

Attention: Travis Dowling

c/- Toby Jeavons

Dear Mr Dowling,

I refer to your letter of 31 May 2021 in relation to a revised recommended TAC for the 2021/22 season.

As a licence holder, I wish to make the following submissions.

1. Your letter states that “during the consultation period new information has become available that has reduced the VFA’s confidence in the limited data available to assess the stock in recent years”. Your letter does not state what this “new information” is.
  
2. It appears that your reference to “new information” is an opaque reference to the criminal charges that the VFA has issued, since the date of your letter, against me, my brother and K.A. Oliver Pty Ltd. If my presumption is wrong, please advise.
  
3. If, in fact, you are proposing to alter the TACC based on those criminal charges, I say that it would be entirely inappropriate to take any such action. The conduct alleged in the charges is not, and cannot be, established until such time as the conduct is proven, to the requisite criminal standard. It is improper and premature for you to rely on any of the matters alleged in those charges when determining the TACC: to do so would, in effect, involve prejudging a court outcome that the VFA has, itself, initiated.
  
4. You say that this “new information” in some way “suggests” that it is likely there has been a decline in the catch rate. You not explain what part of the “new information” informs your logic that there has been a decline — you do not explain your reasoning. This makes it impossible to provide a meaningful response, in these submissions, about your assertions concerning catch rate. If you’re basing your conclusion on the criminal charges described above, your reasoning is improper and premature.

5. You make reference to the previously proposed TACC as having been based on consideration of the current management plan and recommendation from the RLRAG. You then go on to propose a huge reduction in TACC without reference as to how the management plan or the RLRAG recommendation provide any basis for your proposed change.

6. You talk about “risks” that “are considered to be too high to maintain the current TACC”, but you don’t explain these risks, at all. This makes it impossible to provide a meaningful response, in these submissions, about your assertions concerning “risk”. Again, if you’re basing your conclusion on the criminal charges described above, your reasoning is improper and premature.

7. You discuss the need to apply “the precautionary principle” to ensure the sustainability of the resource. Whilst it appears you want to be conservative, from my experience there is no impediment to catching the full quota each year. To reduce the TACC based on mere speculation about the current biomass level is not precautionary — it is arbitrary, baseless and completely unscientific.

8. Finally, and very importantly, reducing the TACC to 5.5 tonnes (a reduction of 5 tonnes as compared to the figure recommended by the RLRAG), would devastate the fishing industry and the fishermen operating in it. Although the quota attached to my licence is the largest quota holding, it would clearly impact on all quota holders and will make us unviable and destroy both our businesses and the fishery.

I implore you to seriously consider my comments and not reduce the TACC as previously proposed. No doubt you could continue to monitor the fishery and review the stocks from time to time.

Kindly acknowledge receipt.

Anthony Olver