

# SUNFISH FRASER COAST



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## **Sunfish Fraser Coast Submission on:- Environmental assessment of the Queensland East Coast Inshore Fin Fish Fishery under the Environment Protection and Biodiversity Conservation Act 1999**

### **Over Arching Comment**

**Sunfish Fraser Coast is of the firm belief that the commercial net fishery within the boundary of the Great Sandy Marine Park in particular, and other areas of the East Coast in general, fails to meet the requirements of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999). Therefore no further approvals/declarations should be granted for wild life trade operation under Section 303FN of the EPBC Act 1999 and the Queensland East Coast Inshore Fin Fish Fishery management plan should be declared inconsistent with the provisions of the Act.**

- **Commercial netting must cease in the Great Sandy marine Park Conservation Park [Yellow] Zone.**
- **Commercial netting must cease in Conservation Park [Yellow] Zones.**
- **Commercial netting must cease in the Fraser Island World Heritage Area.**
- **Commercial Netting is incompatible with RAMSAR Values.**
- **Commercial netting in all Dugong Protection Areas must cease.**

## **Commercial netting in General**

By-catch issues are still a serious concern in many East Coast Inshore Finfish fisheries in Qld. Gill netting and Tunnel netting in particular cause great concerns yet Fisheries Qld appear to accept that the current levels of by-catch are totally acceptable. The commercial fishing industry and Fisheries Qld appear to be the only ones in consensus on that issue.

There is still no total allowable catch limit on most of the inshore finfish species for commercial take. This is essential to sustainability. Input and output controls have repeatedly proven to be failures in commercial fisheries where netting is the principle method of take. The recreational sector has been subject to bag and size limited but only the size limits applied to the commercial sector.

Resource allocation between sectors was never addressed in the RIS or in the Inshore Fin Fish Management Plan. The government promised a Stage 2 of the plan to deal with these issues. They subsequently deferred to a trial of Regional Co-management which has shown to be an abject failure. The fisheries Act was enabled in 1994. Management plans should have been in place by 1999.

**For fisheries management in Qld to have taken 17 years and still not have a final and full management plan in place for Inshore Finfish that addresses resource allocation issues and all sustainability issues shows a lack of competence and a total disregard for the recreational fishing sector.**

## **Great Sandy Marine Park**

**The Great Sandy Marine Park is the only Marine Park known where ongoing unrestricted and excessive commercial netting is permitted in a Conservation Park Zone. It is a great embarrassment nationally and internationally to have this situation persist.**

There are a plethora of endorsements permitting this activity. They also permit netting in the World Heritage area where the Marine Park zones overlap the Boundary of the WHA. The Yellow Zones in the Great Sandy Marine Park are unique on the East Coast and cover an extensive area of unique values. Commercial netting should not be permitted in these areas under any circumstances.

If an area qualifies for designation as a Conservation Park Zone then that area must be extended the protection due its status!

**All commercial netting must cease in the Great Sandy marine Park Conservation Park [Yellow] Zone.**

## **Bait netting in Yellow Zones**

At the time the plan was made the use of 600m bait net endorsements was permitted in Yellow zones throughout Qld. This was a general endorsement to enable fishers to gather their own bait for whatever purpose. It became a serious commercial fishery as Fisheries Qld, in the face of advice otherwise, failed to restrict the take to just bait fish and commercial fishers were permitted to retain commercial species. This resulted in the restrictions placed on specific nets to take

specific species becoming useless and "bait nets" being used to take commercial species along with the abundance of by-catch and by-kill.

It was proposed that these endorsements be withdrawn as they seemed inappropriate compared to Zone values. Fisheries Qld subsequently cancelled these and replaced them with a new endorsement "Small Mesh Nets" limited to 400m. Small Mesh is from 12mm - 47mm. All that did was legalize an already unsustainable practice. Fisheries Qld was heavily influenced by one sector of the industry and did this without consultation.

**All commercial netting must cease in Conservation Park [Yellow] Zones.**

### **Fraser Island World Heritage Area**

Ongoing and excessive commercial netting in the Fraser Island World Heritage area has been an ongoing source of conflict and embarrassment. For such an iconic area, noted for its world heritage values to be the subject of unrestricted and ongoing exposure to indiscriminate heavy netting practices is totally unacceptable in the 21<sup>st</sup> century.

The continued use of nets in the waters of the F.I. WHA has never been addressed by any Government yet we see the practice decimating breeding aggregations in the inshore ocean beaches of Fraser Island.

**Commercial netting must cease in the Fraser Island World Heritage Area.**

### **RAMSAR Areas**

Almost all of the Great Sandy Strait and the Lower Reaches of the Mary River are mapped as RAMSAR area. The area qualifies for RAMSAR on all important grounds including migratory wading birds, seagrass beds, turtles, dugong and other marine macro-fauna including dolphins. Netting is permitted irrespective of the types of nets or the disturbance these cause to the benthic surface and organisms. A large area is the feeding and rest areas and the migratory birds are often disturbed by the netting and the operators using jet boats and other practices.

