

**INQUIRY INTO COMMERCIAL FISHING IN NEW SOUTH
WALES**

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Submission – Commercial fishing in New South Wales (NSW)

Key issues:

- NSW Government, via NSW Fisheries, decision to increase number of shares required for each fishery does not guarantee that there will be enough shares available to be purchased, thereby forcing closure of fishing businesses and creating unemployment. This will also create substantial job losses in other support industries due to demise of NSW Commercial Fishing Industry – the domino effect.
- NSW Government, via NSW Fisheries, demand that commercial fishers must purchase shares to meet newly introduced *Commercial Fisheries Business Adjustment Program* criteria with the only other alternative offered being that a commercial fisher can no longer fish after 1 July 2017 if shares are not, or are unavailable, to be purchased.
- Letter received from Dr Geoff Allan, Deputy Director General DPI Fisheries dated 2nd December, 2016 (just 5 days ago) states that...***‘this inquiry will further ensure the social and economic value of the industry is recognised, but will not halt the reform....’***, (how does Dr Allan know that the reform will go ahead when the inquiry has not even taken place yet? Does he know something we do not? If so, this makes a mockery of this inquiry and raises many questions about honesty, transparency and trust).
- Long-term fulltime commercial fishers who work hundreds of days per year have no advantage over a ‘speculator’ who bought a fishing business in anticipation of this adjustment program but who only works one day per year. NSW Fisheries considers both examples as ‘active fishers’ and have thus penalised long-term fulltime commercial fishers unfairly.
- Severe stress on commercial fishers and their families due to being forced to go into long-term debt to remain in the fishing industry by *Commercial Fisheries Business Adjustment Program* criteria introduced by the NSW Government through NSW Fisheries decision makers.
- Severe stress on fishers and their families due to not knowing whether they can continue to produce an income through fishing after 1 July, 2017 due to an imbalance of fishers who would need to purchase shares to remain in the industry in comparison to the number of fishers who actually want to sell their shares to exit the industry.
- Locally sourced product that is fished sustainably would not be readily available for consumers to purchase once long-term fulltime commercial fishers are forced by NSW Fisheries to exit the industry. A need for imported fish would increase. Premier Mike Baird, during an interview, said that the second most important tourist attraction in Sydney is the *Sydney Fish Market* when announcing the building of the new premises. It will not bode well for the *Sydney Fish Market* if it can only supply damaged super-trawled fish, imported or farmed fish (all of which is detrimental to the ocean environment) as the only source of fish available to consumers.

Facts regarding Commercial Fisheries Business Adjustment Program:

- NSW Government, through NSW Fisheries, converted already existing commercial fishing licences into a 'share-managed' system, allocating each fisher with a set number of 'shares' as determined by NSW Fisheries, many years ago. These 'shares' were distributed for each fishery and accepted in good-faith by the commercial fisher as their business for life, which is what their licence was.
- The Hon Niall Blair MLC wrote to commercial fishers advising about the 'important changes the NSW Government has made to the *Commercial Fisheries Business Adjustment Program* to secure the future of the industry....'
- NSW Government, through NSW Fisheries, has advised fishers that they must purchase additional shares to meet new share-class criteria to remain in the industry. If shares are not purchased fishers have been advised they can no longer continue to fish after 1 July, 2017.
- The Hon Niall Blair also advised that if fishers need to purchase more shares to stay in the industry, and can't get a bank loan, applications for a 'low-interest loan' can be made to the NSW Government (the NSW Government is forcing debt onto already struggling families to remain in their life-long fishing industry).
- It had originally been stated that 'no commercial fisher will have to buy their own business to remain in the industry....' – yet this is exactly what is happening to NSW commercial fishers.
- The Rural Assistance Authority (RAA) who is the distributor of the NSW Government's 'low interest rate loans' for commercial fishers has advised the following:
 - RAA will become the owner of the shares (fishing business) for the term of the loan by fishers having to sign over (release) their shares to RAA
 - First two (2) years are of repayments will be interest only
 - Up to 120 payments are to be made in total (10 years)
 - Miss one payment and the 'low- interest rate loan' will convert to 'full-rate loan' (this is very intimidating because a commercial fisher cannot predict the weather, seas, conditions, market price of fish etc. – some weeks there may be very limited income where it is almost impossible to make a repayment on this NSW Government forced debt. Fishers now have an additional reason to take bigger risks in worse seas to meet the NSW Government-forced debt to remain a commercial fisher).
 - Fishers cannot lease their shares nor sell their shares for the tem of the loan as it is now property of RAA (a fisher will be in debt for a business they no longer have any say over – this is extremely unjust).
 - Fishers are being asked by RAA to sign an 'open-ended' loan agreement with no confirmed figure of borrowings being included in the loan agreement (is this illegal?).

