

# The Recreational Fishing Alliance of NSW

## “Promoting Sustainable Fishing”

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CARDNO RISK ASSESSMENT (RA)

TRANSITION OF THE NSW SOUTHERN FISH TRAWL RESTRICTED FISHERY TO COMMONWEALTH MANAGEMENT

11<sup>th</sup> April 2018

Please find attached additional comments on the Cardno Risk Assessment for the transition of the NSW Southern Fish Trawl Restricted Fishery to Commonwealth Management.

The Recreational Fishing Alliance of NSW has once again expressed disappointment at the way this whole process has been managed. The RA was made available online technically after the Consultation period closed, the one week extension was not widely publicised and those other stakeholders who took the time to make a submission before the deadline have been left disadvantaged by not having all the documents available.

The Recreational Fishing Alliance has formed a Sub Group and has reviewed the RA and has discussed its recommendations but still cannot understand why anyone would ask for a Risk Assessment that is constrained in such a way as make it virtually useless. A proper Cost Benefit Analysis would have been more useful. The Sub Group has continually challenged the way this process has been delivered and once again this RA looks like a kneejerk reaction and was certainly commissioned without consulting all the stakeholders.

The Sub Group feels that Cardno have not met the Terms of Reference given by DPI, most particularly point 4 of the ToR. Perhaps DPI and AFMA would not allow the data to be accessed, this needs further discussion. The Sub Group also believe that Cardano have not conducted the RA to the required Australian Standard. Their failure to consult, possibly directed by DPI due to a rushed and flawed consultative timeline has rendered the RA useless. Questions need to be asked around value for money in this instance and the process.

The Sub Group were also concerned about the disparity in options canvassed in the Risk Assessment that were not in the Public Consultation Paper. The Partial, Patchwork or Full Closures of the area inside 3 miles appearing in the RA were obviously being considered by DPI so why weren't they provided in the PCP? One might ask, what else is on the table we haven't been told about e.g. adjustment funding which is mentioned in the RA and must be a part of any closures but were not explored in the PCP.

This process needs to be stopped and a serious attempt needs to be made to gets things back on track. The Sub Group needs to see the justification for why it is a restricted fishery now, why it needs to change and what the options are. What's needed is real information on catch, effort, catch composition, catch value, and licence and endorsement values. We also need to know what all the other fisheries in the area take with real data as above. That includes the recreational and charter sectors.

The Sub Group and most of the 850,000 anglers in NSW share a the vision about what we want to see inside 3 miles in the next 10, 50 and 100 years and this is not just about Commercial Fishing as it has historically been, but even more importantly to all sectors it's about the fish and habitat. When this is properly acknowledged then there can be proper, informed consultation and negotiation about the best long-term solution for NSW as a whole.

I trust that the information provided will be of assistance and will be happy to provide further information, if required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Konstantaras'.

Stan Konstantaras

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RFA of NSW Sub Group

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## **CARDNO RISK ASSESSMENT (RA) TRANSITION OF THE NSW SOUTHERN FISH TRAWL RESTRICTED FISHERY TO COMMONWEALTH MANAGEMENT**

### **Study Aims and Objectives**

This report is deeply flawed by failure to engage relevant stakeholders and does not meet the Cardno's Study Aims of determining "a suitable risk assessment procedure" and "identifying hazards and benefits associated with proposed changes" or the Terms of Reference (ToR) set by DPI.

Cardno's ToR required the consideration of "Commonwealth and NSW licensing data including vessel length; and vessel level of catch and effort data (by species) to determine historical fishing behaviour". Note that these data were not used (see 1.3.2 Data Analysis which lists the data "unavailable" to the RA including licensing data, stratified catch and effort data, and the sale/transfer value of SFTF concessions and SFR values, catch values and management contributions). The failure to consider fundamental extant information delivers a superficial approach and hollow recommendations.

### **Australian Standard**

The risk assessment procedure does not conform to **Standards Australia ISO 31000:2009 Risk Management – Principles and Guidelines** which requires communication and consultation and with stakeholders about the existence of risks, their nature, form, likelihood and significance as well as whether or not risks are acceptable or should be treated, and what treatment options should be considered. Note, a **stakeholder** is a person or an organization that can affect or be affected by a decision or an activity. Stakeholders also include those who have the perception that a decision or an activity can affect them. ISO 31000 distinguishes between external and internal stakeholders and only internal stakeholders were consulted for this RA. External stakeholders were excluded from this RA and it shows.

