

From: [Gil Waller](#)
To: [Public Administration Committee](#)
Subject: Fwd: A Personal Submission to the Legislative Inquiry into Property
Date: Thursday, 25 July 2019 11:12:26 AM

[REDACTED]

I will be away from 14th August until 23rd October inclusive but will do my best to make myself available before or after those dates should it be of assistance to you.

I would appreciate confirmation of receipt of this submission

Sincerely
Gil Waller

----- Forwarded message -----

From: **Gil Waller** <gilwaller@gmail.com>
Date: Wed, Jul 24, 2019 at 10:48 PM
Subject: A Personal Submission to the Legislative Inquiry into Property
To: <LCPAC@parliament.wa.gov.au>

Dear Sir/Madam

I left school and began fishing in the rock lobster industry in South Australia 1962. In 1969 I bought my own vessel, in 1971 I transferred to Western Australia, selling my vessel and licence and buying one in WA, based on my research and very favourable impression of the research and management of the WA Western Rock Lobster Fishery at the time. One of the extreme and embarrassing difficulties I found at the time was the attitude of the banks to the value and security of fishing licences, I almost lost my deposit because of that, a lesson well learned.

I attended the inaugural annual meeting between the Fisheries Scientists and the fishermen at the Town Hall in Wembley in 1976 and have rarely missed any of those events since. I have spoken up for fishing rights and security of access on numerous occasions at many of those meetings and participated in discussions over the years. I have compiled and maintained a database of catches and prices along with total industry earnings since 1971 to this day.

In 1978 I presented a paper showing the close relationship between El Nino and La Nina events to the settlement of juveniles that year and the resultant catches 4 years later. In 1981 I wrote to Fisheries suggesting a change in the outlook of the management from a hunter based relationship to recognition of the development a farming culture. Like all other participants in the fishery, I took my share of cutbacks in effort through the 80's and voluntarily gave up my rights to take finfish and shark which were part of my original licence, to assist those fishermen less fortunate than ourselves.

Around 1990, although I kept my fishing boats, I retired from active fishing and bought a commercial fishing boat brokerage. The lessons I learned from the early 70's were still

very evident and my approach to the banks with regard to various clients trying to get finance showing proof of viability based on cash flows alone made me sought after by a number of bank managers to gain a better understanding, but very little had changed or even has changed to this day, they still do not recognise fishing licences very highly as a security because we have no rights, especially when compared to real estate and houses, even though the earnings from a fishing licence have proven to far outweigh anything real estate can produce for the last 50 years.

In 1993 I presented to Science and Industry a series of papers showing the advantage to be gained to Industry by increasing the gauge size, this was subsequently adopted.

I have had meetings both personal and public with Directors and Managers of WA Fisheries over the years and was appointed by Norman Moore, the Minister for Fisheries at the time to a committee establishing the successful change to a Quota based Fishery in 2006. Shortly after I presented up and down the coast successfully proving the equality of the southern or C Zone section of the fishery with that of the north, the A and B Zones, based on my extensive database. I have also responded to various Fishery Papers in recent years and been witness to the sad deterioration of our once great relationship between fishermen and the scientists in the more recent years.

From 1969 to this day I have owned and operated or managed lobster vessels, 2 years in SA and 48 years here in WA. I am not alone with this kind of history and I strongly believe that we fishermen have earned the right to be granted a more secure access and a right of property.

In company with others, I suggest the following;

1. The amendment of the Western Australian Constitution to provide the same protections for property and rights of compensation as specified under the Australian Constitution.
2. The establishment of a single authority by the Western Australian Government to centralise the procedural requirements around compensation by Government into a single agency for claims covering loss of property and injurious affection arising from the assertion identified by the Committee's terms of reference (d). That is fair and reasonable compensation must be paid to the owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a public benefit.
3. That fishing licences be recognised in the ARMA legislation as property for the purposes of compensation.
4. The proposed eight "Actions" towards removing uncertainty in the rights of resource access of commercial fisheries specified in Part 2 of the WRL submission for amendment to ARMA be enacted.
5. I agree that WRL provide qualified support for the implementation of ARMA at the earliest date on the condition that government provides a commitment not to proceed with the further development of ARMS and ARUP's until:
 - i. The Actions specified in the submission have been considered and determined (Recommendation 4) and
 - ii. The matters raised in recommendations 7 and 8 concerning aquatic resource allocation, resource sharing processes, supporting legislation

- and aquatic resource re-allocation are clarified and determined; or
- iii. There exists support from the relevant commercial fishing sector to proceed with the development of ARMS and ARUP under Part 3 of ARMA.
6. The broadening of the scope covering a range of private and public funding and procedures to facilitate commercial fisheries adjustment provided by the Fisheries Adjustment Schemes Act 1987 be enacted.
 7. The Public Administration Committee recommend the implementation of supporting legislation that guarantees the adoption of established principles for allocation, procedures and supporting administrative requirements that need to be applied in achieving outcomes expected under Part 3 of ARMA.
 8. The Public Administration Committee recommend:
 - i. The establishment of an expert group inclusive of key stakeholders to advise on the principles and approaches that could be applied in facilitating re-allocation of aquatic resource access and use including market and compensatory pathways linked to changes in aquatic resource sharing and resource access inclusive with the ability to change fishing capacity under ARMA. (To not link these requirements could undermine sustainability objectives)
 - ii. Defining appropriate terms of reference that takes into account the findings of their Property Rights Inquiry on compensation for fishing licences and directions for development in terms of outcomes expected under Part 3 of ARMA and the findings relevant to the aquatic resources access and usage sectors particularly in relation to reference (a) of the Inquiry.
 - iii. Advice on how the expert group should proceed.

Yours sincerely

Gil Waller