

**Submission
No 991**

INQUIRY INTO RECREATIONAL FISHING

Organisation: Australian Fisheries Management Authority
Name: Mr Glenn Hurry
Position: Chief Executive Officer
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The Director
Select Committee on Recreational Fishing
Legislative Council, Parliament House
Macquarie St
Sydney NSW 2000

The Hon Robert Brown MLC

NSW Legislative Council's Select Committee on Recreational Fishing

Thank you for the opportunity to make a submission to the inquiry. As you may be aware the Australian Fisheries Management Authority (AFMA) was established in 1992 under the *Fisheries Administration Act 1991*. AFMA's role is to manage Commonwealth fisheries on behalf of the Australian community and key stakeholders. Clear legislative objectives require AFMA to manage the resources in a way which is consistent with the principles of ecologically sustainable development and which maximizes economic efficiency.

As a general rule, AFMA looks after commercial fisheries from three nautical miles out to the boundary of the Australian Fishing Zone (AFZ). The states and the Northern Territory generally look after recreational fishing, commercial coastal, inland fishing and aquaculture. While AFMA does not currently regulate recreational or charter fishing in any way it does retain the power under section 17 of the *Fisheries Management Act 1991* to prohibit or regulate recreational and charter fishing in a fishery where a Commonwealth plan of management exists.

AFMA has identified a number of issues that it believes require consideration in order to improve opportunities for recreational fisheries in New South Wales including resolving Offshore Constitutional Settlement (OCS) issues, standardising management arrangements for highly migratory species, resource sharing and improving data reporting requirements.

Resolving Offshore Constitutional Settlement (OCS) issues

The OCS is the jurisdictional arrangement between the Commonwealth and States/NT which sets out responsibilities for offshore fisheries, mining, shipping and navigation and crimes at sea. The OCS provides for State/NT laws to apply inside three nautical miles (nm), and for Commonwealth laws to apply from three to 200nm

Fish do not recognise legal boundaries so the Australian Government and State/NT Governments have negotiated OCS fisheries arrangements for some commercially fished species. OCS arrangements allow the existing jurisdictional boundaries described above to be overridden by agreement between the Commonwealth and relevant States/NT.

Canberra Office

PO Box 7051
Canberra Business Centre ACT 2610
Phone 02 6225 5555
Fax 02 6225 5500
ABN: 81 098 497 517

Darwin Office

GPO Box 131
Darwin NT 0801
Phone 08 8943 0333
Fax 08 8942 2897

Thursday Island Office

PO Box 376
Thursday Island QLD 4875
Phone 07 4069 1990
Fax 07 4069 1277

The OCS agreement signed between the Commonwealth and NSW in 1991 contains numerous anomalies. The broader finfish/crustacean/mollusc arrangements are a complex mix of area, method and species based arrangements. This agreement stands out from other agreements between the Commonwealth and the States as the most problematic for management of a number of species including key recreational species such as Silver Trevally. While both NSW and the Commonwealth are committed to amending the agreement, progress has been slow. AFMA believes that in the interests of improving the sustainability of a number of key species the implementation of harmonised OCS fisheries arrangements should be given increased priority.

Standardising recreational management arrangements

AFMA believes that the state based management arrangements that apply to the recreational sector for highly migratory species such as tuna and billfish need to be standardised across state and territory jurisdictions. A number of these species have ranges extending outside the Australian Fishing Zone into the high seas and Exclusive Economic Zones (EEZ) of other countries. In this situation management responsibility is shared by multiple governments through international agreements, implemented through a regional fisheries management organisation (RFMO) or other body. Standardising fisheries management arrangements across jurisdictions including bag and/or possession limits, boat limits and charter boat catch data provisions for key migratory species will enable Australia to better implement its international obligations and improve the sustainability of these important species.

Resource sharing

Resource sharing refers to arrangements that enable different sectors access to fisheries resources. These sectors can include the commercial fishing industry, the recreational/charter fishing industry and the indigenous fishing sector. While AFMA has an interest in the outcomes of any resource sharing discussions it is the responsibility of the Department of Agriculture Fisheries Forestry (DAFF) to formulate and implement resource sharing policy.

Resource sharing discussions of relevance to the Commonwealth and NSW have been dominated in the recent past by Striped Marlin. Striped Marlin are both important to commercial and recreational fishers fishing in Commonwealth waters off NSW. Operators longlining in the Commonwealths Eastern Tuna and Billfish Fishery (ETBF) target Striped Marlin off NSW in the summer/autumn. Recreational fishing tournaments are often conducted in the same time period. Conflict between the sectors often arises as fishers from both sectors compete for the one resource. Other species that are important to both sectors include Flathead, Silver Trevally, Yellowfin Tuna and Southern Bluefin Tuna.

In 2007 the Commonwealth announced a draft resource sharing agreement between commercial fishers operating in the ETBF and recreational anglers fishing in the same waters. Although this process was not completed due to a change of government and funding issues, there was a 'gentleman's agreement' that arose from the process. This agreement stipulated that commercial longliners would set their lines in waters deeper than the 400m isobath and ensure they did not drift inside of the 200m isobath. AFMA realises this agreement is in no way enforceable but advises compliance with this

agreement and the Eastern Tuna and Billfish Fishery Industry Code of Practice to avoid confrontation between sectors.

While there is currently no formal resource sharing arrangements in Commonwealth fisheries it should be noted that a number of important species have been designated recreational only in Commonwealth waters, these include Blue and Black Marlin as well as Longtail Tuna. In the case of Blue and Black Marlin they are no take species for all Commonwealth operators whereas operators fishing in the ETBF have an annual bycatch allowance for Longtail Tuna.

AFMA believes that while both sectors have legitimate rights to access the resource, any future resource sharing discussions need to consider a number of issues including the cost of implementation and ongoing monitoring, the provision of timely and targeted data on which to base sound resource sharing decisions and the consideration of stock sustainability issues especially in a broad regional context.

Improved data recording and reporting

In order to improve the reliability of stock assessments and ultimately the sustainability of any fish species the total fishing mortality and any other factors that lead to mortality need to be determined. In a number of fisheries, the Commonwealth determines a recommended biological catch (RBC) for each species under management. The RBC provides the best scientific advice on what the total mortality should be for each species or stock and is used to determine the total allowable catch (TAC) of that species or stock. In the past AFMA has had difficulty in accessing catch and effort data from a number of agencies for key commercial and recreational species. Improving the provision of accurate and timely data, especially from sectors such as the recreational charter industry, would ensure the best available science is used to inform management decisions and ultimately improve the status of the stock so all sectors can benefit.

AFMA appreciates the opportunity to provide a submission to the inquiry and looks forward to the committees report. If you require any further information regarding this submission please contact Dr James Findlay, Executive Manager Fisheries on [redacted]

Yours sincerely



Glenn Hurry
Chief Executive Officer