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THE PARLIAMENTARY STANDING COMMITTEE ON SUBORDNATE LEGISLATION MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON 31 OCTOBER 2019

Mr JOHN SANSOM, CHIEF EXECUTIVE OFFICER, TASMANIAN ROCK LOBSTER FISHERMAN'S ASSOCIATION, **Mr DANIEL FOX**, FISHER, **Mr DAVID PONSFORD**, FISHER, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Ms Rattray) - The committee made a decision last week to make this a public hearing in the interests of recording evidence for us to look over later. Thank you very much, David, Daniel and John. I make the point that anything you say within this committee hearing has privilege but that same privilege does not apply when you leave the parliament. It is something we need to make you aware of. Would you like to make an opening statement in regard to rock lobster management?

Mr SANSOM - My name is John Sansom, I am the Chief Executive Officer of the Tasmanian Rock Lobster Fisherman's Association - TRLFA. We are here to talk about the introduction of the management plan amendments for the rock lobster fishery. I should say in opening that we support all but two of the amendments - those being the one about the 60-pot increase and the legal minimum size of female rock lobsters to 120 mm.

The TRLFA supports the intent of the amendments but would like the proposed areas in each of the rules to be increased, and also to establish the fact that the sustainability of the resource is paramount to this industry. We have worked long and hard and made some tough decisions to get the fishery on track to where it is today. The industry has been the leader in advocating for regulation to improve biomass and egg production in the fishery. There is now far too much capital investment in the commercial sector to risk sustainability of the fishery.

I can assure you that we would not be here today if there were any concern from the industry that increasing pot numbers would have a negative impact on stocks. The industry has been the leader in advocating for regulation to improve biomass and production in the fishery. As to the rule about the 60-pot increase, my organisation represents 315 licence holders and 40 volunteer members with three main arguments to put forward in the matter of 60 pots and the exclusion of area 5, the north-west corner.

CHAIR - Is it area or zone?

Mr SANSOM - It's a stock assessment area. Zone or area, it doesn't make that much difference. The problems we have with not including area 5 are lack of consultation with the industry, inconsistent decision-making processes through the department, and lack of evidence in the rationale used to support the decision.

If we get to consultation, the decision not to include area 5 in the 60-pot zone was not discussed with industry. It was never brought to attention that the department was going to recommend that particular option to the minister. It was not discussed with industry as an option for management, so the minister's decision actually blindsided industry and, had we known, we would have made much more representation to the minister and the department beforehand. We feel we missed that opportunity.

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The matter itself was not discussed at the Crustacean Fisheries Advisory Committee, the minister's own advisory committee. The effect was that, in the recent round of port meetings I've had, there have been some very angry people in the north-west of the state who presumed area 5 was going to be included in the zone. I'm sure that a lot of you have had some emails and some correspondence over that.

CHAIR - We have. Your members have been very active.

Mr SANSOM - That shows you the amount of angst and concern about the fact that they were left out.

Inconsistent decisions; when we look at this raft of amendments - there are two I said we're dealing with - the rationale in one defies logic in the other. In the one where we have an increase in legal minimum size, the department set out in the background paper, including area 6 in that particular one; it says -

... traditionally commercial fishers operating out of the 2 main ports in the region (Stanley and Strahan), may frequently fish in STA 5 and 6 on the same trip. If STA 5 was a single fishing zone, this operational flexibility would be lost and there would be significant cost increases, due to the lengthy steaming time to reach a major port to unload.

For that reason and ease of compliance, area 6 was included in the rationale for the increase in female size limits. The same rationale applies to 60 pots, and yet we're quite happy to put a line in the water, which is probably the worst possible place you could ever put a line for the operational flexibility of fishers. It means, for anyone leaving for Stanley and going fishing past the bottom of that line, if the weather turns bad and they have to seek shelter, they have to go all the way back to Stanley and take their extra 10 pots off before they can come back out fishing again, which defies logic in operational terms. It is the same thing if they were leaving from King Island and coming south as well, and the same thing if you were in the southern part of the fishery and you left Strahan to go fishing, you couldn't go out of the area without going back home and taking your pots back off. As I say, it's not a logical decision.

CHAIR - The quota does remain the same.

Mr SANSOM - Yes, the quota remains the same. The whole basis of 60 pots is an economic rationale.

Mr FOX - It's almost like a log truck dumping its dog trailer in Launceston, driving to Bell Bay, dropping off its first load and driving all the way back to Launceston to pick up its dog trailer to tow it back to Bell Bay again. It's just so backwards.

CHAIR - Daniel, you're a fisherman?

Mr FOX - Yes, I am a fisherman, I fish in the north-west.

CHAIR - Fisher?

Mr FOX - Fisher, yes, harvester.

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CHAIR - Do you want to talk about the safety concerns because that is something I was given -

Mr FOX - I don't know where to start and where to finish. You can either run away for safety and go to a place like Stanley where you can leave your 60 pots on, potentially get back to the 60-pot zone - and we're not over all the rules yet, either. We don't know as fisherman if you've got to unload your fish before you go and fish back in the 60-pot zone. Under the permits we used to operate under before, you had to unload your crays.

