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LEGISLATIVE
COUNCIL

1st October 2010

Select Committee on Recreational Fishing

Dear Committee Members

RE: Mr Adrian Wayne Spearfishing Submission.

Following my appearance and your subsequent questions we respond as follows.

- A. See attached the calculations for Spearfishing access to Cape Byron, Coffs Harbor and Batemans Bay MPA's.
- B. In answer to your questions.

Question 1

Our sport suffered through the 1960's because Spearfishers killed Rays, Sharks, Blue Groper and other non edible species and this was seen by the public. Spearfishers realized by the late 60's that these practices were not ethical and the practices were stopped within the sport. Conservationists and some Scuba divers used these past practices against us through the media as they still do today. Many people think it is very easy to Spear fish as they are sitting targets, which is not true.

People do not realise that Spearfishing has the lowest impact of any form of fishing and some jealousy by line fishers comes about by the success a good Spearfisher can have.

Conservationists within I & I departments simply do not like our sport and regardless of positive science they do not support us as they are co operative to the arguments and wishes of green groups.

Spearfishers can do more to promote a positive image and the USFA has always had this as a primary objective through such actions as:-

- Media Representation
- Codes of Conduct
- Increasing memberships
- Electronic Education
- Spearfishing handbooks
- Accreditation System
- Change our legal bag limits
- Promote sustainable catches.

The government could help our positive image by nominating our representatives to always be involved in any decisions that may affect Recreational Spearfishers

so we may defend ourselves and educate I & I and MPA representatives and committees.

The Government should provide assistance to the USFA to promote our Accreditation process and further, Spearfishing should not be included with decisions made to restrict Recreational line fishing.

Question 2 –

Yes. Spearfishing in a restricted form should be allowed in some inland waterway and this should be negotiated with the USFA.

Question 3 –

It would be advisable to have Scuba represented on advisory committees. As I understand it, the Scuba industry is self regulated through individual dive shop and charter operators applying the principles laid down by PADI the “Professional Association of Diving Instructors” They are also represented politically by NSW Conservation Council and various other green groups.

Question 4 –

Spearfishing competitions in NSW are controlled by a very strict set of rules that promote sustainable Fishing.

The rules have been developed over the past 60 years and are constantly being altered and improved through rule changes.

Competitions allow only one of each species to be taken and minimum weights exceed any limits placed by Government regulations. There are provisions where disqualification applies to our competitors for breaches of rules. Our rules for competition are available on www.usfa.com.au

I am aware of some rare instances where NSW fishing regulations have been violated and the penalties applied include.

- Loss of some competition points

- Disqualification of the Competitor

- Disqualification all competitors in a boat

- Banning from all competitions.

I trust my answers are clear enough for the committee and thank you for your attention.

Regards

Adrian H Wayne

THE IMPACT ON SPEARFISHING BY THE CAPE BYRON MARINE PARK

Cape Byron Marine Park encompasses aprox. 32 km of the NSW coastline. Within this 32 km aprox 20.65 km is accessible for recreational line fishers but only aprox 1.25 km is accessible for spearfishing, i.e. 3.9% of the coastline. Within this entire stretch of coastline there are only 2 areas where available reef runs offshore from headlands, these being Broken Head North and Lennox Head, both areas highly valued by spearfishers.

Spearfishing along this coastline is only accessible in four (4) locations.

1. The north-eastern headland at Cape Byron for aprox 250 metres extending seaward 100 metres (aprox 25000 sq. Metres available). This rocky foreshore drops immediately onto sand bottom and for spearfishers to access this area requires either very calm conditions or the risk of injury from wave surge throwing the spearfisher on to sharp, jagged rocks.
2. The southern extremity of Cape Byron from a point beneath the lighthouse to Cosy Corner, aprox 300 metres in length. Along this 300 metres the rocky shoreline drops straight on to sand with very limited rocky reef. The spearfishing available in this area is very limited with conditions similar to the north – eastern headland.
3. Broken Head North – aprox 350 metres extending from the north-western extremity to Kings Beach for a maximum of 200 metres seaward – once again very little rocky reef available, mostly sand. Considerable media attention was given to the activity of one illegal commercial fisher at this location, but this does not excuse the ban placed on all spearfishing further offshore
4. Broken Head South – a maximum of 350 metres extending from slightly north of Snapper Rock to the southern extremity of Jews Point and extending 100 metres seaward (max. 35000 sq. Metres).

At Lennox Head the only accessible area within the marine park is closed to spearfishing.

Offshore spearfishing is limited to 3 very small areas and these for experienced spearfishers only.

At Wilsons Reef and Bait Reef spearfishing is restricted to a list of eligible pelagic species only.

