

## 9.7 Spearfishing Closures Review – Council submission to PIRSA

**Report contact**

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**Meeting**

Council

**Approving officer**

Julia Grant, Director Strategy and Engagement

**Date**

18 May 2021

### 1. Purpose

This report presents a draft submission in response to a letter from the Department for Primary Industries and Regions SA (PIRSA) regarding a review of spearfishing in the northern beaches of Onkaparinga. Given a response was due by 18 May 2021, an extension until 21 May 2021 has been negotiated to enable Council's consideration.

### 2. Recommendations

**That Council:**

- 1. Does not support spearfishing between O'Sullivan Beach and Onkaparinga's northern boundary.**
- 2. Approves the draft submission to Department for Primary Industries and Regions SA (PIRSA) on the Spearfishing Closures Review Options Paper, March 2021 (Attachment 3 to the agenda report).**
- 3. Writes to the Department of Primary Industries and Regions (PIRSA) in response to the Spearfishing Closures Review Options Paper March 2021 (Attachment 2 to the agenda report) identifying support for "Option 3 - no change to current spearfishing spatial restrictions".**
- 4. Requests PIRSA conduct an open community consultation if it wants to pursue the option of spearfishing along the metropolitan coast.**

### 3. Executive summary

PIRSA is undertaking a review of spatial closures to spearfishing along the Adelaide Metropolitan coastline and has approached City of Onkaparinga as a targeted stakeholder to seek our input.

Spearfishing is currently prohibited along the entire metropolitan coastline from Witton Bluff near Christies Beach to Outer Harbor in the north.

The review is seeking to permit spearfishing in two areas of the metropolitan coast:

- O'Sullivan Beach to Marino
- The southern side of the Outer Harbor Breakwater

The proposal would open the section of our coastline north of the O'Sullivan Beach boat ramp to spearfishing. The current exclusion zone of 100 metres from jetties, landings and wharves (including the adjacent foreshore area) will still apply within the area. The Port Stanvac sanctuary

zone would also remain a no take zone under the *Marine Parks Act 2007*, see maps in Attachment 2.

It is recommended that Council does not support the opening of this part of our coastline to spearfishing due to:

- the potential for public safety issues with spearfishing in high use areas.
- the high marine conservation values of the area and proximity to the Port Stanvac Sanctuary Zone.
- the difficulty in policing spearfishing near a Marine Sanctuary Zone.

## 4. Background

Community Plan 2030	<b>prosperity:</b> Our region's natural environment is thriving <i>We champion our environment, reinforcing its strengths, regenerating its losses and protecting its vulnerabilities.</i>
Policy and/or relevant legislation	Following this consultation, PIRSA may consider further public consultation for an amendment to the Fisheries Management (General) Regulations 2017. <i>Local Government Act 1999</i> – Clause 6 outlines the principal role of a council, which includes the need to 'to act as a representative, informed and responsible decision-maker in the interests of its community' and 'to represent the interests of its community to the wider community'.
Who did we talk to/who will we be talking to	Department for Primary Industries and Regions SA, Green Adelaide, The Nature Conservancy

## 5. Discussion

On 20 April 2021, Council received a letter and Options Paper from the Department of Primary Industries and Regions (PIRSA) seeking our input into a review of spearfishing along the metropolitan Adelaide coastline (Attachment 1). The review is being undertaken in response to a request from the Minister's Recreational Fishing Advisory Council to consider opening the lesser used parts of the metropolitan marine coast to spearfishing.

The proposed options presented by PIRSA are:

Option 1. O'Sullivan Beach to Marino plus the southern side of the Outer Harbor Breakwater

Option 2. O'Sullivan Beach to Marino

Option 3. No change to current spearfishing spatial restrictions.

This consultation is targeted at key stakeholders with the aim of gauging interest and concerns with the proposed options. The consultation is not a formal public consultation process and information on the review is not yet being publicly promoted by PIRSA e.g. through the South Australian government's YourSay platform.

After this initial review period, PIRSA will consider the feedback from targeted stakeholders and may decide to progress to further public consultation.

PIRSA has committed to ensuring that outcomes from the review must:

1. Provide recommendations that are simple, reasonable and enforceable e.g. in considering whether to allow spearfishing at certain times or limited areas.
2. Result from a thorough and transparent consultation process.
3. Produce recommendations that continue to provide safe and equitable use and access for all aquatic user groups and stakeholders.

