



NSW Wild Caught  
Fisher's Coalition Inc.  
Submission (2)  
8th September 2022.

**SENATE RURAL AND REGIONAL  
AFFAIRS AND TRANSPORT**

**Enquiry into Fisheries  
REFERENCES COMMITTEE  
Quota Systems**

Registered office:

Via \_\_\_\_\_  
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Registered office:

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**WCFC Additional Submission comments to Senate Quota Inquiry. 8<sup>th</sup> Sept 2022.**

We wish to add to our submission the following comments and have included attached documents as further references in reference to our concerns.

**Senate questions:** The fisheries quota system and examining whether the current 'managed microeconomic system' established around a set of individual transferable quotas results in good fishing practice, with particular reference to:

- a) good fishing practice that is ecologically sustainable with an economic dynamic that produces good community outcomes;
- b) how the current quota system affects community fishers;
- c) whether the current system disempowers small fishers and benefits large interest groups;
- d) the enforceability of ecological value on the current system, and the current system's relationship to the health of the fisheries;
- e) whether the current system results in good fishing practice that is ecologically sustainable and economically dynamic, and produces good community outcomes; and
- f) any other related matters.

We note that items a, b, c, d; have been addressed in our initial submission.

We wish to add to e) and f) with the following comments and references:

**Comments:**

With the introduction of Quota automatically comes Harvest Strategies and the determination of Total Allowable Catches (TAC). This process continues to have us concerned. With each fishery style the process of TAC takes place.

Since the recent reform and additional move to allocating quota shares linked to the proposed structural adjustment objectives in NSW, a call for comment was made by the NSW Department of Primary Industries/NSW Fisheries (DPI) for Ocean Trawl, Ocean Haul and Ocean Trap n Line Fisheries.

The following details are from our submission and which we submit is demonstrating the ongoing issues: We looked at each species as best we could due to COVID restrictions:

**Ocean Trawl:**

**OT Tiger Flathead:**

The 20/21 allocation was 166,900 kg.

The Catch by 20th Dec 2020 was 15.1%.

Talking to Ocean Fishers there is a size limit of 28cm for Commonwealth Fisheries. There is a size limit of 30 cm for State fishers. This discrepancy in a fishery that spans the East Coast of Australia literally deprives many citizens of this fish, creates dead catch that is not brought into sale and limits the capacity of the fisher in his efficiencies that are supposed to be part of a Quota fishery incentive. A Trip Limit is applied and combined with Blue Spotted Flathead This conflicts with the reasons that a trip limit was applied and creates wastage of fish.



**WCFC Additional Submission comments to Senate Quota Inquiry  
WCFC Issues Submission to NSW Fisheries ( DPI) CONT:**

**OCEAN TRAWL FISHERY**

**OT Blue Spotted Flathead:**

The 2020/21 allocation was 108,100 kg.

The Catch by the 20th Dec 2020 was 45.5%

Is this the same? Is the size limits being placed to appease recreational fishers? Recreational fishers have exclusive access to at least 30% of NSW state waters in Lakes, Estuaries and Rivers. Recreational fishers, plus tourists are estimated to represent under 18% of the NSW population. Are table size fish being wasted as a result of the size limits and are these same fish dying because of these limits. Are members of the community being denied this fish? What information is now provided on the recreational catch of this species? A Trip Limit applies, (South of Barrenjoey) it is felt that applying a trip limit creates wastage and is especially of issue due to combining the limit with both Blue Spotted Flathead and Tiger Flathead that is not necessarily targeted by recreational fishers. Where is the promised efficiency savings here?

**OT Silver Trevally:**

The 2020/21 allocation was 26,800 Kg

The Catch by the 20th December was 3.3%

Why? Is this again a failure and inefficient process of size restrictions that simply means Trevally are no longer targeted?

**OT Eastern School Whiting and Stout Whiting:**

The 2020/21 allocation was 898,100 KG

The Catch to 20th December was 57.7%

why? Was the distribution of Quota in this fishery a reasonable distribution? Are fish not harvested because of the quota and the trepidation facing fishers? What are the costs to obtain quota and how is this off set by the multi-species component of the fishery. Again we are being advised that there is a wastage of this species and an inefficiency now occurring as a direct result of the quota system.



