



# Australian National Sportfishing Association Ltd

ACN 063 293 514

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COMMITTED TO CONSERVATION & INTEGRITY IN SPORTFISHING SINCE 1967

18 May 2020

Department of Agriculture, Water and the Environment  
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Email: [resourcesharingframework@agriculture.gov.au](mailto:resourcesharingframework@agriculture.gov.au)

Dear Sir / Madam,

## **Re: Commonwealth Fisheries Resource Sharing Framework Discussion Paper**

Thank you for the opportunity for ANSA to make comment on the discussion paper on behalf of its Australia wide membership.

By way of introduction ANSA is one of the oldest and largest National recreational fishing peak bodies within Australia. It was established in 1967 and has an extensive network of affiliated member clubs across all states and territories and a national membership of some 5000 sportfishers. ANSA is a foundation member of the Australian Recreational Fishing Foundation and Recfish Australia and has a long history of constructive representation and advocacy on behalf of recreational fishers at a Commonwealth and State level

ANSA has a strong and positive commitment to conservation and sustainable recreational fishing practice and is hopeful that the following comments will assist the determination of a practical, sensible and equitable framework for the future sharing of Commonwealth fishery resources between commercial, recreational and indigenous fishers. Our comments are as follows;

### **1. What are your thoughts on the proposed objectives for the framework**

ANSA supports the view that the process for sharing of marine resources must be fair and reasonable but it also believes that the process must be achievable, equitable, cost effective and administratively practical.

### **2. Are there any principles that should be altered added or removed from the list**

While ANSA does offer qualified support for most of the underlying principles we do have some reservation about the significance given to the principle of pursuing maximisation of net economic return to the Australian community from the management of the fisheries. See comments under Principle 2.

#### **Principle 1. Australian Fisheries are sustainably managed**

In principle it is agreed that all levels of specie mortality should be accounted for to ensure that harvest strategies are meeting objectives and in those circumstances where fish stocks are shared with states, all jurisdictions must work together to ensure that catches are managed sustainably.

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It is accepted that most Commonwealth fishery stocks are now managed under quota or total allowable catch for the commercial sector and consequently there could be merit in the states adopting a similar methodology and for there to be transferability of quota between jurisdictions.

While it is also acknowledged that the processes and controls currently in place for the commercial sector to account for species catch (including by catch) do generally achieve a desired and reasonably accurate level of capture data at a commonwealth and state level the same cannot be said for the recreational or indigenous sectors. The longstanding challenge for the recreational sector in particular is just how do we reliably measure and report the sectoral take across both Commonwealth and state jurisdictions. To quote the adage "if you can't really measure it how can you effectively manage it".

It is apparent that much further stake holder engagement and consultation will be needed to come up with a realistic process for measuring the recreational take that will find favour with the recreational sector and from an administrative perspective is achievable and cost effective.

## **Principle 2. Net economic returns to the Australian community are maximised**

As an overriding principle it is appropriate that the Fisheries Management Act does place emphasis on the need for fisheries management to pursue maximisation of net economic return to the Australian community. It is a basic tenant that a well - managed commercial fishery should provide economic benefit to the local and broader Australian community.

However, maximised economic return is just one measure that needs to be factored into best management practice for the nation's fisheries. Due regard needs to be given to the highest and best use of a national resource which does not necessarily need to be assessed and valued in economic yield but also in terms of opportunity cost for the broader community and the environment.

In the past we have seen decisions on quota for commonwealth fisheries driven seemingly only on the tenant of economic fiscal benefit with little or no regard for social, environmental, cultural or equity consideration. As an example when the quota for the Small Pelagic Fishery was dramatically increased some years ago it was expected that the revitalisation of this historically low value fishery would generate considerable economic benefit for the nation due to the use of cost effective super trawler/factory vessel technology and the export of quality fish product at a premium price. These expectations were not delivered and just what level of economic benefit was derived from the revitalised fishery during its shortlived period of operation remains a mystery.