In the way that the fishing industry is at the moment, we fish for a market. If we've got a Dragon Boat Festival in China, Chinese New Year, Chinese National Day or Moon Cake Festival, we fish for those festivals. I fish about 160 days a year and I try to market my fish for those festivals. If you have to unload your fish because of bad weather 10 days before you want to unload, you can potentially cut yourself out of \$10 a kilo and \$10 a kilo on 1500 kilo is \$15 000. It is a big chunk of change. The other option is to go to somewhere like Marrawah where it is generally reasonably safe unless you get a big westerly swell. If you get caught there -

CHAIR - How long are you caught for?

Mr FOX - You can be laid up there for days if you want to go back to the 60-pot zone, but you can get caught there. I know blokes who have been anchored up and the wind blows so hard this way that the sea hits them side on and breaks across the deck and keeps going.

Ms FORREST - It is one of the best surf breaks in the nation.

Mr FOX - Yes, that is right. You have to make a decision yourself as a skipper. There is pressure on people. It is frustrating. We had the 60-pot trial further north through the winter, which is north of the Hunter. We lost ground here. The department's idea that if we had 60-pots for King Island that we would catch more fish. At the moment with 50 pots the guys work about, and it depends upon how much quota you have to catch; most of the boats at King Island are tied up for half the year already.

If there were more quota to catch, they would go and catch it. You can't get quota. At the moment, quota costs about \$60 to \$65 per kilo to lease it in and in the wintertime we get about a \$100 to \$120 per kilo. At the moment the price is down about \$85 per kilo. You couldn't even go fishing at the moment viably. You have to try to catch as much fish as you can through the wintertime and as the 120 mm comes in -

CHAIR - Which the industry supports.

Mr FOX - Absolutely. We wanted the 120 mm to go to Flinders Island as well but the department threw it out. That is fine. We thought that was going to happen. We are stewards of the industry. We are a maturing industry. We will probably lose about 15 to 20 per cent of our catch because of the size of the girls is going bigger so we have more egg production. Having the extra pots was going to offset that. We were not going to catch any more fish. If we could catch more fish now, if there were more quota to get, we would get it, but the guys are already tied up for six months as it is.

Mr SANSOM - Can I make a point there? It is important because area 5 got down to about 9 per cent of biomass a number of years ago. It has now improved under the current arrangements

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and in the last self-assessment we were up to 13 per cent biomass there on 16 per cent egg production. It is going north but it is not going north fast enough. One of the reasons the industry came up with was increasing the size of the females did both jobs. It helped increase the biomass level and helped increase egg production. What we have to realise is that within there, the intent was not to reduce the catch. We did not need to reduce the catch. We needed to stop the catch going significantly higher or faster.

Ms FORREST - We will ask this of other witnesses too, but can you understand any reason why this might have been put in place? I know it wasn't consulted so it is hard to make a judgment about that. I have had a number of constituents - as you can imagine, being the member for this area - contact me and I can't understand what the rationale is. Have you any idea?

Mr SANSOM - There are two main rationales put behind it. One was that the recreational sector thought there would be interactions between commercial fishers and recreational fishers in the area if they went to 60 pots. After I did a little homework, I found that the recreational catch in the north-west is six tons, which is verified by IMAS. That is a low catch for that area. There are only approximately 30 home-ported vessels up there. The fear of interactions is not supported by the facts. There are not enough boats and people there for those interactions. You can't say they don't happen because occasionally they do, but compared to the east coast where you have 50- or 60-odd boats and 8000 recreational fishermen, interactions are going to happen there.

Ms FORREST - On the interactions between the recreational and the commercial fishers, if you are allowed 60 pots in the area, aren't you going out less so there is less chance of interaction?

Mr SAMSON - Exactly. You are not fishing as long.

Mr FOX - It is a mathematical equation. If you have 10 ton to catch and you are catching a kilo per pot lift you could have 10 000 pot lifts. The sooner you can get them done, the better.

Ms FORREST - Yes, reduce your risk of interaction.

Mr SAMSON - Pots are the tools of trade for a fisherman.

Mr FOX - The only way fishermen can make more money out of this game at the moment, because we price takers, we are not price setters, is cut your costs down on fishing. Giving people more pots does exactly that. It doesn't let them catch any more; it just lets them catch them more efficiently.

Mr FOX - I would say to you guys that today there's not many dairy farms milking 30 and 40 cows any more. It is a thing of the past.

CHAIR - The average herd is about 250 now.

Mr FOX - That's right, and they're not putting them through herringbone - they put them on a rotary. If you ran semitrailers, you would be broke. You have to have B-doubles, you have to have efficiency. It is a competitive industry. We are not dissimilar.

When the fuel truck man comes in and puts fuel in the boat, he doesn't give it to you cheaper because you're working 50 pots. At the end of the day, at 50 pots, we are the lowest pot-numbered lobster industry just about anywhere in the world.

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South Australia is at 100 and in South Australia the guys knock their quota off in 90 to 100 days. In Western Australia, the guys are catching in 30 or 40 days. They work 140 pots and catch their quota in 30 or 40 days.

