

Plan Coordinator
Indicative Management Plan for the Proposed Dampier Archipelago
Marine Park and Cape Preston Marine Management Area
Department of Conservation and Land Management
47 Henry Street
FREMANTLE WA 6160

10 May 2005

To Whom It May Concern

RE: PROPOSED DAMPIER ARCHIPELAGO INDICATIVE MANAGEMENT PLAN

The WA Fishing Industry Council (WAFIC) is the peak industry organisation representing the interests of Western Australia's commercial fisheries and aquaculture industry. Please find our comments in response to the Indicative Management Plan (the Plan) as follows.

Introduction

WAFIC refers to the proposal within the Plan that all commercial fishing be prohibited in the western portion of the proposed marine park. That is, with the exception of commercial aquarium/specimen (fish, coral and shell) collecting which is proposed to be phased out of this area within three years of creating the proposed reserves. It has also been proposed that commercial prawn trawling be prohibited within one nautical mile of the Nickol Bay coast.

WAFIC understands these proposals were the result of last minute negotiations between the previous Minister for Fisheries, the Minister for Environment, local Labor politicians and recreational fishing representatives and not of the established advisory committee process. WAFIC notes that the advisory committee members and stakeholder groups have contributed considerable time and effort towards the formal process (a process endorsed by WAFIC) over a number of years only to discover the Plan contains proposals (as above) that were never canvassed by the committee and are strongly objected to by some advisory committee members.

If this is the case, WAFIC can only assume that the State Government's apparent actions to appease the recreational fishing sector following the backlash of its recent Ningaloo marine park announcements is for short term political gain at significant expense to the commercial fishing industry. Frankly if this approach succeeds it creates a disincentive for the fishing industry to participate in marine planning exercises. Clearly the limited resources of the industry would be far better employed in utilising the political process rather than wasting resources in (ultimately) futile participation in advisory committee processes.

Proposed Impacts on the Fishing Industry

(p58 7.2.4 Commercial Fishing) WAFIC does not support the proposal that “*all commercial fishing be prohibited within the western portion of the proposed marine park (with the exception of commercial aquarium/specimen collecting which is proposed to be phased out of this area within three years of creating the proposed reserves*”, on the basis:

- No justification has been provided to support a blanket prohibition other than “*conflicts between recreational and commercial fishing*”. There are a number of diverse commercial fishing (and recreational) activities in the proposed park – is the Plan suggesting there is conflict between all commercial fishing and all recreational activities that warrants a blanket prohibition to commercial fishing activities?
- The prohibition proposes exclusive access to one sector while excluding another and is inconsistent with the Plan’s ‘Strategic Objective’ (P5) “*to put a formal management framework in place to ensure the various uses of marine conservation reserves are managed in an equitable, integrated and sustainable manner*” and the Government’s *multiple use* principle in marine conservation reserves.
- The proposed blanket prohibition would impact on a number of fisheries including the Nickol Bay Trawl, Marine Aquarium, Specimen Shell, Mackerel and Beche de Mer fisheries.

WAFIC is of the view that the marine reserve planning process should not be used as a principle means of addressing resource sharing debates between fishing sectors. The Integrated Fisheries Management Review has been initiated to deal with these issues.

(p58 7.2.4 Commercial Fishing – Strategy 2) WAFIC does not support the proposal for “*DoF to phase out commercial aquarium/specimen (fish, coral and shell) collecting in the western portion of the proposed park within three years of creating the proposed reserves*”, on the basis:

- No justification has been provided within the Plan to support this proposal other than “*conflicts between recreational and commercial fishing*”. It is not explicit if this relates to the Marine Aquarium and Specimen Shell Fisheries. Based on the premise it is, WAFIC notes:
 - This proposal is inconsistent with the ‘Strategic Objective’ (P5) “*to put a formal management framework in place to ensure the various uses of marine conservation reserves are managed in an equitable, integrated and sustainable manner*” and Government’s *multiple use* principle. Phasing out a small number of operators (Less than three Specimen Shell and approximately three Marine Aquarium fishers collect from the Dampier region annually) to apparently resolve resource sharing conflict is not equitable.
 - The proposal is also inconsistent with *Commercial Fishing Management Objectives* (p58) to ‘*cooperate with the industry and the DoF in the maintenance of a sustainable commercial fishing industry in the proposed reserves*’.
 - These fisheries target species (aquarium fish, coral and high grade live shells) not targeted by other sectors.
 - The Department of Fisheries (DoF) has formally advised WAFIC they support the commercial take of specimen shells, aquarium fish and invertebrates from marine parks. While the DoF’s view is that the take

of coral should be phased out of marine parks they have stated this should be at least a partial phase out over the next 10 years. The Plan should be amended to reflect the DoF's management policy which is inconsistent with this proposal.

- The western portion of the Dampier Marine Park is of paramount importance to the Marine Aquarium Fishery - businesses have been established around access to these waters. Due to its close proximity to a sophisticated airport, shallow and sheltered waters, abundance and diversity of tropical aquarium species the Dampier region is likely to be the most valuable in the State to this fishery.
- If the “phase out” being proposed is on grounds of sustainability (again, no justification has been provided if this is the case) WAFIC suggests alternative strategies that meet the management objectives (the strategy proposed doesn't) should be canvassed by the committee. For example, in the Ningaloo Marine Park Plan the Marine Aquarium and Specimen Shell Fisheries can continue operating in the general use zones “*subject to this activity being demonstrated to be ecologically sustainable by 2009*”.