There are important lessons to be learned from the SPF debacle and the extent of recreational fisher and broad community opposition to this fishery and operational processes and the ultimate need for government intervention - all of which did little for the social licence of AFMA and the commercial fishers involved.

Against this background it is imperative that broader economic parameters be incorporated into principle 2 which should address the need to maximise the net economic, social, environmental, cultural and equity returns for the Australian community as a whole. Also it is important that that the delivery of these expected economic measures are monitored and

open to public scrutiny to ensure that expectations are being achieved. This involves a lot more than just measuring take against quota.

### **Principle 3. Decisions are based on the best available information**

All decisions on resource sharing must be based on sound scientific and economic information – the information must be current and verifiable.

It is imperative that decisions also take into account environmental, social, cultural and equity considerations and it may be appropriate for these additional decision making criteria be emphasised within the Fisheries Management Act.

Over the past decade recommendations by recreational fishers that these additional issues be taken into account in the determination of the Small Pelagic Fishery TAC and SBT resource sharing have been largely ignored by AFMA and other government agencies as they were deemed to be outside of regulatory scope for these agencies.

### **Principle 4. Decision making will be sound and transparent**

It goes without saying that all decision making processes must be sound and transparent and consistent with the principles of natural justice and in respect of the latter the decision and determining factors must pass the pub test otherwise it is very unlikely that that decisions will be accepted or supported by stakeholders and the broad community.

### **Principle 5. Existing rights of fishing sectors will be acknowledged**

It is imperative that the existing rights of sector stakeholders be acknowledged and factored into the decision making process. It is also important that due consideration be given to how over time the communities' expectations as to how a public resource should be managed and utilised will very likely change and these expectations need to be reflected in fishery policy and decision making processes. The current community debate over fossil fuels and climate change impacts and public rejection of super trawlers are typical examples of changing community perceptions and expectations.

Additional focus and attention needs to be given to social licence issues and the adage that such forms of licence cannot be purchased but must be earned over time. The importance of social licence extends to not only all fishery stakeholders but also those agencies responsible for the management of commonwealth and state fisheries.

It also needs to be emphasised that an existing right to extract a public resource does not confer perpetual entitlement or ownership of the resource upon the holder of that right.

ANSA is a strong supporter of the notion that all 3 stakeholder sectors should be able to procure tradable fishing rights and that compensation should be payable whenever a situation arises that adversely affects access and or the value of such rights. In the past we have seen compensation paid to the commercial sector for loss of fishing access whereas recreational fishers have received no compensation as they hold no rights.

### **Principle 6. Regulation is efficient and Cost effective.**

It is agreed that regulations be efficient and cost effective but there are many reasons why this may constitute more of a challenge than expected, particularly if the proposed sharing framework is genuinely serious about capturing mortality data on all commonwealth and state managed fisheries for each of the 3 stakeholder sectors.

Caution also needs to be exercised with regard to the extent and cost of research gathering data to facilitate informed decisions on low value commercial fishery quotas. As an example the level of ongoing biomass egg study surveys for the Small Pelagic Fishery is questionable given that despite the 2020/21 TAC being set at 57140 tonnes the reality is that recent years the actual take has been less than 10% of this figure. It is hard to accept that this research cost is being recovered from the very limited number of commercial fishers operating in this low value fishery.

### **Principle 7. Costs of resource sharing arrangements are shared**

Agree in principle with the case for cost sharing but this is a very complicated and challenging process and there are obvious limitations on the ability of the recreational sector to access the level of funds that might be expected to achieve this ambitious goal.

It is also appropriate that the extent of cost sharing should be weighted more against those sectors that exploit a public resource for financial gain. It is acknowledged that the commercial sector does pay a range of licence fees to have the right to fish for a public resource and does on an industry basis partly subsidise the cost of stock research and assessment and does pay taxes and contribute to the economy.

