

**To the Standing Committee on Environment and Public Affairs:**

We the petitioners, Louis Lynch, Peter Lynch and Neil Oliver (Swan River Fisherman), would like to thank the Parliament of Western Australia for this opportunity to address the committee about our concerns regarding the forced closure of the Swan Canning Estuary System (Being Area 1 of the West Coast Estuarine Fishery) to commercial fishing.

We would also like to thank the 1600 people that signed Petition No. 41 in full support of keeping the fishery open.

Petitioners for Petition No. 41:

Neil Oliver,

Louis Lynch

Peter Lynch

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The foreshadowed compulsory closure of the Swan River commercial fishery after 180 years is of major concern. The sole remaining licence supplies all local crabs to the retailers and restaurateurs of Perth. The Minister intends to use a previously untried section of the Fisheries Act. This is unprecedented- never before has a healthy, viable fishery been closed, at considerable opportunity cost to the community. There has been no formal consultation at all, in direct contravention of the Government's official policy on Fisheries and Resource management. Integrated Fisheries Management Policy (IFM) and the Integrated Fisheries Allocation Advisory Committee (IFAAC) were established in 2004. Justice Toohey, in his report which foreshadowed IFM policy stated that: "*The history of fisheries management around the world has shown that a process to resolve allocation issues, which has the widespread acceptance of user groups, is fundamental if WA's fisheries are to be sustainably managed in the future.*" It is our understanding that the IFM policy has bipartisan support. IFM addresses the issue of sharing resources within the context of "Ecologically Sustainable Development"(ESD). The ESD policy by the Dept. of Fisheries and the State, was one of the first in the world in any resource sector, and touted as testimony to the Governments commitment in this area. Five years later, it appears it is being ignored. Public policy rarely attempts to explicitly manage the relative level of access of each user group. Decisions tend to be politically influenced. Implementing ESD Policy involves setting total sustainable harvest levels; allocating resource shares for optimal benefit to the whole community; monitoring of and management of each sector within its allocation; and developing mechanisms to enable the redistribution of allocations between sectors. Fisheries like the Swan-Canning, with high recreational participation, are at high risk of over-exploitation. Recreational effort is unconstrained –there is no total allocation, no restriction on the number of participants, which has expanded significantly. The Government claims if it became concerned about stock reductions it would reduce the amount of recreational fishing. Yet, in the Leschenault Inlet, despite serious depletion after removal of commercial licenses, no effort was made to reduce the recreational effort. Recreational fishers may see themselves as having a "right" to take their share of fish stocks. In truth, the resource is common property. Consumers wish to be able to buy good quality seafood at a reasonable price. IFAAC noted highly skewed distribution of both effort and catch in the recreational sector, with 30 per cent of the fishers responsible for 80 per cent of the fishing effort and catch. No conflict currently exists in the Swan-Canning Fishery. Commercial effort centres in the main estuary, not used by recreationalists, therefore the fishing areas favoured by each user group do not overlap. The commercial fishing effort was less than 115 fishing days last year, including effort expended in catching both crabs and yellow-eye mullet, which is no longer being targeted. Government must determine who has access to the resource and on what conditions, without undue emphasis on 'rights' in the case of any user, which leads to the loss of the flexibility needed for an integrated approach, and makes a mockery of its claim to embrace the notion of sustainable development.

Messrs Oliver and Lynch have not been involved in any process other than a voluntary buyback system by the previous govt.. Buy-back schemes are not always the best way of achieving desired outcomes. Compromises for establishing adequate resource allocations could be in the form of changing access arrangements, such as fishing when or where the catchability is greatest, in return for closed seasons at other times of the year (when perhaps recreational and other user demands are higher). Seasonal availability and breeding seasons should be considered. As the last license holder we would accept spatial and temporal restrictions in return for access to the fishery. We have already implemented our own management plan to ensure the viable future of the fishery. Currently we target only crabs, and voluntarily cap our total annual catch at around 10 tonne, (The last official study recorded around thirty tonnes being caught between the four professionals. Previously we also caught yellow-eyed mullet, a species ignored by recreational anglers.) Fair and adequate allocation will aid us in our desire to maintain and enhance the value of the resource. We participated in the buyback, yet our offer was roundly rejected by the previous minister Mr Jon Ford. In hindsight it appears to have been a surreptitious attempt to close the fishery silently. The public would have been none the wiser about the permanent loss until it was too late to do anything about it. The current intention would appear to have altered from voluntary

