



ACT
Government

FISHERIES ACT 2000

REVIEW CONSULTATION REPORT



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Background

The ACT *Fisheries Act 2000* (the Act) provides for the management of fisheries in the ACT, this includes enabling a sustainable recreational fishery, conserving native fish species and managing commercial fish dealing and pest fish species.

The Act has not been reviewed since it was enacted in 2000. The review aims to ensure that provisions, offences and penalties under the Act are relevant and appropriate and that the Act considers modern fisheries management issues including cultural fishing.

A discussion paper was developed to inform public consultation on the Act. The paper outlined issues identified during the review process and included questions to the community on how they would like to see issues dealt with. Comments received during public consultation are summarised in this report.

Introduction

This report details the outcomes of the public consultation process: Section 1 details the consultation process and Section 2 outlines the major themes and discussion points raised in response to the questions and issues in the discussion paper.

Section 1

Community consultation process

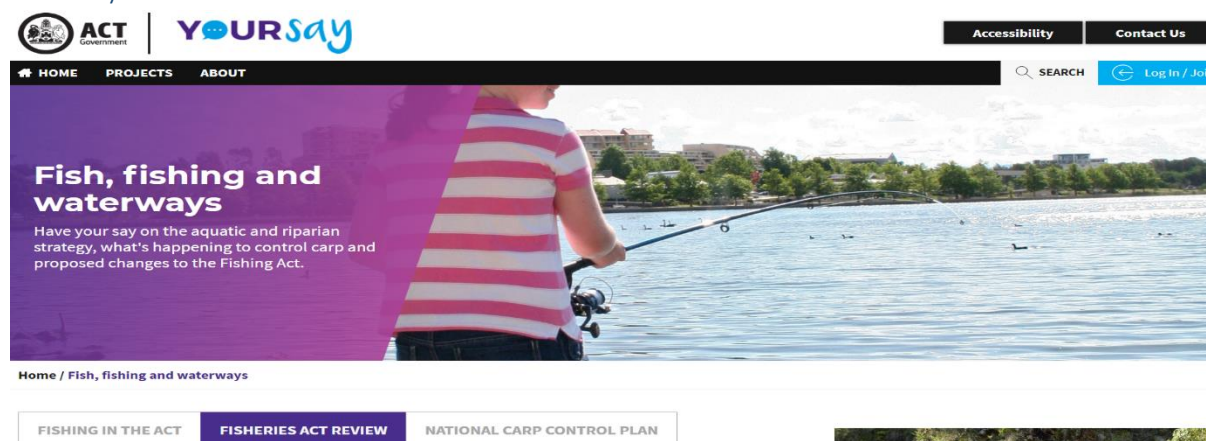
The discussion paper was available through the Environment, Planning and Sustainable Development Directorate's (EPSDD) website and through the Your Say website. Public consultation occurred from 4 December 2017 until 5 February 2018.

The consultation process was advertised in the Canberra Times and Canberra Weekly and on the EPSDD and ACT Parks and Conservation Service (PCS) Facebook pages. Flyers were left at tackle shops and camping stores and were distributed at fishing events.

A direct mail out was undertaken to key stakeholders inviting comment and offering a meeting with EPSDD staff. The stakeholders included recreational fishing groups, tackle and camping stores, retailers involved in the sale of aquarium fish and fish for consumption, and conservation groups.

EPSDD web page

The EPSDD web page provided information on the review and access to the discussion paper and relevant fisheries legislation and information.



The Your Say website provided information about the review and the consultation, including links to the discussion paper, relevant fisheries legislation and information, and an online survey as detailed below.

Online survey

The survey asked questions relating to recreational fishing in the ACT. These questions were designed to find out information about how people fish in the ACT and how they interact with the current fishing legislation. The survey contained eight questions as follows:

- Are the current laws working?
- What else do we need to consider?
- What changes would you make to improve the provisions about recreational fishing?
- How do we improve enforcement of fishing laws?
- What areas of compliance need to be given priority?
- What do you think is the best way for Government to tell people about the rules and encourage compliance?
- How can the Act best facilitate continued access to recreational fishing while sustaining our native fish populations?
- How can the Fisheries Act best facilitate cultural fishing activity for Aboriginal people and other cultural groups?

