



Australian National Sportfishing Association Ltd

ACN 063 293 514

COMMITTED TO CONSERVATION & INTEGRITY IN SPORTFISHING SINCE 1967

27 May 2014

Andrew Goulstone,
Director, Commercial Fisheries
Department of Primary Industries
Email : commfish.wg@dpi.nsw.gov.au

Dear Andrew,

Reform Options for the NSW Commercial Fisheries

Thank you for the invitation to review and comment on the key reforms that have been identified for five of the State's major commercial fisheries – the Ocean Trap and Line, Ocean Haul, Ocean Hauling, Estuary Prawn Trawl and Estuary General.

On behalf of the Board and members of ANSA we would like to make the following comments.

ANSA members and recreational fishers generally across NSW are very concerned and disturbed by the lack of public consultation on this very important and complex issue and the very short time frame initially set for consultation. It is pleasing that following representations by ACoRF that an extension of 2 weeks was granted but this in itself was still insufficient time for effective communication and consultation with regional communities, particularly those that stand to be impacted by the proposed easing of commercial fishing operations within estuaries in their region. It is acknowledged that some effort has been made over the past week to address this communication gap but it's a case too little and too late.

ANSA can understand and accept the rationale for reform of commercial fishing operations within NSW. ANSA has no particular grudge with Commercial fishers as in fact a number of commercial fishers are ANSA members. The proposals to rationalise the industry to make it more efficient and to remove latent effort and provide a framework for substantial long term investment in the industry is to be commended.

ANSA has no particular argument with the proposed reforms for the creation of realistic market mechanism for the sale of shares and quota by commercial fishers and the linkage of shares to the actual level of access to the fishing resource. The means by which this mechanism process is achieved is a matter for determination by the commercial fishers and the NSW government.

ANSA does however have concern with a whole range of other proposals that have been presented as part of the reform package and these include but are not limited to –

Proposal to remove 40% maximum cap on shareholdings and foreign ownership

restrictions. While existing restrictions may have no commercial impact on the commercial sector as it currently stands it is very likely that this may change if the proposed reforms come into effect. With the anticipated exit of many small non viable operators from the industry and a switch to larger scale economically efficient operators, it is very likely that this consolidation

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shift will encourage monopolistic opportunism including foreign investment which may not be in the best interest of commercial fishers or the people of NSW. It is very important that we keep these safeguard restrictions in place but also provide a mechanism whereby proposals that do involve foreign equity and shareholder thresholds greater than 40% to be considered and decided upon based upon merit.

Commercial Vessel / Net licensing and Vessel sizes. ANSA can see no justification for removal of the need for commercial fishing to be undertaken from a licensed vessel only. Cost saving is the only rationale given for this proposed concession but this is not quantified. It is considered essential that vessels that meet a prescribed criteria for licensing be used for commercial fishing operations. ANSA is uncertain if the current licensing criteria extends to OH&S and product health/ hygiene issues but if it does then there is a need to ensure that work place safety and product hygiene remains prominent. From a recreational fisher perspective it is essential that the commercial fisher status of a vessel is readily distinguishable – as is currently the case. The identification of commercial fishing vessels is required for recreational fishers to make way for commercial fishers (as required by regulation) and to assist with the reporting of possible compliance breaches. It is also difficult to reconcile with the proposal to dispense with the registration of commercial fishers.

It is also considered essential that all nets used in the Ocean Haul fishery remain licensed and ANSA has serious concerns with the proposals to increase net sizes across most of the fisheries. ANSA does not support the proposal for the current size limit of 16m for Ocean Trap and Line vessels and 10m for Estuary Trawl vessels be removed. While the case for use of larger vessels for economy of scale is recognised it is prudent management that some regulation on the maximum size of vessels be retained. This is the case for vessels engaged in the Ocean Trawl fishery where it is proposed that the maximum size be increased from 20m to 24.5m – the size of the largest vessel now operating in that fishery. ANSA is very mindful of the public fiasco that the proposal for use of an excessively large super trawler cum mother ship vessel generated within the Commonwealth Small Pelagic fishery.