Mackerel Boulder is closed to all fishing for 8 months of the year, fishing only being allowed for the 4 months from 1st January to 30th April. This fishing ban is allegedly to protect Grey Nurse Sharks. As spearfishing is sight based and spearfishers cannot accidentally catch a Grey Nurse Shark, why then is an exception not made for spearfishing.

The Cape Byron Marine Park covers an area of 22174 Hectares. Spearfishers have at most 22 Hectares of this area accessible and available to them. This is less than 0.1% of the total area of this Marine Park.

Coffs Harbour. SIMP. figures provided by MPA representative. "A" (2)

Diveable Areas for Spearfishers: Facts!!!

- Total area of Marine park 722.03 sq km
- Total area of reef in Marine park 72.20 sq Km (10% of MP)
- Total area of reef in MP less than 15m deep 20.99 sq km (2.9% of MP) of which 18.86% is already SZ, therefore **only 2.3 % of park is accessible to spearfishing**
- **Total area of midshelf and off shore reef <15m is 4.36 sqkm (0.6% of the Park). Of which 60% is already in SZ . This means that when diving offshore only 0.2% of the Park is available to spearfishermen.**
- Problem with known inshore reef is that much of it is unproductive for many species other than inshore often migratory species and these areas are generally affected for a large majority of the year by dirty water and poor visibility making it total unusable.

ANY FURTHER REMOVAL OF SHALLOW REEF WILL HAVE DRAMATIC EFFECT

TABLE 1: Amount of each habitat type contained in each zone type in Batemans Marine Park Draft Zoning Plan

These were used for Spear fishing only.

HABITAT	Sanctuary Zone (Hectares)	Habitat Protection Zone (Hectares)	General Use Zone (Hectares)	Special Purpose Zone (Hectares)	TOTAL area of each habitat type (Hectares)				
Beach	29.1	7.7	339.2	90.4	0.0	0.0	7.0	1.9	375.3
Rocky shore	39.7	18.6	163.4	76.5	0.0	0.0	10.4	4.9	213.4
Islands & rocks	22.2	59.6	13.3	35.6	0.0	0.0	1.8	4.8	37.3
Nearshore reef	715.7	25.4	1798.9	63.7	30.5	1.1	278.1	9.9	2823.2
0-20m depth <i>Sand/Reef?</i>	1078.7	32.3	2139.1	64.0	2.4	0.1	124.5	3.7	3344.7
20-60m depth	8882.4	21.3	23962.2	57.5	8828.8	21.2	3.0	0.0	41676.5
60-200m depth	3076.5	13.7	2980.0	13.2	16440.8	73.1	0.0	0.0	22497.3
Subtidal sand	978.5	16.4	4857.8	81.2	0.0	0.0	146.8	2.5	5983.1
Unconsolidated sediments	1147.4	16.3	3225.4	45.9	2608.4	37.1	47.8	0.7	7029.0
Mangroves	123.2	44.1	70.5	25.2	85.6	30.7	0.0	0.0	279.3
Mangroves/Saltmarsh	3.2	70.7	1.3	29.3	0.0	0.0	0.0	0.0	4.6
Posidonia	4.3	7.2	55.5	92.8	0.0	0.0	0.0	0.0	59.8
Zostera	40.9	23.2	82.8	47.0	51.8	29.4	0.7	0.4	176.1
Zostera/Halophila	8.8	48.8	8.9	49.3	0.3	1.8	0.0	0.0	18.1
Halophila	0.1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Ruppia megacarpa	0.0	0.0	0.8	100.0	0.0	0.0	0.0	0.0	0.8
Unspecified seagrass	130.3	31.6	141.0	34.1	141.7	34.3	0.0	0.0	413.0
Saltmarsh	71.9	55.9	41.0	31.8	15.7	12.2	0.0	0.0	128.7
TOTAL area of each zone type (Hectares)	16353.0	19.2	39881.0	46.9	28206.0	33.2	620.0	0.7	85060.0

6418.6
13.25
7.55

Handwritten circled '3' with 'A' above it.

Note: % of each habitat type is calculated as follows: $\frac{\text{Amount of habitat type x contained in each zone type}}{\text{Total area of habitat type x}} \times 100$

DISCLAIMER: The data contained in this table is sourced from several data sources utilising aerial photography and other remote sensing techniques and may contain slight inaccuracies.

Sanct.
39.7
22.2
715.7
1078.7

1856.3

Acces Tot 68,087
Speuros = 4147

1640.
= 100
6%

Total Area
213.4
37.3
2823.2
3344.7

6418.6

Marine Parks Authority - Batemans Marine Park Draft Zoning Plan

4114.7
= 20.67

12084.1

3.46

= 28.9%

Usable to Speuros 7.55
Avail to Speuros 4.847
Taken from Usable 2.99