



Monaro Acclimatisation Society Inc

Sustainable future fishing for trout and native fish

Senate Standing Committee on Environment and Communications

SENATE THREATENED SPECIES AND ECOLOGICAL PROTECTION ENQUIRY

Dear Committee Members

Introduction

This submission to your enquiry is made on behalf of the Monaro Acclimatisation Society Inc (MAS) of NSW. MAS is a voluntary organization primarily concerned with the development and maintenance of freshwater fisheries in the south-eastern sector of NSW. The MAS is a primary stakeholder with the NSW Department of Primary Industries (Fisheries). MAS has been in existence for over 70 years, participates with NSW Fisheries in the stocking of fresh water lakes and rivers, maintenance of habitat, contribution to policy and legislation affecting freshwater fish in NSW. The MAS is a member of the NSW Council of Freshwater Anglers and has over 600 members.

The MAS is grateful for this opportunity to present its view of how threatened species and ecological protection is developed and implemented. As a caveat the MAS deals primarily with the NSW State Government and various State agencies on threatened species and ecological protection. We have had minimal interaction with the Commonwealth authorities but we trust that our experiences and insights across the NSW process will help inform the Committee as to the process across Australia.

This submission will address issues via recent case studies we have been involved in. Each of these case studies touches on various terms of reference but they all fall under term of reference “(f) the historical record of state and territory governments on these matters”

Management of key threats to listed species and ecological communities.

1. The MAS is aware that generally there is little, if any, management of threats to listed species and communities. While it is true to say that plans are developed it is also true that rarely (if ever) is the management requirement under those plans expanded to ensure that the species or community is properly managed. For instance, the NSW Government has a plan of management for Macquarie Perch (*Macquaria australasica*). We note that while a small amount of work has been done and Macquarie Perch have now been successfully bred using artificial stimuli, many of the other management objectives have not been managed or implemented. We can only wonder what future these artificially bred Perch will have when released into the wild.

Key threats to the species still exist through invasive species such as; Carp (the Carp control initiative “daughterless carp” has recently been scrapped by government but has since been picked up with limited funding by another party) and Red-fin Perch (the work on the EHN virus which is hosted by Red-fin Perch and fatal to Macquarie Perch is hopelessly under-funded and under-staffed), man-controlled water flow regimes still impact on these fish and water quality issues remain unresolved. The main problem as

we see it is that plans are developed for the species as a whole for the entire State. We know that this far-reaching approach cannot be adequately managed or controlled as the area involved is massive and funds scarce. We would prefer to see a more meaningful approach of tackling these issues on a catchment or regional basis. By doing this there is a possibility that the meager resources devoted to any threatened species plan has a better chance of being implemented fully and managed on a professional basis in that catchment or region. We believe it is best to do a little well than nothing much for a lot. At present our threatened species are managed more by hope rather than positive intervention.

Development and implementation of recovery plans

1. The MAS has a real concern over how some recovery plans and listings are made. The recent declaration of the Snowy River catchment as an endangered ecological community is used to demonstrate this point. The Snowy River catchment is the most controlled river catchment in Australia. Its dams, pipes and aqueducts have affected significantly this once iconic river. While the recent declaration might make some people feel good, the possibility of returning the system to its former glory is a mere folly. The problem for us with this declaration was the way it came about.

In this instance the NSW Scientific Committee made the nomination (as is allowed under the legislation). That same Scientific Committee then evaluated its own nomination after which it recommended its own nomination to the Minister for ratification. We believe that Scientific Committees should not be allowed to be the sole nominator, judge and jury. We would prefer to see Scientific Committees banned from making their own nominations. Today, it is quite easy for environmental scientists to be challenged and ridiculed for their findings. We believe that this process of allowing them to evaluate their own beliefs with little, if any, external scrutiny only adds to this problem. We were and remain very critical of declaring the whole of the Snowy River catchment as we see little opportunity to revive the whole of this most modified catchment.

2. While the MAS acknowledges that most environmental scientists are ethical we believe that there is an element who push the boundaries towards their own pre-disposition. We believe that we are seeing a “ideological green first” approach by environmental scientists over a “science first” approach. We believe this trend is growing in Australia. To illustrate this the MAS again refers to the Snowy River nomination.