Perhaps there is scope to supplement commercial license revenue with the progressive introduction of a royalty type payment scheme based on a capture tonnage or take value basis as is the case for the mining sector. It is acknowledged that this cost would out of necessity need to be passed onto the consumer and may not be palatable.

In some states recreational fishers are required to hold recreational fishing licences but in the main the revenue generated from licences is fully expended on state fishery activities. The prospect of introducing a Commonwealth recreational fishing licence or co sharing of the licence revenue generated by the states has been explored over time but discounted as too challenging.

### **Principle 8. Contribution of Aboriginal and Torres Strait Islander people to fisheries management is recognised.**

Wholly agreed that due recognition must be given to the rights of indigenous peoples to participate in customary and commercial fishing. Looking ahead it is a realistic expectation that indigenous peoples will play a much more significant role in the extraction of fish resources for both traditional customary fishing and commercial exploitation to generate employment and independent economic opportunities for these peoples and their communities. This is to be encouraged.

It is interesting that the discussion paper does mention that spatial and other management arrangements may be considered in resource sharing arrangements for the indigenous sector. Some degree of caution needs to be exercised to ensure that the fishing access rights of all Australians are not unduly jeopardised as a consequence of excessive spatial restrictions favouring one sector over another.

It can be expected that the indigenous sector will experience challenges similar to those of the recreational sector in the reporting of catch.

**3. What factors or indicators should be considered when determining whether a fishery needs a resource sharing arrangement.**

The discussion paper states that AFMA will base its resource sharing decisions on advice from the relevant Resource Assessment Groups and /or Management Advisory Committees. While conceptually this makes sense, the reality is that the recreational sector has historically had token representation on the RAG's and MAC's and our voice has more than often been ignored in favour of commercial interests.

A fairer playing field must be established if the MACs and RAG's are to be the main drivers of resource sharing decisions and the level of skill and experience of recreational sector representatives must be enhanced to maximise their input and capability and that these representatives do have the authority of the sector to speak on its behalf and to confer openly with the sector – the existing rules on confidentiality and commercial in confidence which stifle discussion need to be relaxed to facilitate better sector internal engagement and a more representative expression of sector viewpoint.

It is also to be hoped that the level of engagement and consultation with the recreational fishing sector will be more frequent, open and transparent than has historically been the case for decision making on commonwealth fishing issues. It is disappointing that some recreational sector representatives on MAC's and RAG's have had their roles discontinued for expressing views that seemingly may not have been shared by AFMA or other sector representatives.

A similar need for better engagement and consultation with the recreational sector at a state level will also be paramount to the success of resource sharing decisions involving fisheries which are jointly managed by the commonwealth and the states.

**4. As a stakeholder who may be impacted by a resource sharing arrangement what would be your preferred method of engagement. What level of involvement would you expect during the decision making process.**

As one of the nation's leading recreational fishing peak bodies ANSA would certainly expect to be engaged in the decision making process. This could be on a direct basis or via the Australian Recreational Fishing Foundation (ARFF) which is the nationally recognised peak body for all recreational fisher peak bodies and recreational fishers in general.

We would as previously stated see an ongoing and important role for the RAG's and MAC's with the proviso that recreational fishers have a more equitable level of representation on those committees and that those representatives are capable and endorsed by the likes of ARFF and its member bodies.

**5. A lack of data on each sector's catch is one of the main challenges when making a resource sharing arrangement. Do you have any ideas on how this challenge could be overcome.**

As previously stated the commercial a sector already has in place a reasonably sound process for measuring and reporting catch and it can be expected that this process will continue and potentially be enhanced over time. The lack of current catch data and the collection of future catch data by the recreational and probably the indigenous sectors will present a major challenge.

There is scope for those recreational fishers who are members of organised fishing clubs and recreational fishing peak bodies which do practice the collection and retention of capture data to be willing to continue to provide this data on a voluntary cost effective basis. However it needs to be acknowledged that less than 5% of all recreational fishers belong to clubs and associations and there are elements within the community who will not be supportive of providing capture data for a range of personal reasons.