**WCFC Additional Submission comments to Senate Quota Inquiry.**

**WCFC Issues Example Submission to NSW Fisheries ( DPI) CONT:**

**Ocean Hauling Fishery (purse seine) (OH)**

**OH Australian Sardine:**

The 2020/21 allocation was 2,774,000kg

The Catch to the 20th December was 24.6%

Our conversations have determined that there is an issue with the availability and access to unloading facilities in the North subsequently affecting one of our members' efficiency and viability in harvesting. There is no shortage of fish.

The indications are that the loss of a factory in the South has affected other fishers.

**OH Blue Mackerel:**

The 2020/21 allocation was 757,800kg

The Catch to the 20th December 45.1%

Fishers are not necessarily targeting this fish – It is utilised as a bait product. There is no shortage.

**OH Yellow tail Scad:**

The 2020/21 allocation was 864,000kg

The Catch to the 20th December 24.2 %

We did not manage to speak to a fisher for this species.

**Ocean Trap and Line Fishery:**

Species Allocation	Kg.	Percentage caught.	
Issues			
Bass Grouper	6,100	24%	
Gemfish	7,100	13.3%	Trip limit + quota
Pink Ling	67,700	26.4%	Trip limit + quota
Blue Eye Trevally	30,000	26.4%	
Hapuku	5,200	9.7%	
Bigeye Ocean Perch	21,100	24.8%	



## **WCFC Additional Submission comments to Senate Quota Inquiry.**

### **WCFC Issues Example Submission to NSW Fisheries ( DPI) CONT:**

#### **Ocean Trap n Line cont:**

#### **Issues:**

Recreational Fishers have no size restrictions

Recreational fishers can gut and fillet fish while at sea.

Recreational fishers for some species catch 20 fish a day.

Recreational Fishers are not capped.

Recreational Fishers no quota on overall catch.

Recreational Fishers – no adequate catch statistics provided.

Commercial fishers have trip limit and quota – inefficient and fish wastage.

Commercial Fishers are capped.

Commercial fishers being forced to lease quota – inefficient process.

Commercial fishers share values reduced.

Introduction of quota and TAC is/will eliminate commercial fishers.

**Specific Fishers Comments:** ‘Why hasn’t the state introduced a quota for recreational fisheries, anyone in the world can obtain a recreational fishing licence in NSW.’

#### **DISCUSSION:**

A comment on studies that have been reviewed: Fisheries Privatisation and remaking of Fishery Systems by Courtney Carothers and Catherine Chambers clarify that Peter Holm and Kare Nolde Nielsen (2007:193) note the “ITQ literature is massive” Several Syntheses of this burgeoning Literature provide helpful reviews of a wide range of case studies. (e.g. Shotton 2000a, 2001, the relationship between catch shares and fish resources eg Chu 2009: Costello et.al 2008: Melnychuk et al. 2001)and the social impacts of fisheries privatisation (eg., Copes 1986; Lowe and Carothers 2008; McCay 1995. 2004; Olson 2011) The paper goes on to say: The solution is to eliminate the totally useless accumulation of excess capital (crutchfield 1979 751) and labour (i.e. fishing boats, gear, and fishermen) to enclose the fisheries in fewer individuals and vessels thus maximising profits for fleet that remains. The social goal of fisheries according to this economic framing is to maximise aggregate profit for the most efficient fishermen or firms.’ end quote

We observe, in contrast, there is an efficiency dilemma here at sea, that seems to be ignored with the introduction of output control and the expectation is that many more fishers will be forced out of the industry as a result. The provision of seafood overall continues to be reduced to the consumers who rely on commercial fishers and whose resource supply is an issue.



### **WCFC Additional Submission comments to Senate Quota Inquiry.**

#### **WCFC Issues Example Submission to NSW Fisheries ( DPI ) CONT:**

We conclude our comments further by referring to Research that takes us to 'Legislating for Property Rights in Fisheries' by Christine Stewart; this work prepared for the Development Law Service Food and Agriculture Organisation (FAO).

