

Coorong fishers seek more than fee consolation

By ELIZABETH ANDERSON

FISHERMEN in the Coorong and Lower Lakes have welcomed license fee relief from the state government but say more needs to be done.

Southern Fisherman's Association secretary Tracy Hill said the fee reduction, while helpful, did not generate income lost as a result of increasing numbers of long-nosed fur seals in the catchment.

"It was nice and welcome, and we do appreciate it," she said. "But it hasn't changed the fact seals are out there ripping fish out of nets."

Members of the Coorong and Lower Lakes commercial fishing community, including fishers, their families and employees, held a 'crisis meeting' last night, along with representatives of the Coorong Council, local MP Adrian Pedrick, and representatives from the local health service and Rural Business Support.

RBS, which incorporates Rural Financial Counselling Service, has offered to assist fishers with free financial information and business support.

Mrs Hill said the extension of the season for hauling nets, and permitting the use of drum nets, may provide some help to fishers – not all.

About \$260,000 in funding has been secured from the state government and the Fisheries Research and Development Corporation to trial alternative fishing gear and seal deterrents, expected to start in November.

"It's just dragging out and taking time, time we haven't got," Mrs Hill said.

She said there was also talk

- Key points**
- Industry contributes \$7.9m
 - Trials to test fishing gear, deterrents
 - Crisis meetings held

about the use of pyrotechnics or underwater crackers to scare seals but approvals and training were not in place.

Mrs Hill said the business she ran with her husband generated the same expenses while the income was cut to almost one-third.

Fisheries Minister Leon Bignell said the temporary fee relief for the 36 license holders in September was to protect the fisheries which contributed \$7.9 million to the state's economy.

"I have been told one license holder had losses of \$76,000 over a five-month period and the industry has estimated the seals are costing the fishery an annual wharf value loss of \$2m," he said.

Mr Bignell said the state government, and a working group, wanted to identify and implement appropriate short-term and long-term strategies but while these were being investigated, the waiving of the 2015-16 licence fees would help.

Mr Pedrick, Hammond MP and opposition spokesperson on fisheries, said the fee relief was a good start but more active seal management was needed.

"The fee help means the government acknowledges a problem but they haven't done anything about it," he said.

He said the situation was "very close to tipping point".

"People are saying to me 'if it goes on another 12 to 18 months, what are we going to



Partnership nets producer awards

GLEN and Tracy Hill (pictured) have been fishing in the Coorong since the early 1990s.

Glen bought his first licence in 1990, and they formed a partnership Coorong Wild Seafood in 1992.

Tracy said they began by supplying a few kilograms of Mulliet fillets for a fish round in the Barossa but gradually built up their business by value-adding and portion-packing.

"When fish are plentiful in winter it is a good time to package any surplus and freeze it," she said.

"In summer months, when fish numbers go down, we still have a product to sell."

The business supplies a number of restaurants in Adelaide, local

and interstate wholesalers, butchers, independent supermarkets and farmers' markets.

They built their own processing facility and can provide tours and tastings on site. They have just added a fourth staffer to their business.

Tracy said they placed a great deal of importance on the local market and made sure the Coorong community still had access to the local catch.

In 2014 Coorong Wild Seafood was the winner of *delicious*.

Produce Awards 'Producer of the Year, adding to previous awards such as the Leading Seafood Producer in the SA Seafood Awards in 2007 and 2011.

do?", Mr Pedrick said.

"There is a real air of desperation out there."

Mr Pedrick has previously called on the government to instigate a management plan, including moving a motion for a "sustainable harvest" in Parliament in July.

Federal member for Barker Tony Pasin also met with fishery representatives and said a sustainable cull would not contravene the Commonwealth Environment Protection and Biodiversity Act, leaving the decision in the hands of the state government.

Coorong Council mayor Neville Jaensch said the impact

of the seals was felt throughout the community.

He said the Ngarrindjeri people considered the pelican, often attacked and killed by fur seals, to be a totem.

The Department of Environment, Water and Natural Resources had installed wildlife cameras near pelican breeding sites while SARDI had tagged long-nosed fur seals to track their movements.

"The government will step up and make the hard decisions eventually but they have to have facts in front of them," Mr Jaensch said.

"I am optimistic we can come up with a solution."

