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3<sup>rd</sup> April 2005

The Honourable Ian MacDonald, MLA  
Minister for Primary Industries  
Level 30 Governor Macquarie Tower  
1 Farrer Place  
Sydney, NSW, 2000

Dear Minister,

We are pleased that you have written to Senator The Honourable Ian Macdonald, Minister for Fisheries, Forestry and Conservation, on matters pertaining to the report on Economic Impact of the Striped Marlin Fishery, prepared by consultants Ernst and Young and paid for by the recreational fishing saltwater trust. We agree totally with the following points that you raised with the Senator, being:

- The economic importance to the State of NSW of the recreational striped marlin fishery
- That under NSW law all marlin are protected from commercial fishing, although they may be caught as a by-catch only
- concerns that the Commonwealth tuna fishers are now targeting striped marlin, and this is in contravention of NSW law
- concerns that the Australian Fisheries Management Authority is proposing to manage the Eastern Tuna and Billfish Fishery (ETBF) by a Total Allowable Effort cap that is based on the number of hooks permissible.

However, your final comment to the Senator, namely "I look forward to your immediate action to return striped marlin to being bycatch-only in the ETFB which I believe is in our mutual interests" is of concern as it suggests that you consider the issue to be a matter for the Commonwealth to resolve and any action is theirs, and theirs alone. Our group

believes this not to be the case as there are two actions which the NSW Government can quite easily do.

We see the key issues with regard to the striped marlin fishery off the NSW coast that need to be considered are:

- NSW Fisheries General Regulation Clause 8 provides for striped marlin only to be landed as a by-catch of Commonwealth tuna fishers in the ETBF.
- The Commonwealth intend to manage the East Coast Tuna and Billfish Fishery by a Total Allowable Effort cap rather than a Total Allowable Catch cap.
- NSW registered commercial fishers are prohibited from landing all marlin, including striped marlin.
- The Bureau of Rural Sciences report "Striped Marlin: biology and fisheries" released last year shows that tuna longliners are now targeting striped marlin off the coast of NSW.
- The same report expressed concerns at the potential for localised depletions of the species.
- Reports on the East Coast Tuna and Billfish Fishery states that the overall catch per vessel is down, and the catch per unit effort fell by 9% in 2003/04 and has been declining since 2001/02, as has profitability of each business. The ECTBF is in a state of decline.
- There is no agreement between the State and Commonwealth for the taking of bait in State controlled waters inside 3nm by Commonwealth fishers.
- There is an increasing use of baitfish, particularly yellowtail scad, caught from inshore grounds inside 3 nm rather than pilchards and other frozen baits by the Commonwealth longliners.
- The FMS of the ETBF states that baitfish may only be used for the taking of tuna and not other species.

The two actions referred to earlier that can be undertaken by the NSW Government in respect to the striped marlin issue are:

- Prohibit the landing of striped marlin in all NSW ports by Commonwealth commercial fishers. This is, after all, in line with State registered commercial fishers who are not permitted to land striped marlin, or any marlin for that matter. The Western Australian Government banned the landing of striped marlin in 1995 over concerns as to the state of that fishery in Western Australia. This could also possibly help circumvent the Commonwealth's proposed legislation to overturn the WA Government's prohibition of the landing of striped marlin in that State.

- Prohibit the taking of live bait in NSW controlled waters (waters inside 3nm) by Commonwealth registered fishers. Historically Commonwealth registered tuna fishers have been allowed to take bait in NSW waters, and was in recognition of the reliance of tuna polers on live bait. The longline fishery for tuna and broadbill swordfish was developed with frozen bait such as pilchards. With the decline of yellowfin, Commonwealth longliners are increasingly relying on the use of live-bait obtained from inshore areas with which to target striped marlin using shallow-set longlines. There is no agreement between the State and Commonwealth on the taking of bait within 3nm, so the taking of bait inside 3nm by Commonwealth fishers is very much a State issue.

It is our concern that the NSW Government will not be taking appropriate action that is within its power with regard to the striped marlin fishery, especially as the benefits of the recreational striped marlin fishery has to the economy of NSW, and to the economies of regional coastal communities. In view of this, we would like the Government's and NSW DPI's position on the following matters:

- What is the NSW Government's, and NSW DPI's, policy regarding the striped marlin fishery and the Commonwealth tuna fishers?

- Is the issue Commonwealth fishers targeting striped marlin solely a Commonwealth matter, and if so, then why is it considered solely a matter for the Commonwealth to resolve? Or does the NSW Government and NSW DPI accept the fact that there are options available at the State level, and if so, what are they?

- If the NSW Government and NSW DPI considers there are no options available the State level, then what of a landing prohibition of striped marlin, and a closure of baitfish harvesting by Commonwealth fishers? What are the reasons for not implementing a prohibition on the landing of marlin by Commonwealth fishers?

- What is the State Government's, and NSW DPI's, policy regarding Commonwealth registered fishers taking live bait in NSW waters? Is it by agreement, or by dispensation? Does the NSW Government and NSW DPI accept that Commonwealth fishers of the ECTBF are increasingly using live bait caught in NSW waters for the targeting of striped marlin? If so, then why isn't corrective action being taken by the State?

- Does the State Government have any objections to the Commonwealth dictating terms to the States on matters that fall within the State's jurisdiction, such as would be the case with their intended legislation to overturn the WA Government's legislation that prohibits the landing of striped marlin in that State?

The striped marlin and Commonwealth commercial fishers have impacts in areas other than the sustainability of the striped marlin fishery, and the economic benefits of the recreational striped marlin fishery to NSW as indicated in the striped marlin report by Ernst and Young. There is the issue of baitfish, particularly of yellowtail scad, in NSW waters, and the notion of the Commonwealth dictating terms and conditions to things that are clearly in the jurisdiction of the States. Failure to act at the State level and placing

responsibility in the hands of the Commonwealth is seen as poor fisheries management as it is doing nothing for the striped marlin fishery, and the baitfish in inshore reefs in NSW controlled waters. Furthermore, it is seen as abrogating responsibility to the people of the State of NSW who entrusted their elected representatives with stewardship of the fisheries, together with trust in the decisions that affect the economies and employment opportunities of the State and regional centres.

Yours sincerely

Phillip Ingram  
President  
Anglers Action Group (Sydney Northside) Inc