**Commercial Netting is incompatible with RAMSAR Values.**

### **Dugong Protection Areas**

The dugong protection areas are unique as they also cover extensive areas of the Great Sandy Strait and are home to one of the largest dugong populations on the East Coast of Australia. The Great Sandy Dugong Protection Area is one of the very few where commercial netting allowed to continue. "Protection" is given by, among other things, allowing commercial netting using a certain type of net that allegedly allows the dugong to break it and escape. There is significant evidence in other DPAs that this, and other measures, are not working. Turtles also use the same areas and become entangled in a multitude of different nets and are often destroyed either from drowning or by injury.

**Commercial netting in all Dugong Protection Areas must cease.**

## **Date for Management or Review by NGOs and Public**

Although there is extensive data on catch rates and effort on the QLD Fisheries web site, the data is unavailable from 2005 onward. This practice is regarded as secretive as the information is collected monthly from log books and is available to Fisheries Managers. If the public and NGOs request the data, Queensland Fisheries only make it available for a fee, and then with significant disclosure and use restrictions.

## **The Garrett Report**

***Independent Review: Proposed Management Arrangements for Queensland's East Coast Inshore Fin Fish Fishery 2008 [John Gunn, Frank Meere and John Stevens]  
A review commissioned by the Hon. Peter Garrett MP Minister for the Environment, Heritage and the Arts 31/10/2008***

This report was prepared for the Hon Peter Garrett MP [whilst Federal Minister for the Environment] and outlines many issues that Fisheries Qld needed to address. Please refer to that document. Most of those issues have still not been addressed.

In particular issues that needed to be addressed included:

- All of the species for which there is a legal limit or bag limit [Regulated Fish] must have a corresponding TAC [Total Allowable Catch] This is emphasized in the last sentence in the Executive Summary.
- Reduction of Effort and Catch Rates. Again very clear conclusions were given in the Executive Summary that there is a need to implement measures in the face of uncertainty.
- Resource Sharing/Allocation. This was never addressed in the RIS nor in the Management Plan. The recreational sector was subject to new and further restrictions via bag limits but no Catch limits were applied to the commercial sector.
- Lack of Data to gauge sustainability. The panel suggested in quite strong terms that the proposed measures in the plan did not adequately reflect the precautionary approach to managing the fishery in the face of unknowns and high risks.
- Implementation of Management Models to Firm Catch Limits. Not done.
- Lack of Data to gauge sustainability. The panel suggested in quite strong terms that the proposed measures in the plan did not adequately reflect the precautionary approach to managing the fishery in the face of unknowns and high risks.

**From the making of the plan and its implementation it is clear that Fisheries Qld have done little if anything towards the report's recommendations. In fact in two areas they have increased the number of allowable endorsements.**

## **Fisheries Stock Assessments**

Currently these are given out in Traffic Light Form i.e. Red if the stock is considered in danger, Yellow needs attention and Green if the stocks are seen as being sustainable. The recent Rocky Reef Fin Fish Plan proposals, in particular snapper and pearl perch, clearly demonstrated that Fisheries Qld did not have any reasonable understanding of the issues. They were using very questionable base data and arriving at incorrect conclusions.

It has become a serious concern to many, that Fisheries Qld has very little genuine knowledge about sustainability of stocks of many important fish species, whilst at the same time spending great resources and large amounts of funding preparing documentation and reports to tell people

that they have a great understanding of everything necessary, and justifying their continued support for excessive commercial netting. At the same they are taking very little genuine action to genuinely control key sustainability issues.

The case in NSW on similar issues *Sustainable Fishing and Tourism Inc v Minister for Fisheries and anor [2000] NSWLEC 2, 21 January 2000* set a precedent for fisheries management. In essence the findings were that each commercial fishing operation should provide environmental impact assessment prior to the Minister's approval of issuing or re-issuing of commercial fishing licences, and that the Minister's approval of the licence was in breach of the Environmental Planning and Assessment Act.

In particular, Justice Talbot in his summing up, and in specific response the evidence given by a senior fisheries manager, stated:-

*"Nowhere in his comprehensive explanation does Mr Murphy identify any connection between fisheries management and taking into account to the fullest extent possible all matters likely to affect the environment by reason of commercial fishing activity..."*

**We believe this typifies fisheries management in Qld. It is possible that similar legal action may be necessary to implement real change in Qld.**

### **Flawed Consultation Process**

The consultation process for the Inshore Finfish Plan was flawed. Despite the suggestions in the Garrett Report that there was extensive consultation with the stakeholders, little consideration was given to the outcomes from public forums. In fact there is evidence that the summary reports provided by Fisheries Qld were inaccurate at best, and deliberately misleading in many cases. Furthermore public information presented to the forums regarding stock assessments for some species was deliberately misrepresented.

Very little notice was also taken of the Management Advisory Committee, the peak advisory group, when the plan was made.

Additionally Queensland Fisheries invited written responses via a prepared questionnaire which on close examination was biased and leading, and provided little opportunity for input other than the pre-determined outcomes.

### **Conclusion**

**Based on the issues above, and following the review, no further approvals should be granted under the EPBC Act, and in particular, not for areas within World Heritage Areas, RAMSAR sites, Dugong Protection Areas and Marine Park Conservation Zones, until Fisheries Queensland has demonstrated that an amended management plan meets the requirements of the EPBC Act 1999.**

### **Contact:**

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