Share Linkages /Interim ITCAL's. ANSA does have many concerns with the proposed linkage between share entitlements and catch quotas (now ITCAL's), effort quotas and days allowed for fishing. While the proposed reforms will undoubtedly see a marked reduction in the number of commercial fishers engaged in fishing operations there is every likelihood that the level of effort will increase driven by economy of scale and increased ITCAL's.

The latent capacity of small inefficient operators will most certainly be taken up by more efficient operators which is an expected outcome. ANSA is concerned that this new concentration of effort together with larger and more efficient gear/ equipment and larger ITCAL's will place previously unseen pressure on our fisheries and may in some cases lead to local area depletion risk, particularly in our estuaries where it is possible that a licensed fisher could legally take the total annual ITCAL over a number of consecutive days with dire consequences for the fishery.

This likely scenario will lead to greater potential conflict between the recreational and commercial fishing sectors, a situation that needs to be avoided. ANSA would prefer to see management protocols introduced that have due regard to Resource Sharing Policies (as advocated in the discussion paper) and application to all resource stakeholders. Spatial, seasonal and gear restrictions have historically been utilised to conserve fishery resources and achieve a sensible balance between conflicting stakeholders and these practices need to be continued and enhanced. Most of the current proposals for easing of commercial fishing restrictions, more commercial fishing access, changes to gear and gear sizes, extending

hours for fishing operations and size limit changes are seen as being detrimental to the interest of recreational fishing and the conservation of our fishery resources.

ITCAL's. ANSA vigorously opposes the proposed ITCAL's. It is bad enough that these interim catch limits are supposedly based on the 15 year recorded take for the species listed. While it is appreciated that there are exceptional circumstances that could affect the take in a fishery at some particular time, the application of a 15 year time line is stretching the boundaries a bit too far. A 10 year time line would have been more realistic given the decline in take that has occurred due to a combination of factors which could not be regarded as exceptional such as flooding/ toxic shock/ acid soil etc. Also there is no evident justification for setting the ITCAL's at higher than the average levels and using the maximum take over the 10/15 year history period as a benchmark.

It is farcical that such high levels of ITCAL have been proposed for so many species that are currently listed as fully fished, recruitment overfished or undefined. In many cases the ITCAL is well above the average take and the highest take over the 10/15 year period. One has to question what level and quality of science was employed to come up with these numbers which are nothing more than an inducement for increased fishing activity and related investment by those commercial fishers that will remain within or may enter the industry.

Removal and Reduction of Fishing Restrictions. ANSA is also very concerned by the proposals to provide increased commercial fishing access to many of the State's coastal estuaries. The list of locations for the proposed lifting of restriction on commercial fishing activity is extensive and alarming to say the least. ANSA has not had the opportunity to seek out the views of recreational fishers from all of the locations to be affected by the proposed lifting of restrictions on commercial fishing but the feedback we have received is that of absolute rejection to what is being proposed. The consensus of opinion is that recreational fishing and the passive enjoyment of our estuaries and waterways is being sacrificed in a bid to generate more commercial fishing opportunity and to bolster the case for the new reforms and investment in commercial fishing.

The proposals appear to pay no regard to the socio economic value of these estuaries from the point of view of recreational fishing, tourism and passive recreation. Should these proposals come into effect there will undoubtedly be friction between commercial fishers and the broad general community including recreational fishers. The local economies of some of these locations will undoubtedly be adversely affected should recreational fishers and tourists take their custom elsewhere. It is doubtful that any opportunity costing assessment has been made of the value of increased commercial fishing activity as opposed to impact upon recreational fishing and tourism revenue that may be jeopardised.