Case study:

I am the wife of a long-term full-time commercial fisher who has always fished sustainably for the past 38 years.

Over the years I have written to NSW Fisheries and various Premiers of NSW voicing my concern regarding unfair changes and issues related to the NSW fishing industry. Not once have I ever received a response. No response from Mr Dunn when he was head of NSW Fisheries, not from Minister Ian Macdonald or Minister Eddie Obeid when they were Minister for Fisheries and the list goes on.

I have contacted the current NSW Fisheries 'hotline' regarding the adjustment program but no one has been able to provide the concrete information that we require. I had been advised, through not very pleasant means, that someone would definitely contact my husband within seven (7) days to address any queries we had, but it has now been over a month and still no one from NSW Fisheries has contacted us. To be honest, this comes as no surprise.

As common courtesy to someone who has lived through many 'unjust' changes by NSW Fisheries over the years, I am requesting, and would really appreciate, my voice to be heard and thoughts to be considered, please.

I can no longer sleep properly due to the stress caused by the decision-makers of NSW Government, NSW Fisheries, the subsequent consequences the *Commercial Fisheries Business Adjustment Program* and how it will negatively impact us now and in the future.

I am struggling to see any light at the end of this tunnel. We have always abided quietly by the decisions the NSW Government has made regarding commercial fishing. For example:

- As the then Minister, Eddie Obeid closed Lake Macquarie to commercial fishing. My husband lost one third of his yearly income due to that decision yet received absolutely no compensation from the NSW Government.
- NSW Fisheries reduced lobster quota by one third – once again taking away another third of his income with absolutely no compensation from the NSW Government. NSW Fisheries also increased their 'management fees' for this industry.
- NSW Fisheries took away any ability to make a living fishing for sharks, even though my husband had a substantial catch history – once again no compensation from the NSW Government was forthcoming for this loss of this income.

Little by little NSW Fisheries is significantly reducing our ability to not be a burden to anyone. But this latest decision by the NSW Government is ensuring we must take out a 'forced-debt' loan. NSW Fisheries will limit our ability to produce a decent income by introducing a quota-system and eventual full-cost recovery. This is yet another act of contempt and disregard to the well-being (mentally and physically) of a commercial fisher, his or her family, and our future.

On top of the 'forced-debt' pressure we will be under if this adjustment program is passed, NSW Fisheries cannot guarantee that there will be enough 'sellers' of shares for purchase to enable my husband to continue fishing. How do they expect us to live after 1 July, 2017 if my husband is not allowed to continue to fish due to no shares being available for him to buy? Why should he be buying his own business that he already owns in the first place, anyhow?

My husband should not be forced to take additional risks in bad weather or dangerous seas just to ensure that a repayment of a forced-debt loan is met on time. If my husband is injured or, even worse, dies at sea while trying to meet the monthly repayments of the NSW Government forced-debt loan for a business he already owns, it will be the fault of every decision-maker throughout NSW Government who has had anything to do with this flawed adjustment program and its subsequent implementation. The NSW Government, NSW Fisheries and those approving the *Commercial Fisheries Business Adjustment Program* will be to blame.

Why is the NSW Government so willing to play with his life, our life and our livelihoods like this?

I do not feel it is legal for the NSW Government to change the amount of shares required to work because commercial fishers had already been forced to accept the introduced 'shares' in good-faith many years ago. Share amount for each fishery had been set by NSW Fisheries. I do not feel it is legal to force any commercial fisher to go into debt to buy something they already own.

