

Submission on Draft Report on the Review of Legislative Arrangements in the Aquaculture Industry in Western Australia

Recfishwest has received the paper on the Review of Legislative Arrangements in the Aquaculture Industry in Western Australia which was prepared by Ms Anna Ciffolilli.

Recfishwest met with Ms Ciffolilli for several hours and raised a number of important concerns which were fundamental to how this review might impact on the recreational fishing sector. This review has totally neglected any consideration of any matter which was raised. It distresses Recfishwest that we should allocate our limited resources to provide cogent and rational arguments which have been patently ignored.

The objects of the Fish Resources Management Act 1994 clearly direct the department to take into account the economic and social benefits from the available resource. They are not designed to make the exploitation of natural resources or the environment easier for the aquaculture industry, which is what this report suggests.

Recfishwest is particularly concerned about the treatment of chapters 8 and 10 where the community (it is a community resource) will continue to be discriminated against if the review recommendations are followed.

If the recommendations in this report are implemented, it will result in the creation of an additional class of licence which is not part of a managed or interim managed fishery. This new licence will allow the exploitation of the natural stocks for broodfish for aquaculture purposes. Further, the proposal in the document will ensure that any decisions are not transparent by making exempt from appeal.

The report naively seems to be under the mistaken impression that the Fisheries Department themselves will always give appropriate weighting to competing interests for the community resource. If this were always the case, then the rationale for exempting these entitlements from appeal may have some basis in logic. However, there have been numerous examples where recreational fishing interests have been ignored in the assessment of, and decisions on aquaculture proposals.

The recreational sector is currently denied natural justice in being unable to appeal decisions that have a direct and demonstrable impact upon them. This report is dismissive of the concerns of recreational fishers and is proposing to make the situation even more inequitable by removing any capacity for active involvement in the assessment process. The proposal to increase the tenure for aquaculture licenses to 21 years will mean that the capacity to address any inadequacies will be further diminished.

Indeed, the Executive Director of Fisheries recently wrote to RFAC to inform recreational fishers that in the absence of a coordinated marine planning process for the state, he can only consider a pearling lease application in the context of how it might affect the pearling industry, and not the environment or other users. This means that the Executive Director cannot consider community interests in the assessment of these increasingly controversial leases. Recfishwest considers that such a situation certainly warrants legislative change.

Recfishwest believes that the aquaculture section within the Fisheries Department are almost solely interested in the development of aquaculture and significantly undervalue community concerns expressed about aquaculture activities. These are the very people who prepare the recommendations for the Executive Director and recreational fishing groups are not able to have formal feedback.

Currently, if Recfishwest raises any objection, these objections are forwarded to the proponent. The proponent is able to refute our concerns but we are not able to see the proponent's submission or comment on them. This is totally unacceptable.

This report has ignored our ongoing and often stated concerns about our capacity to be considered as an affected person. We have been consigned to third class citizen status without right of appeal if government overvalues the needs of aquaculture over the needs of the community. Recfishwest believes that this discrimination has been institutionalised in Ministerial Policy Guideline Number 8.

Paragraph 494 of this report regarding us being considered as having 'sufficient interest' has been greatly damaged by the author's reluctance to broaden the discriminatory affected persons provisions of the Fish Resources Management Act 1994.

The report has apparently given no weighting to the views of external parties. It has allowed only full consideration to vested interests with respect to the interactions within the environment and the community resource. Our wider sectoral views have been totally ignored in the past and in the context of this report.

While the report may address some important issues for the aquaculture industry, the extremely inadequate consideration of the few issues which we, as a major stakeholder group considered paramount, calls the entire document into question.

This report does not consider the wider implications of natural resource management and implementation will put the community at odds with the aquaculture sector.

In conclusion, Recfishwest cannot accept the creation of a special broodstock collection licence for the aquaculture industry. Any broodstock collection has serious implications for local populations. As well, the needs of other user groups must formally be given appropriate weighting in the process. This is not currently the case.

The affected persons provisions of the Fish Resources Management Act 1994, must be altered to give greater recognition of the interaction of aquaculture with the rights and needs of other users. Recreational fishing interests must be recognised as affected persons where a decision clearly impacts upon us to enshrine natural justice and a fail-safe mechanism to ensure the objectivity of the department.

Recfishwest would be pleased to have further discussions with the department as these are extremely important matters for integrated fisheries management. We do not believe that our views have been given appropriate consideration to date.