The opening of spearfishing in Onkaparinga's northern beaches has the potential to:

- increase recreational fishing opportunities in parts of the City of Onkaparinga coastline.
- attract new and young spearfishers to the sport.
- impact local marine ecology through selective removal of certain species.
- present public safety hazards due to the use of spears and spearguns in a metropolitan area.

### **Area being considered**

The area proposed to be opened to spearfishing within City of Onkaparinga is divided by the Port Stanvac Sanctuary Zone, which will remain closed to spearfishing. This means that there are two distinct sites that would be open to spearfishing:

1. A small area 100m north of the O'Sullivan Beach boat ramp and south of the Port Stanvac Sanctuary Zone
2. The entire area north of the Port Stanvac Sanctuary Zone and south of the Onkaparinga/Marion boundary.

### **Recreational Fishing and Spearfishing**

Recreational fishing is an important aspect of social, cultural, and economic life in South Australia. Fishing can be an active sport that supports community wellbeing, food security and connection with nature. The area north of the O'Sullivan Beach Boat ramp is an area of interest to recreational fishers. Currently along our coastline fishing is primarily undertaken using fishing lines from boats, the Pt Noarlunga jetty, and shore-based fishing.

Spearfishing is currently prohibited along the whole metropolitan coastline from Witton Bluff in the south to Outer Harbor in the north. According to the Options Paper, the ban was established *"to allow safe access to metropolitan coastal areas for all marine users"*.

Spearfishing is generally seen as a sustainable form of recreational fishing since it has no by-catch, limited litter or waste, small catch sizes and an ability to target certain species or sizes of fish.

Council has not previously received information on the level of interest in spearfishing along our coast or the potential benefits for our community.

The Options Paper highlights demand from less experienced and junior spearfishers that are required to drive 1 hour north or south of the CBD to areas outside of the ban or dive in waters 600m off shore, which are deeper and suited to more experienced divers. As stated in the paper, *"For junior spearfishers, the metropolitan closures restrict access and, as a result, participation in recreational spearfishing is affected"*.

## Public safety

The reason identified by PIRSA for the current ban on spearfishing in the metropolitan area relates to public safety. General safety hazards with spearfishing can include:

- accidental injury from spears and spear guns.
- being hit by a boat (spearfishers can be hard to see by boaters).
- blackouts when holding breath (spearfishers must 'free-dive' - PIRSA regulations prevent use of scuba).
- sharks – that are attracted to the fish being caught.

The Options Paper proposes to *"retain spearfishing closures in popular metropolitan coast swimming beaches, however, open the lesser used parts of the metropolitan marine coast to spearfishing."*

The area north of the O'Sullivan Beach boat ramp and south of the Port Stanvac Sanctuary Zone is a popular beach that receives a high level of recreational use by boaters, kayakers, tourists, divers and snorkellers. Additionally, Council is partnering with The Nature Conservancy and Department for Environment and Water on a reef restoration project that may be located at O'Sullivan Beach which would further increase public use of the site.

The former Port Stanvac oil refinery site north of the Port Stanvac Sanctuary Zone is currently being remediated by the State Government and is only accessible via a walking path. There is a lack of clarity about the state government's plan for the site in future and it would be prudent for the state government to confirm the plans for the area, and any potential impacts upon levels of use, before committing to spearfishing at this location.

Potential public safety hazards that could be of concern to Council include:

- accidental injury when accessing the coast e.g. via the coastal walkway North of the Port Stanvac Sanctuary Zone (CoastPark is not scheduled to be completed for this area until after 2030).
- accidental spearing of someone snorkelling or swimming in the water.
- accidental spearing of a member of the public when setting up equipment e.g. at the O'Sullivan Beach Boat Ramp.

A [Spearfishing Code of Conduct](#) developed by the Australian Underwater Federation highlights spearfishing risks and how they should be managed. There is also a national [Spear Safe](#) initiative that supports educating people around spearfishing safety. These initiatives recognise the need for education and awareness of safety hazards in spearfishing.

There is no registration or government licensing for spearfishing guns or equipment in South Australia. Whilst not recommended in the above guidelines, there are no laws (including Council by-laws) that prevent loaded spearguns and equipment being carried in public areas.

