

INQUIRY INTO COMMERCIAL FISHING IN NEW SOUTH WALES

Organisation: Mr Rolf Norington– Partially confidential

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SUBMISSION TO THE NSW PARLIAMENTARY INQUIRY INTO COMMERCIAL FISHING
IN NSW from Rolf Norington, Commercial fisher.

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FL820736 Estuary Prawn Trawl (Hawkesbury)

Entered industry in 1982. Attended Australian Maritime College School of Fisheries TAS and obtained Certificate of technology in Fisheries Operations in 1985. Current fishing Business holder and fisher in EPT Hawkesbury.

Hawkesbury representative on EPTMAC from 2006 until expiry of 5 year term in 2011. Last EPTMAC meeting was held in 2009.

Thank you for the opportunity as a citizen of NSW and a full time commercial fisher of 51 years of age to present a submission which will hopefully be truly and independently examined by the committee. For many years I wrote detailed submissions as EPTMAC rep on behalf of and with the support of our fishery, and also separately as a sole fisher, to NSW Fisheries/DPI without any acknowledgement that they were even opened let alone read by anyone other than perhaps the very staff who were not at all interested. After the years I have spent as a commercial fisher as well as the time spent interacting with the department I must clearly state that I have absolutely no confidence whatsoever in NSW DPI Fisheries and will never waste my time again in believing that any submission sent to the department itself would be read, understood or accepted. I also wish to clearly state that I believe that the actions of NSW DPI and its previous name NSW Fisheries, for many years, since before the implementation of Share Management to the present day in this current reform of business adjustment program, have had absolutely nothing to do with commercial fishing and everything to do with guaranteeing the career path and future of DPI Fisheries commercial fisheries managers until their retirement or redundancy.

I have referred to the terms of reference and will write this submission to address each point.

Regarding the history of commercial fisheries in NSW, my earliest memories prior to beginning to gain experience on Broken Bay (EPT Hawkesbury, seaward end of fishery) prawn trawlers in the late 1970s were of a large and thriving industry with many boats. Brisbane Water, always a port base closed to commercial fishing, contained over 25 trawlers which worked the lower Hawkesbury and Broken Bay (Now there is 1 boat based in this particular port). The entire fishery may have had up to a hundred boats at one time. In those days, prawn trawlers travelled from Port Jackson in the south and Newcastle up north between fisheries as did the vessels here to other places. There was never any issue with competition despite the high level of participation at times. There was no issue with the resource, for even then with regard to the prawn fishery the participants were fully aware that the success of the fishery was fully dependant on drought or flood events and river flow. No one cared about boats which did not participate at all or not very often as it was never an issue linked with total catches and never will be.

I obtained my fishing licence in 1982 from the local Woy Woy Fisheries inspector at a cost of \$20. It was totally up to him if I was to be granted a licence and allowed to fish. In those days I was allowed to participate in any commercial fishing activity anywhere in NSW providing it was done with a licenced Fishing Boat (LFB). This was the management of the day. Compliance were responsible for the entire licencing side whilst research and findings came from the blue building in Kent st Sydney. It was perhaps "open slather" in those days certainly compared to now, yet my fishery was not impacted by this, again the determining factor in estuarine fisheries being rainfall and runoff to increase catches.

This policy continued up until the mid 80s when the industry in places such as Botany Bay changed

with the sale of many boats to Vietnamese migrants and problems began with their much increased participation rate and also a lack of understanding of regulations at the time. Community perception was changed due to visual impacts as there was no education or introduction to the industry for these new entrants to follow. The Fisheries department at the time implemented its first management measure of confining estuary prawn trawlers in NSW to their fishery of historic participation, and the process of Restricted Fisheries began.

