

ANSA National Issues and Updates

On the ANSA National scene there has been a lot going on. Some of the more important issues are –

Grey Nurse Sharks

Release of the 2010 Grey Nurse Shark recovery plan has not been publicly released by DSEWPC (formerly DECWHA). ANSA was a member of the GNS recovery plan working group that met over 2009 and early 2010. Release of the recovery plan was expected mid 2010. Reasons for non release of the plan are obscure and are being followed up. DSEWPC has however publicly released the comprehensive research report on GNS populations as undertaken by Cardno Ecology Lab. This report was a critical document in the development of the 2010 GNS recovery programme and details the research outcomes based on photo identification techniques used to estimate the current east coast GNS population at between 1146 and 1365. You can read this very interesting report on the DSEWPC link www.environment.gov.au/coasts/species/sharks/greynurse/publications/greynurse-population-estimation.html

It is unfortunate that prior to the release of the GNS recovery programme, NSW I & I made recommendations to the Government for harsher recreational fishing restrictions around proclaimed GNS aggregation sites at Fish Rock and Green Island. As a consequence of vocal objection by the local South West Rocks community and strong lobbying by bodies such as ANSA, the NSW government softened the extent of proposed fishing restrictions. Unfortunately there were ill based rumours doing the rounds that the I&I rationale for proposing harsher fishing restrictions at these aggregation sites was due to an I&I research report on the behavioural response of GNS to recreational lures and baited lines which was funded via the Recreational licence trust fund. This was not the case and the behavioural report was a major factor in influencing the government to soften its decision on proposed restrictions. What did drive I&I to propose tougher restrictions was a combination of pressure from the local eco diving industry and the contents of an independent research report compiled by Bansemer and Bennet which did indicate an excessive number of GNS at the Fish Rock aggregation site bearing injury as a consequence of retained fishing gear and interaction with fishers. It is inconclusive that the injury occasioned to these sharks actually occurred at Fish Rock or nearby Green Island which are acknowledged as major migratory stop over locations for GNS during their north and south seasonal migrations.

While it is pleasing that the Government did respond to local opposition and peak body lobbying against the proposed fishing restrictions it is disappointing that the government did impose a ban on jigging at the aggregation sites. The research funded by the Licence trust fund clearly demonstrated that jigging, trolling and spinning with artificial lures had no reaction whatsoever with GNS sharks other than for possible foul hooking. It is to be hoped that this restriction on jigging can be lifted or modified. The new restrictions took effect on 28 Jan 2011 but will not be enforced until 30 April 2011. For information on the new regulations visit www.industry.nsw.gov.au/fisheries.

Threats for Mako, Thresher and Dusky Whaler sharks

While on the topic of sharks, the Indian Ocean Tuna Commission (IOTC) recently determined that short fin mako, thresher and dusky whaler sharks be classified as vulnerable migratory species. As a consequence of obligations under international treaties, the Australian Government may have little choice but to place a ban on the take and injury of these species pursuant to the provisions of the EPBC Act. A similar situation arose last year when mako and porbeagle sharks were listed by the UN sponsored Convention of Migratory species as endangered and the Government found itself in a

pickle when it moved to ban the recreational take of mako sharks. Fortuitously the then Minister for the Environment Peter Garrett did respond favourably to the pressure from the recfishing sector and peak body groups including ANSA and legislated to have the ban dropped. The government is obviously very conscious of recreational fisher reaction to the earlier mako ban and to avoid another confrontation has sought to consult with the recfishing sector and other stakeholders before moving on a ban. ANSA in conjunction with Recfish and other Recfish members and the GFAA have made formal submissions arguing the case for why there should be no bans here in Australia as the shark fisheries are well managed by state authorities and the impact of recfishers upon local stocks would be insignificant. However, given that the much of our national shoreline is embraced by the Indian Ocean this is a different and more complex issue than for the CMS listing for mako and porbeagle sharks which were under threat in the Mediterranean - not the Indian ocean. It is an acknowledged fact that these shark species do migrate within the West Indian / Pacific oceans and their populations have suffered serious decline in countries other than Australia. The outcome of the Governments deliberations is still awaited.

EPBC Act revision

The Australian Government is also still deliberating on changes to the EPBC Act as proposed by the 2009 Hawke review of the Act. There are several proposed amendments to the Act which if approved will give the Australian government greater flexibility in the administration of the Act than is currently the case where protective listing (and bans) are mandatory whenever a species is declared endangered or vulnerable by a country with which Australia has treaty obligations. Hopefully this will be sorted out shortly.