Of interest is the following Clause Quote 'In recent decades, the traditional right in the public to fish in tidal waters has been supplanted by limitations on access to the stocks, particularly for commercial fishers. This has been achieved by statutory schemes establishing rights of varying natures. Where these rights are fully established, they show many of the legal characteristics of property. In 1999, the Fish Rights 99 Conference on Use of Property Rights in Fisheries Management was held in Fremantle, Western Australia, in collaboration with FAO. The Conference brought together fisheries managers, economists, lawyers and politicians from all around the world to discuss, describe and explain the operation of property-based fisheries rights systems in the many countries which have implemented, are implementing or are considering the implementation of such systems in their national fisheries. The report of the Conference and technical papers were published as FAO Fisheries Technical Paper 404, Volumes 1 and 2, in 2000. Those proposing to introduce or improve a property-based fisheries rights system would do well to refer to this publication.' end Quote. Then again we find the following: Quote 'Property rights in natural resources may be classified into operational level rights — the rights of Access and Withdrawal; and collective choice level rights — the rights of Management, Exclusion and Alienation. Fisheries access regimes have ranged through: open access (which is actually the absence of a regime) state property or limited access regimes, private property regimes, communal property regimes. To this list may be added nation-state regimes and global regimes. The exclusionary nature of the individual quota may in some cases work against the interests of disadvantaged and indigenous groups, by concentrating fisheries rights in the hands of the wealthy (and sometimes expatriate) few. Quotas may even be held by the "arm chair fishers" who are able to afford them. It is possible that the way forward must take account of the interests of fishing communities by establishing community or group quota schemes where possible, thereby serving the interests of the social obligations of states set out in the FAO Code of Conduct for Responsible Fisheries. Further, an ecosystem-based approach to fisheries management has yet to be devised, and a greater rather than lesser degree of government involvement may be required.' end Quote This is just one of many research papers and processes that informed managers of Australia's Commonwealth and State Fisheries. A process that would impact the wealth, viability, sustainability, health and wellbeing of our states fishers, an increase in imports, and increase in debt and less fresh fish for regional NSW consumers.



## WCFC Additional Submission comments to Senate Quota Inquiry.

### WCFC Issues Example Submission to NSW Fisheries ( DPI) CONT:

The social responsibilities of states are set out in Article 6 of the FAO Code of Conduct for Responsible Fisheries, and in particular:

6.1 States and users of living aquatic resources should conserve aquatic ecosystems. The right to fish carries with it the obligation to do so in a responsible manner so as to ensure effective conservation and management of the living aquatic resources.

6.2 Fisheries management should promote the maintenance of the quality, diversity and availability of fisheries resources in sufficient quantities for present and future generations in the context of food security, poverty alleviation and sustainable development... and then

6.18 Recognizing the important contributions of artisanal and small-scale fisheries to employment, income and food security, States should appropriately protect the rights of fishers and fish workers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction.'  
end quote.

**CONCLUSION:** With the processes now in place and the failure of government to adequately provide the recreational catch of the species identified in the current Commercial Fishery TAC appraisal considerations, it's hard to evaluate fair and equitable catch let alone understand the areas of access available to commercial fishers in comparison to recreational fishers and to subsequently evaluate the supply of seafood to the greater community who have the expectation of equity in provision of the resource per species.

Due to the disregard of the dilemmas now facing the industry and the system in place affecting their efficiencies and the ongoing governments management decisions specific to appease recreational fishers we are concerned that the setting of the TAC's will ignore the many issues facing commercial fishers struggling with all of the regulatory management decisions. **(End of Example Submission to NSW DPI of concerns)**

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### This Submission Further Comments:

There remains many issues with the introduction of quota, the development of Harvest Strategies and working groups and their structure in NSW. The continued focus on efficiencies savings that actually hide ongoing proposals to further structurally adjust the NSW Commercial fisheries. The structural adjustment and subsequent conversion of many fisheries to quota was not supported by a majority of the NSW commercial fishery. There is just over 700 shareholders left in the NSW Commercial fishery. This made no difference the Reform proceeded despite a Parliamentary Inquiry, obtained with over 10,000 signatures.



### **WCFC Additional Submission comments to Senate Quota Inquiry.**

For more than thirty years slowly but surely year in and year out reductions of the commercial industry have progressed. Parliamentary elections year in and year out. At the start of the reform there were 1060 fishing businesses in 2016.

Leading up to the introduction of Quota in the Reform, we draw your attention to a briefing document provided to the Director General by the Chief scientist at the time and also a fisheries Director. This briefing touches on the many concerns that industry have today.

#### **Attachment Reference 2:**

##### **DPI – SCIENCE & RESEARCH Director-General Briefing (copy)**

**Page 1 -**

BN07/2523 05/5477

#### **Structural Adjustment Report**

**Issue:** Comments requested by the D-G on the Cabinet Minute seeking implementation of recommendations from the Stevens Report on Structural Adjustment in Commercial Fisheries in NSW.