Consequently significant risks were not identified or considered undermining the ranking of risks, the assessment of risks and benefits associated with the two management scenarios considered, and the options for their mitigation.

Contrary to requirements Cardno did not convene an Expert Panel for the determination and assessment of risks resulting in a flawed report.

### **Risk Management Guidelines (2.1 p3)**

The RA lacks precision by attempting to consider the impacts of relatively small-scale management changes (i.e. within 3 miles) "at a broad area, that is, without particular spatial resolution within the current operating areas of the fishery".

Cardno's risk analysis methodology purports to mainly deal with impacts on the environment but "has also been interpreted to analyse relevant social and economic hazards". This is clearly an overstatement as the RA omits many environmental impacts including impacts on non-target and non-SEF quota species, the negative impacts of trawl gear (including bobbin gear) on sensitive inshore habitats, and the targeting of spawning fish in inshore waters. The economic impacts on the valuable inshore recreational fishery is omitted.

The real impacts of the proposals on other commercial and recreational fisheries are not properly addressed as Cardno admits the RA "focuses on the potential effects on the SFTF".

### **Likelihood and Consequences (p4)**

The Consequences (Environmental) do not consider the impacts on important non-quota species such as snapper and kingfish.

The Consequences (Social) are inappropriate as they fail to consider important flow-on impacts such as depletion of forage or bait species utilised by important species or other fisheries.

The Consequences (Economic) are too narrow. They only consider the profitability of trawl fishers and not the potential economic impacts of the proposals on other commercial fishers, recreational fishers or the industry that supports it, or on the NSW charter boat fishery.

### **Option 1 (2.2.4 p6)**

To whom would the quota be transferred to under Option 1 prior to the IAP to then transferring it to SFTF endorsement holders?

Commonwealth SFRs and quotas are allocated to people. Under the Commonwealth Fisheries Management Act 1991 the **"holder"** of a licence, permit or right: (a) means: (i) the person to whom the licence, permit or right was granted; or (ii) if the permit or right has been transferred--the person to whom the permit or right was last transferred; and (b) in the case of a [statutory fishing right](#) that is [leased](#) to another person by a [lease registered](#) under [section 46](#)--includes the lessee of the [statutory fishing right](#).

Note that nowhere under the proposed Conditions of NCW Permit of Option 1 is mid-water trawling or pair-trawling prohibited inside 3 miles.

### **Spatial Closure Scenarios (2.2.5.2 p8)**

What is the point of proposing "patchwork" closures that have as "yet to be determined"? This is nonsense.

### **Risk of Management Changes Table 3.1 (p14-16)**

The usefulness of this table is nullified by the deficiencies in the risk identification process identifies above. The risk ratings (Likelihood and Consequence) reflect the lack of expertise in the assessment panel. A properly convened expert panel would have produced a very different set of risks and different risk ratings. The use of subjective expressions like "perceived" further weakens the table.

### **Benefits Table 3.2 (p17)**

Many of the identified benefits are wrong. The first and second Actions, i.e. no change, are not benefits. The third is an environmental cost. The benefit of the sixth Action is identified as "approval from NSW stakeholders". How can this be when none were consulted? The benefit from Action seven, "Increased catch of SFTF (incl. non-quota species" would result in increased conflict with other fisheries so can't be listed as a benefit. Action seven "Mid-water trawling and pair-trawling would be permitted in NCW is listed under Options 1 and 2 but is precluded under Option 2 (see p 7). The supposed benefit under Action nine, that "Quotas offer greater predictability about catch and earnings" would be news to most long-term operators in the CTS.

On **page 18** no evidence has been provided to justify the first benefit that "combination of CTS quota SFR and NCW Permit or Vessel SFR will have a greater transfer/sale value than NSW SFTF endorsement. The next benefit that "TAC/quota management is potentially more sustainable" is not supported by any evidence. The third benefit on this page concerning the removal of minimum sizes is risible. Any supposed benefit to trawl operators would be heavily outweighed by the negative environmental impact on fish stocks and opposition from other NSW fishers constrained by the NSW limits.

### **Conclusion and Mitigation**

The only useful recommendation is that the recreational sector be consulted further.