ETBF Quotas

There has also been a lot of recent dissension concerning the granting of Commonwealth quotas for the ETBF (Eastern Tuna Billfish) zone for the 2011 and 2012 years. The commercial sector has been pushing hard for a substantive increase in the quota numbers for pelagic species to be taken within the ETBF zone. The commercial rationale for the increase in pelagic quotas was to ensure that Australia's share of the world allocation of fishing quotas were set at levels well above the actual catch tonnages of recent past years. This was a deliberate strategy to ensure that Australia's potential share of international quota was not allocated to and taken up by other neighbouring countries. Also this is the first year that the management of our commercial commonwealth fisheries was switched from total effort (number of hooks utilised) to total allowable catch (tonnage quotas). ANSA in conjunction with other Recfish members and GFAA did make submissions to AFMA and DAFF and the Australian Government requesting that a more conservative allocation of quotas be approved consistent with recent actual annual takes. It was also recommended that future quota allocations should include an estimate of and provision for the recreational take of the listed species as a stepping stone towards Resource sharing between the commercial and recreational sectors as a fundamental resource management tool.

Fortuitously the Government did not accede fully to the commercial sector quota proposals even though they were majority endorsed by the management advisory committees. The approved main species TACC quota outcomes for 2012 were –

	YellowfinT	BigEyeT	Broadbill Swordfish	Striped Marlin	Albacore
TACC sought (tonnes)	2590	1950	1550	390	3000
TACC approved (“)	2200	1056	1550	390	2500

As expected the commercial sector did not respond well to the quota reductions particularly for Bigeye Tuna. While recreational fishers may have mixed views about the 390 tonne quota for striped marlin which is reflective of the actual annual average catch of recent years which incidentally has experienced a dramatic decline over the past decade, it needs to be borne in mind that most striped marlin are caught as a by catch of swordfish/ yellowfin longlining and captures would be dumped at sea if there was no legal market for the product. ANSA continues to push the case for more research on striped marlin stock assessments and the impacts of all forms of fishing on the resource.

Commonwealth Marine parks

The proposed network of Commonwealth marine parks for WA, east Australia and the NT are back in roll out mode. The Australian government is committed to have this network of marine parks in place by 2012. It is expected that the draft bioregional plan for WA will be publicly announced sometime over April and public comment invited as part of the traditional consultative process. At this stage it is impossible to determine what impact if any the bioregional plans will have for recreational fishing but the WA announcement will serve as an indicator. Based on historic precedent, the rollout of the Southern marine park network (SA, Vic & Tas) had negligible implications for recfishing it is to be hoped that the same positive outcome will eventuate for the new MPA's. ANSA and other peak bodies have had a number of meetings with Minister Burke (now the Environment Minister) and Mike Kelly the newly appointed Parliamentary Secretary for fishing. Our past dialogue with these gentleman and senior government officials has been positive but until we know the detail of the government's future intentions it is not possible to decide on which course of action is appropriate to ensure recreational fishing access rights are protected . The Government is keeping its zoning proposals close to its chest in terms of where the zones will be, how big they will be and what levels of fishing activity will or won't be permitted. ANSA and other peak bodies will continue to maintain dialogue with the government and its senior advisors in a joint campaign to achieve the optimum outcome for all fishers.

NSW Fisheries Management Act (FMA)

A comprehensive submission was also presented to the NSW government in response to the review of the NSW Fisheries Act. Numerous recommendations were made including but not restricted to - **Aboriginal cultural fishing** and the need for all recreational fishers to be subject to the same fishing regulations and enforcement regimes. The recent establishment of the Aboriginal Fishing Ministerial Advisory Council will hopefully address the regulatory exceptions now allowed in the Act for cultural events and the issue of permits for what are defined as genuine cultural events.

Fishing Licences should be mandatory for all recreational fishers – the only exception being persons under the age of 16. The issue of such licences need not necessarily be fee based. It is imperative for effective fisheries management that we do have a data base on NSW recreational fishers. This would be a major source of information for surveying fisher impacts and determination of socio economic values. Communication on issues such as fishing regulations, best practices, education, access and fishing safety would be achievable. It was also recommended that there be licence reciprocity with other states.

Commercial Fishing. There needs to be better dialogue and spirit of cooperation between recreational and commercial fishers as both sectors move towards an era of shared management of fishing resources.

Fisheries Conservation and aquatic habitat protection. The current provisions of the FMA are not broad enough to capture and regulate the many causes of marine habitat degradation. The FMA needs to have the power to stop damaging activities and to initiate punitive action against perpetrators. There is also a need for closer cooperation amongst the many state and commonwealth agencies that have responsibility for preserving and protecting the marine and terrestrial environment.