Ms FORREST - Being a non-crayfisher, in terms of the impact on fishery, if you are out there harvesting hard, you have 60 pots in the water and you're pulling in 10 kilos a pot -

Mr FOX - Some pots have 10 kilos sometimes, yes.

Ms FORREST - Well, let's say up to. This is something I don't understand, and maybe other people might to be asked this as well, but in terms of the impact on the fishery, will that have a greater negative impact than having fewer pots in that same area?

Mr FOX - Potentially, Ruth, we can improve the fisher with the 60 pots because basically at the moment we start on 1 March and we're allowed to catch girls for March and April. Then when we go to May we are only allowed to catch the boys but a lot of our quota now is caught through the winter period, just on the boys only.

If I had 20 per cent more catchability going from 50 to 60 pots, I can potentially take more boys in the wintertime. If I said to you, sitting right here now, I have 4300 kilos to catch this summer. If I had an extra 20 per cent, I would probably have - if I started with 17.5 tons - I would probably have a ton to go.

Potentially what is going to happen now is in November, I go fishing and I'm catching boys and girls. If I caught all those fish through the winter - a bigger chunk of boys - it leaves more girls behind in the water and improves egg production. You can see on area 5 that the egg production is low and we try to improve it. I asked Klaas from IMAS, our scientists, they said, 'Yes, I haven't modelled that but that could be the case.'

Mr SANSOM - The one you have is a little bit outdated.

Mr FOX - This is the newer one.

CHAIR - I am mindful that there will be a lot of questions. David, I am interested if you want to add something to what Daniel has said in regard to the question I asked and Ruth followed up with before we move onto what the solution might be. Do you want to add something there?

Mr PONSFORD - For the life of me, I don't understand why that line is there. I can't see any rationality behind it whatsoever.

CHAIR - You pretty much support what's been put forward?

Mr PONSFORD - Yes, 100 per cent.

Mr SANSOM - The idea of sustainability and the fact that the department has quoted that having 60 pots in that area will encourage other people to go there is not supported by fact. It is not supported by fisher behaviour and it's not supported by history.

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When we had a 60-pot trial for five years in the west coast, it did not encourage a whole lot of people to go over there and try. Fishermen, by their own nature, are creatures of habit. The secret to fishing is knowing your ground and, once you know your ground, you know when to work, how to work and so on.

People don't go to a new area thinking that 60 pots is going to make up for their lack of knowledge there, especially in an area like area 5, which is a really specialised knowledge area. A lot of people go up there, have a look, and come home with their tail between their legs because it is not fishing like anywhere else in the state. It's a very specialised knowledge place.

Mr FOX - The guys don't even need to come there. The fish are getting so easy to catch everywhere, everybody just goes to their usual haunts and I'm still going to fish in the north-west, even if I have 50 pots, I'm still fishing there and I'm still going to catch my quota.

The last trip I did in the wintertime was 46 days long, and I said to Guy Barnett at the meeting the other day, 'I've been at sea for thousands and thousands of days. You know, I've missed all my kids first steps' -

CHAIR - You don't look that old actually, do you?

Mr FOX - Yes, I am. I've missed all my kids' first steps, the first days of school; you've missed anniversaries, weddings, funerals.

CHAIR - That happens a bit in this job too, you know.

Mr FOX - Yes, I'd imagine. It's the choice I've made, but it doesn't need to keep happening. If you can get a guy home for 20 per cent more of his year - even if you don't look at the monetary costs, look at the cost of your life; it's your life.

Mr SANSOM - I think it was stated by one fisher at our general meeting the other day that if he'd had 60 pots last year, he would have had 23 days extra at home.

Mr TUCKER - How many fishing boats or fishers have 60 pots, how many have 50 pots and how many have fewer than 40 pots working in Tasmania?

Mr SANSOM - Off the top of my head, I don't know the answer. Most of them are 50-pot vessels.

Mr TUCKER - Most of them are?

Mr SANSOM - Most of them; by far the majority of them. I would have to ask Daniel: would you know the answer to that?

Mr FOX - There was a graph the other day at the meeting. It had spiked - there used to be a lot of smaller single-handed fishermen, but we took away the length tonnage rule in the fisheries rules a couple of years ago to bring the smaller boats up to 50 pots. We used to have a length tonnage rule on their measured length and how much they weighed, but that rule has gone by so now they can put 50 pots on a boat and it just made it more efficient.

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Mr SANSOM - The rationale behind that is we made all these smaller boats a lot more viable by giving them an increase in pot numbers, but we are not making the larger boats any more viable by not giving them any increase either.

CHAIR - It has been proposed to me that there be a permit system put in place for those extra 10 pots. That's obviously something that has been trialled before. What was wrong with that process? Is it just about what the department sees as sustainability for the industry? I am interested in your view.

Mr SANSOM - The permit system is something that the department can use to let people do something which is outside the rules; that's how the trial was allowed to take place because the maximum was 50 pots. Under the permit system you could allow people to use 60. If the current legislation goes ahead right now and the people in the north-west in area 5 are not allowed to use pots, the department or the minister could issue permits to allow them to do that.

CHAIR - Sixty pots. So you either issue an additional 10 permits or you change the zone?

