

The Recreational Fishing Alliance of NSW

Promoting Sustainable Fishing



The Hon. Niall Blair, MLC
Minister for Primary Industries
Minister for Lands and Water
Parliament House
Macquarie Street
Sydney NSW 2000

The Hon Mark Speakman, SC MP
Minister for the Environment
Parliament House
Macquarie Street
Sydney NSW 2000

12 April 2016

Dear Ministers,

On 6 April 2016 the Recreational Fishing Alliance of NSW participated in the rescheduled Hawkesbury Bioregion Workshop for recreational anglers and businesses dependent on recreational fishing. The RFA would like to thank the Minister for Primary Industries for allowing the workshop to be rescheduled. It was a unique opportunity to present the collective views of recreational anglers and business owners to the Bioregion review team. The RFA undertook to invite the major fishing clubs in the bioregion, representatives from the tackle industry, spearfishing groups, state and national peak bodies and the charter fishing industry and a significant group of recreational fishing representatives attended the meeting.

On behalf of the attendees I would like to convey the sentiments shared at the workshop as a way of better engaging recreational anglers in the Hawkesbury Bioregion and as a way of instilling angler confidence in the processes that are supposedly evidence-based.

There are three main areas of concern as follows:

1. Lack of community engagement/communication
2. The Threat and Risk Assessment Process (TARA)
3. Complexity of the submission process

Lack of community engagement/communication

Community consultation needs to be adequate, inclusive and appropriate, be undertaken in an open and accountable way and requires the type and scale of consultation to correspond with the activity impact. The Hawkesbury Bioregion and the proposed lockouts are set to occur in the most heavily populated, multiculturally diverse and developed region of NSW with an estimated resident population for Greater Sydney of over 4,600,000.

Approximately 30% of the NSW population was born overseas and many have poor English language proficiency. We are concerned that these same migrant and culturally and linguistically diverse (CALD) anglers are being ignored by the NSW Government. CALD anglers make up a huge percentage of land-based anglers that rely on places like Sydney Harbour and the entire bioregion coastline to

catch fresh fish and enjoy the health and wellbeing benefits that angling brings. They probably make up a large percentage of offenders in Fisheries Compliance matters for much the same reason; they are ignored by many agencies in terms of engagement and education. Despite this the Marine Estate Management Authority (MEMA) has apparently not considered a CALD community engagement strategy.

The workshop held on 6 April was beneficial in motivating anglers to engage and advise accordingly, it was also very technical and required a high level of English proficiency to participate. It is essential that community consultation for all recreational activities be undertaken in a way that ensures that, as Ministers, you collect broad advice to assist with the management of commercial fishing, recreational/charter fishing and Aboriginal cultural fishing as well as issues which impact across fisheries and sectors such as resource sharing and co-management, and consider compensation issues, cost recovery and ecosystem-based fisheries management.

Without undertaking a process of adequate, inclusive and appropriate community consultation, any regulatory changes or loss of access will fail to gain the 'social licence to be implemented'. This social licence is recognised as the level of acceptance or approval continually granted by local community and other stakeholders. Without gaining and maintaining this licence, and undertaking a robust and accountable community consultation process there is a risk that as Ministers you will face potential negative impacts including:

- A lack of community trust and support
- A failure to be able to address community misconceptions and misinformation
- The cost of additional staff time needed when conflict arises or escalates
- Ongoing legal challenge to exclusions, projects or activities
- Inability to follow-up effectively on commitments or respond to complaints.

The RFA and all those present at the workshop would be willing to assist in helping MEMA implement a more inclusive level of community consultation.

Threat and Risk Assessment Process (TARA).

This was one of the most contentious issues debated on the day. I am sure you are aware of how the process works and what the matrix looks like (see attached) and that recreational fishing has been rated as "high" impact. I am also sure you are aware that a single high rating within the matrix will cause the entire activity to be rated as high risk. These high ratings have occurred under the "Threatened and Protected Species" which is broken up into two columns as shown below:

- Species and communities protected under the *Fisheries Management Act* which is under the control of DPI
- Species protected under the *Threatened Species Act* under the control of OEH

During the meeting, when asked to present evidence that discarded fishing gear and debris from recreational fishers in the bioregion poses a major threat to turtles and seabirds through ingestion and entanglement, the participants were told that OEH did not share this information and it was not available. The participants were told that the NPWS marine incident database holds records of turtle mortality from marine debris ingestion, and once again no information was provided. The participants were told that interactions with marine mammals and reptiles are more likely to occur on the continental shelf in this bioregion due to the high level of recreational fishing that occurs, and once again this evidence was not presented.