This measure proved to be difficult at the time for both the department and industry but was an essential step in beginning a management process that was to hopefully be based on science. At the time the department had a large research team. The state government took the fisheries portfolio seriously by funding research done in our own fisheries. The "Kapala" was a fully funded research vessel for oceanic waters working full time and a huge number of research on fishing grounds and reports were completed. Estuarine research was carried out such as in the EPT Fishery where the department actually carried out some of its own research in the Hawkesbury with the smaller research vessel "Kamala" as part of a project to investigate the EPT fishery completed in 1988. The Fisheries department at the time was a fully functioning unit which had gained some balance in bringing about management measures based on science. It is a shame that from around this time period things began to change for the worse.

I was employed by NSW Fisheries (then Dept of Agriculture and Fisheries) at FRI at Cronulla from 1989 until 1993 working on the Deepwater Ocean Outfall Monitoring programme (externally funded, the dept having the marine research contract to the Water Board / SPCC (names changed now), which they lost), in a number of positions, finishing as master of the research vessel "Kamala". During this period, I was able to see the changes which were happening within the department. The presence of fishery managers began, at first in a subtle manner, but more and more I could see the emphasis on management for the state's fisheries was increasing but its reliance on science and research based decisions was not at all. Adding to this was the sudden lack of funding from the state government to complete research on our own fisheries. External funding was seen from here on as the only means to do local research and it was no longer based on need or priority. More and more it was becoming clear that fishery research was diminishing to a point where the entire Kapala operation was wound up and on a smaller scale a yard full of research runabouts at Cronulla was gathering dust. Staff were moving on and the landscape of Cronulla was changing. The offices previously occupied by researchers were being taken by data entry staff. The dept was employing structural efficiency staff to investigate its own positions. Temporary appointments were all that was offered for research staff but they were getting less and less. The exodus of science from this department had begun.

It is also important to note that around this period the department attempted to move its head office to Orange under the umbrella of the Dept Agriculture but this was abandoned. During this time, most if not all of the fishery records prior to 1990 were shredded and lost forever. Whether this was a deliberate act or not cannot be determined, but regardless it was an act of complete incompetence and a sign of things to come.

Over the next few years the department (named NSW Fisheries by that stage) began its culture change where the presence of fishery management staff became evident in increasing numbers, whilst being kept separate from the research and to a great extent compliance sectors. It was not only industry that did not know what the managers were up to. They became a separate entity from everyone including those in their own department, and from the early stages were based on the north coast, as far away from Cronulla and Sydney head compliance office as one can get. It was the beginning of a truly fragmented department.

It was also in my area and others the beginnings of a culture change in some sectors of the

commercial fishing sector, but it was not being driven by commercial fishers who had a long history of fishing in a certain region/fishery, more from newer entrants or those who had shifted to a new region as a result of being displaced by the introduction of recreational fishing havens which completely closed certain areas, or by buyouts which enabled them to re-enter and re invest in the industry as these processes took place from the early 90s. When I re-entered the industry and EPT Fishery on the Hawkesbury in 1993, there was talk of removing boats which didn't work full time, irrespective of whether they belonged to multi method fishers doing another form of fishing for periods or not, but it was coming from [redacted], a recent entrant at the time with no previous history in commercial fishing who over a short period of time had got to a position of being industry representative and had started attending MAC meetings and discussing these ideas with the recently appointed fishery managers, supposedly in the name of sustainability. Over the period of time [redacted] was EPTMAC representative for the Hawkesbury he did a fair job of representing and protecting the interests of its fishers, but was always wishing to address the issue the managers kept raising of the few unused boats or "latent effort" which from wildest imaginations was supposed to present a sustainability problem for our fishery and others. We waited for the science to back this up and it never came.

It must be made clear with reference to any argument about latent effort that the department for a long time made it a requirement when issuing a commercial fishing licence that the major portion of the licence holder's income and personal exertion had to come from commercial fishing. This requirement was completely removed some years ago. Why, if the department managers themselves saw inadequate participation as an actual problem, would they do this? The so called latent effort issue is of their own making.

