

The Recreational Fishing Alliance of NSW

Promoting Sustainable Fishing



12 August 2020

The Hon. Adam Marshall MP
Minister for Agriculture and Western New South Wales
GPO Box 5341
SYDNEY NSW 2001

The Hon. Matt Kean MP
Minister for Energy and Environment
GPO Box 5341
SYDNEY NSW 2001

Dear Ministers,

Re: Review of the *Marine Estate Management Act 2014*

The Recreational Fishing Alliance of NSW (RFA) is the peak body representing recreational angling associations, clubs and individuals in NSW. The RFA has a long history of engaging with the marine park process in NSW for over 20 years.

One matter that has recently raised our concern is the limited public consultation with regard to the Review of the *Marine Estate Management Act 2014*. Recently we became aware that an email (*copied at the end of this letter) was sent to the Marine Park Advisory Committees.

This email was forwarded by recreational fishing stakeholders to the RFA for advice and possible assistance. (As indicated in the DPI email "*Please note the discussion paper is not for further distribution, this does not prevent your organisation from drawing on the knowledge of other individuals and organisations in putting together your submission*".)

The RFA has publicly advocated for many years to;

1. Amend the *Fisheries Management Act 1994* to explicitly recognise the right to fish recreationally and provide in legislation for compensatory fishing rights for recreational fishers covering the loss of access in any Recreational Fishing Haven or similar area.
2. Amend the *Marine Estate Management Act 2014* to explicitly recognise and reinstate the right to fish recreationally, as under the previous *Marine Parks Act 1997*.

The current process to review the *Marine Estate Management Act 2014* is very concerning. The limited and very narrow parameters around who will participate and the restricted timeline are unusual for such an important process.

The current process ignores every one of the Marine Estate Management Authority's (MEMA) own seven overarching principles for community and stakeholder engagement:

1. Participation
The community and stakeholders will have the opportunity to be engaged in decisions about the NSW marine estate that will affect their lives
2. Early Involvement
The community and stakeholders will be involved early in the decision-making process
3. Communication
Communication to the community and stakeholders will be clear, consistent, and accurate and use a variety of channels/methods
4. Accessibility
Information provided to the community and stakeholders will be 'easy to read and to understand'
5. Proportionate
Community and stakeholder engagement in decisions is to be proportionate to the scope of the proposed decision
6. Transparency
Decisions will be made in an open and transparent way and provide the community and stakeholders with reasons for their decisions, including how their views have been taken into account
7. Evaluation
Engagement activities will be monitored and evaluated to adaptively manage future public participation and communication activities

This current sham “consultation” is unacceptable—and again demonstrates the contempt that recreational angling groups and the community were treated with by the MEMA and NSW DPI during the Hawkesbury Bioregional process.

It is likely that a number of issues and risks associated with this policy of non-engagement will have dire consequences for any marine park review process. There is a risk of complete disengagement between recreational fishers and MEMA and NSW DPI once again. The RFA is astounded but not surprised to see that the same mistakes are being made with regard to a complete lack of transparency as we saw during the Hawkesbury Bioregion process. The only difference is that we have new Ministers ultimately responsible for this cloak and dagger approach.

The RFA has been concerned for some time that there was a subtle but important change to marine parks legislation when the government repealed the *Marine Parks Act 1997* and legislated the *Marine Estate Management Act 2014*. The purpose of marine parks was set out in the *Marine Parks Act 1997* to be primarily for conservation but secondly for recreation and, importantly, there is explicit reference to recreational fishing. By contrast, the *Marine Estate Management Act 2014* has a encompasses broader areas. In its general objectives it does reference recreation, but is not specific, and most importantly, Part 5 (that brings about the specific purpose of marine parks) has omitted the previous explicit reference to recreational fishing, and generally refers to more passive and general uses.

The RFA has always said that recreational anglers were optimistic about what the original Act and marine parks movement meant for conservation, as it seemed to recognise recreational anglers as an important stakeholder. We have always sought to strengthen the value of properly managed recreational fishing under the Act, not weaken it. However there has been consternation as we were

dealt blow after blow over the years since marine parks were established. This led to the roll back of the zoning update, the moratorium on shore fishing in some sanctuaries, the independent review into marine parks science which led to the marine estate regime, the terminating of the Sydney Marine Park process and the changes to the Batemans Bay Marine Park zoning plan.

We shared our concerns during the *Independent Scientific Audit of Marine Parks in NSW* process that roll outs leading to lock outs was not in keeping with the provision in the Act for sustainable recreational fishing. But instead of changing the *Marine Parks Act 1997* in line with the intentions in the original Act, the government repealed the whole Act and replaced it with the *Marine Estate Management Act 2014*, with a new purpose statement for marine parks that does not explicitly reference recreational fishing. This was a dishonest move. We see this current limited-consultation move to review the current Act in much the same manner.

We ask you to halt the current process and instruct MEMA and NSW DPI to commence a public consultation phase to review the *Marine Estate Management Act 2014* and allow ample time and sufficient background information for public input, to remove any doubt that the process is privileged and controlled by MEMA and NSW DPI.

Yours faithfully

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

Stan Konstantaras
President
Recreational Fishing Alliance of NSW

**On behalf of the Department of Primary Industries and the Department of Planning, Industry and Environment, we would like to invite your organisation to participate in the five year statutory review on the Marine Estate Management Act 2014.*

The review is to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

Please review the attached discussion paper and provide a written submission no later than 5pm 28 August by email to contact.us@marine.nsw.gov.au. Please note the discussion paper is not for further distribution, this does not prevent your organisation from drawing on the knowledge of other individuals and organisations in putting together your submission.

If you have any questions please contact us via email at contact.us@marine.nsw.gov.au or by phone on (02) 8222 4868.

*Yours sincerely,
NSW Department of Primary Industries | Fisheries
E: contact.us@marine.nsw.gov.au*