Brief prepared by Dr Steve Kennelly, Chief Scientist and Director, Systems Research.  
November 2007

Executive Liaison Unit: Deputy Director-General, Science & Research (Dr Nick Austin)

#### **Structural Adjustment Report**

**Page 2 -**

**Issue:** Comments requested by the D-G on the Cabinet Minute seeking implementation of recommendations from the Stevens Report on Structural Adjustment in Commercial Fisheries in NSW.

**Background:** The Director-General has asked the Chief Scientist and Director, Systems Research to provide comments on the Stevens Report on Structural Adjustment in Commercial Fisheries in NSW and the resulting Cabinet Minute. The following comments are provided by Dr Kennelly.

**Comments:** As requested, I have reviewed the Stevens report on Structural Adjustment in NSW's Commercial Fisheries and the corresponding draft Cabinet Minute seeking approx. \$26M to implement the Stevens' recommendations. It should be noted that, apart from reviewing an earlier version of the Stevens report in September 2007, this current review of the latest version of that report and this Cabinet Minute is my only brush with share management and structural adjustment in NSW's fisheries. The following comments are therefore made with little familiarity of what has occurred over the past few years with respect to this issue – in terms of the development of these policies, the consultation involved, etc. – so my comments below may be seen as somewhat naive – given the obviously significant history surrounding this issue.





**WCFC Additional Submission comments to Senate Quota Inquiry.  
Scientist and Directors Structural Adjustment Report (copy) Cont.**

**Page 2** Having said that, I do have significant concerns about the Stevens report and the resulting Cabinet Minute. Firstly, the detailed comments I (and other scientists in DPI) made on the earlier draft of the Stevens report (the September 2007 version) are attached and have mostly not been incorporated nor addressed in the final version of the report. In particular, the most important flaw of the report we identified was, is that it does not reflect that fisheries resources in NSW must be managed as a whole. That is, fisheries management must also account for recreational fisheries and their potential to impact any sustainability outcomes of proposed structural adjustments.

Representatives from the commercial fishery would want to see this and could view structural adjustment as a de facto formula for simply re-allocating fish resources to the recreational sector. Any structural adjustment of commercial fisheries in NSW that is designed to lower (or even just maintain) fishing effort for conservation or sustainability outcomes, which does not include an associated reduction of recreational harvest will be a simple re-allocation of catches of most species to the latter sector. The recreational fishing sector in NSW and its fishing effort are increasing at least at the rate of population increase and probably faster due to our ageing population demographics, the “sea change” movement of the population and increasing recreational fishing technology. In fact, DPI administers a \$10M recreational fishing fee fund that is mostly spent on promoting our recreational fishing sector. Any structural adjustments in the commercial sector to reduce or maintain catches of those species shared with recreational fisheries may therefore be a simple swap of fish to the ever growing recreational sector. The vital importance of considering the recreational sector when structurally adjusting the commercial sector is further evidenced by the fact that the recreational sector is prepared to spend \$6M on this issue – as mentioned in the Cabinet Minute.

**Page - 3 -** Another point worth noting is that, before spending \$26M on this exercise, the NSW Government should ask if there is any evidence that the removal of approximately one third of the remaining 1,100 fishing businesses will lead to the desired outcomes in sustainability, conservation and economic prosperity. There is, in fact, some evidence to the contrary. In the last 10 years, 1,700 fishing businesses have been removed from the commercial sector in NSW, yet we are now advised that the condition of these fisheries has not improved and that another \$26M needs to be spent to remove another 350 or so. One must question why the removal of 350 businesses now will make all the difference when the removal of 1,700 businesses apparently has had little effect.

One must ask, why then has the removal of large numbers of fishing businesses not had any desired impacts over the past decade? Certainly, the removal of many of these businesses was due to the establishment of marine parks and recreational fishery havens so one could argue that a lack of improvement in the remaining businesses was simply due to a loss of fishing grounds. Furthermore, these buyouts were not associated with any structural reform process.



**WCFC Additional Submission comments to Senate Quota Inquiry.  
Scientist and Directors Structural Adjustment Report (copy) Cont.:**

**Page 3:** However, I believe there may also be other reasons for this lack of an effect that do not appear to have been taken into account in the current documents. One I mentioned earlier, i.e., removing commercial fishing businesses may simply mean that the fish are being caught by an ever-growing recreational sector. Another concerns the unique nature of NSW's fishing stocks and the quite unique businesses that have developed over the past century or so to catch those stocks.