The reality of multi method fishers who obviously cannot use more than one method at one time being thrown into the latent effort category has always been a grey area with management and one which they have never been prepared to accept. It has been maintained to the present day where they now have succeeded in destroying many multi method/share class fishing businesses in NSW.

The introduction of Share Fisheries Management came before my term of office on EPTMAC. The main message coming from the department with the implementation of this major change from the previous Restricted Fisheries was that the so called latent effort problem would be fixed and everyone would be better off. Prior to this my fishery also endured a further closure on weekends and public holidays in previously open areas. This was supposed to be it, the last post and finally we would be left alone, or so we thought. The issue of shares gave management the tools they wanted to cap and limit a fishery, to crunch numbers, to create issues and problems, and to guarantee their necessity for a career in the department for keeps as opposed to their implementation of Share management fixing the problems state-wide and there being no need for at least so many managers!

Instead their numbers increased, senior managers and junior managers, managers managing managers and problems emerging just in time for them to amend more and more legislation as decades unfold, a career in management until retirement or redundancy (which these days after decades of full time employment the state govt would not want to cough up), and to top it off gaining the ability to convince minister after minister on either side of politics that reform is needed, reform after reform because the industry is supposedly in need of it.....More reform, more managers to make it happen, more and more legislation to amend.....is this about commercial fishing? Not any more....

The last research done in my fishery was the previously mentioned NSW EPT study which was completed in 1988, with some bycatch and BRD work conducted later in EPT estuaries. Environmental Impact Statements and Fishery Management Strategies were completed for each fishery in NSW, which was an essential requirement and gave an overview of each fishery available

for all to read, but nothing new emerged in the form of research, rather in my fishery more closures and a bunch of imaginary "trigger points". Over the following years any research done was not based on future management other than work on grids and square mesh codends by Matt Broadhurst. The formalising of BRDs and codend materials in the EPT fishery followed, much of it during my term as EPTMAC Hawkesbury rep, which was required to satisfy commonwealth regulations and was finally completed prior to 2009. This was a difficult process made a lot worse by the lack of consultation and the extremely arrogant attitude of the department managers organising and convening EPTMAC, to the point that state politicians and finally the Director of the time had to intervene and meet directly with myself and other fishers to sort out the mess with the enforcement of square mesh codends in Hawkesbury EPT due to practical impossibilities at the seaward end of the fishery which would have made the fishery inoperable. The mess was sorted and permits issued quickly to fix the issue as soon it was properly realised, now amended into legislation for Hawkesbury EPT, but such was the nature of EPTMAC on the departments end.

As soon as the Pymont pact was presented to the MACs in 2009 after over 12 months of the department contradicting its own legislation to have a minimum of 2 meetings per year, it became obvious that DPI Fisheries had no interest in anything other than a reform program driven by them which would attach effort to shares and supposedly follow the guidelines of the Pymont pact. EPTMAC minutes show principle support for the points in the Pymont Pact whilst noting there must be consultation and a roadshow to industry. My position was well known to DPI management then by my consulting and bringing industry views to the table, and I made it well known at that time and on many more occasions that Hawkesbury EPT was satisfied with its current arrangements despite restrictions we have endured, and everyone wished to be left alone to fish with the shares they had and regulations for our fishery in the manner they are legislated at the time, but was happy to do my job in presenting the full information package to Hawkesbury EPT fishers and let them decide if they do want any changes. This I did, with no change in opinion in all sections of the fishery from port meetings, phone calls and face to face discussions with EPT fishers here. After presentation of this to DPI management with support from the fishery EPTMAC was then in its dying days, with no meetings after November 2009 and a complete lack of response from management on EPT issues other than some necessary correcting of legislation mistakes out of sessions with the junior manager which also were very difficult to obtain.

