

**Submission
No 144**

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

Name: Mr and Mrs Luke

Date received: 8 December 2016

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Submission to Parliament re Commercial Fishing Concerns.

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Phone :

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① The NSW Department of Primary Industry (D.P.I.) has failed to give commercial fishers longterm secure fishing rights.

Prior to 1991 Commercial fishermen in NSW managed their own industry.

In 1991 the Government decided to develop a system "to give commercial fishers longterm secure fishing rights via the issuing of shares."

Commercial fishermen had to provide evidence to support their catch history for 1986-1990.

This in itself was a "corrupt" system. If you were "in the know" with certain fishing inspectors you were "approved" and given entitlements even if you did not have sufficient catch history.

Others had to "jump through the hoops" - even if you had the appropriate catch history, you were not given the tick of approval. You were denied access to the area you had been working in and had to fight the court system to regain access.

John had fished in 5 different areas (now called entitlements). 2 were accepted 3 were denied.

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If you disagreed with the decision then you had an option to present your case to a judge (hired by the D.P.I) with or without a solicitor.

At that time we could not afford a solicitor and so represented ourselves.

The paperwork that had been sent to D.P.I to support our claims had been secured by twine and John had used certain knots to secure them. Our paperwork, our evidence was returned to us undisturbed unopened, not read, yet we were denied access to entitlements.

That was when we knew we were dealing with corruption.

The court process affected John mentally - he was angry - trying to explain to the judge what had happened, to show the judge our evidence. He felt that he was not given time to explain and that the judge did not listen.

Once we received, in writing, that our "appeals" were unsuccessful we decided to appeal once again before an Independent Appeals Tribunal.

Although this again was a daunting experience, representing ourselves, we won all 3 appeals.

In 1994 the Fisheries Management Act was introduced to establish access rights to the NSW Fishing Industry. This Act allowed for allocation of shares based on catch history.

These shares were described as "secure, defined and tradeable".

Since 1994 the amount of shares required to work in Inshore prawn trawl

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and Ocean Trap & line has increased several times. So if you didn't increase your shares you couldn't access the entitlement!

This was the D.P.I. stated, an industry request. Where and with whom was the consultation with?

The request was by a minority of greedy fishermen, the ones who do not wish to share the grounds with other fishermen. The ones who want total control.

So, Inshore Prawn trawl, I was given 16 shares and could access the grounds. Then the bar was lifted to 32 shares and I could no longer have access unless I wanted to buy more shares. Currently it's 40 shares to access Inshore prawn trawl.

Where is the security?

If I were to go to a bank with my fishing shares, would they give me a loan? The shares have a secure value we were told. The bank would laugh in your face — fishing shares are not of any value to a bank.

I am an "original entitlement holder" 40 years I have worked in this industry. I've never had another job during that time, other than fishing.

Where are my longtime secure fishing rights?

2. The Decline of N.S.W. Commercial Fishermen is due to Inadequate D.P.I. Management

The Seafood Industry is one of N.S.W.'s oldest primary industries. It makes a significant contribution to small communities

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and regional economies along the N.S.W. coastline and is worth around \$80 million from the fishing sector alone.

In 1997/98 the amount of commercial fishermen had declined by 36%.

In the Independent Review in 2012 it was stated "there remains a lack of confidence, certainty & optimism throughout the Commercial Fishing Industry."

So many Government policies were reversed over the years, commercial fishermen became frustrated.

There has been a breakdown in trust, respect & working relations between the N.S.W. Commercial fishermen & the Government

Managers in the D.P.I. are not trusted. Commercial fishermen who have worked in the industry for generations are leaving the industry, stating "the writing is on the wall."

Many family businesses are not being handed on to younger generations due to lack of security and profitability compared to other industries.

The D.P.I. does not take into account that there can be many reasons for reduced effort — there are good years and there are bad years, there are floods & drought which all affect the fishing industry.

Older generations have discouraged the younger ones from entering the fishing industry.

Another reason for the decline in numbers of commercial fishermen is the reduction of fishing grounds.

33% of rivers, lakes & estuaries in N.S.W. are "recreational fishing only" areas.

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Recreational fishers have no environmental impact assessments — they catch commercial quantities of many species.

It is regularly acknowledged at resource assessment workshops that the recreational sector is the greater harvester of a significant number of species — so why is the Government so focused on the Commercial sector of fishing?

Is it that there are more recreational fishers voting than commercial fishers? Why do we import 72% of our seafood?

Wild fisheries in N.S.W. are sustainable. Wild fish are healthy and valued.

Aqua culture is not the answer — the pellets that contain growth hormones and the anti-biotics fed to the fish before harvest, are unsafe.