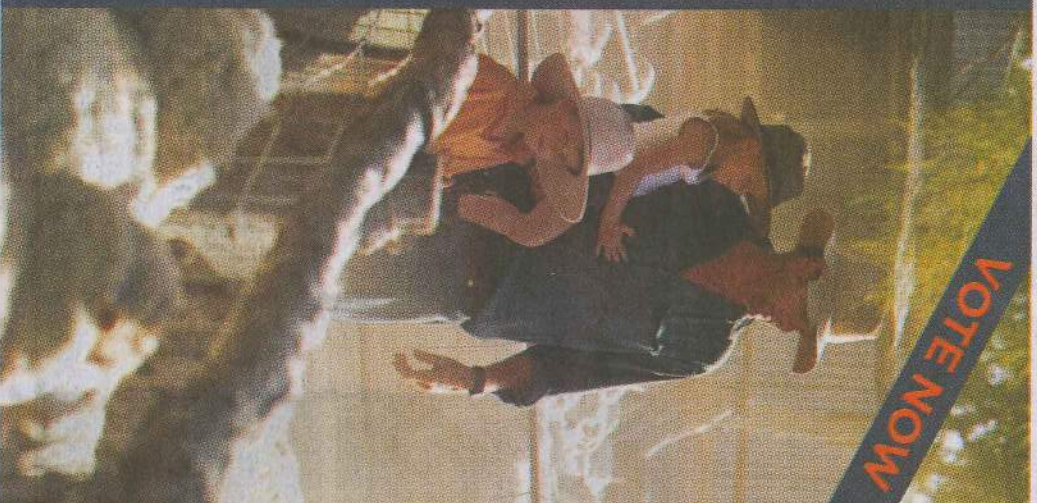
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RURAL LEGALITIES

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Marsh vs Baxter: WA court rejects GM canola appeal

THE Full Court of the Supreme Court of WA considered an appeal involving two farmers on adjoining WA properties where the appellant (Marsh) produced certified organic produce including barley, oats and wheat and his neighbour and respondent (Baxter) produced GM canola.

Readers may recall Marsh unsuccessfully claimed damages against Baxter in relation to GM canola blown from Baxter's farm onto Marsh's land whereby Marsh lost his organic status with NASAA Certified Organic Pty Ltd.

In 2010 Baxter sowed GM canola in two of his paddocks. He had communicated his intentions to Marsh who responded by altering his crop rotation plan in an attempt to avoid cross contamination.

Later that year Marsh handed a 'Notice of intention to take legal action' to Baxter outlining the potential consequences for his organic certification if GM canola seed entered onto his land. He also attached an extract from the NASAA agreement that contained a clause providing that NASAA could declare an organic farmer if any GM material were found on Marsh's property.

Following a harvest on Baxter's property, Marsh became aware of swathed canola on his property. He informed NASAA which carried out testing on his crops. The test results were positive and NASAA subsequently decertified Marsh.

Five of the grounds of appeal suggested the trial judge erred in his decision as to the scope of the duty of care owed to Marsh by Baxter. The other grounds included the application of the NASAA agreement and whether the judge erred in not finding a claim in nuisance.

The appeal judges dismissed the appeal in a 2-1 decision.

The majority did not consider Baxter had breached any duty of care, nor that a nuisance had been committed.

In relation to whether Baxter had committed a nuisance, the court noted that the question was whether the incursions of swathes onto Marsh's land 'involved an interference that went beyond what an ordinary average resident of the district ought reasonably to have expected under the circumstances.'

It stated 'there was no evidence that in the usual farming activities carried on in the district, an incursion of GM material, as in this case, would contaminate the produce of, or otherwise significantly affect, the farming operation where an incursion occurred.'

The trial judge had found Marsh had no claim against Baxter. Two of the appeal judges confirmed that decision but one did not. The majority decision rules in an appeal.

We will have to wait and see if Marsh seeks leave to appeal to the High Court. There may be a third chapter to this difficult case.

There may be a third chapter to this difficult

This case also highlights that when Parliament introduces new laws, such as allowing GM crops, it should ideally try and address the legal position in relation to neighbours rather than leave it to the courts to grapple with these difficult issues.

Not only might that approach save enormous legal costs but also avoid the breakdown in neighbourly relationships.

• I would like to thank Sorcha O'Neill for her work in preparing this article.