Mr SANSOM - Or you change the legislation. Yes.

CHAIR - Are they really the two options?

Mr SANSOM - As far as I know they're the only two options available.

CHAIR - Any other comment about that, Daniel or David?

Mr FOX - On the permit system, when we first started with the permit system, where they put the line now at Bluff Hill Point is where the original permit system started from and it wasn't workable so we changed it. The line basically went about 15 miles below King Island and it sort of went across the top of Hunter Island, so we brought the line up probably 40 miles, which made it a lot more workable and that was quite good. Now the King Islanders want to get included in the 60-pot zone, so it's -

Ms FORREST - I have definitely had representations from King Island.

Mr FOX - Years ago they were a bit reluctant about it, but now they've come on board - it's just -

Ms FORREST - They did say that.

Mr FOX - Yes, they were against it, but now they are definitely on board with a full head of steam.

Mr SANSOM - Something to just get in before we finish: the rule about the increase not including area 4. Basically industry just voted in a clear majority to include area 4 in that system.

Ms FORREST - In the 50-pot system?

Mr SANSOM - No, in the increase to the female 120-millimetre size, basically because we saw that increased egg production across the whole state is good for the biomass, it's good for egg production. Healthy biomasses are the prerequisite of a resilient fishery and healthy ecosystems

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and with climate change we really need resilience in our fishery. One of the first places to be affected by climate change is the north-eastern Bass Strait area.

Ms FORREST - The west coast has certainly improved in terms of its production of biomass.

Mr SANSOM - Look, we don't like to pat ourselves on the back, but I think where we've got to today is far, far better than where we were 10 years ago; we've done a really good job to get this fishery where it is. We still have a long way to go though: 20 per cent of virgin biomass is still not a great place to go. We haven't even talked about having an increase in quotas until we get to 25 per cent. Even then, I think we are going to be looking at 30 per cent before we even touch on that one.

CHAIR - We still have a few minutes. If you want to add anything, this is your opportunity because members are here and keen to listen.

Mr SANSOM - I am sure you can find something to add, Daniel.

Mr FOX - I just think there's just a cost, a monetary cost. Like John said, one fisherman would save himself 23 days; I would be in a similar sort of ballpark. It's not only me either, it's my deckhand, the crew. It's very frustrating.

Ms FORREST - Just one other question. Once the announcement came out that the 50-pot limit was going to exist in area 5, what actions did you take at the time? Did you do anything about that?

Mr SANSOM - Yes, I contacted the department and asked, 'What is going on? Where did this line come from?' I then asked to have an urgent meeting with the minister. I did have a meeting with the minister; it was on the side of the road on the phone, going between one port visit and the next, but that was okay. One thing I will say is the minister did promise to review the situation in 12 months time, but he was not inclined to change his mind after I had presented.

Ms FORREST - Did you discuss the option of permits for that 12 months?

Mr SANSOM - Yes.

Ms FORREST - So that was included in that, right?

Mr SANSOM - I did. The submission that TRLFA put into the original raft of amendment plans.

CHAIR - Thank you, we will get a copy of that as well.

Ms FORREST - There was no follow-up communication from the minister's office after that phone call?

Mr SANSOM - No.

CHAIR - As an industry group, you have met and you have discussed the situation.

Mr SANSOM - Yes, and the minister came to our meeting the other day and he was told that people were unhappy. He said again that he would review the situation in 12 months time.

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Mr PONSFORD - If he can review it in 12 months time, why can't he make an amendment now and still review in 12 months time?

CHAIR - Do you think the permit system would be more palatable for the industry or you don't think it makes any difference?

Mr SANSOM - It's whatever works at the moment;, if we can get that across the line, that's the easiest way to do it because if we have to change the rules again, we'd have to wait another two years for the process to start again, to change the rules in the amendment plan because it has to go out for consultation.

CHAIR - If the areas stay as they are -

Mr SANSOM - Even if the minister reviews the situation in 12 months time, he would have to issue a permit then to make it work, or he would have to go through the whole amendment plan and we would be sitting here again.

Mr PONSFORD - Can also say that I am a member of the Scalefish Fishery Advisory Committee and I can't recall a discussion about a line at 41 degrees south. I know it was unanimous for the entire west coast so somehow it got changed and we never knew anything about it. I think that if the department wanted to change it, it should have come back to the SFAC.

CHAIR - As the advisory committee to the minister. A departmental person would obviously sit on that committee?

Mr PONSFORD - Yes.

CHAIR - We have a paper trail.

Mr PONSFORD - That's the one I sent to the minister in response to his not including area 5.

CHAIR - Any other questions to these gentlemen before they leave the table and we invite the minister and his team? If not, we thank you very much for your time today. It certainly has been of interest to members, particularly those who have direct representation in these areas where fishing is a pretty important industry.

Mr SANSOM - If there are any follow-up questions, I'm freely available at any time.

CHAIR - Thank you.

Ms FORREST - You are welcome to stay and listen.

CHAIR - Yes, this is a public hearing and there are plenty of seats.

THE WITNESSES WITHDREW.