(p58 7.2.4 Commercial Fishing – Strategy 3) WAFIC does not support the proposal for “*DoF to prohibit commercial trawling operations within one nautical mile of the Nickol Bay coast*”, on the basis:

- Again, this proposal is inconsistent with the ‘Strategic Objective’ (p5) ‘*to put a formal management framework in place to ensure the various uses of marine conservation reserves are managed in an equitable, integrated and sustainable manner*’ and the Government’s *multiple use* principle.
- The justification for the proposed prohibition appears to be “*commercial trawl fishing in the proposed reserves is an important issue of public concern and that there is a lack of data available on the environmental impacts of trawling in the proposed reserves*”. WAFIC notes the Pilbara region has one of the highest boat ownership rates in Australia, there is known to be 600,000 recreational fishers in WA and it can be strongly argued there is a lack of data available on the environmental impacts of recreational fishing in the Dampier area. Based on this, how can a lack of data justify a prohibition for one activity (trawling) and not be applied equitably to other groups? WAFIC suggests that if there is public concern and lack of data regarding the impacts of trawling in the proposed reserves then the Plan should be amended to include a more sensible and equitable strategy such as a requirement for the trawl fishery to demonstrate its environmental impacts within a reasonable timeframe. This approach would also be consistent with the *Commercial Fishing Management Objectives* (p58).
- The area proposed for prohibition falls, in part, outside the proposed Marine Management Area.

Other Matters

(p102 Recreational Zones) During the only advisory committee meeting the Marine Aquarium Fishers were invited to attend, they highlighted the significance of the area within the proposed Rosemary Island Recreation Zone for aquarium fish collecting (this area is of no importance to coral, live rock or sand collecting). In particular, the shallow accessible waters between Rosemary and Malus Islands. At the time it was proposed for sanctuary zone status yet it was evident that the area was also of value to the recreational fishing committee members.

The area is now proposed as a recreation zone which would permit all recreational fishing uses (including netting, trolling, spearfishing, lobster fishing and line fishing by an unlimited number of fishers) and no commercial fishing uses. WAFIC notes that given the importance of this area to the Marine Aquarium Fishery that the committee give consideration to permitting the take of commercial aquarium fish collection only within this recreation zone. This is on the basis this use, by a restricted number of operators (WAFIC reiterates three operators use this area), pose no threat to the conservation values of this zone (and arguably would impact the area considerably less than the cumulative impacts of recreational fishing uses) and is in no direct competition with recreational fishers. An equitable approach must be applied.

(p95 Table 2) WAFIC has already highlighted its objection to a commercial fishing prohibition in the western portion of the Park. WAFIC believes an inequitable approach has also been applied when considering uses permitted in the special purpose zones. Specifically, those designated for benthic protection and mangrove protection (most of which fall under the western portion of the Park). Specifically, commercial trolling, a technique used to catch mackerel, is excluded while recreational trolling is permitted. What is the justification for this? The trolling techniques are basically the same with the major difference being the commercial mackerel fishery is limited entry (Approximately 5 operators in the Pilbara). Again, an equitable approach must be applied.

Proposed Zoning of Marine Management Area WAFIC is aware that the CALM Act does not contemplate zonings of Marine Management Areas. Thus presumably the only instrument available to implement the proposed “conservation areas” would be through the Fish Resources Management Act (FRMA) through Fish Habitat Protection Areas. If this is the case it is our understanding that the Fishing and Related Industries Compensation (Marine Reserves) Act would not be able to be used to address any impacts on the fishing industry as its coverage is limited to the impacts arising from the creation of or addition to a marine park or marine nature reserve.

For these reasons WAFIC is unable to support the proposed conservation area zones in the proposed marine management area. This position may change in the event that the Government makes amendments to the CALM Act and the FRMA that increases the coverage of the compensation legislation to Marine Management Areas and Fish Habitat Protection Areas and that these amendments will apply in respect to the proposed Dampier marine reserve..

Conclusion

WAFIC considers the Plan to be a blatantly inequitable discriminatory document against the fishing industry that offers no explanations to support its arguments. On this basis we reject the Plan in its current form. WAFIC requests that the Plan be returned to the advisory committee so proper and thorough consideration can be given to the proposals developed outside the advisory process, taking into consideration the views put forward in submissions.

If the views received are widely divergent, which WAFIC believes is highly likely due to the divisive nature of the proposals, another public consultation round may be

necessary. If the inefficiencies that have occurred late in the process are not fairly and equitably addressed in a transparent manner WAFIC stresses those affected parties will have no option than to pursue an equitable outcome through the political arena, through legal action or to seek compensation through the *Fishing and Related Industries Compensation (Marine Reserves) Act 1997*.

We urge you to take these matters seriously.

Yours sincerely

Guy Leyland
Executive Officer

Cc Minister for Fisheries
Minister for Environment