Some of the new technology that has emerged over recent years, especially the development of fishing apps that are specifically designed to record data capture can certainly provide a potential option for cost efficient collection and transmission of capture data. The “Tackle Box” app currently being piloted by the ARFF with the backing of Parks Australia is certainly capable of being expanded to accommodate the sorts of data logging that might be required both simply and cost effectively.

The use of tag permits for some trophy species such as SBT, Yellowfin and Billfish might be an option but there is little prospect that this would be workable for the more common bread and butter species targeted by the recreational fishing sector.

Serious thought also needs to be given as to just which species will need to be subject to resource sharing. It would be a recommended business model to start slowly with just a few species to pilot the success and public support for data collection and to measure the cost effectiveness of the management process. Depending on the success or otherwise of the pilot other species could be progressively phased into the resource sharing framework and the data collection process kept under close watch.

Those species that might warrant inclusion in such a pilot scheme logically should be those species where there is a high level of competition between the commercial and recreational sectors and / or the species is at or approaching overfished status.

To be realistic though it is difficult to see how capture data collected from the recreational sector can ever be regarded as wholly accurate. Even if a regulatory/ penalty regime was to be introduced to drive capture data compliance it is doubtful such a process would make any real difference and it would not be palatable to the general public

## **6. Do you have any suggestions that may improve the effectiveness of stakeholder engagement.**

There is considerable scope to improve the effectiveness of stakeholder engagement, particularly within the recreational sector by strengthening communication ties with the extensive network of peak bodies that currently exist across Australia.

While the level of communication and engagement between AFMA and the mainstream peak body members of ARFF is generally good there are many small to medium recreational fishing organisations across the nation that are not part of this inner circle and it is a challenge establishing a communication pathway with these organisations and their

members. The fishing media does present an opportunity for interaction with these recreational fishers and the broader fishing public.

Also by making the RAG's and MAC's more representative from a recreational sector perspective and a relaxation of the secrecy factor would see more effective engagement with the recreational sector.

## **7. What factors should the government consider when determining allocations (for example ecological or social factors).**

The discussion paper states that in most cases, catch allocations will be based on best estimates of current and recent historical catch data. As already stated this may be a flawed process given the questionable level of reliable catch data currently available for the recreational sector and the challenges associated with extracting new and additional capture data.

It is also questionable that catch data by itself does project a comprehensive and collective assessment of what the public might expect in terms of deliverables from the nations fisheries. As previously commented the public belief may be that the collective interests of the nation and the health of the nation's fisheries might be best served served by leaving some species in the water – the Small Pelagic Fishery is a typical example of this way of thinking where it has been argued that SPF species play a vital role in the food chain for larger high value commercial species such as a s SBT and other pelagic species.

Highest and best use of a public owned natural resource also needs to be factored into the decision making process. Not only does the SPF fishery serve as an example of this measure but also the unsuccessful case made for the Commonwealth to declare Striped Marlin a rec only species based on best use principles as demonstrated by the 2004 economic study of the NSW Striped Marlin fishery undertaken by Ernst and Young. More recently it is hoped that a practical outcome can be reached in respect of the recommended alternatives to the proposed hand over to the commonwealth of the NSW Southern Trawl fishery that will see commercial pressure taken off overfished species such as Flathead and a degree of confidence that the recommendations of recreational fishers do have merit and deserve to be seriously considered.

The consequences of possible social licence damage for all stakeholders, government and its fishery agencies also need to be weighed up carefully for all decisions involving public resources. Economic and monetary considerations must be tempered by the inclusion of environmental, social, cultural and equity considerations in all decision processes by AFMA.

One other factor that seems to be missing is the input from the general community who don't fish but have some level of expectation of access to locally sourced fresh sea food. Has or will there be engagement and consultation with consumers to seek their views being mindful that the bulk of sea food product consumed domestically is either imported or sourced from local aquaculture.