From our reading of the rationale it seems to us that one of the driving forces for the Snowy River nomination was the small population of freshwater Blackfish (*Gadopsis marmoratus*) located in one tributary of the Snowy River. The nomination focused on this fish species and its apparent demise. On researching the Blackfish it became apparent to us that it is highly possible that this is a translocated population of fish, not an endemic one. We cited various newspaper reports from about 1908 detailing the translocation process and included this in our submission. Opposing this “evidence” was contrary anecdotal evidence from an aboriginal elder that they fished for blackfish, so therefore they were endemic. We tend to think that the newspaper report had a better chance of being correct over oral history that is difficult to evaluate past the last living generation.

Now we are not saying one is better than the other, but in the face of this evidence we would have preferred it if the Scientific Committee fully investigated both claims. To our mind it would have been quite easy to compare DNA samples of fish from the Snowy and

the claimed parent river in southern Victoria. This would have used science to give better clarity to a substantial issue in dispute. Unfortunately the Scientific Committee totally disregarded our claim and preferred another story. The reasons for doing so were never communicated so we are left with the belief that the ideological view triumphed.

3. This next case study illustrates how the Federal Government hides science and scientific review from the public. We can only assume that such instances serve to keep the public ignorant and therefore allow Governments to operate in a public knowledge vacuum. We wonder how wide-spread this practice is.

During the last term of the Howard Government the then Minister for the Environment instigated a scientific review of the literature relating to the interaction of trout (an introduced species) and native aquatic fauna. This review was conducted by eminent aquatic scientist Mr Wayne Fulton. The review was finalized and sent to the relevant Minister. (Review of the Literature on the Impacts of Introduced Salmonids on Australian Native Freshwater Fish, Wayne Fulton, Fisheries Victoria.)

About this time there was a change in Federal Government to Labor. After waiting a reasonable period the MAS enquired of the then Minister (the Hon Peter Garrett) as to when the report would be released. The reply was unsatisfactory and indicated to us that the Minister was not serious about releasing it. Since this time the MAS and the NSW Council of Freshwater Anglers have made similar enquiries with the current Minister (the Hon Tony Burke) and again the reply was political spin. We are still waiting for this report to be released but we fear that it has been “shelved” by the current Federal Government.

The MAS believes this report is critical as it attempted, for the first time, to synthesise all of the available data on the interaction between trout and native species. We believe that this information is critical in helping all concerned develop better management plans, understanding the intricate nature of the interactions (especially with threatened species) and informing the public on the real issues that affect our freshwater environment. For the Government to withhold this report is shameful and only serves to demonstrate to us that other forces are involved in keeping the general public unaware of the true science in this field. We are of the opinion that this may be a smoking gun and that many other such reports are “shelved” as they do not suit a particular political or ideological agenda, regardless of the scientific merit. Basically, it is difficult for the public to evaluate threatened species recovery plans when science is hidden.

Regulatory and funding arrangements at all levels of government

1. The MAS has commented on a significant number of recovery plans and we have found that without exception the plans fail to identify regulatory roles and more importantly fail to identify resource allocation for the plan. We are very critical of the current approach which seems to be write the plan with sky high goals, but fail to allocate resources to achieve them. We believe that this practice is the most debilitating issue facing recovery plans.

While concerned departments often do their best it is frustrating to see plans sit on the shelf for want of money. In many cases we have seen that use of the Precautionary Principle becomes the DeFacto management tool for most recovery plans. This often

means that a few arbitrary rules are put in place, the plan then shelved and work begins on a new plan for another species or community.

The MAS is of the opinion that recovery plans must identify the resources set aside to enable the plan. Failure to set aside resources is merely planning to fail.

2. Linked to the non-implementation of plans through zero resource allocation is the concept of the Precautionary Principle DeFacto management. The Precautionary Principle was never designed to be the plan, but it is used increasingly so. Our view is that if the plan cannot be properly implemented then it should not be implemented. This approach will make it abundantly clear that we are “fair dinkum” and that we are moving away from plans that make us feel warm and fuzzy but achieve nothing to a regime of active implementation and management, our environment deserves it.
3. The MAS is also very concerned with aspects of the legislation which seem to be ill-considered and of limited value, they are:

- a. **Fisheries Management Act 1994 No 38**
Part 7A Threatened species conservation
s.220B Definitions

(1) In this Part:

harm means:

(a) in the case of fish—take, injure or otherwise harm the fish, or

(b) in the case of marine vegetation—gather, cut, pull up, destroy, poison, dig up, remove, injure or otherwise harm the marine vegetation, or any part of it,

but in any such case does not include harm by changing the habitat of the fish or marine vegetation.