EPTMAC like many MACs may not have been perfect but it was an efficient consultation body in that it had to minute and accept the views of the fishery being represented through a formal consultation process, and DPI management was never going to walk any reforms through with a structure such as this. The MACS had to go in the eyes of the department, and this was achieved by simply not renewing terms of office and having re-elections. I believe myself and

from the Hunter were the last reps in office on any MAC in NSW. The fishers on EPTMAC did a proper and fair job of representing their areas and followed the structure to the best of their ability. It was the department who were not keeping their end of the deal by refusing to hold meetings at all and making any fair consultation impossible.

I wish to highlight the glaring fact that NSW DPI Fisheries management failed to consult correctly and adequately to the point where they would not even follow their own legislation in holding the required amount of EPTMAC meetings. I believe this is not an isolated case.

Even the chair of EPTMAC as far back as 2007 could see the inadequacy. The minutes at the end of the EPTMAC meeting on 23/11/2007 state:

"the Chairperson advised that the next meeting would be determined out of sessions following the report on Structural Adjustment on NSW Commercial fisheries, noting that a meeting should be

held prior to June 2008”

The next meeting was not actually held until 28/29 April 2009. It was at Sydney Fish Markets, was stacked with so called important figures in our industry, and all that these people and DPI wanted to talk about was this new deal these characters had made with DPI called the “Pymont Pact.” This was the beginning of the end.

The managers had finally managed to embed their growing culture into the influential ranks of the seafood sector, with the MAC meetings in April 2009 which included observers such as [redacted] from Sydney Fish Markets, [redacted] from the NPFA at the time, and SIAC members amongst others. I remember this being an odd experience from my view. What struck me most was the “boys club” these people had formed, a small elect bunch of fishers who were on a first name basis and very pally with the managers and [redacted]. I overheard the mention of previous discussions at restaurant dinners with much wine and chat later in the day after officialites were over. I attended a dinner that evening which was the only one I was invited to at the time, and could see there had been much previous preparation and discussion between these parties leading up to the meeting of 28/4/2009. I also saw DPI Fisheries staff shouting drinks for their new mates with the departmental credit card on more than one occasion on that evening. I was certainly not one of them.

That was the last glimpse I received of the antics at the time. The last EPTMAC meeting was in November 2009 and despite me being an elected industry representative with industry support the department had no interest in any consultation through the legislated process and instead pressed on with pushing respective governments for reform, with the help of its selected Pymont Pact mates in the seafood sector and industry, for the entire state, its regions and share classes.

The next step was to then enlist the help of advisors, “experts” in the fishery sector in Australia who could then advise each minister for Primary Industries as he /she came and went, to follow the advice of their department and implement reforms. Such experts included [redacted] who was commissioned a number of times by opposing ministers (?), and even

[redacted]. These names and a few others have kept emerging on “expert” panels which supposedly independently make decisions on the future of NSW Commercial fishing, and of course these decisions mimic the recommendations of senior DPI Fisheries management.

This review committee must be able to see the level of back room deals and goings on which have resulted in an incredibly corrupt process over decades which has now determined the future of commercial fishing in NSW wholly and solely on the wishes and influence of senior DPI Fisheries management staff.

This current reform is a farce. It is the fruition of many years work by DPI Fishery managers conjuring up the future necessity of their careers hidden within the realms of this department, until the NSW Commercial Fishing sector is ready to be wound up at the time of their retirement, most likely within the next 15 years. During this time, they will slowly close some share class methods in some regions, especially south of Newcastle, and also create enough issues and problems within certain fisheries to require more reforms and more amendment of legislation. It appears as has happened previously, that Ministers for Primary Industries will continue to come and go and simply abide by the advice of this department through the managers and their “expert” mates as well as the handful of industry members scattered up the coast who have capitalised from reforms, engaged in insider trading and become no longer commercial fishermen, but share barons ready to profiteer out of these reforms and others in the future with the help of DPI managers.

One must consider the amount of state government funds that have been wasted over decades of unnecessary reforms, name and logo changes, unnecessary management staff and advisor appointments and all of the mischief DPI Fishery managers have created while actually achieving absolutely nothing for the government and community of NSW.