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THE **HON. GUY BARNETT MP**, MINISTER FOR PRIMARY RESOURCES AND WATER; WAS CALLED AND EXAMINED; AND **JOHN WHITTINGTON**, SECRETARY, **IAN DUTTON**, DIRECTOR (MARINE RESOURCES), AND **HILARY REVILL**, PRINCIPAL FISHERIES MANAGEMENT OFFICER, DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER AND ENVIRONMENT, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you, minister, I know your time is always valuable so please come forward. On behalf of the committee we thank you for making yourself available today at what is possibly fairly short notice, but it is important. We know there is a time frame around this. The committee has had significant representation and we thought this was the best way to move forward. You might introduce your team.

Mr BARNETT - Thank you very much, Madam Chair. I take my responsibilities very seriously and appreciate the opportunity to present for the committee. I have been a member of the committee in the past and Chair of the Senate Subordinate Legislation Committee so I know how important it is in your role. On my right is John Whittington, the secretary of the department, Ian Dutton, head of Fisheries and Hilary Revill as well, for providing operational advice.

CHAIR - You were here earlier when I gave out the information that it comes with privilege inside the parliament, but once you're out that doesn't apply anymore.

We will get straight into it. Minister, you're obviously fully aware of the concerns that the rock lobster fishers have raised with the committee. We'd appreciate your view in addressing the matter.

Mr BARNETT - Thank you very much, Madam Chair. I appreciate the opportunity. As I said before, it's a very important role that we all have. I acknowledge the work of the Tasmanian Rock Lobster Fishermen's Association - TRLFA. We've heard from John and Dan and Dave before lunchtime today. We have a very good professional working relationship. I recognise that and I put that on the record. They've been consistent in their views with respect to the preference for the 60 pots statewide and also acknowledge their support in terms of the size limit for the female rock lobster from 105 to 120 mm. That's noted and appreciated.

I want to outline that the principles behind the decision-making that I take very seriously as the minister on behalf of the Government. It is for a long-term sustainable fishery decision based on evidence, based on science, to get the best outcome with a balanced approach wherever possible. I recognise the importance of the commercial fishermen and fisherwomen in the fishery sector, particularly rock lobster and, indeed, obviously recreational fishers. We have 100 000 across Tasmania, and that's important.

I know the 60-pot limit is a special focus for the committee today. Obviously I made those rules very recently. The rationale behind 60 pots was that the preference from the rock lobster association was 60 pots statewide. I had to make a decision based on evidence, based on science. I get that feedback from the Institute for Marine and Antarctic Studies - IMAS - from the department, from CFAC and from the Recreational Fisheries Advisory Committee -RecFAC. I get all that feedback and information and submissions. I acknowledge that. There were just short of 300 submissions in terms of the process that we went through. Obviously, the department has been through all those submissions, most of them from the recreational fishing side but about 60 to 70, from the commercial side. Again, the TRLFA has been consistently supporting 60 pots statewide.

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We had to base the decision for the 60 pots bar the stage 5, area 5 on the north-west. Again it's based on a precautionary principle, sustainable fishery and based on the evidence of 10 per cent of the biomass at the moment in that area and with the target to increase to 20 per cent by 2023 and statewide to 25 per cent by 2026. We have to continue our efforts to remain on track. The current low level of 10 per cent of the unfished fisheries and the biomass in the north-west region is very low.

As minister, I took the evidence very seriously and took the advice of the department in that regard. It's the primary concern. If it remained at 60 pots there would be a potential incentive to fish and potentially to over-fish in that area.

Ms FORREST - On what basis do you say that, minister?

Mr BARNETT - On the basis that if it's 60 pots then, there's the potential to catch more fish based on the fact that there's a 10 per cent target at the moment. We have a target to get to 20 per cent by 2023, so there was a concern that it would send a message that you can go out -

Ms FORREST - You still have a quota.

CHAIR - You have a quota.

Mr BARNETT - Yes, I know but -

Ms FORREST - I am interested in the science. I asked the other fisher witnesses as to the science that says that having 60 pots working in an area is detrimental to the biomass than having 50 out more often.

CHAIR - Given that it is ultimately the same quota.

Ms FORREST - I am interested in the science. We were told, and your people can correct it, that there was a view to reducing the pot number to 50 in this area was not raised as a matter during the consultation, so it comes as a shock to the people working in the area.

Mr BARNETT - Yes, I would like to respond to that, if possible.

There are two parts to your question. One about the identified blindsiding or shock to the TRLFA. I would like to ask Ian to speak about that because it was raised in a CFAC meeting. At which John was not present so Ian can outline those circumstances, but that is the advice in and around the blindsiding.

You have asked about the quota. I want to respond to that question, through you, Chair, and the same question from Ms Forrest.

The quota is statewide -

Ms FORREST - And the science, minister.

Mr BARNETT - I have had two questions and I am trying to deal with the second question. The quota is statewide for our commercial fishers. That applies across the state, so we had to think,

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'What are we going to do about area 5 in the north-west because of the science in and around the evidence that it is just 10 per cent of the biomass? What will we do as a government to protect the long-term viability of the fish in the north-west in area 5 for the long-term?'

