



To the Committee Secretariat
State Development, Natural Resources and Agricultural Industry Development
Committee

Present at the Public hearing – Inquiry into the Fisheries Amendment Bill 2018
Monday 17th Sept 2018:

Mr CG Whiting MP (Chair) Member for Bancroft
Mr DJ Batt MP Member for Bundaberg
Mr JE Madden MP Member for Ipswich West
Mr BA Mickelberg MP Member for Buderim
Ms JC Pugh MP Member for Mount Ommaney
Mr PT Weir (Deputy Chair) MP Member for Condamine

AND

Officers from DAFF
Claire Anderson
Michael Mikitis
Scott Spencer
Ben Westlake

The Fishermens Portal Inc. is a formally registered representative body that focuses on the interests of commercial fishermen.

I am the Chair. It has been disappointing to watch the decline in the quality of fisheries/stakeholder engagement over the past few years.

Not so long back, if industry set up a stakeholder meeting, FQ did it's best to try to have senior staff present. Now, they ignore us.

We used to have regular teleconferences with FQ but those degenerated into stressful, unproductive events.

Whereas before, [REDACTED] would ring to let us know what is going on so that we could pass information onto our members, now our members are contacting FQ and being misinformed about things like how to go about applying for a rebate on the VMS.

There was a time when we could talk to FQ and explain to them the reasons why for example, if we were to log our 'catch' that we returned to the water as 'discarded' rather than the preferred term 'released', that people would be reluctant to do so. Those good days are gone. FQ takes nothing on board from industry. It seems to me that this letter is a last attempt to try to get any sensibility out of the engagement process.

The Fishermens Portal Inc. (the Portal) has tried to be active in engagement with DAF throughout the consultation phase.

The Committee should be cautious about the information DAF is relaying. While DAF has ticked the boxes concerning industry engagement, the usefulness of that engagement leaves our members aghast. Reading the transcript from the public hearing (attached) I am saddened that FQ has come to this.

On Page 5 The Chair asked for a detailed description of the consultation.

██████████ points to the small meetings as creating a safer environment for stakeholders.

Our view is that the smaller meetings don't allow stakeholders to hear what others think, or for us to be sure that our concerns are being formally documented. A mixture of open meetings as well as 'one on one' sessions is preferred. We asked for this on numerous occasions and were ignored.

Let's demonstrate the ineffectiveness of 'one on one' meetings by tabling this real-life example:

Karumba is a strong commercial fishing community. The 'one on one' style of the meeting was not acceptable to fishermen in Karumba, much to the dissatisfaction of ██████████ (FQ) who, as host, made an opening point of conveying to us that ██████████ miscommunicated the way the meeting was supposed to be held.

The open meeting was held with good attendance and ██████████ (DAF) who was present, compiled notes. ***(It should be noted that the amendments to the ACT, which ██████████ conveys in the hearing as the specific reasons for the meetings were never mentioned.)***

I have attached the formal notes (supplied by FQ) of the VMS meeting in Karumba.

- The Amendments to that Act were never discussed.
- None of the issues raised at that meeting has been addressed in the VMS Policy and Guidelines.
- 'The VMS policy is more flexible as a result of the consultation;' but only if fishermen do not have to deal with a wide range of circumstances that FQ have ignored.

The Point is, had we not had an open meeting, none of the issues we raised would have been formally documented. So we would not be able to point out, at this late time of the matter, the discrepancies between the information the committee is hearing and what industry has been trying to say.

We should note here that, as a consequence of the ineffectiveness of the consultation, many commercial fishing operators will not be commencing operations next year.

The Chair asked about the consultation, he was told it was fantastic. Yet next year people will stop fishing because FQ have ignored us. That is not what happens when there is reasonable consultation.

We should highlight the situation with the VMS at this opportunity.

FQ has refused to make the results of the trials available to the public, stating they do not want the identity of the individual participants made known. Reasons being that the participants may be vilified by broader industry. The reality is that this is not the case. Generally, there is an acceptance of the monitoring system providing the regulatory framework is practical (it is not) and we have equipment that is durable in our environment (we do not have). FQ is not being sincere about the reason for not publishing the information about the trials.

We can give you an update on one operator: of five units he installed, two stopped working within a month, the following month the third failed and then not long after the fourth also failed. The primary vessel's unit is excellent. In tender vessels, these units will fail at an alarming rate. DAF is steering us, without caution into a monitoring system that is ahead of its time. Industry, with a single voice, is asking for common sense to prevail and to slow down so that problems with the system can be ironed out. Fines for non-compliance are huge; many people are not prepared to take the risk and will not go to sea.

This VMS policy has the potential to put good fisherman out on the street. It's not what we asked for. The Chair asked for a detailed description from [REDACTED] of the engagement process.

[REDACTED] conveyed its success.

We convey to you its failure.

We convey to you the failure also, of the 'extensive consultation over many years' that has taken our relationship with FQ from one that boasted an excellent line of communication to where we are now; no communication.

