



The Manager

Lord Howe Island Marine Park

P.O.Box 161

Lord Howe Island

NSW, 2898 Australia

4 Seaward Crescent

Pallarenda

Townsville QLD 4810

Dear Sir

### **KEY SUBMISSION FROM AUSTRALIAN UNDERWATER FEDERATION**

I am the National Chair of the Australian Underwater Federation (AUF) which represents 600 skindivers throughout Australia. I plan to visit LHI in late March to raise some of the issues in the submission below with the Marine Park Authority and any interested parties. I plan to also raise our concerns with the Marine Park Authority, relevant Departments and Ministers.

The AUF is writing in response to the draft zoning plans for the Lord Howe Island Marine Park. The main issue we would like to address is the proposal to ban spearfishing from the entire marine park. The AUF believe that spearfishing should be permitted in the habitat protection zones, as is the case for every other marine park in NSW.

Spearfishing is permitted in habitat protection zones and in general use zones in every other marine park in NSW, as well as being allowed under the management structure of the GBRMPA to access yellow zones in the GBRMP. The marine park is part of NSW, and as such the plan should reflect this fact. In all other marine parks, management plans are in place to allow for multiple uses. This includes including spearfishing.

This marine park, as well as the other marine parks in NSW are there to not only protect the biodiversity, through the use of sanctuaries that cover representative areas but are also there to provide for ecologically sustainable methods of fishing, and to provide opportunities for public appreciation, understanding and enjoyment of the marine park. The proposal to ban spearfishing from the entire marine park denies this opportunity for spearfishers.

Spearfishing has been shown to be the most ecologically sustainable method of fishing, and has existed as a method of fishing in NSW waters since indigenous fishers started to utilise the oceans and river systems of NSW

Communications with the marine park management committee, suggest that spearfishing pressure on the island is currently minimal, with little to no local involvement however this should not be a reason to deny future generations of people from utilising spearfishing as a method of fishing when they are in the marine park. The draft plan nominates some 50% of the entire marine park to sanctuary areas, so combined with the minimal fishing pressures being applied with spearfishers it seems that there is no logical justification for the proposed ban. Lord Howe Island, by definition of

its isolation from the mainland is in a unique position to manage its fisheries from overfishing by recreational pressures due to the fact that there is a limit on the number of visitors on the island at any one time. This aspect effectively minimises any impacts from recreational fishing including spearfishing.

In the draft plan, there appears to be only two forms of zones in the LHIMP proposal. Given the support that various government departments and marine scientists have lent to the suggestions of a link between sanctuary areas and "spillover" effects it would suggest that it is impossible for spearfishers to impact on fish species in the habitat protection zones at Lord Howe Island given the sheer size of the propose sanctuary areas.

Lord Howe Island represents a unique location in Australia, where spearfishers from around the world could go on charter to target species such as yellowtail kingfish, yellowfin tuna, marlin, wahoo, silver trevally, spangled emperor, nannygai and so forth. The numbers of fish species actually taken would be low, but the quality for the species taken would be expected to be high, in which case there is the opportunity for repeat business.

In the advent that spearfishing is permitted into the habitat protection zones within the marine park, the proposed bag limits for fish species listed in section 6 of the draft proposal should be endorsed.

Spearfishers in NSW Waters (including Lord Howe Island) pay to access the fishing resource through a recreational fishing license. In the advent that spearfishing is banned within the LHIMP, I would propose that the management board is liable to pay compensation to spearfishers holding NSW recreational fishing licenses, and should seek to provide compensation to spearfishers throughout state for the loss of area and opportunity. Buyouts of commercial fishing licenses, and of shares (for those commercial fisheries in established share allocation fisheries) have already been completed in other marine park areas in NSW, and this should be no different for the LHIMP.

One other point that needs to be made is that at no time for this draft proposal has any expert opinion been sought from expert spearfishers. Both the National Parks and Wildlife Service and the NSW Fisheries department are aware of the AUF, and the executive officers of the NSW Spearfishing and Freedivers Commission (NSW branch of the AUF). At no stage have either of the government departments approached this group seeking expert opinion on a proposal to ban spearfishing from the entire marine park. Given the enormous potential implication of this proposal this is very poor consultation. This MUST be addressed and the AUF would like to be a member of the review committee and to have access to the submissions prior to any decisions that can negatively affect our stakeholders. And, if the unthinkable happens and we are excluded will demand reconsideration under legal processes and may seek compensation.

The committees are also made up entirely of local residents, with the exception of the government officials, and it seems that spearfishing cannot be fairly represented as a suitable fishing method in this or any other marine park without a suitable candidate with some level of state or national expertise being part of the committee.

In short the AUF is strongly opposed to the plan to ban spearfishing from the entire marine park and feel that it needs to be allowed in habitat protection zones within the marine park boundaries:

Yours sincerely

Dr Adam Smith BSc(Hons), MBA, PhD, FAICD  
Chair Australian Underwater Federation (National)  
5 March 2004