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buyback to forced reclamation, with no formal process or public consultation, in contravention of the Govt's claimed stance on Integrated Fisheries Management and ESD. We have submitted affidavits from all other licensees involved in the buyback to the effect that they were at the end of their useful working life and wished to retire, and that was the sole reason they chose to sell. We on the other hand run a viable and profitable business. The licensees were informed via the West Australian Newspaper, that "The Last Swan Fisherman Is Set To Go." Following this inflammatory publication, The Hon. Norman Moore Minister for Fisheries wrote to Messrs. Lynch and Oliver advising them that the reason he was closing the fishery was to reduce the size of the West Coast Estuarine Fishery by closing Area 1. Why have we been singled out when 92% of the fishing takes place in Area 2, the Peel Inlet fishery in Mandurah? No scientific evidence supports commercial closure, to the contrary Fisheries Dept has stated that all data regarding the health of stocks comes from commercial fishermen and that the loss of such data would be of major significance. There is limited information on the level of recreational catch; and inadequate levels of compliance for monitoring and enforcement in recreational fisheries. The total catch ratio of commercial to recreational, based on the current figures, and the last available recreational data (now almost a decade old) is approximately 80% recreational/ 20% commercial for Blue Swimmer Crabs. Fisheries Resource Report 156 (May 2006) entitled Review Of Fishery Resources and Status Of Key Fisheries Stocks in the Swan Canning Estuary, found that the crab stocks are in a healthy state, and are being utilised sustainably. All crabs being caught are large, indicating the health of the population.

In Parliament recently Dr K. D. Hames stated that "Lots of people in Mandurah, particularly the elderly, cannot access those crab stocks. Therefore, in my view, there needs to be some degree of professional catch." This is even more relevant to the Swan Canning fishery. The government claims commercial closure is necessary to meet future recreational use. Ironically, closure would ensure increased fishing in the Swan, which is problematic as there is not enough infrastructure to cope with the current effort during peak fishing time. There is high competition from non-fishing boat users. Perth is already at maximum capacity for river moorings with massive over-subscriptions and waiting lists. Boat ramps are over-utilised with only 180 trailer bays on the Swan. The continuous pollution has potential to promote nutrient upwellings and algae blooms. Access to commercially caught seafood is more convenient, economical and environmentally friendly than catching it yourself. The 90% of the population who buy all their seafood are able to get freshly caught raw or cooked crabs in at least 6 stores in the metropolitan area.

We believe the entire process has been mishandled. The Act is being appropriated solely for political gain, rather than any valid benefit to the community, and in contravention of Fisheries Dept advice. The rights of the majority have been ignored in favour of a vocal minority, despite recent changes in the river having eradicated all the issues they once complained about. The Minister appears to be pandering to them by banning the sacrificial professional fisherman, but the truth is this detracts from the real crisis - the lack of research and proper management of the recreational sector.

The Swan River crab is the premium crab in Western Australia. Suggestions that crabs from the Mandurah Estuary or from Shark Bay might replace local product are incorrect. Mandurah crab stock is considerably smaller than Swan crabs. Cooked crabs keep at most 5-6 days if perfectly handled. Shark Bay crabs are a similar size, but travel over 1000km and are not received in Perth for 4 days after capture, leaving the consumer no shelf-life. Multi-handling causes damage and deterioration in taste. They are inferior to crabs caught and delivered locally within 2 hours. Crabflesh is particularly prone to rapid decomposition and must be cooked within 24 hours of death or turns mushy, flavour and texture are lost, and product value severely reduced. Freezing causes the same result. Therefore most crabs around Australia are cooked before sale. Precooked crab can't be substituted for raw crab. Perth is unique in having a consistent supply of fresh live, blue swimmer crabs. "Think Global-Eat Local" is an international move to support local product for ethical and environmental reasons. We believe there should be a public, formal mediation process to discuss the right to allow commercial fishing to continue in the magnificent Swan as it has for the last 180 years, as was used in the Cockburn Sound Crab Managed Fishery. Whichever process is adopted, it is important that transparency is retained to ensure persons not involved in the process have an opportunity for input prior to the Ministers decision.

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