I did not want to see it depleted or impacted adversely in the long term because we need fish for the future. That is the evidence behind the science. John might want to add to that and -

Ms FORREST - No, that is not evidence behind the science.

What I want to know is: how does having 60 pots out there less often create a greater negative impact and how the science backs it? I would be happy to see a scientific review that showed this. That is what I think - I need to show why that is detrimental when you still have the same quota in terms of how fishers operate. You were not here earlier. There is a line on the map - you know where it is. The fishers who go out of Stanley do not have to head very far south to be into a 60-pot zone.

The weather out there is pretty tough. I am not going out there with any of them, I can assure you of that; I will meet them on the wharf. I recognise the nature of the water out there - it is not an uncommon occurrence for the weather to cut up and for the need to seek shelter. I am asking for the science that shows that. I understand the challenge for the long-term sustainable fishery. I believe the fishers are just as keen to see that, as we all are.

Mr BARNETT - I can see it from their point of view as well. I was at the annual general meeting a week or so ago when I spoke about the decision. I also spoke about the fact that I would happily review this. I think it is important to review it within 12 months. Over the next 12 months we will take on data and evidence about the biomass, and determine what decision we can make in 12 months time with respect to the viability and sustainability of the fishery for the long term.

I make it very clear that with respect to the quota, I cannot control where they catch their quota. This is one way to express a view in terms of the north-west where evidence had been put to us, through IMAS and the department. IMAS and the department say that with respect to the 10 per cent, that is a very low biomass.

Ms FORREST - Yes, but can you provide the scientific evidence?

Mr BARNETT - Yes, absolutely.

Ms FORREST - The scientific evidence of the lower biomass, and also the impact of having 60 pots in that area as opposed to 50.

CHAIR - We have a question from Ms Webb. It is a supplementary question, thank you.

Ms WEBB - Perhaps you could just clarify that I understood correctly something that was said. Is the 50-pot limit being imposed in area 5 to deter the fishers from taking a great deal of their quota, or just to minimise the amount of quota that they take from the area? It's a deterrence rather than, say, by science, which is what the member for Murchison was looking for, which would indicate that the same quota taken over a short time from 60 pots compared to a slightly longer time with 50 pots [shows?] anything different about that in the ultimate impact on the biomass. Is the key reason you are imposing that to deter catch in that area to some extent?

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Dr WHITTINGTON - I would turn it around. We have a statewide quota and we have one on the east coast. Where the quota is caught in the areas up to the west coast is a matter of where the fishers catch the fish. They determine where they are fishing. What we are doing, from an economic efficiency perspective, is incentivising effort in the far west and south-west where the stock is higher. We have stock assessments and it shows that unfished virgin biomass is higher than it is in area 5. Through this, we are incentivising the quota to be taken from there as opposed to area 5 where we have an assessment that shows the stock numbers are currently low. As the quota is not block-specific, it is over a large area, this is a way of incentivising effort further south and south-west.

Ms WEBB - That is the flipside of the same coin. You are saying is it is not so much about a scientific basis for one or the other, it is more about whether you are providing an incentive or disincentive for people to go to particular areas rather than others. That is the key function of this restriction.

Dr WHITTINGTON - The key issue is we are trying to restore the biomass in the north-west. The biomass is higher in the far west and south-west, so our preference is that is where the lobsters are taken from.

CHAIR - Unfortunately, there are not many processing factories in the far south, so it makes it difficult. It is not as cost-effective.

Mr BARNETT - For the record, in terms of rock lobsters: in area 5 we have 10 per cent; area 6, 20 per cent; area 7, 19 per cent; area 8, 37 per cent; and area 4, 18 per cent. On the east coast we have: 13 per cent in area 3; 11 per cent in area 2; and 22 per cent in area 1. I think you have a copy of that assessment.

Ms WEBB - You read the 2017-18 figures, I believe.

Mr BARNETT - Yes.

CHAIR - We might be able to share the 2018-19 figures with you, minister.

Mr BARNETT - Thank you, but I have those as well.

Ms FORREST - Are you saying that the 60-pot limit is only okay on the west coast?

Mr BARNETT - Yes.

Ms WEBB - With the intention for that incentive/deterrent effect, do you have evidence of what difference that may make, having allocated area 5 as 50 pots instead of the 60, and having that incentive, as you would describe it, to have people come further down into the other areas? Have you modelled what impact that might have in preserving or allowing increase in the biomass in area 5 compared to if it were 60 pots all the way up?

Mr BARNETT - Thank you, that might be a good question for Dr Dutton.

Dr DUTTON - We do model a lot of scenarios for the future of the fishery, including those options, whenever we make these kinds of assessments. These decisions were all based on the 2017-18 stock assessment you've just heard from the minister, and that I shared with many of you

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in a presentation to the Legislative Council a few weeks ago. The other thing I point out is that in the most recent data we have received, there has been an uptick in effort because we can't control that entire quota zone. There was an uptick of 20 tons in area 5 in the last year. Our ability to constrain fishing activity in an area where the stock status is precipitous or very poor is a real issue. Because of that, we have applied a precautionary principle to this area. If it were a patient in a hospital, it would be in the ICU.