Your committee has heard, direct from FQ that our concerns have been taken into account. This is not true. You, the decision makers are basing your decisions on untruths. It will be our members who will pay the price of the impractical VMS policy.

[REDACTED] even cites the 'unreliability' of the VMS units as one of the reasons why VMS cannot be considered to monitor, in conjunction with AMSA, for safety. We will have to stop fishing if they break down. And many things can cause issues with the system apart from the units themselves. Govt has not told us anything about how we are to deal with any amount of situations we may encounter, other than to go home or to contact the Executive Director, (if we have reception). They say they have taken on board our input, but they have done nothing that alleviates our concerns.

We have expressed our concerns with FQ on numerous occasions about the reliability of the units. FQ was invited to a stakeholder meeting in Mossman on 7/8/19 but ignored the invitation. They just flatly ignore our input. Under the current VMS policy, our members will be faced with more uncertainty than ever.

Reading this public hearing is tough. To be confronted with the fact that people like [REDACTED] can tell you one thing and tell us another is difficult to cope with. His relationship with us was very good. I don't understand what has happened.

Many references are made in the hearing as to the support for the harvest strategy.

Is it rational to think that the commercial sector would endorse fines for non-compliance that in some cases could be higher in value than a house?

Is it reasonable to think that a commercial fisher would not log his catch, when we are moving towards quota management where his historical catch records will be used to allocate his ITQ? When not logging his catch will mean he may not be eligible for an allocation?

No one would do that.

If there is such a discrepancy then it is more likely that the reason is not fishery related.

It is one thing to be dealing in the black market with regulated fish, but as we launch into the untested VMS regime, commercial fishers could face enormous fines for non-compliance.

Either the Bill has to be amended, or the VMS Policy has to be modified.

Otherwise fishermen are going to suffer intolerably or in some cases not continue to fish.

We hold grave concerns about the amendments to the act. No doubt these concerns will be picked up in other submissions, so the Portal particularly wants to focus on what it is that our Parliamentary representatives have been told at this hearing.

It should be noted here that our concerns are based on the bad experiences Industry has at times with some enforcement officers.

In Karumba this year, a Boating and Fisheries Officer misunderstood an AMSA regulation applying to commercial fishing vessels.

He took it to mean that light watercraft, our work platforms from which we set and retrieve fishing apparatus, required inflatable life rafts with hydrostatic lines attached to the vessel.

The requirement is indeed not practical, as anyone with a bit of commonsense can see. Regardless, the officer instructed all fishermen in Karumba to comply with this regulation or to be forced to stop fishing until they do. The stress our members went through was unnecessary.

How can a person work a small net punt that has a life raft in it and which is attached to the boat with a rope that, when hooked up in fishing apparatus will deploy?

It is a dangerous situation. AMSA did not intend it to be interpreted this way, or to be enforced this way. A simple phone call to AMSA from the particular officer would have provided him with the intent of the legislation. Instead, he inflicted unnecessary pain.

The Portal asked the Australian Maritime Safety Authority to provide the officer with an explanation of the rules. In spite of common sense and communication from AMSA, the officer continued to insist on fishermen complying according to his interpretation. Eventually, AMSA must have dealt with it, and the issue went away. No apology and no explanation. It is this sort of attitude that we are concerned about.

The Portal has set up a fund that we will be using in the future to assist members who find themselves dealing with officers who wrongly issue FINs. How did it ever come to this?

We are not satisfied that the overall culture within QB&FPO is 100%. The system is breaking down, and people are leaving the industry in the face of this hostile change. We need to take a breath and get back on track regarding engagement with FQ, but if the VMS and this Bill all go through as is proposed, a good relationship between industry and FQ will be a distant hope that will fade away.

Our fishing data is valuable. We understand that there are many honourable enforcement officers.

Even so, it's going to be impossible to prove infringement if one of them provides information about our activities to 'one of their mates'.

While it has a value, people have a motive to profit from it.

Our submission recommended that the VMS units should transmit with a small degree of error (5 nm). This would facilitate surveillance and monitoring without giving away the fine-detail information we may have spent years, or generations putting together. We are not satisfied at all with the precautions FQ have in place to protect our personal information.

It seems that the Govt feels the fine-scaled IP we have accumulated over time is public property. And that to us and we would hope, to our elected representatives is not acceptable in a free economy.

Does the \$6500.00 max penalty apply to a hacker from the internet, who sells our data?

██████████ pointed out that a charter operator sold his fishing locations for \$60,000.00. A commercial line-fishing vessel's fishing locations are far more valuable than that.

In spite of all the assurances as to the integrity of our data, we have seen no warranty or option for us to claim loss or damages, should the system fail. FQ is going headlong into a colossal mess. And it will be industry and our elected representatives who will suffer for this in the long run.

Should you have any questions please contact

Robert Pender
Chair
The Fishermens Portal Inc.

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I doubt that fishermen will ever be able to go to the bank for a loan, we have heard that one before.

The number of times we have tried to help FQ, where they have ignored us and then had to amend rules