The online survey received 53 responses. The main themes raised in the survey responses are included in the *Themes* section below.

Community information sessions

Two community information sessions were held during the consultation period. The first session was held at Belconnen Arts Centre on 11 January 2018. Four people attended this session. The second session was held at the Tuggeranong Community Centre on 16 January 2018. Eight people attended this session. While the sessions had a fairly low attendance, attendees largely stayed for the duration of the session and were eager to discuss recreational fisheries management and raised several important issues.

Other community engagement and media

Staff attended a fishing competition at Lake Burley Griffin with about 30 people in attendance where they handed out flyers about the review and talked to people informally. Flyers and information

were provided to BCF Belconnen for a member's information night and flyers were provided to several tackle and camping stores for display and distribution during the consultation period.

The Conservator of Flora and Fauna was interviewed on WIN Canberra 6 pm News on 4 December 2017, and also did a radio interview on ABC Canberra on 5 December 2017. Radio interviews with two other staff members were undertaken on 11 December 2017 and 5 January 2018 on 2CC and ABC Canberra respectively.

Stakeholder meetings

Stakeholders were invited to meet with ACT Government staff to discuss the review of the Fisheries Act. Meetings were held with a representative of the Canberra District Aquarium Society on 15 December 2017 and with members of the Canberra Fisherman's Club and Canberra Anglers Club on 10 January 2018, there were approximately 20 people in attendance at this meeting.

Written submissions

The community was invited to provide written submissions in response to the discussion paper. Seven written submissions were received.

Issues identified

The main themes identified during community consultation are as follows. These are discussed in further detail in Section 2.

- *Compliance and enforcement*
- *The importance of providing information and education*
- *The introduction of a licence or registration scheme for recreational anglers*
- *Alignment with NSW fishing rules*
- *Access to fishing places*
- *The importance of conservation of species and habitats*
- *Tourism opportunities for fishing*
- *Carp – fishing and disposal*
- *Trout fishing and stocking*

Section 2

Consultation response summary

This section summarises comments raised in written submissions and through stakeholder and public meetings and survey responses as they relate to questions/matters raised in the discussion paper.

Fisheries Management Plan

Should the Act refer to plans and guidelines?

Overall, comments on this question agreed that an overarching plan or guidelines can be an important tool to support legislation.

If so, what plans or guidelines need to be given priority to assist fisheries management?

The types of plans or guidelines most commonly identified as important were:

- a fish habitat management plan – including elements such as guidelines for fish friendly construction and the identification of priority habitat management areas. Plans for management of particular species should be prepared as needed
- a plan to support management of the recreational fishery including management of fishing in urban lakes and in creeks and rivers and addressing issues such as education on fishing rules, catch and release, fishing competitions, conservation etc., supported by recreational fishing clubs
- plans should highlight regional and cross border issues and include community engagement and education aspects, where relevant.

Management of recreational fishing

What specific types of fishing gear should be prohibited?

Respondents agreed with the prohibition of opera house traps, including use and possession of traps. Most agreed that a ban on the sale of traps is appropriate as suitable alternative traps are readily available.

Note this is difficult to do under COAG mutual recognition rules. The COAG mutual recognition principles were agreed to by the Council of Australian Governments in 1992 (access the [COAG agreement here](#)). The principles aim to ensure that the sale of goods in a state or territory is not restricted if the goods can be sold lawfully in another State or Territory.

Is there anything else you would like to say about fishing gear and penalties?

Respondents reported observing non-compliance, particularly regarding the use of set lines or too many lines (recreational anglers are allowed to use up to two attended fishing rods or handlines), the use of illegal traps, and catching Murray Cod out of season. Concern was also raised that fishing rules are not regularly enforced and, when they are, penalties for non-compliance are too weak to act as a deterrent.

