

**SELECT COMMITTEE ON RECREATIONAL FISHING  
PORT STEPHENS – GREAT LAKES MARINE PARK**



**Questions on Notice;**

- 1. The Government's submission included a case study on the creation of the Port Stephens – Great Lakes Marine Park. The submission notes that the final zoning plan reduced the area of Smiths Lake sanctuary to allow greater area available for recreational fishers (page 18).**

**Did this change compromise the conservation objectives of the zoning plan?**

**ANSWER:**

I am aware that a similar but more general question relating to Port Stephens-Great Lakes Marine Park was responded to by the Department of Environment, Climate Change and Water on 17 May 2010.

In response to this specific question, changes were made to the draft zoning plan to improve recreational fishing access in response to issues raised during the public consultation process. There were a range of changes made across the zoning plan that saw minor changes in outcomes in specific locations, but did not affect the conservation outcome across the entire park. Smiths Lake sanctuary zone was adjusted to provide recreational fishing access to Tarbuck Bay, which was raised as being an important fishing site for young people who reside in the adjacent township. Significant conservation values remain protected within this sanctuary zone.

- 2. In your evidence (p35 of transcript) you advised the Committee that since the introduction of the zoning plan on 21 April 2007, 799 caution notices for fishing in sanctuary zones have been issued and approximately 130 penalty notices issued for the same offence.**

**There is a wide-held belief among the recreational fishing community that the PSGL Marine Park has issued a significant amount of penalty notices for fishing in sanctuary zones. This belief is based on their interpretation of reports in various media outlets (print, internet).**

**At the 5 May hearing a witness tendered a copy of a media article from *Manning River Times*, in which you are quoted, which has been widely interpreted as stating 300 people were fined for**

**fishing in a sanctuary zone. A copy of the tendered article is attached.**

**Could you please advise on the context/details of the attached article?**

**ANSWER:**

The Port Stephens-Great Lakes Marine Park Manager, although quoted, was not interviewed by the *Manning River Times* for the published article. The source of the quoted statistic is therefore unknown.

The quoted statistic of 300 is broadly representative of the number of offences under the Marine Parks Act and Fisheries Management Act detected by Marine Parks Authority officers in the Port Stephens - Great Lakes Marine Park over the peak December/January period of 2008/09 year. As the following answer clearly demonstrates 300 people were not fined during this period for sanctuary zone offences. In fact 300 people in total, have not been fined by marine park staff across the range of marine park offences, in the total period since the Marine Park zoning plan commenced. Marine park staff have greatly assisted enforcement of the Fisheries Management Act.

**Could you also provide details on all penalty notices that have been issued since the introduction of the zoning plan (ie. each offence and number of penalties/cautions issued for each)?**

**ANSWER:**

Please find in Table 1 below updated and complete data on Marine Parks Authority compliance actions in the Port Stephens – Great Lakes Marine Park since introduction of the zoning plan in April 2007, and up until 31 May 2010.

The sanctuary zone figures vary from the evidence provided on Tuesday 4 May 2010, primarily due to a differing query of the database (the title of the offence for fishing in a sanctuary zone changed in August 2009 in connection with the commencement of the Marine Parks Regulation 2009, and some of this data was not recovered in the search conducted to inform the 4 May interview). Notes at the bottom of the table provide guidance on some of the matters listed.

**Table 1 - Compliance Actions in the Port Stephens Great Lakes  
Marine Park between April 2007 and May 2010**

OFFENCE DESCRIPTION	WRITTEN CAUTION	INFRINGEMENT NOTICE	PROSECUTION	TOTAL
<b>Marine Parks Act</b>				
Fishing in sanctuary zone	937	194	14 <sup>1</sup>	1145
possess or attempt to take fish in contravention of zoning plan (eg. habitat protection zone)	125	1	1	127
possess fishing gear in sanctuary zone	51	9	4	64
provide false/misleading document or information	4	10	2	16
resist/obstruct officer		7	1	8
motorised watersport in sanctuary zone	7			7
anchor on seagrass	4 <sup>2</sup>			4
abuse officer		1	2	3
assault officer			2	2
clean fish in sanctuary zone	2			2
threaten officer		1		1
contravene condition of permit			1	1
harm animal in special purpose zone	1			1
fail to comply with requirement to provide information	1			1
<b>Sub-Totals</b>	<b>1132</b>	<b>223</b>	<b>27</b>	<b>1387</b>
<b>Fisheries Management Act</b>				
recreational fisher fail to have fishing licence or exemption in possession	298	149	1	448
recreational fisher fail to own a fishing licence	4	134	3	141
possess undersize / oversize fish	65	43	10	118
unlawful use of net or trap	37	8	21	66 <sup>3</sup>
Exceed bag limit of fish in possession	2	8	1	11
possess fish illegally taken	4	1	6	11
possess fishing gear for fishing when such gear prohibited	1	2	5	8
use unidentified net or trap	5	2		7
take or possess either protected / vulnerable	4	1	1	6

fish				
use unregistered fishing gear		2	4	6
shuck rock lobster or turban snail in/on/adjacent to any waters	1	4		5
mutilate fish or possession of mutilated fish	1	2		3
interfere with set fishing gear		2		2
fail to remove gear from water when requested by officer		1		1
licensee contravene endorsement			1	1
<b>Sub-Totals</b>	<b>422</b>	<b>359</b>	<b>53</b>	<b>834</b>
<b>Other Acts</b>				
deposit litter		4 <sup>4</sup>		4
harm protected fauna			1 <sup>5</sup>	1
<b>Sub-Totals</b>		<b>4</b>	<b>1</b>	<b>5</b>
<b>TOTAL OFFENCES (Marine Parks Act &amp; Fisheries Act &amp; others)</b>	<b>1554 Cautions</b>	<b>586 Penalty Notices</b>	<b>81<sup>6</sup> Prosecutions</b>	<b>2221</b>

Notes:

1. This figure of 14 prosecutions is entirely commercial fishers found netting in sanctuary zones. Penalty notices are generally not issued to commercial fishers as they are deemed to be professional users of the marine park with higher obligations for voluntary compliance.
2. It is not permissible to anchor on seagrass beds in sanctuary zones of the PSGL marine park.
3. Almost entirely commercial fishers
4. Protection of Environment Operations Act.
5. National Parks and Wildlife Act – killing seabirds
6. This figure includes both penalty notices where the accused has elected to have the matter heard in court, as well as commercial fishing matters that have been dealt with directly by prosecution.

Max Haste

**Manager**  
**Port Stephens – Great Lakes Marine Park**  
3 June 2010