By world and national standards, NSW fish stocks and fisheries are characterised by being very small with in production but very diverse in the species and methods involved. This has led to our fishing businesses having many endorsements in many fisheries but catching small landings in each. This allows these 'Jacks of all trades' to move from fishery to fishery, method to method, stock to stock, species to species, as the conditions in terms of catchability begin to become marginal. That is, their low production, high diversity operations match the attributes that characterise the stocks of fish that occur off our coast and in our estuaries. When these fishing businesses are forced into one or two fisheries, they will have less capacity or flexibility to move to other stocks and therefore they may fish down those fewer stocks that they do have access to.

This has significant implications for the proposal in the Stevens report regarding Steps 2 and 3 of the Structural Adjustment package. Step 1 (the removal of latent effort) is obviously a very good thing and should have been done many years ago. However, further restrictions in terms of minimum share-holdings, etc. that force multi-fisheries, multimethod, multi-species fishermen into fewer fisheries, methods and species, I believe, may have deleterious outcomes on stocks and sustainability.

**Recommendation:** The Director-General note this brief and consider implementing Stage 1 of the Stevens recommendations at this point and undertaking a risk assessment of the consequences of Stages 2 and 3 before further implementation.

**Structural Adjustment Report: Additional Information BN07/2523**

**page - 4** - Comments provided by Dr Kennelly in September 2007 on "Draft Report on Structural Adjustment in Commercial Fisheries in NSW" by Richard Stevens from members of the Wild Fisheries Research Program.

- The draft review provides plenty of fresh ideas on possible long-term adjustments to commercial fisheries in NSW. The goals of SIAC to remove latent effort and reduce active effort are worthwhile and should be pursued. The long-term vision of where the industry needs to move is sound, but the hurdles should not be underestimated – especially coming so soon after the much-anticipated and recently completed issue of shares across the sector- one wonders whether it may be prudent to allow that process to "bed-down" before too many wholesale changes are made to the system.



## WCFC Additional Submission comments to Senate Quota Inquiry.

### Structural Adjustment Report: Additional Information BN07/2523 (copy)Cont.:

- **Page 4:** Much of the detail in the report is reasonable and raises valid issues that need to be dealt with as far as commercial management goes. However the report recommends some significant shifts in the direction of commercial management (e.g. complete closure of the inland commercial fishery), and some of the recommendations (such as amalgamations of endorsement types to reduce the number of share types from 105 to 16, amalgamating parts of the Estuary General and Ocean Hauling fisheries, and removing the lists of 'defined species') might not be possible in the current legal and regulatory framework.
- The most important flaw of the report, however, is that it does not reflect that fisheries resources must be managed as a whole. That is, fisheries management must also account for recreational fisheries and their potential to impact any sustainability outcomes of the proposed structural adjustments. Representatives from the commercial fishery will want to see this and could view this report as a de facto formula for simply re-allocating fish resources to the recreational fishery.
- That is, any structural adjustment of commercial fisheries in NSW that is designed to lower (or even just maintain) fishing effort for conservation or sustainability outcomes, which does not include mirrored restructuring of recreational fisheries will be a simple re-allocation of catches of most species to the latter sector. The recreational fishing sector in NSW and its effort are increasing at least at the rate of population increase and probably faster due to our ageing population demographics and increasing recreational fishing technology. Any structural adjustments in the commercial sector to reduce or maintain catches of those species shared with recreational fisheries will therefore be a simple swap of fish to the ever-growing recreational sector.
- The proposed simplifications to the management of the fisheries are essential if there are to be cost savings in the administration of this industry. The suggestion to reduce the number of endorsement types is supported. Recommendations such as the closure of the inland fishery are also sensible as our inland fisheries do not have an economic return to justify their, probably underestimated, management costs.
- Implementation of the full plan will require very significant reforms to fisheries management in NSW. Although this should not be shied away from, a risk analysis of the implementation should be considered, particularly if it got halfway and then was stalled by administrative inertia or changes in policy. It may be that there are lower risk strategies that can be identified and progressed more easily.