The *inference* that these things occur in the bioregion and the lack of evidence contradicts what the TARA is designed to achieve as outlined below:

- Be undertaken at a range of scales from statewide down to the geographic region that best aligns with the management issue being investigated
- Provide transparency and ease of understanding to stakeholders
- Draw on a range of credible and accepted information sources
- Accommodate whatever level of analysis is 'fit for purpose', from broad, qualitative, 'scanning' assessments, down to in-depth quantitative analyses, where more detailed assessments provide necessary further information for decision making.

The level of confidence in the process at this late stage of the consultation is of great concern to the RFA. The lack of transparency by OEH is not acceptable as part of the part Hawkesbury Bioregion Consultative process and the community is being treated with the utmost contempt. The lack of transparency and information needs to be addressed. The process is supposed to be an "Evidence-Based Approach" and "TARA seeks to ensure all relevant and credible information sources are used to identify the risk of a threat being realised" but must also be shared to validate the process, not shroud it in secrecy.

Further information must be provided to justify the "high" risk rating given to recreational fishing in the Hawkesbury Bioregion for the following supposed risks:

- Seabird entanglements
- Turtles caught in crab pots
- Entangled seals/seals caught in lures reported to NPWS
- Vessel strike on turtles and penguins
- High mortalities of turtles from fish traps and crab pots

Without this information it will be impossible for recreational anglers to suggest any management options. It is vital we clarify the actual numbers of incidents and when and where they occurred.

Complexity of the submission process

Even though many fishers are usually able to navigate a complex web portal and have excellent computer and language skills, many of us have tried navigating this particular online submission process and have failed. Those with any lack of proficiency will be completely excluded. The process has been designed by academics, for academics, and this sentiment was continually spoken about on the day of the workshop.

As Ministers jointly driving this process the most critical aspect of this consultation that will impact recreational anglers will undoubtedly be Section 4 of the discussion paper/consultative process:

4. Spatial management for biodiversity conservation and use sharing - To enhance the conservation of biodiversity and use sharing through spatial management measures

- ***Design a system of targeted marine protected areas based on detailed analysis and community engagement.***

Any suggested changes will ultimately have significant impacts to recreational fishing in the following ways:

- Loss of access for recreational fishers
- Loss of income to charter operators/tackle shops/boat sales
- Loss of jobs in the charter/tackle industry/boating
- Loss of jobs in DPI due to downturn in NSW fishing licence sales and Trust Fund revenue
- Added congestion on the water and on land due to shift of effort
- Claims for compensation from the tackle/charter/boating industry

One workshop for recreational anglers, tackle shops and charter operators, a complex and exclusive submission process and the lack of transparency around the sharing of information is not adequate consultation, especially in an area vastly populated as the Hawkesbury Bioregion.

We wish to make the following suggestions on behalf of all recreational anglers and businesses to ensure we are all confident that process is fair and transparent:

1. It is imperative that all the information OEHL has is shared with the community including the NPWS database in relation to all incidents referred to under the *Threatened Species Act*.
2. The TARA is updated if the information is weak and implied and the documents updated and redistributed.
3. The submission process is extended for 60 days and reviewed.
4. We must implement a community consultation strategy that is appropriate and adequate to engage all sectors of the community, included fee-paying anglers, those who are exempt and people with a lack of English proficiency.
5. Baseline data, including the economic impacts to the tackle and charter industry is needed to fairly gauge impacts and claims for compensation attributed to any additional closures.
6. A detailed environmental impact study on recreational fishing is required as part of evidence based approach when dealing with designing "targeted marine protected areas".