The introduction of possession limits was supported but questions were raised on how they would be applied, including:

- would possession limits apply to fish on your person, in your vehicle, in your residence (how would the rules be applied)?
- how would possession limits be applied at camping sites, would they be per person at the site per day?

Should limits on recreational fishing be more aligned with other jurisdictions?

There was broad support for aligning ACT offences and penalties and fishing seasons and size and take limits with those in the *NSW Fisheries Management Act 1994* as long as alignment with NSW fishing laws would still provide adequate protection to fish populations in the ACT.

Do you think any changes are needed to current limits on fishing in the ACT? For example, would you make any changes to size, limits, bag limits, or fishing seasons?

Most people thought the existing limits were adequate, however, the need for greater protection for Murray Cod through only allowing catch and release fishing was raised.

Regular monitoring of native fish populations was seen as important to inform review of take limits.

During consultation several parties expressed the view that:

- fishing in lakes should remain open year round with rivers closed to fishing during trout/cod closed seasons
- there is a need to provide reasonable access to fishing spots, especially on the Cotter River
- the proliferation of pest fish species is an issue.

How do we gain better knowledge on the benefits of recreational fishing, including the amount of fishing activity and the value people place on fishing?

The introduction of a licencing or registration system was a popular response to this question. This was felt to be an effective way to be able to provide education materials and to gain information on anglers. Respondents also believed the introduction of a licence fee would be a good way to raise funds to support fisheries management and research.

Investing in regular surveys of anglers and greater engagement with the recreational fishing community were also raised.

How could we increase benefits from recreational fishing while ensuring adequate protection of native fish?

Responses to this question included:

- support the management of recreational fisheries through scientific assessments and adequate staff to manage and enforce the Act.
- provide more information to anglers to justify decisions that prioritise conservation over recreation, such as prohibiting fishing in certain areas on the decision to no longer stock trout. It was felt that this may help to increase community understanding of such decisions.
- provide community education and engagement. This could be better achieved through supporting community groups and stakeholders to assist in education and fisheries management.
- provide education for anglers around the handling of large fish prior to release for catch and release fishing (some respondents reported seeing dead Murray Cod in lakes that they attributed to incorrect release).
- native species protection and management should be prioritised, including habitat improvements for native species and pest fish management.
- the provision of more information at popular fishing spots would help to increase compliance with fishing laws, including a focus on education for certain sectors of the community, such as anglers who are from non-English speaking backgrounds.

Other

Improved recreational fishing opportunities in the ACT would reduce the need for anglers to travel interstate for trout fishing. Some respondents felt that the quality of trout fishing in the ACT had decreased since the decision to stop stocking trout and that this has affected the ACT's ability to

“provide high quality and viable recreational fishing” as is stated in the objects of the Act. The decision to not stock trout was based on the fact that stocked fish did not have good survival rates and were not able to maintain populations in urban lakes. Trout are not stocked into rivers as fish are only stocked in rivers for conservation reasons.

The prohibition on fishing in water supply dams was raised in several submissions and conversations with stakeholders. They felt that the reasons for prohibiting fishing in dams (such as potential introduction of disease) should be more clearly communicated to the public to aid compliance. The ability to use petrol boats on impoundments and access to fishing spots such as Cotter Dam and parts of the Cotter River were raised.

Respondents also felt that the benefits of recreational fishing could be increased by promoting fishing in the ACT as a tourist activity.

Commercial fishing and commercial dealing

How important is regional cooperation to address illegal trade in fisheries?

Submissions that addressed this question stated that regional cooperation is important in addressing illegal trade and that formal cooperation, such as a memorandum of understanding (MoU), between ACT and NSW Fisheries managers may assist in management of illegal fish trade across jurisdictions.

Should penalties for illegal trade be the same across jurisdictions?