Creation of a funded, independent state peak body to represent and advocate the interests of NSW recreational fishers. This body need not necessarily replace the existing ACORF structure and role or that of the Licence Trust Expenditure Committees but would work in a complementary manner with these existing committees.

Broaden the FMA to facilitate the initiation of civil proceedings for compensatory damages where property acquired out of licence trust funds are adversely impacted by the actions of a third party. A good example would be the loss of fishing access in the Botany Bay Recreational Fishing Haven as a consequence of major commercial developments within the bay.

Enforcement shortcomings need to be addressed by an expansion of compliance resources. NSW has one of the lowest per fisher state enforcement resources and more funding needs to be allocated from Treasury for this core activity. The alternative is to better utilise cross agency compliance enforcement by partnering with the likes of NSW Police and Maritime.

NSW Fishing Inquiry.

Many of the before mentioned issues were put forward as recommendations by ANSA as part of the NSW Fishing Inquiry chaired by Robert Brown from the Shooters and Fishers party. The inquiry report has now been publicly released and features 38 recommendations for the NSW government to consider. The report which is voluminous can be viewed on the parliamentary website www.parliament.nsw.gov.au. ANSA featured predominantly in the inquiry report and a number of our recommendations were adopted including the case for compensation or offsets when a recreational fishing haven is adversely impacted by commercial development such as been the case with Botany Bay. Unfortunately we were not successful in making the case for the declaration of Sydney Harbour and its river systems as a recreational fishing haven and for the reduction of commercial effort in the Hawkesbury. Even though commercial fishing is currently banned in the Harbour due to toxic contamination making it a quasi RFH, the government has chosen not to cancel licence endorsements and consequently there has been a shift of commercial effort to the Hawkesbury placing that estuary and its fishery resources under pressure. ANSA's recommendation was that RFH status for Sydney Harbour be formalised and funds paid out of the licence trusts in the form of buy back compensation to commercial licence holders to achieve this. The Inquiry, mindful of representations made by the commercial sector concerning loss of fishing access due to marine parks and existing RFH's, concluded that there should be a 5 year moratorium on the creation of any new RFH's. The upside of this decision was a recommendation that a similar 5 year moratorium be imposed on the creation of any new state marine park. Post release of the Inquiry report it is pleasing to note that the Shooters and Fishers party have included the concept of Sydney Harbour being declared a RFH as part of its election policy.

Working with the Commonwealth.

Post the 2010 Federal elections there have been major changes to ministerial portfolios and the roles of government departments that have a bearing on recreational fishing in one form or another.

Also a number of key policy advisors and bureaucrats with whom ANSA has developed a working relationship have moved on. It remains to be seen what role if any the Recreational Fishing Advisory Committee (RFAC) will have. The Recreational Fishing Round Table forum, established by Minister Burke prior to his shift from Fisheries to Environment, seems likely to be preserved and ANSA has representation on this forum. While the Federal government has no plans to reintroduce a funding scheme along the lines of the RFCG programme initiated by the Coalition, there will be grant funds available for deserving projects. Accordingly, ANSA has been formally encouraged to make application for a \$100000 grant to meet the cost of going national with its highly proclaimed Angel Ring and Fishing Safety Awareness projects. A formal funding application has been submitted and we are reasonably confident of approval. Funding of this magnitude will be a tremendous boost to the national roll out of the Angel Ring and Fishing Safety Awareness projects.

Marine Radios

The Australian Communications and Media Authority (ACMA) has invited submissions in respect of proposals for the future management of the marine radio network. Currently all VHF marine radio operators are required to hold a proficiency licence. The reality though is that the level of licences on issue is very low nationally and there has been no enforcement activity to bring about compliance. ACMA recognises the futility of its position is looking to exit from its role of managing and policing the network. The options being considered by ACMA include abolition of the VHF licensing regime (as it did 20 years ago for the 27 meg network) or for the licensing and compliance function to be taken over by someone else possibly at state level. The reality though is that no agency would want to take on the management and enforcement burden that ACMA is trying to free itself from. The volunteer marine rescue agencies have collectively voiced opposition to the likelihood of VHF licensing abolition on the grounds that they foresee mayhem on the VHF marine band network from irresponsible use and that their role of training and testing individuals to be proficient with marine radio use and protocols would be eroded. ANSA took the practical view was that unless there was going to be an effective licence enforcement regime there was no point in preserving a licensing regime that didn't work. Resources would be better spent providing effective education on radio use and protocols particularly at point of sale. You can view the ANSA submission at www.ansa.com.au



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