3. D.P.I. do not support Indigenous Commercial Fishermen.

Indigenous persons recognise the spiritual, social and customary significance of our fishing resources and want to protect it.

Indigenous fishers "work to live" not "live to work." We have a responsibility to our families and extended community to provide for them as well.

In the Independent Review of 2012 it was noted that "aboriginal commercial fishers do not place as much pressure on the State's resources."

There should be greater development opportunities in commercial fishing for

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yang Indigenous fishers.

I am the only Indigenous estuary prawn trawl operator in NSW. 1 out of 150

My son and myself are the only Indigenous handgathers in Region 4. 2 out of 23.

4. The Effect of The Reform on the NSW Fishing Industry - (to date.)

In a sustainable fishery with less than 1,000 fishermen why do we need changes?

Commercial fishermen are already regulated by the D.P.I and self regulated by the historical knowledge we have of our fishing grounds.

Consultation has been poor and my "hierarchy of wealth" has been broken.

I own shares to operate in 5 different areas, I cannot access them all in one day. We have a sustainable fishery

Why, if the Reform is passed, will I be penalised because I am not a greedy fisherman - I am 65 years of age I work to live and for enjoyment - fishing commercially for 40 years is in my blood and as an Indigenous fisher in my background through the blood of my ancestors.

Greed has caused certain fishermen to push for quotas based on their current catch history. They say that they are the ones who need to be rewarded, they have worked hard and deserve quotas based on recent catch history.

I fought for my entitlements with catch history many years ago. These

greedy fishermen have been rewarded by the value of their catches year after year

The Hunter River Professional Fishermen's Association (H.R.P.F.A.) was formed pre 1991, before the D.P.I. took over management of the fisheries. It was formed to create sustainability in the Hunter River Estuary Prawn Trawl. I was elected chairperson.

Firstly we introduced night closures. We banned the use of double-nets, we reduced the fishing boat fleet from 70 fishing vessels of all sizes, to 30 fishing vessels under 30'. We created a system to eliminate the catching of small Prawns.

All meetings were held democratically - all endorsement holders were advised of meetings by letter, plenty of notice given to attend the proposed meetings. All decisions were made by voting - majority ruled.

These decisions were then taken to the Fisheries as proposals. They were all accepted.

The Fisheries stated the Hunter River was a fine example of "self-management" by the commercial fishermen in the H.R.P.F.A. (2) can find the relevant documentation to support this, if required)

Once the D.P.I. took over management of the NSW Fisheries they said there was no longer a need for the H.R.P.F.A. and it was disbanded.

In fact the D.P.I. undid some of our good work and re-adjusted the minimum size of prawns - to make

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them even smaller! A m.A.C. member took this proposal to the D.P.I. and it was accepted without consultation with all endorsement holders. Only a few greedy fishermen were aware of this proposal.

There has been a steady decline in the NSW fishing industry due to poor management and undemocratic meetings.

So why am I being penalised?

- (1) because I'm older, not as medically fit and unable to work as long.
- (2) Refuse, in the Hunter River estuary prawn trawl to catch small prawns.

Small prawns are the future — they grow & they breed. Catch all the small prawns & what happens?

I find it hard to believe that some fishermen on panels such as m.A.C. etc. whom were supposed to consult with other fishermen are fishermen who have been found guilty of fishing offences. Black marketing, catching more than the quota to name a few offences.

These are ~~the~~ some of the people that the D.P.I. consulted the proposed changes with.

The people on the panels also had information years ago that possibly quotas were being introduced and we required additional shares in the industry if we wanted to continue working as we do at present.

It is easy to see who these people are — look on the D.P.I. share website for fishers with large amounts of

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shares, then look to see if these persons were involved in consultation with the D.P.I. on panels, committees etc.

Since 1997 I have suffered a nervous breakdown (caused, my doctors said, by stress) My only stress was with the D.P.I. 3 years ago I was diagnosed with Major Depression.

This whole "new" process is affecting my health.

I could walk away - but why should I?

My shares in the fishing industry were originally allocated because of my catch history

I am not alone, medically there are lots of fishermen in similar or worse situations than I am.

We Commercial Fishermen in N.S.W. have a great unity and we will fight against this Reform. We are, after all, the majority of commercial fishers. In a democratic country - we HAVE TO WIN.

I stand as an Independent Indigenous Commercial Fisherman. However I support the Wild Caught Fishers Corporation (W.C.F.C.) as a state wide representative body for Commercial Fishermen.

I do not support the Professional Fishermen's Association (P.F.A.) because many of the members are greedy and corrupt.

We (my wife + I) have no confidence in the current management of the D.P.I and Niall Blair, as minister should be sacked.

8-12-16.

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