**WCFC Additional Submission comments to Senate Quota Inquiry.  
Structural Adjustment Report: Additional Information BN07/2523 (copy) Cont.**

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- Measurement of actual fishing effort is notoriously difficult. Providing that TAE is only applied to various types of trawling, then this task should be achievable. The efficiency of the trawl gears will also have to be monitored and effort adjusted accordingly,
- Changes such as removing the defined list of species will likely have ramifications to the relevance of the FMS's/EIS's. The legal consequences on these finalised processes will need to be considered carefully before such decisions are taken.
- Removal of boat licences (which appear to have gained some type of de facto property right) is a good idea, but will likely be met with resistance from industry if they have invested in these licences and expect its value to be maintained.
- No reasoning is presented in the document for some of the suggested changes (e.g. the proposed increase in coastal lake hauling net length from 500 to 750 metres, or the proposed removal of controls on maximum engine power for trawlers). However, quite a number of the suggested changes appear to be inherently sensible (e.g. removing incidental catch ratios in the EPT fishery, and standardising weekend closures in estuaries).
- VMS systems are probably impractical in small estuarine fisheries. The administrative costs of VMS in less-capitalised segments of the industry will be high. The costs of running the VMS systems, (which could be outsourced) could be easily underestimated in NSW's smaller fisheries as there will be limited scope for savings/discounts due to economies of scale.
- The costs of modifications to existing information systems (licences, share exchange, catch/effort etc.) will be significantly greater if the scope of the work to be undertaken cannot be defined upfront. This will place significant pressure on the Implementation Project Team to not continue negotiating the plan during the implementation of any restructure.
- Estimating a TAC/TAE/Points will be a complex analytical task and will require significant input and resources from S&R. Preliminary consultations with the TAC Committee should be undertaken to scope out potential strategies for setting TAC/TAE/Points in a cost-effective manner (such as Harvest Control Rules).



## WCFC Additional Submission comments to Senate Quota Inquiry.

### Structural Adjustment Report: Additional Information BN07/2523 copy

#### Page - 5 -

- Experience from the lobster and abalone fisheries has indicated that resources to provide data to the TAC Committee are very high. Costs of these resources, which include both direct and indirect costs, should be estimated and secured well before any decisions are made on a restructuring plan.
- For species with significant overlap with Commonwealth species, there will be a need to better co-ordinate the assessment processes between the jurisdictions.
- The “points system” is a novel and interesting strategy for output control of a multispecies fishery. The strategy deserves consideration and additional analysis. Compliance will be a major difficulty associated with such a system as there will be a significant motivation to miss-report or black-market species that accrue larger numbers of points. Compliance of this aspect of the system will be mainly administrative and require systems that are costly to maintain.

#### Page - 6 -

- The novel approach being recommended (the "fish points" system, involving 'quota' based on value rather than quantity) is not explained in much detail in the draft document and deserves further exploration. However, given that the legal and operational impediments to such a system could be overcome, we wonder how a 'commercial quota' system might work alongside the very significant (and minimally constrained) recreational fisheries for the same species? The system proposed is quite novel in commercial fisheries management and, as the document states, more work is needed to develop the approach. We would particularly need to know what level of 'research & monitoring' support would be necessary to underpin such a system.
- Undertaking joint assessment with Queensland of the spanner crab fishery is supported. TAC setting should take place using the current Harvest Control Rules determined by Queensland.

**( End of Scientist and Director document attachment)**



## **WCFC Additional Submission comments to Senate Quota Inquiry.**

### **Our Submission Cont.:**

During the course of the past year WCFC have had several issues that have developed as a result of the implementation of quota and the reform, one is the harvest of Blue Eye Trevalla, as an example of the complexities that are now facing the industry. (See attached example 1) Another, is the ability to transfer quota in some fisheries across the state that subsequently and significantly changes the processes that controlled sustainability before quota was implemented. Fishers' capacity can increase region by region.

This includes the ability to increase trap numbers.

The ability to have ownership of 40% of a species quota that is now introduced and sets a precedent. This is subsequently now catering for the expected reduction of fishers who will eventually be unable to continue in each fishery.

The DPI continue to fail to value fisheries fairly. The use of Sydney Fish Markets as the guide for determining values is not acceptable this issue has been ongoing for some years. The industry has been deregulated.

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### **Attachment:**

#### **Example 1.**

#### **Blue Eye Trevalla:**

**ISSUE: NSW Ocean Trap and Line East (OT&L) and the introduction and allocation of Quota and a Total Allowable Catch (TAC) for the Blue Eye Trevalla Commercial Fishery.**

**Legislation:** NSW Fisheries Share Management Act with amendments.

**Species:** Blue Eye Trevalla

**Species Management:** The species is managed as a single species.

**On the 1<sup>st</sup> May 2019 The Total Allowable Catch (TAC) limits were introduced**

**Total NSW TAC value for ending April 2022 Allocation: 30,000kg**

### **DISCUSSION:**

**In the Blue Eye Trevalla certification application by DPI for assessment of the OT&L fisheries under the protected species and wild life trade provisions of the Environment and Conservation Act (EPBC Act) 1999, we find the following information:**

- The trap n line fishery operates over the entire NSW Coast some Commonwealth and some under State jurisdiction.
- It is managed mainly by input controls however some species have output controls as well.
- The fishery is listed under the NSW Marine Estate Management Strategy 2018-2028 a ten year plan.
- Improvement to data reporting is listed for the next ten years.



