



# NSW Legislative Assembly Hansard

## Fisheries Management Amendment (Catch History) Bill

Extract from NSW Legislative Assembly Hansard and Papers Thursday 5 May 2005.

### Second Reading

**Mr ANDREW CONSTANCE** (Bega) [10.02 a.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to provide greater certainty in compensating commercial fishermen for lost fishing time due to responsibilities as representatives on fisheries management advisory committees [MACs] and other industry advisory bodies and organisations such as co-operatives and environmental committees. The fishing industry is critical to the economic and social wellbeing of coastal communities throughout New South Wales. It is an industry that has undertaken significant micro-economic reform and an industry continually under the strident pressures of government regulation.

Many issues impact on the fishing industry, such as New South Wales workers compensation, quota levies, boat licences, fishing licences, waterways licences, safe food licences, insurance, and a reduction in total allowable catch for some of the more commercially significant species. Other issues relate to an increasing Australian dollar and rising fuel costs, not to mention the pressures that the Australian Fisheries and Management Authority [AFMA] is placing on New South Wales co-operatives in the Commonwealth fisheries. Beyond these issues, there is a real need to ensure that New South Wales legislation and regulations encourage and enhance the industry. I am keen to see the most experienced industry players involved in the management of the State's fisheries. In a discussion paper titled "Management of Commercial Fisheries" released by the Government in October 2004, the existing arrangements are acknowledged as having some weaknesses. It states:

In particular, they tend to push businesses to look after their individual interests rather than making decisions that are also good for the whole industry.

The point needs to be made that if the State Government and the Minister require fishers to devote considerable time to work on industry matters that will impact their business, it must ensure that certainty is provided to those involved. I acknowledge that the industry is somewhat fragmented. However, it is important to encourage all fishers to seek out involvement in the decision-making processes in their fishery, and one way to do so is to provide certainty through the removal of the discretionary powers of the Minister, which politicises the process.

There are 1,300 commercial fishers in this State who are salt-of-the-earth people, many of whom conduct small family businesses. They work hard for an honest day's pay and are let down by a Sydney-centric Government that makes environmental decisions without appropriate scientific research backing up the processes. The processes and decision making constantly ignore the fact that the New South Wales fishing fleet is primarily made up of family businesses that are highly dependent upon levels of local knowledge and skills learned over many generations. The industry is working hard to ensure sound sustainable and environmental outcomes are achieved. However, I also believe it important for government to provide certainty to those in the position of responsibility for the betterment of the entire industry. I have been approached by a number of commercial fishers in relation to section 51(5) of the Fisheries Management Act 1994. The Act currently states:

(5) The Minister may increase the catch history of a person for any period during which the person was unable to engage in the person's usual fishing activities because of the person's duties as a representative of the commercial fishing industry.

Following those representations the Coalition, under the stewardship of the shadow Minister for Agriculture and Fisheries, the Hon. Duncan Gay, a member of the Legislative Council, consulted more broadly on the matter. I will read onto *Hansard* a letter from the New South Wales Fisherman's Co-operative Association. The association represents the commercial fishermen of New South Wales and supports the New South Wales Coalition's actions in bringing forward this private members bill. Phillip Neuss, the secretary of the association wrote:

This Association representing the Commercial fishermen of NSW supports your actions in moving a private bill to address the issue of fishers utilizing their time to represent the industry.

We are aware of many fishers who devote a considerable amount of time to work on industry matters. These fishers do so by frequently neglecting their short term interest of keeping the cash flow going in order that the

industry can address issues of long term importance. Without their input, there would be no representation from or any industry involvement. Unfortunately, industry has been fragmented and industry bodies, like this Association, are poorly funded. As such, these fishers are not paid a wage to attend to industry matters. They lose a day or more pay to attend meetings—frequently held in Sydney and it costs them time, lost income and additional expenses in liaising with other fishers, doing their industry research on issues and travelling to meetings.

The industry is now moving towards share managed fisheries and allocation of resources based on numbers of nights, hook numbers and catch history. Hence, fishers who have worked for the industry will be disadvantaged as their catch history could be considerably less than if they had devoted their time to catching seafood ...

The Act below indicates in Section 51 (5) that the Minister "may increase" a fishers catch history ...

We understand the Ministers have not used this discretionary power in the past and are reluctant to do so today.

We support your bill to change the wording to ensure that the Minister "must use" such powers where the effort of fishers to support their industry can be verified. For each verified day, with allowances for travel, preparation and research, the Minister can make a realistic increase in catch history based on a fisher's past catch history.

This Government has failed to adequately compensate industry representatives for lost fishing time due to the valuable contribution they make to the commercial fishing industry. I have been advised of an instance involving a Mr Jack Lavis, who worked with research in Fisheries for six months and he was not allowed to have his work recognised as part of his catch history. Management advisory committee [MAC] members have also foregone income through participating in the industry and have been penalised by the New South Wales Labor Government for their contribution. With the commercial fishing industry moving towards share-managed fisheries it is possible that MAC and other advisory council members will be disadvantaged as their catch history could be considerably less than if they had spent time fishing as opposed to representing their fisheries in industry-related matters.

Commercial fishery management advisory committees provide information on matters relating to the fishery. The committees are made up of representatives of industry, conservation and recreational fishers. A member of the department represents the deputy director-general on the MACs. The functions of the MAC are to advise the Minister on the preparation of any management plan, fishery management strategy or regulations for the fishery, to monitor whether the objectives of those plans, strategies and regulations are being attained, and to advise on any other matter relating to the fishery. A considerable investment is made by fishers to be involved in these processes and the reimbursement for incidentals is pitiful. For example, MAC members are only allowed to claim 22 cents per kilometre for their vehicle expenses and spend a lot of time undertaking what is known as out of meeting agenda work. It is on this basis that we seek to amend the Fisheries Management Act. The Coalition's fisheries private member's bill will amend Section 51.5 of the Fisheries Management Act to read:

The Minister **MUST** increase the catch history of a person for any period during which the person was unable to engage in the person's usual fishing activities because of the person's duties as a representative of the commercial fishing industry on a fisheries Management Advisory Committee or on any other organisation, such as a fisheries co-operative or environmental committee.

While Section 51.5 currently leaves it up to the Minister's discretion to increase the catch history of fisheries representatives, the proposed amendment mandates that fisheries representatives be compensated for lost fishing time. Importantly, an increase in catch history must reflect what the fisherman would have normally caught whilst representing the commercial industry. The bill will provide greater certainty for commercial fishing industry representatives to be properly compensated for using their time to represent the fishing industry on management advisory committees, and will encourage greater industry participation on the MACs. It will also encourage more experienced fishers to also be involved in this process.

The seafood industry in New South Wales generates over half a billion dollars of economic activity each year and employs more than 4,000 people. It is an important industry on the South Coast and elsewhere, and one that deserves significant recognition and support. I want to see it thrive and, at the same time, ensure that the highest environmental standards are achieved. Everyone loves their fish; however, we have a responsibility to ensure that the management framework of the industry is supported with certainty and security from government.