It seems to the MAS that what most threatens the freshwater aquatic environment is the dramatic degradation of the environment. To have this aspect specifically excluded as harm is a real weakness and only serves to reinforce our belief that recreational fishing is being made the scapegoat for all the ills affecting the freshwater (and also saltwater) aquatic environment. It seems that the really big issues of dams, irrigation, pollution and erosion etc have been put in the too hard basket.

- b. Also under the same Act, ***threatening process*** means a process that threatens, or that may threaten, the survival or evolutionary development of species, populations or ecological communities of fish or marine vegetation.

The use of the term “may” seems to invite speculative reasoning and places it on the same level as scientific findings. Is it any wonder environmental scientists are constantly challenged when the legislation allows guess to equate to science?

- c. **Part 16 Listing criteria**

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- (1) It is observed, estimated, inferred or reasonably suspected that the species has undergone, or is likely to undergo, within a time frame appropriate to the life cycle and habitat characteristics of the taxon:
 - (a) for *critically endangered species*—an extremely large reduction in one or more of the following:
 - (i) an index of abundance appropriate to the taxon,
 - (ii) geographic distribution,
 - (iii) genetic diversity, or
 - (b) for *endangered species*—a very large reduction in one or more of the following:
 - (i) (etc) ...
 - (c) for *vulnerable species*—a large reduction in one or more of the following:
 - (i) (etc) ...
- (2) The Fisheries Scientific Committee must have regard to the following in determining the extent of the reduction referred to in subclause (1):
 - (m) the precautionary principle, namely, that if there are threats of serious or irreversible damage to the species, lack of full scientific certainty should not be used as a reason for postponing measures to prevent that damage, ...

Sub-sections (1) and (2) specifically both invite and mandate the use of speculation in what is supposed to be scientific process. We have mentioned the Precautionary Principle earlier and enough said. The problem with these provisions is that they can result in misapplication or even counter-productive application of resources, restrictions etc, being adverse to the species sought to be protected. Speculation is no substitute for reasonably reliable data and while governments and administrators have these speculative “get out of gaol cards” there is little incentive for them to fund the required research.

To illustrate this more the NSW Fisheries Scientific Committee has just released its proposal to list the Murray Crayfish (*Euastacus armatus*) as a vulnerable species.

http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0005/448088/Euastacus-armatus-proposed-determination-Sept-12.pdf

According to the proposal it is extremely doubtful that recreational fishing is a significant factor in the decline of the species. The proposal also notes that where fishing has been banned for the species they have failed to make any recovery. So the proposal leaves us with the impression that the decline of this species is probably habitat related, but as we have identified previously the continuance of this habitat degradation is not a harm to this (or any other)

species. Anglers are in no doubt that despite the evidence to the contrary all that will come out of this nomination will be a total ban on fishing for this species as the management tool to save it, the habitat issues will be left unfunded and ignored in the main. This proposed listing is based very much on a guess and a hunch, not much else.

- d. There is no scope for the Scientific Committee to point to priorities:
The highly prescriptive nature of the legislation does not permit prioritising conservation efforts, save as to its workload under s.220J. The Snowy River listing is a good example of this – less well-known but less modified and regulated rivers would provide more bang for the limited conservation buck and a more realistic likelihood of saving a number of ecological communities. Akin to this is the fact that there is also no scope for contemplation of competing interests between different species. It seems that this restriction is designed to foster the broad and wide-spread plan incapable of implementation rather than the localised and specific one which is more likely to succeed.

4. The MAS is also of the opinion that each recovery plan should also include features such as:
 - a. Sunset clauses – if the plan is not implemented or has not produced the goals stipulated it should be either cancelled or publicly reviewed, with the bias towards it being cancelled unless a clear commitment can be given to its proper implementation or achievement of the goals – this will encourage action rather than useless plans.
 - b. Each recovery plan must be reported on annually to the Parliament and that report released to the public. This report should detail the resources and funding devoted exclusively to the plan– this will ensure a level of scrutiny on the status of the plan, and
 - c. A right of review that is simple and efficient should be allowed. This review should be conducted if called for by an independent body.

Conclusion

Overall, the MAS is not particularly supportive of the current process and we look forward to significant changes in what is undoubtedly one of our most important environmental tools.

Yours sincerely

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