All responses agreed that penalties should be aligned for illegal trade, as long as they were appropriate for ACT aquatic species and circumstances.

Trade in protected species

How can we improve trade in native fish species, while ensuring adequate protection for them?

Few comments were received relating to this question, however one in particular raised concerns that illegal trade, as far as they were aware, had (in the past) been going on without any enforcement action being taken.

Compliance and enforcement

How do we improve enforcement of fishing laws?

The most common view expressed was the need for dedicated fisheries officers to better enforce the legislation. Comments provided for this question included:

Enforcement presence

- Compliance and enforcement of fishing laws is achieved by having at least one officer permanently dedicated to fisheries enforcement in the ACT and through adequate resourcing of conservation officers.
- Larger penalties are demonstrably less effective than increasing the likelihood of being caught, thus the need for more enforcement.
- A recreational angling licence fee would go some way to funding fisheries officers.

Community engagement and education

- Partnerships with initiatives such as the Upper Murrumbidgee Demonstration Reach (UMDR) and recreational fishing groups.

- Greater education of anglers and the broader community through an increase in educative material at any store where people can buy fishing gear and through increased signage at boat ramps about allowable gear and other rules.

Recreational fishing licence or registration scheme

- Licencing of recreational fishing was raised in most submissions and was seen to be a good way to provide information to the angling community, to promote accountability for actions (i.e. if you have a licence, you know the rules and should be adhering to them). It would also mean anglers can be made aware of changes to regulatory requirements.
 - Consider a licence that is valid in both NSW and the ACT and/or ask NSW to include information on ACT recreation fishing rules to NSW licence holders with ACT addresses, or to all licence holders.

Ensuring there is a well promoted pathway for recreational fishers to notify illegal activity as well as staff capacity to enforce the Act.

What areas need to be given priority?

Broadly, education and enforcement were the areas that submissions saw as the highest priority, this included the need to prioritise areas for enforcement activities to the most sensitive fishing populations and to prioritise community education and engagement, including publicising rules and promoting the benefits of protection of fish to increased fish stocks.

The following areas of concern were specifically identified:

- illegal fishing activities in the Murrumbidgee River
- taking of Murray Cod out of season
- people exceeding rods-per-person limits in urban lakes
- the number of enforcement officers doing spot checks needs to be increased.

What opportunities for enforcement are offered by emerging technologies?

Respondents felt that emerging and current technologies could be utilised to assist enforcement of fishing laws through:

- The ability to text photos of illegal activities to compliance officers or a hot line.
 - there would need to be adequate resourcing for timely follow-up by authorities for this to be effective.
- Improving access to information about regulations and highlighting enforcement actions.
- Providing information on good news stories such as native fish conservation efforts (habitat projects/partnerships etc.) via the web, apps and social media.
- An online registration platform for recreational fishers including their contact details could be linked to an automated communication system to provide fishers with updates, notifications re fishing closures etc.

Aquaculture and aquaponics

How should small scale aquaculture and aquaponics be regulated?

The few respondents to this question considered that licensing should be required for larger scale activities, and for some species, particularly, those that pose biosecurity risks or if the extent of these activities in the ACT increases.

What are your views about licencing of aquaculture and aquaponics?

The key issues raised were:

- Risks to water quality from waste water or accidental leakage. The nutrient loads are considerable.
- Potential escape of invasive aquatic species.
- Potential release of pathogens to local native aquatic populations.

Cultural fishing practices

How do we better understand the cultural values Aboriginal people have in relation to fish and fishing practices, such as the importance of native fish or places, fishing methods, and purpose?

Submissions agreed that consultation with the Aboriginal community was key to understanding values.

How do we best take into account Aboriginal cultural values in fisheries management?

Submissions agreed that Aboriginal values need to be recognised, but that native fish populations still need to be protected.

How can fisheries legislation best facilitate and manage the practice of Karma release so it can occur in an environmentally responsible way?