It is worth noting that prior to the implementation of this current reform or "Business Adjustment Package", in engaging in some consultation directly with commercial fishers, Minister Niall Blair decided to do what his own department would not and certainly did not want him to do. However, he still chose to follow his departments advice despite hearing first hand from a number of Regions and share classes of the negative impact it would have, and this remains an enigma.

It appears the department (Senior Fishery Management) will always get its way.

The value of NSW Commercial fishing to the economy has not been correctly estimated, and in real terms is worth much more than NSW DPI would ever care to admit. The value of commercial fisheries such as Hawkesbury EPT to the recreational fishing sector has never been estimated despite this fishery supplying a huge amount of fresh bait to the sector. I can clearly state that 90% of my catches of prawns and squid from Hawkesbury EPT are sold as recreational fishing bait yet politically there are recreational fishing representatives who wish to close this fishery. While we have the politics overriding common sense this topic will never be properly investigated and represented.

The value of fresh NSW seafood to the community of NSW has not been appreciated and will never be while this current political climate thrives. No one in government seems to care at all that now 85% of seafood in NSW is imported and the remaining 15% is to become less and less thanks to the actions of NSW DPI and ultimately the state government. Throw in some more Marine protected areas (only closed to commercial fishing of course) and recreational fishing havens and even the DPI Fishery managers may have a little trouble convincing the next ministers that we have to continue to reduce the numbers of commercial fishers even further, but they will.

The department has for years refused to correctly list the prices for local products such as Hawkesbury Prawns and Squid, instead putting state average prices and vastly underestimating values so this fishery in particular is under-valued.

, described the Hawkesbury EPT as a "tin pot fishery" at his last appearance at a port meeting some years ago, and this sums up the attitude.

As mentioned earlier in this submission with regard to the history of commercial fishing in NSW, the scientific research underpinning fisheries management has diminished over decades to a point now where it does not exist. There has been no science to back this current reform. There is no longer a need for it in the eyes of this department, and if the state government wishes to continue to accept this we are indeed doomed.

Assessment of fisheries resources was the basis for the new catch and effort reporting system which again was implemented with minimal consultation and absolutely no understanding of the nature of this industry and the ability of many fishers to correctly interpret and follow the new system, thus resulting in technical problems with the system. The factual and scientifically based assessment required to make management decisions if required no longer exists simply because the managers have no need for it and it does not fit into their plans for the NSW commercial fishing sector.

We certainly know as a fact that Commercial Fisheries In NSW have been declared fully sustainable. The concept of viability as a supposed management tool and a need for these managers to continue to create further management controls based on their perception of viability is completely ridiculous.

I have also mentioned this current reform in detailing matters to the present day earlier, and can only say this state government has succeeded in throwing the lives of many commercial fishers and their families into turmoil. Many have been panic buying shares and paying too much for them, others have relinquished shares in one share class to be able to continue buy more and participate in another fishery from July 2017, resulting already in the cessation of many multi method fisher businesses where one fisher could spread his effort over a number of methods/share classes and not be forced to fish full time in only one, which is a sensible and sustainable way to be a commercial fisher in everyone's opinion except DPI fishery managers and their expert mates.

Some fishers have become very stressed and may be suicide risks, especially those with financial commitments and in areas where political pressure is mounting to have them closed to commercial fishing in favour of recreational and developmental interests. The Hawkesbury is a shining example. Here in region 5 as well as Region 4 south we also have the looming threat of a Marine park for the Hawkesbury Bioregion, which is looking more like a closure to commercial fishing for the entire area and nothing else. The silence of MEMA in not releasing any new information despite the date being overdue resembles other sections of DPI in being very tardy before a shock announcement such as this current reform and its delivery. This is making fishers increasingly nervous on top of what they are going through as a result of the reform. The current rumour amongst my local industry is that as soon as the reform is fully implemented in July 2017, the Hawkesbury will be closed for whatever reason. The recreational pressure on the NSW government is mounting and if the trend in Victoria and Queensland, where election promises to recreational fishing bodies for commercial fishing closures are being delivered spreads to NSW, what future do we have?