## **WCFC Additional Submission comments to Senate Quota Inquiry.**

### **Example 1. Blue Eye Trevalla Cont.:**

#### **ISSUE: NSW Ocean Trap and Line East (OT&L) and the introduction and allocation of Quota and a Total Allowable Catch (TAC) for the Blue Eye Trevalla Commercial Fishery.**

- The target species of this issue document it is a secondary species of the OT&L fishery and is identified as Blue Eye Trevalla.
- Blue Eye Trevalla are listed as Sustainable (which means it is NOT identified as depleted, overfished or undefined.)
- The species was issued with export trade permits for the next three years.
- The OT&L fishery impact on the Marine bio-regional areas are found to be low and acceptable on protected species and ecological communities as low.
- It has been identified under the stock status reports that this species is targeted by killer whale sharks that affect the stock status more so than the area closures.
- Catches of more than 90 t per year were made in the OT&L fishery in the late 1900's they peaked at 120 t in 1999 however harvest have declined to 14.8 t 2019.
- The recreational catch is unknown.
- 85 to 90% of the catch comes from Commonwealth waters.
- Further statements are NSW: 2005; 58 ton 168 fishing days!
- 2009; 1 ton in 23 days (Q fish) 2020; 2019 0.4T (Webley et al 2015)  
The majority of Blue Eye are caught in the SESSF fishery.

#### **This Fishery ISSUES:**

- The commercial catch of Blue Eye Trevalla has progressively declined over the period 2009/2010 to 2020/2021 from just over 45t to less than 10t.
- In this same period commercial fisher numbers and area of access have been diminished considerably. Fishers targeting the species have varied.
- This is seen to be an overall management issue, especially where the ratio of recreational fishers over runs the commercial fishers and their methods of fishing are not compatible.
- The commercial catch is determined to be sustainable.
- There is NO known determination of the recreational catch.
- It is claimed by DPI reports that the recreational catch is negligible. This is disputed.
- Commercial fishers are outnumbered in some cases 5 recreational to 1 commercial fisher in some Blue Eye Trevalla grounds.



### **WCFC Additional Submission comments to Senate Quota Inquiry.**

- **Example 1. Blue Eye Trevalla Cont.**
- **ISSUE: NSW Ocean Trap and Line East (OT&L) and the introduction and allocation of Quota and a Total Allowable Catch (TAC) for the Blue Eye Trevalla Commercial Fishery.**
- There is evidence that the species is area specific as an adult and increasing the Quota in the North would be advantageous to fishers in the North without affecting Fishers in the South.
- There is belief that the recreational catch is increasing.
- An amateur fisherman can go out with an electric reel and catch a commercial fisher's entire year's quota on a daily basis.
- There is no data on the recreational catch of which it is estimated in two ports alone the catch would be at 30 - 35 times that of the commercial catch.
- The determination of the TAC is taken simply from commercial catch data.
- The methodology utilised to assess the stock status of this fishery is unacceptable.
- The historic catch levels are not accurate due to mixed species in historic records of catches and locations of those catches.
- A commercial fisher's line east quota allocation for an entire year is less than the daily recreational allowance.
- Some Commercial fishers are discouraged from catching this species due to the cost to fish, the economic return resulting from the reform and low quota allocation effect which is not resolved from leasing or purchasing more shares.
- One fishers states that his line East endorsement cost \$35,000 plus ongoing fees for this he is allowed to catch \$2900 worth of Blue eye and Bass Groper per year.
- The operating costs out of that return simply means that it costs money to go fishing. There is no economic sustainability or viability there to continue to harvest the species.