Respondents identified education, consultation and guidance for the ACT's Buddhist community regarding appropriate species and release sites is needed. Education for retailers on appropriate steps to take if people come to them asking to purchase fish for Karma release would help facilitate the practice in a responsible way.

Consideration of a contained water body (pond etc.) designed to accommodate Karma release could be investigated to see if this could meet the community's needs.

Submissions agreed that, outside of education and engagement activities, penalties for non-compliance were also important.

What are your views on the draft guidelines?

Submissions noted that the draft Karma release guidelines were appropriate.

Conservation of native aquatic species and habitat

Do you think the following areas should be covered under the Fisheries Act?

1. Guidelines for maintenance of fish passage (could inform waterway works licences under the Water Resources Act).
2. Declaration of areas of important habitat within public waters.
3. Temporary closure of areas otherwise open to fishing to protect fish species in emergency situations.
4. Submissions were supportive of all suggested inclusions.

5. What other gaps, if any, need to be addressed?

Other suggestions included that we implement habitat improvement programs to enhance fishery characteristics in suitable ACT waters (such as lakes and dams) and that bigger fish be included in stocking (not just fingerlings) to reduce mortality from redfin.

When should a licence be required for collection of aquatic invertebrates?

One submission raised concerns about the collection of native cray fish and whether the requirement for a licence would provide them greater protection.

Management of aquatic pests

Do you think the following would improve our ability to manage the threat of aquatic pests?

1. Ensuring caught fish that are identified as pests under legislation are not released back into the water. Penalties would apply.
2. Ensuring pest species can only be kept under licence, which could provide for research, education and zoological collections.

Submissions and stakeholder consultation were largely supportive of this proposal, however, indicated that infrastructure for disposal and education about humane disposal needs to be provided if people are to be prohibited or discouraged from returning pest fish to the water.

Some people may not be comfortable disposing of pest species and making this mandatory may discourage fishing as a social activity among certain sectors of the community.

Licensing requirements for keeping aquatic pest species was supported.

What other issues relating to aquatic pest species need to be addressed through legislation?

Submissions raised the following issues and ideas related to pest fish management:

- Fishing for Carp is a tourist activity. Further incentive could be provided for people to fish for Carp as a sport fish to assist with removal (note this would be contingent on any potential release of the Carp herpes virus).
- Consultation with the community on how they can assist with reducing Carp numbers or with clean-up of Carp if the Carp herpes virus is released.
- Providing infrastructure, such as Carp bins, particularly at lakes, will encourage people to dispose of carp when caught. Providing information on humane disposal of Carp would also assist anglers.
- The importance of community education and engagement, particularly regarding suitable aquarium fish and likely pest species should be made available.

What happens next?

The key issues that we aim to address are outlined below.

Recreational fishing and compliance and enforcement

The provisions relating to recreational fishing are considered to be appropriate apart from some minor changes to definitions and to provisions relating to offences, penalties and powers of authorised officers.

Some legislative changes are proposed in order to assist with and improve compliance and enforcement and to bring ACT provisions in line with NSW where appropriate. Changes will also involve updating commercial fishing and dealing provisions to improve compliance and to align with other jurisdictions, in particular, NSW and Victoria.

Education and engagement

The community identified a need for further education and engagement, particularly around recreational fishing. This included the need to better inform the community of the reasons behind fishing prohibitions, in order to improve understanding and compliance. Education and engagement activities may be identified and enacted as part of a fisheries management plan.

Cultural Fishing

Provision will be made in the Act to allow for Aboriginal cultural fishing activities, and to allow for other activities for certain sectors of the community when undertaken in a sustainable manner.

Native species protection

Proposed amendments will support greater protection of native fish populations and habitat through allowing the recognition of important areas for native species and affording them greater protection if required.

The key issues identified during the review will be addressed both through legislative amendments and through communication activities and programs as resources allow. Additional stakeholder engagement with key community stakeholders including recreational fishing clubs and businesses impacted by any legislative changes will occur on draft amendments once they have been approved by government.