Mr TUCKER - Minister, I can see where you are coming from with this incentive process. Have you looked at any other incentive processes to try to rectify this issue with the biomass, to try to get fishermen to spread instead of concentrating on these areas? This is what's standing out. They are concentrating in certain areas because they're good fishing.

Dr DUTTON - One of the principal measures is to provide the opportunity, as the secretary indicated, for extra fishing effort, more efficient effort in the more productive areas of fishery in the areas 6, 7 and 8, where the largest numbers of crayfish are available are now accessible. We've also done a lot of work in trying to optimise new approaches to lobster management. We've had a lot of consultation with industry about different approaches. We are working with industry very closely on things like trade strategies, the timing and the types of catch. We work hand in hand with the industry wherever we can to try to find ways for them to be more efficient and safer in work that they're doing. Sometimes we have to make these tough decisions.

Ms STANDEN - We've heard some rather passionate evidence from the fishers that they don't believe the measure for area 5 is going to work. They think that it means there will be 20 per cent more time at sea rather than changing their pattern of fishing as to areas and so on. What do you say to that?

Mr BARNETT - I think it's a good question and I recognise the concerns of the Tasmanian Rock Lobster Fisherman's Association and their members. There are some different views from different members and I have had different feedback. We've had the consultation process and we have a range of different views but the association has been consistent in its support for the 60 pots on the west coast across the board. This is a tool, a policy lever that we can pull and we've pulled the lever because 10 per cent is too low. Ian Dutton has used another analogy. We are very concerned about it and we need to get to a position where it is sustainable in the long term. I try to take my decisions based on the long-term sustainability and 10 per cent is way too low.

Ms STANDEN - I am struggling with the advice from the association that a 20 per cent reduction in the pots won't make one iota of a difference in the proportion of quota caught in that area and, instead, will just negatively impact those fishermen.

Mr BARNETT - Sure. Well, there are two responses in addition to what I've already said. I have had feedback from other fisherman who have a different view to the Tasmanian Rock Lobster Fisherman's Association and those that you have heard today, and I will be reviewing this very carefully and will consider the position once we have taken on further advice, evidence and research in the next 12 months.

CHAIR - We heard during the briefing last week that recreational fishers on the east coast take, on average, 20 per cent more than the quota each year. If you're making commercial fishers go further south where there's more stock, won't the recreational fishers, whose quota you only see at the end of the season, have more opportunity to fish more anyway and you might not necessarily get the outcome that you want? Does that not make sense? It makes sense to me.

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Dr DUTTON - Again, recreational fishers are quite different in that most of the recreational fishery quota is caught on the east coast. Most of the commercial fishery is caught on the west coast, but within that -

CHAIR - They still have recreational fishers on the west coast.

Dr DUTTON - There are, yes. The interesting thing about recreational fishers of lobster in Tasmania is that they only catch less than half of their total recreational catch quota, and most of that is caught on the east coast. About 100 tons is uncaught for the recreational quota and that's available to be caught elsewhere in the state but they just don't go there to catch it currently.

CHAIR - Because of the conditions?

Ms REVILL - The size limit increase is applied to the recreational fishery in the north-west as well as the commercial fishery. So that sector will have to put fish back if they're under the new size limit as well. It's not just a commercial fishery measure, just to clarify it.

CHAIR - I understand that. We talked a little about how honest recreational fishers are with putting their hand up to say what they catch each year. I'm not a recreational fisher so I can't verify that.

Mrs PETRUSMA - The minister has answered the question in part, but I want to go back to the 12-month review, what data were you looking at during that time so that you could make an assessment for the future?

Mr BARNETT - That is a very good question. Frankly it's critical to the future to make good decisions obviously this time next year. We'll be basing that decision on advice from the department based on the Crustacean Fisheries Advisory Committee, the Recreational Fishery Advisory Committee, IMAS research and any other relevant research we can obtain.

The department is also active in and around working with the commercial fishermen so they have forums, meetings and briefings. We are very engaged, not just with the association but also with commercial and recreational fishermen around Tasmania.

I've announced a review of the economic and social impact on the east coast. I know the member for Lyons will have a special interest in that and perhaps others, going forward.

CHAIR - The member for McIntyre will.

Mr BARNETT - Absolutely, the Chair will as well; many others will. That is the first time that is to occur, looking at the economic and social impact going forward for the east coast and then developing a recreational fishing strategy. It will be the first one in Tasmania at the end of that 12-month period. Do you want to add to that, Ian?

Dr DUTTON - If I could, Madam Chair, two quick things. One is we had more submissions from commercial fishermen opposed to a 60-pot increase in this area than we had in favour of the 60-pot increase in this area so that is one important factoid.

The other thing is that reflects a very -

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CHAIR - Did everyone know about it, though? We have to get to that question yet.

Dr DUTTON - Sure, but the other thing I point out is that there's a very wide diversity of users, as the minister has indicated, within the fishing sector about this. We've had strong representations from folks in other parts of the state to have a lower pot limit because of the economic efficiency. As I mentioned the other week, we lose about 10 boats a year currently out of the commercial lobster fishery because of efficiency changes.