I do not feel it is legal to tell someone, who has been a commercial fisher for 38 years, that they can no longer work after 1 July, 2017 if they do not purchase additional shares in the industry when there is absolutely no guarantee that there will be enough shares to buy in the first instance. It is of my opinion that the process of this proposed adjustment program is cleverly-disguised blackmail, bullying and intimidation by the 'big person' over the 'little person' who has no means to defend themselves.

I feel it is 'unjust' that there are absolutely no guarantees for my husband's future within an industry he has always been in and has always done - supplying the people of NSW with freshly caught seafood and providing a top-grade product that the Sydney Fish Market needs and wants.

Why make it all so worthless? This is exactly what the *Commercial Fisheries Business Adjustment Program* will do to commercial fishing businesses in the long run.

My husband's fishing business was supposed to be his 'superannuation' when he is too old to fish any longer and decided to sell it as he has no other super. These current decisions by NSW Fisheries have taken that away from him and away from our future.

Please ask yourselves the following: If you owned a business, would you accept it if someone took your business away from you by having to sign it over to someone else because the NSW Government forced you to go into debt to buy something that you already own? Would you like if your future and superannuation was taken away from you, but at the same time you were forced by the NSW Government to go into long-term debt just so you could keep on working? Would you happily risk your life every day to pay off a loan the NSW Government forced you to take every time you went to work? Would you accept being told that you can no longer work because the NSW Government miscalculated the amount of businesses that would be willing to sell their share?

I think not. So why do it to us?

The future of the NSW fishing industry, and the health and well-being of all those who supply the people of NSW with freshly-caught and sustainably-caught product, is paramount and in your hands. Super-trawlers are not a sustainable method of fishing; they kill all forms of sea life indiscriminately but are not held accountable. Why not? Why is the small fishing business the scape-goat for decisions and approvals by public servants who really have no idea about the costs, risks, and the unpredictability associated with working in the 'real' commercial fishing world?

Fish farms pollute and damage the environment with waste product, fish meal and disease. In addition the product does not taste as fresh, flavoursome or as clean as wild-caught fish.

The individual commercial fishers – the little players in all of this – are completely sustainable but are the ones the NSW Government seems intent to hurt the most. Why? Is it because they aren't 'big-business'. They are lots and lots of small businesses. And each one of these small businesses keeps someone else in a job by supplying fishing co-ops, buying gear for fishing, boats, motors, bait, wire, lines, rods, reels, hooks, sinkers, retailers, wholesalers, restaurants, tourism etc. A large number of these businesses will lay-off staff, down-size and close doors one by one if the small commercial fishing business is wiped out. Massive loss of jobs in the long-run that will be the fault of NSW Fisheries and the NSW Government.

No one should be forced (blackmailed?) to buy their own business – a business they have worked and owned for over 38 years, by being forced by the NSW Government to do so. No one should be forced (blackmailed?) by the NSW Government to go into debt to continue to work after 1 July, 2017. No one should be told they can no longer work after 1 July, 2017 because the NSW Government did not realise that there are not enough shares to go around for those that wish to remain a commercial fisher. No one should have their right to continue working in their own business taken away because the NSW Government heeded bad advice from one of their many departments.

Please do not play with people's lives, and their ability to live, by making ill-informed, 'unjust' decisions that, some could say, border on very questionable advice and means.

Recommendations:

1. No increase to the number of shares required to operate as a commercial fisher.
2. Active commercial fishers to be issued with the additional shares required to meet the new criteria but at no cost to the commercial fisher. No forced debt.
3. New entrants to the commercial fishing industry to buy two (2) active fishing businesses that become one (1) to enter the fishing industry in the future – two for one.
4. NSW Government to view 'active fishers' as those who have worked 150 days or more per year – not just one day per year, or five days over the past five years, as it currently states in the *Commercial Fisheries Business Adjustment Program*.

If you wish to meet with me to talk about the true human side of the potential and current effects of the *Commercial Fisheries Business Adjustment Program*, please do not hesitate to contact me.

Laila Christensen

7 December, 2016