There is also the issue of maritime navigation safety which could be compromised by increased levels of commercial fishing in some of these estuaries, especially smaller estuaries, where the proposed changes to gear regulations and sizes could see an entire estuary overcome by commercial fishing. While it is pleasing that there has been some level of consultation with local recreational fishers from these areas, the reality is that the whole intent and purpose of this reform exercise has been overwhelmed and compromised by the inclusion of a wish list by the commercial fishing sector that cannot be justified and has potentially put the commercial fishers at odds with the broader community.

Impact upon Regional Fish Marketing Cooperatives. The papers are silent on this issue but it is logical that with commercial fishing operations now to be conducted by a smaller number of licenced fishers on a larger scale of individual operation, will these larger operators

continue to have need of local marketing cooperatives or will they deal direct with the wholesaler or end user as is now allowed. It is conceivable that a shift of the supply line away from the fish marketing cooperatives could have dire financial and social consequences for the regional markets and the local economy.

Upsizing and Dumping. ANSA is concerned that should all these reforms be adopted and the level of commercial fishing and its effectiveness be substantially elevated then we can anticipate an increase in the unsavoury practice of upsizing and dumping of unwanted species either because of size and take restrictions or market value conditions.

What is needed is a new and different approach to the management of commercial by catch and discards – alive or dead. ANSA would prefer to see the introduction of a fisheries management scenario which embraces the retention and landing of all captured species regardless of whether they exceed quota or are restricted or unwanted species. The reality is that with rare exception most of these discarded species are returned to the water dead or have limited survival prospects.

To better manage our state fisheries we really need to know what the commercial fishing sector actually takes – in totality - and what impacts this has on fishery resources. It would be easy to dismiss this style of management as over burdensome and an opportunity for the commercial fishing sector to reap havoc on our states fisheries to earn an extra dollar. This risk could be mitigated and managed by the introduction of a process whereby the proceeds of sale of all fish species captured and landed in excess of quota or by catch limit etc would not be for the exclusive benefit of the commercial fisher but rather placed into a trust account or sorts which could be used to fund fisheries research or to act as a safety net for future contingencies within the industry.

The benefit of such a management process would be no resource waste and finally a capability for fisheries managers and researchers to have a realistic assessment of the impact of commercial fishing upon our fisheries. Sure, there would need to be additional paperwork for the commercial fisher and additional costs incurred in landing fish that would otherwise be dumped at sea so it would not be unreasonable for some level of offsetting compensation to be paid to commercial fishers out of the trust fund. This concept of management would need a lot more refinement to be made workable but it is a direction that perhaps industry and the government should be considering.

Miscellaneous. ANSA does not support –

- The proposal to allow trawl endorsement holders to take up to 2 lobsters for personal consumption. This could have black marketing implications
- Proposed reductions in minimum size limits for Silver Trevally or an increase in size of Blue Swimmer crabs from 6cm to 6.5cm. It has been a longstanding policy of ANSA that minimum size limits should be standardised for both the commercial and recreational sectors.
- Proposal that netting of Carp be allowed as a permitted species. This may have by catch implications for Australian Bass and Estuary Perch which are key recreational species.
- Proposal for mud crab trappers to retain fish and for fish trappers to retain mud crabs.

- Proposal for taking of flathead in prawn trawl nets south of Smokey Cape – may encourage trawlers to target flathead instead of prawns.

Thank you again for the invitation to comment on the proposed commercial fishing reforms. It is unfortunate that there was little opportunity to fully consult with recreational fishers in terms of the proposed reforms. Hopefully the comments made by ANSA will serve as a starting point for further and more detailed dialogue and consultation with the Department, the Ministerial Fisheries Advisory Council and the Structural Adjustment Review Committee. ANSA wholly agrees with the need for reform of our State commercial fisheries and would welcome the opportunity to work toward achievement of that goal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Burgess', with a large, sweeping flourish at the end.

John Burgess
Executive Officer/ Director ANSA National Ltd
Vice President ANSA NSW Branch