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Public Submission – Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018

I am a recreational fisher, and regularly purchase local seafood.

The first problem I have is that it is impossible to respond thoughtfully to these amendments to the *Fisheries Act 1994* because they key term of "fishery" is not being re-defined. "Fishery" is defined in the current version of the Act as a reference to all or any of the following:

- A species of fish;
- A type of fish;
- An area;
- A way of fishing;
- A type of boat;
- A class of person;
- The purpose of an activity;
- The effect of an activity on a fish habitat;
- Anything else prescribed under a regulation.

Yet, the major reform in the Bill turns on harvest strategies for "a fishery". I would encourage the Committee to seek a tighter definition of "fishery". It should be restricted to "a species of fish" or an "area". The current definition of fishery in the Act is so vague that it is impossible to make any comment about whether the approach being taken in the proposed Bill is sensible or not.

Consequently, any future consultation about a fishery involving, say, as class of person (commercial fishers) would impliedly exclude recreational fishers from having their say, and if we did have our say, what weight would you give our opinion given that, at law, what we do would not be part of the targeted "fishery". If the Committee examines the new section 19 you can see the point I am making. Section 19 limits the harvest strategy to considerations concerning "the fishery", which is too narrow.

So either the definition of "fishery" needs to be narrowed, or the considerations under section 19 need to be widened to consider impacts outside the "fishery" that is the subject of the harvest strategy.

Second, there seems to be a missed opportunity with respect to offences. I would have thought that given the new direction of the Act, and the proposed new purpose of the Fisheries Act in clause 27, that it should be an offence "to discard a commercial quantity of fish". Fish are worth more to the community whilst alive (and in the water) than they are when dead and assigned a dollar figure. Fish that are still in the wild have the potential to breed again. This is why I think that commercial fishers need to consider whether they have a

market for fish that they take from the wild before they take those fish. However, it is the middle men that this offence should be directed at. I have seen fish markets discard fish. It makes me angry because in many instances I would happily part with a comparatively large sum of money to catch those fish as a recreational fisherman. Consequently, taking only a purely commercial approach to fish product grossly undervalues the worth of those fish to the wider community. It should be an offence to take or possess a commercial quantity of fish and then to discard them. It may mean that wild caught fish need to be sold for $1 a kilo, but such an approach might lead to a more sustainable approach to the community's fisheries resources.

Third, with respect to the new section 145A, I do not see the sense in giving an occupier of the premises at least 20 days' notice before inspectors arrive. I would have thought that a place that is processing fish is a place that is required to be open for inspection by an authorised officer under the Fisheries Act. I am supportive that an inspector needs a warrant for a residential house, but for a commercial place they should have a right of entry. What's the point of giving someone 20 days' notice? Dodgy operators will ensure that they are squeaky clean on the day of the inspection, or may simply not be open on the day of inspection. Consequently, I would encourage the Committee to remove section 145A(2) of the Bill as it inconsistent with the purpose of checking to see whether the Act is being complied with.

Fourth, the new section 173A (clause 18) is an interesting power. If the person does not comply with the inspector's requirement does the inspector have the power to bring the fishing apparatus on to the boat or land without formally seizing the apparatus? I would suggest that the Committee expand this power slightly to allow the inspector to do this.

Fifth, section 174A(1)(c)(i) (clause 20) is a curious restriction. The costs "could not reasonably have been expected to be incurred for the investigation of the offence" is very odd language. An investigator will know that costs will be incurred just before they carry out the activity giving rise to the cost. The words in this subsection don't make much sense. I would encourage the Committee to delete section 174A(1)(c)(i) and just keep section 174A(1)(c)(ii). Section 174A(3) provides the necessary threshold that section 174A(1)(c)(i) attempts to address.

Yours faithfully

Alexander White