With the level of local wild caught fish seemingly in plateau mode for a variety of reasons maybe our national emphasis and energies should be more focussed on aquaculture or large scale fish habitat preservation and rehabilitation initiatives to regrow fish populations to meet the future expectations of domestic consumers and expansion of export markets. We certainly cannot continue to rely on imported fish product when so many of these product sources are approaching sustainable catch limits or are already overfished.

In the context that maybe the "bounteous" days of our commercial wild fisheries are becoming more legendary than aspirational then perhaps the time, opportunity and need to now be acting on the longstanding commitment to resource sharing has passed and there are now more pressing challenges to be addressed.

**8. Moving to a quota management may not always be possible. What management controls could be put in place to ensure all relevant factors are constrained and monitored to their allocation.**

It is agreed that moving to a shared quota management arrangement may not always be possible for a range of good reasons, particularly where the activity of recreational or indigenous fishing may have insignificant or no impact upon a species resource.

State bag and size limits, spatial and seasonal limitations do have an ongoing role to play in controlling the level of recreational catch and take in those fisheries under separate or dual control of the commonwealth and states and where there is stakeholder competition for the resource and there may exist a concern that a species is overfished or vulnerable or threatened and deserving of protection.

The establishment of "set aside" allocations as has been the recent case with SBT could present a sensible and practical way of resource sharing for a high \$ valued fishery and where competition between the recreational and commercial sectors has been evident.

The option of introducing specie specific tags for the recreational sector is an option that may provide a degree of accurate effort, capture and mortality data for that particular species but it is difficult to see how such a process can be administered at a reasonable level of cost recovery for all commonwealth shared species. Perhaps limiting the use of tags for only those high \$ value, larger or not so abundant species might be an option. There is a growing level of recreational fisher support for compulsory tagging permits for the take of SBT and this could over time extend to other prized trophy species.

The introduction of a penalty driven regulatory process to ensure effective monitoring compliance by the recreational sector is not a process that would be favoured by the recreational sector.

**9. Do you have any feedback on the proposed way that the resource sharing arrangements will be implemented.**

Agree with the circumstances cited where no compensation would be payable and that fair and reasonable compensation should be a factor with any change or distribution of a resource allocation between stakeholders – the challenge though is determining what constitutes fair and reasonable compensation and its availability to all stakeholders - not just the commercial sector.

Compensation needs to be assessed on a case by case basis having regard to the level of activity within that affected fishery by all stakeholders. Historically the process of buy-back of quota to rationalise a particular affected commercial fishery has been formulated on a basis of price bargaining between fishers and the government agency responsible for the process.

Generally the affected fishery has had a history of declining or dormant effort by the commercial sector due to a combination of either overfishing, biomass depletion, viability challenges or a change in markets. In such circumstances a sensible approach to formulating a \$ value for compensation under an agreed and needed exit strategy should be a matter of course and based on a realistic level of \$ value expectations.

**10. Are there any other factors that should trigger review of a resource sharing arrangement.**

Agree with the examples provided but other issues that might trigger a review could include –

A change in the range of species targeted by either of the stakeholder groups. With regard to recreational fishers there continues to be an ongoing appetite for a wider range of target species. This shift is facilitated by changes to recreational fishing technology such as fish finding and GPS electronics, innovative fishing tackle and techniques and a switch to much larger fishing vessels with a capacity to safely travel considerable distance from shore.

Likewise the commercial sector while looking to establish new domestic or international markets may want to target species which historically may not have been economically viable. Such fishing changes should also have due regard to the principle of highest and best use and also impacts upon other marine species within the fishery.

While as a matter of principle it is reasonable that any one sector seeking a greater share of any resource should contribute to cost of reviewing any sharing arrangement or resultant adjustment, the reality is that capacity for the recreational or indigenous sectors make such a contribution is currently restrained.

**Conclusion**

ANSA sincerely hopes that these comments are viewed in the context of honest feedback and will hopefully provide genuine assistance for the establishment of a resource sharing process should it progress. Any inquiries should be directed to the author.

Yours faithfully



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