## WCFC Additional Submission comments to Senate Quota Inquiry

- **Example 1. Cont: Blue Eye Trevalla:**  
**ISSUE: NSW Ocean Trap and Line East (OT&L) and the introduction and allocation of Quota and a Total Allowable Catch (TAC) for the Blue Eye Trevalla Commercial Fishery.**
- DPI and Fisheries have failed to assess in delivering the reform why commercial fishing businesses are struggling to be sustainable and the Blue Eye Trevalla and Bass Groper fisheries are examples of how quota management fails to encourage the fishers to harvest these species.
- The cost to lease and or buy more quota out weights the incentive and subsequently the catch rates remain low.
- Due to the implementation of the reform and quota distribution methodology and the timing of its implementation fishers target other species.
- The process is designed in such a way that it does not comply with NSW Fisheries objectives of viability, sustainability or growth claimed in their objectives of reform or a return to net economic viability for commercial fishers.
- Motorised reels are widely used by recreational fishers. Recreational fishers should be monitored and report their catch if there is any hope to manage these stocks at a sustainable level.

The following reports have been reviewed:

<https://www.fish.gov.au/report/265-Blue-eye-Trevalla-2020#:~:text=CHART,catch%20not%20shown> within this report we note the graph of catches and the main harvest areas.

We note from the AFMA Harvest Strategy that the goals within the Harvest Strategies at Commonwealth level are:

### **4.2. Socio-economic**

- To maintain stocks at (on average), or return to, a target biomass point BTARG equal to the stock size that aims to maximise net economic returns for the fishery as a whole.
- To maximise the profitability of the fishing industry and the net economic returns to the Australian community.
- To minimise costs to the fishing industry, including consideration of the impacts on the industry of large or small changes in TACs and the appropriateness of multi-year TACs.



## WCFC Additional Submission comments to Senate Quota Inquiry

### Example 1. Cont: Blue Eye Trevalla:

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#### 4.3. Ecosystem

- To be consistent with the principles of ecologically sustainable development, including the conservation of biological diversity, and the adoption of a precautionary risk approach.

**We have reviewed the Final report Determining Blue–Eye Trevalla stock structure and improving methods for stock assessment. This report clarifies as follows: Quote-**

New South Wales State Fisheries data: NSW Fisheries supplied Blue-eye Trevalla landings summary data by 12 latitudinal fishing zones (Figure 4a) from their catch and effort records. Data in this fishery is reported per fiscal year and was summarised for three time periods in accordance with major changes in reporting format: 1984/85- 1996/97, 1997/98-2008/09 and 2009/10-2013/14. Caveats received with the NSW fisheries data summaries state that these data may include Commonwealth and other jurisdictions landings into NSW, particularly in the earliest reporting period (for 1984/85-1996/97). In addition, records of a second species – Deep Sea or Oceanic Blue Eye (*Schedophilus labyrinthicus*) – may be included in these data. The summary data received was not separated by gear type and no details of effort were supplied, due to commercial in confidence restrictions. The NSW data report a total of 2,181 tonnes of Blue-eye Trevalla catches being landed between 1984 and 2013. The highest landings are observed for the first reporting period spanning 11 years (Figure 4a), however as mentioned in the caveat, these data are expected to include landings from Commonwealth waters outside the NSW jurisdictional boundary. Average catch per year (Figure 4b), shows that the spatial distribution of landings may be a reflection of port locations rather than fishing effort distribution. Landings in the earliest period were distributed over the entire NSW coast with peaks in zones 5 (off Tuncurry/ Newcastle), 3 (off Raleigh/ Port Macquarie) and 9 (off Tuross Heads/ Tathra). Similar peaks (except zone 5) are observed in the most recent data (2009-2013). Relatively high annual landings were reported in the southern part of NSW in 1996-2008 period.

We note from the report of the NSW OT&L Line East Independent Allocation Panel 2018:

2.3 IAP Recommendation of allocation of quota shares for Blue Eye Trevalla to be 20% of access shares held plus 80% on the recorded landings for an individual business in the period 2009/2010 to 2016/2017 Inclusive.

The concerns for the fisher's remains: that the determination of quota based on the methodology applied and now being utilised is not providing an efficient, viable, sustainable outcome for this commercial fishing species and that the available biomass is apparently far greater to the recreational fisher than to the commercial fisheries given their daily bag limit capacity.



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**The recommendation:**

That there be a discussion with all participants in the fishery on how to resolve the issue to provide accountable catch for recreational fishers, greater access and catch capacity for existing commercial fishers in the north of NSW without diminishing the capacity and viability in the South resulting in quota shift and leasing costs.

Yours faithfully

Paul Sullivan  
President.

Mary Howard GAICD  
Secretary.

**End.**