, AJ  
Williams, JR

Anning, F  
Brockman, S  
Bushby, DC  
Colbeck, R  
Fawcett, DJ  
Fifield, MP  
Griff, S  
Hume, J (teller)  
Macdonald, ID  
McGrath, J  
Molan, AJ  
Patrick, RL  
Reynolds, L  
Scullion, NG  
Smith, DA  
Storer, TR

Question negatived.

### BILLS

#### Migration (Validation of Port Appointment) Bill 2018

##### Report from Committee

**Senator DEAN SMITH** (Western Australia—Deputy Government Whip in the Senate) (18:37): On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee, I present the report of the committee on