

INQUIRY INTO COMMERCIAL FISHING IN NEW SOUTH WALES

Name: Abalone Association NSW

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ABALONE ASSOCIATION NSW

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The Chair
Commercial Fishing Reform Inquiry
The Hon. Robert Brown MLC
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Dear Commercial Fishing Reform Inquiry Committee,

Although not directly affected by the current Commercial Fisheries Reform process, as a share-managed fishery, the Abalone Association of NSW (the peak NSW body representing over 85% of NSW abalone shareholders) responds as a fishery facing considerable issues under the current share-managed model.

The NSW Abalone fishery is a significant and valuable contributor to the economy of NSW and Australia. It is an important regional employer on the south coast, from Eden to Ulladulla. Abalone is a quality seafood product, highly prized in domestic and overseas markets. Almost 80 percent of what consumers eat is imported. Against this reality, an industry that supports hand-harvested, wild-caught product in a sustainable way needs to be supported. There are numerous threats to this share-managed fishery, not least the relaxing of compliance measures for illegal fishing activity and the lack of transparency and communication in relation to actions that directly affect stakeholders.

Brief Overview of the Abalone Association NSW (AANSW)

The Association comprises shareholders from a range of backgrounds and areas of expertise. The AANSW is a professional and dedicated group of people with many years' experience in small business, financial management, product promotion/marketing, harvesting, research and development. The Association's combined mission is to "protect, promote and enhance" the fishery. Expertise is enhanced by owner-operators with historical knowledge, diving proficiency and on-the-ground know-how. We are in a unique position to observe and report on stock depletion/improvement, observed or reported illegal activity, feedback from processors on changing requirements, the effect of natural occurrences, and industry feedback on DPI requirements, compliance activities, charges and reporting mechanisms.

Issues with the Abalone Share-managed Fishery

Current State of Play

The NSW Abalone fishery is classified as a fishery in recovery. Restructuring has occurred reducing the fleet and improving the viability of individual divers. Many older shareholders have sold out to be replaced by owner/divers which is a significant and positive move for the fishery. The current situation is a result of the sustainable efforts of shareholders/divers. The industry has consistently recommended conservative TACs and advocates enhancement to further improve the fishery.

A financial commitment to this industry equates to a very strong obligation towards sustainability. Most divers are also shareholders. Due to their continued work towards sustainability and (voluntary) research that contributes to Total Allowable Catch

determinations (See Attachment 1) the abalone fishery is slowly showing signs of rebuilding.

Despite this, some of the current issues facing Commercial Abalone Shareholders are:

Compliance Action Uncertainty

The AANSW does not recognise the department's internal policy on the interim Indigenous cultural catch. Clearly this does not work given intelligence we have collected and the documented evidence showing a dramatic fall in prosecutions. Claims of Native Title do not translate to the indiscriminate taking of commercial and indictable quantities of abalone. It is the responsibility of the State government to administer Fisheries legislation and manage resources to ensure sustainability. AANSW's view regarding current DPI internal policy is shared by a recent Eden court judgement finding that in effect DPI internal policy is perverting the course of justice which is in contravention to indictable offences.

"Aboriginal cultural fishing" means fishing activities and practices carried out by Aboriginal persons for the purpose of satisfying their personal, domestic or communal needs, or for educational, ceremonial or other traditional purposes, and *which do not have a commercial purpose.*" This is the basis under which Commercial Abalone shareholders invested in this industry. If the legislation has changed, or if DPI is holding back on prosecutions due to uncertainty, then the commercial Abalone industry of NSW is no longer operating under the terms provided to us (the terms we are guided by when we pay the NSW Government our share-managed fishery fees).

There is currently a high degree of uncertainty regarding cultural fishing rights and compliance action for poaching activities. The laws recognising legitimate cultural fishing rights are not disputed by shareholders in the Abalone industry. There is substantial evidence to show that abalone industry shareholders support cultural catch. But abalone shareholders despair at ongoing finds of abalone shell dumps (including undersized shells) where the meat has been shucked, in local communities. These finds mean that the work shareholders undertake to ensure their catch is sustainable and legal is being abused by others.

Abalone being caught under the guise of Native Title is finding its way into illegal markets. The current uncertainty is creating an unfortunate "us and them" dichotomy between the Indigenous community and commercial abalone divers. The AANSW receives ongoing reports that DPI compliance officers are fearful for their well-being and local police are being stymied in their efforts to keep local communities safe from the social ramifications of illegal activities. DPI Officers have communicated with AANSW in confidence advising us that they have been told not to prosecute. More recently, they have informed us that they are being 'gagged' by management.

Lack of consultation/management

The AANSW requested a review of management at our August 11 meeting due to no meaningful outcomes regarding a request by Industry to have the long-awaited App for catch reporting adopted and rolled out, along with hanging fish by numbers and a review of management charges.

We are yet to be provided with outcomes on any of these matters close to four months later. The lack of communication has made the AANSW feel alienated within our own Industry.

The current catch reporting process is antiquated and involves double handling and a permanent DPI staff member to process hand-written forms with the transfer of information requiring numerous follow-up calls due to perceived or real calculation errors and data queries.

Management Fees

AANSW members are concerned that DPI is neglecting its core responsibility under the Fisheries Management Act to protect the state's fishery resources: The objectives of this Act are "to conserve, develop and share the fishery resources of the State for the benefit of present and future generations".

We have requested a review of our management fees and also a freeze based on the calculation of 2015 quota season pending a review of mismanagement of our share-managed fishery. We have sought assistance from Minister Niall Blair to enable progress payments to commence, avoiding a burden on shareholders paying a single lump sum payment. No one expects access to this resource without paying their way, and the holdup is not from AANSW.

Independent Review of Size Limits

Despite recommendation from the Total Allowable Catch Committee (TACC) to increase minimum size limits in sections along the coast, implementation has not been forthcoming. An independent review was promised 18 months ago at an initial industry meeting and then a further industry meeting. The ongoing "lip service" continues to frustrate commercial shareholders.

Harvest Strategy

A recommendation from the Total Allowable Catch Committee (TACC) for several years now has been the need for a Harvest Strategy for the abalone fishery.

Despite an initial attempt at drafting a Harvest Strategy for the fishery it has not been progressed further.

A well drawn up Harvest Strategy for an abalone fishery would be beneficial for the future management and enhancement of the fishery.

In conclusion, there are many challenges facing the Abalone share-managed industry and much confusion and disappointment amongst current shareholders. Lack of communication and lack of time-framed outcomes is ongoing. The costs of running a viable share-managed abalone small business are considerable and the promise offered under the Commercial Fisheries Reform documentation to prospective share-managed fisheries that "the NSW Government is committed to securing a sustainable, viable and healthy fishery for NSW" is not a commitment currently being demonstrated to the NSW Commercial Abalone Industry.

Yours sincerely,

AANSW Committee and Members.