We also had a very vocal group named the Central Coast task force, led by , pressuring the state government to close the Hawkesbury and Tuggerah lakes to commercial fishing during the last election campaign. owns vast amounts of land in areas for possible future development along the Hawkesbury and Central Coast as well as having a number of interests in the area. We have not heard anything from this group for a while, but they have in no way given up their campaign.

This current reform has resulted as mentioned earlier in many share transfers already amongst industry, making the share trading scenario DPI have tried to create themselves a complete farce once more and again a huge waste of time and public money. No one has followed their nonsense, instead many fishers have bought and sold and are already now topped up with enough shares so they can fish past July next year and this was the priority DPI installed in their minds. It is complete mischief and mismanagement by influencing human behaviour, again nothing to do with fishing.

What is even more mischievous and plain cruel is if a place such as the Hawkesbury is to be closed after the reform is fully implemented, many fishers there have now spent a lot more money and obtained finance themselves to do so in buying more shares so they can hopefully continue to fish after July 2017. To go through that and then be shut down is something no one should go through, and what possible compensation could this government fairly give to enable any of these working citizens of NSW to recoup their lives and have some sort of working future? What compensation is this government prepared to give now let alone in the future if this takes place, for the amount of mental stress and resulting personal impacts on the lives of commercial fishers and their families?

What have commercial fishers, suppliers of fresh local seafood and recreational fishing bait to the community of NSW, under state government licence, done to deserve this?

In my view this committee and ultimately the government of NSW on any side of politics must decide if it wants a commercial fishing sector in NSW, it has become that simple. If the department known as DPI Fisheries section is to continue to operate in the manner it has been accustomed to over the last few decades and the Fishery Management section is to achieve its outcomes, then the only reason a commercial fishing sector and the administration required to run it from government will exist will be only for the purpose of the existence of fishery managers until their retirement.

I wish in my strongest capacity to submit a formal complaint against the senior fishery managers in NSW DPI to this committee for their intentions and actions over decades of their employment, in particular . has demonstrated from his earlier days a desire to influence the future of commercial fishing in NSW through his own personal views on it. expressed to me on 2 occasions, the last in 2007, that he wished to rid the industry in my fishery, Hawkesbury EPT, of people who he personally considered unfit to fish because in his description, they did not catch enough product. My argument in response was that this presented no sustainability issue whatsoever and in fact some fishers preferred to not engage in as much effort or make as big catches as others due to their choice of a lifestyle based occupation, where also age and health as well as individual personal circumstances can determine how much a fisher may operate at a certain stage of his life. He had no comeback for that but did not wish to accept this view. That same day he also described his perception of his position to me with a big grin. His words were to the best of my memory:

"Its like this Rolfy. You catch prawns and I tweak legislation. That's what I do and that is what I am going to be doing till the day I retire."

It was probably the most honest thing ever said to me. Following this time, he graduated to senior management and I saw a lot less of him as junior managers started to attend EPTMAC meetings in his place.

He is now to my knowledge still the senior trawl manager in NSW, has never had another job anywhere else but NSW Fisheries/DPI doing anything else but fishery management, and is responsible for drawing up the reform proposals for the trawl fisheries in NSW as well as a lot of other mismanagement mischief over the years. I believe he has been one of the most influential figures in transforming and maintaining the culture we now have in fishery management or rather mismanagement in NSW.

An enquiry into commercial fishing in NSW requires the scrutiny and actual enquiry into NSW DPI Fisheries in its many incarnations over decades and the many goings on behind the scenes, some related here.

My only hope is that this committee is prepared to do this and the government of NSW actually wants a commercial fishing sector for the community of NSW.

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