Ms FORREST - We need to get to that oversight - that matter with the lack of consultation or not being at the right meeting.

Mr BARNETT - I am keen to give the answer to that.

Ms FORREST - In terms of practicalities, if a fisher goes out from Stanley or even out from the Smithton area or anywhere there, with an intention of going down to the 60-pot area into the west, the weather cuts up badly and they come back and they end up back in the 50-pot area, do they need to go back to the port to offload all their pots before they can go back out?

Ms REVILL - They do.

Mr BARNETT - That's my understanding.

Ms FORREST - Do they have to unload any fish that they've caught already or just unload the extra pots and then go back out again?

Mr BARNETT - I think Hilary is the expert at the table.

Ms REVILL - With the 60-pot zone it's just the pots; they don't have to unload the fish.

Ms FORREST - Pots on deck, not pots in water?

Ms REVILL - The pots have to be physically taken off the boat before they can start a fishing trip in the 50-pot zone. That's the way the legislation has ruled it.

Ms FORREST - So sailing through the 50-pot zone with 60 pots on your deck?

Ms REVILL - Yes, you can do that. You can transit through the 50-pot area but before you start a new fishing trip in the 50-pot area, the fisherman is required to take the extra 10 pots off the boat and leave them at a port.

Mrs PETRUSMA - You can transit through.

Ms REVILL - You can transit through, yes.

Ms FORREST - Going back to that meeting then, what happened there?

Mr BARNETT - I think it would be good to allow the department, in particular, because I think the association has indicated they were blindsided - they used that word - and that is obviously some concern to me as the minister. I'd say two things, one, we received 277 submissions - 58

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submissions from commercial rock lobster fishers, and 208 from non-commercial fishers. Ian has outlined the proportion in terms of for and against the 60 pots.

I have the CFAC, the Crustacean Fisheries Advisory Council, obviously the Recreational Fishery Advisory Committee - RecFAC - as well. Now CFAC has meetings from time to time that the department attends so on that note I will pass to Ian in terms of what was advised during that CFAC.

CHAIR - The question is, why would you propose that at a meeting when the representative was not there?

Ms FORREST - I would like to know: what date were the meetings, who was there and what was said?

Dr DUTTON - We can certainly provide the details of the meeting and who was there and what was said and so on.

I want to be clear here - I think it is an unfair characterisation to say the industry was not consulted. This proposal was formulated in response to the feedback we received - it is a two-step process. This proposal was in the background papers for that meeting and it was part of a slide presentation that my colleague, Principal Fisheries Management Officer Hilary Revill, made of that meeting.

Ms FORREST - When was this meeting?

Dr DUTTON - Hilary can give you the date.

Ms REVILL - Yes, it was 20 June 2019.

Dr DUTTON - It is unfortunate that the chair of the Tasmanian Rock Lobster Fisherman's Association was not present at the meeting. Other colleagues from the association were there.

Ms FORREST - One member who was at that meeting said at the 2 June CFAC meeting, there was no mention of reducing the 60-pot area as per the meeting minutes.

CHAIR - We will need a copy of the minutes.

Dr DUTTON - There was no what?

Ms FORREST - It was obviously mentioned in the minutes; there was no mention of reducing the 60-pot area as per the meeting minutes.

Dr DUTTON - The minutes are a summary of the meeting not a word-for-word recording; I want to be clear that is the way we approach our meeting. That said, we would be very happy to furnish you with a copy of Ms Revill's presentation and all the background materials that were part of that, which did reference this proposal.

Ms FORREST - The minutes will include who was at the meeting?

Dr DUTTON - Yes.

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Ms FORREST - It would be helpful to have that. The representations I have had, and there have been a number - and this is the meeting in question - suggest that they were not aware that was being discussed. I would be interested to know who was actually there.

Ms WEBB - There is a disconnect, isn't there?

Ms FORREST - There is a big disconnect here.

Ms WEBB - I wanted to clarify: 58 submissions from commercial fishers and the proportion, you said more of them were supportive rather than opposed. So, of the 58?

Dr DUTTON - If I could refer this to Hilary, who has a copy of the summary of the submissions here.

Ms REVILL - Is this in relation to the 60-pot amendment?

Ms WEBB - I think that is what you were referring to when you talked about more supported than opposed.

Ms REVILL - The majority of submissions came in through an online response form we provided. To the question, 'Do you support increasing the maximum number of pots that can be used by a commercial vessel from 50 to 60?', in the submissions from commercial fishers, 30 did not support, 25 did support. For recreational fishers, 136 did not support and 58 did support. We had a follow-up question, so the first question was around the principle of increasing the pot numbers, the second was around the area.

In terms of the proposed area, the proposal did include area 5: commercial fishers do not support, 33, supported, 18; and for recreational fishers, do not support was 137 and supported, 44.

Ms FORREST - There are mixed views on this.

Ms WEBB - So there was not a question that had the exclusion of area 5 because that did not come until the next stage?

Ms REVILL - That is correct.

CHAIR - Thank you very much. As a committee we appreciate very much this opportunity to have this information on the public record. The committee will make some deliberations. Thank you very much everyone.

THE WITNESSES WITHDREW.