Regards

Stan Konstantaras



President

Recreational Fishing Alliance of NSW

Coastal and marine waters		Clean waters	Marine Habitats and Assemblages							Threatened and Protected Species		Temporal				L C U L E		
		Ocean waters	Beaches	Shallow soft sediments	Deep soft sediments	Rocky Shores	Shallow Reefs	Deep Reefs	Pelagic Assemblages	Species and communities protected under FMA, e.g.	Species protected under TSA, e.g. Marine	Current 2years	Next 10 years	Next 20 years	Trend		#	
Resource use																		
Shipping	Large commercial vessels and associated port activities and industries (trade ships, cruise ships, etc.)	Low	Minimal	Minimal	High	Low	Low	Moderate	Minimal	Minimal	High	X						
	Small commercial vessels (ferries, charter boats, etc.)	Low	Low	Minimal	Low	low	Minimal	Minimal	low	Minimal	Moderate	X					#	
Commercial fishing	Ocean Trap and Line	Minimal	Minimal	Minimal	Low	N/A	Low	Low	Low	Moderate	Moderate	X					R	
	Ocean Trawl	Minimal	Minimal	Minimal	Moderate	N/A	Low	Low	Low	Moderate	Moderate	X					R	
	Ocean Haul	Minimal	Minimal	Minimal	N/A	N/A	N/A	N/A	Moderate	Low	Moderate	X					R	
	Sea urchin and turban shells	Minimal	N/A	N/A	N/A	N/A	Moderate	N/A	N/A	Minimal	Minimal	X					F	
	Lobster	Minimal	N/A	N/A	Minimal	N/A	Low	Low	N/A	Minimal	Low	X					#	F
	Abalone	Minimal	N/A	N/A	N/A	N/A	Low	N/A	N/A	Minimal	Minimal	X						F
Charter fishing	Line fishing	Minimal	Minimal	Minimal	Minimal	Minimal	Low	Low	Low	Low	Moderate	X					R	
Recreational fishing	Shore-based line and trap fishing	Minimal	Low	Low	N/A	Low	Moderate	N/A	Low	Moderate	Moderate	X					F	
	Boat-based line and trap fishing	Minimal	Minimal	Low	Low	N/A	Moderate	Low	Low	Moderate	High	X					F	
	Spearfishing	Minimal	Minimal	Minimal	Minimal	N/A	Low	N/A	Low	Low	Minimal	X					F	
	Hand Gathering	Minimal	Low	Minimal	N/A	Moderate	Low	N/A	N/A	N/A	Minimal	X					F	
Aboriginal Cultural fishing	Line fishing, spearfishing, hand gathering, traditional	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	X					#	
Charter activities	Whale and dolphin watching	Low	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Moderate	X					L O	
Bait and aquarium trade	Imported baits, imported fish and other aquatic sp.	Minimal	N/A	N/A	N/A	N/A	N/A	N/A	Low	Minimal	Minimal	Not Applicable - more relevant to Estuary						
Research and education	Collecting, sampling and tagging	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Not Applicable - more relevant to Estuary						
Recreation and tourism	Boating and boating infrastructure	Minimal	Minimal	Minimal	Minimal	Minimal	Low	Low	Minimal	Minimal	Moderate	X					#	F
	Snorkelling and diving	Minimal	N/A	N/A	N/A	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	X						F
	Swimming and surfing	Minimal	Low	N/A	N/A	Minimal	Minimal	N/A	N/A	Minimal	Low	X						F
	Four wheel driving	Minimal	High	N/A	N/A	Minimal	N/A	N/A	Minimal	N/A	High	X						R C
	Shark meshing of swimming beaches	N/A	Minimal	Minimal	Minimal	N/A	Minimal	N/A	Low	High	High	X						#
Dredging (includes placement)	management and modification, harbour	Minimal	Minimal	Minimal	Moderate	Minimal	Minimal	Minimal	Minimal	Minimal	Low	X					#	L
Modified freshwater flows	Extraction, artificial barriers to estuarine flow	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	X					#	F
Mining and extractive industries	Oil, gas, minerals, sand, aggregate, underground coal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Minimal	Not really relevant to continental shelf						
Service infrastructure	Pipelines, cables, trenching and boring	Low	Low	Low	Minimal	Low	Low	Minimal	Low	Minimal	Minimal	X					#	F