The Options Paper highlights that demand for spearfishing is from new and inexperienced spearfishers. It is possible that awareness of safety hazards and sporting guidelines may not be as high in this group which also has the potential to increase public safety risks.

## **Access and enforcement within the proposed location**

### **Access**

The Options Paper aims to: *"allow for more equitable access to fishers."* The small area north of the O'Sullivan Beach ramp is the only proposed Onkaparinga location that would be readily accessible to spearfishers. However, this high-use site is subject to public safety concerns (outlined above) and is therefore unlikely to be suitable for spearfishing.

The Port Stanvac Sanctuary Zone to the north is not open to spearfishing and the area further north of the Sanctuary Zone has limited public access, except via a walking track. It is therefore questionable as to whether opening this area delivers substantially improved access to spearfishing.

### **Enforcement**

One of the review's stated goals is to *"provide recommendations that are simple, reasonable and enforceable."*

The Options Paper does not demonstrate how PIRSA plans to enforce public safety in the high use area north of the boat ramp, or how it will communicate and enforce the different rules for the different zones in a way that people can understand and adhere to.

Allowing spearfishing directly adjacent to both sides of the Port Stanvac Sanctuary Zone presents potential policing challenges, particularly because spearfishers cannot be seen from above the water in the same way that boat fishers can.

## **Marine Biodiversity and Protection**

Onkaparinga's northern beaches are rocky reef environments with high marine biodiversity that includes fish, invertebrates and macroalgae. The location is considered as regionally significant due to the mixture of habitat types and inshore low-profile reefs. Past surveys by marine biologists for the State Government have identified the area as a 'hot spot' for species richness.

In the most recent review of Encounter Bay Marine Park, the Stanvac Reef was added as a no-take Sanctuary Zone.

There are several fish species considered by marine experts to be of "conservation concern" that occur in the macro-algae reef environment off the City of Onkaparinga coastline. These include iconic species such as Blue Devils, Dusky Morwong, Long-snouted Boarfish, several Leatherjacket species, juvenile Blue Groper and Harlequin Fish. There are also occasional sightings of Leafy Sea Dragons.

Spearfishing is known to increase pressure on the marine environment through the selective targeting of certain species.

The Options Paper includes a table that lists potential species targeted by spearfishers. In this table there are several species listed as "undefined" in the "stock status". The stock status is based on the [Status of Australian Fish Stocks Reports](#). Several of these species listed as "undefined" are also described as being of "conservation concern" in the local publication " Reef Fishes of Conservation Concern in South Australia -A Field Guide." Species in this list known to occur in the area under consideration include:

- Dusky Morwong
- Blue-throated Wrasse
- Banded Sweep
- Long-snouted Boarfish
- Leatherjacket

Other species of conservation concern that may also be present but not on the "target species" list in the Options Paper include Harlequin Fish and Blue Devils. Harlequin Fish are also known to be caught by spearfishers.

Regulations on the size and number of fish caught in South Australia are established and enforced by PIRSA in order to manage fish stocks for industry and the community.

The precise impact of spearfishing on species of "conservation concern" within the areas proposed to be opened is not known. However, given the density of the human population in this area and fact it would become one of the primary locations on the metropolitan coastline for spearfishing, there is potential for exploitation of certain species.

### **Community Interest**

As described above, recreational line fishing is a popular activity along the Onkaparinga coastline offering many benefits to the local community however the demand for spearfishing is unknown and a broader approach to consultation is recommended.

Interest in nature-based tourism events and marine-based tourism is continuing to grow. Council partners with Experiencing Marine Sanctuaries to provide community snorkelling activities to promote care of our marine environment. Events are hosted at O'Sullivan Beach, Port Noarlunga, Port Willunga and Aldinga and are capped at 75 people. Every event is sold out with a waiting list, and O'Sullivan Beach is a popular location because of its proximity to the Port Stanvac Sanctuary Zone.

Council also delivers the popular community wellbeing program Fish Feeders and partners with Reef Watch to undertake intertidal monitoring.

### **Conclusion**

It is recommended that Council does not support spearfishing along the northern beaches of Onkaparinga due to:

- the potential increased public safety risks with the introduction of spearfishing in a populated area, particularly with the likely higher proportion of junior and inexperienced spearfishers.
- the increasing trend in nature-based tourism activities such as snorkelling and diving meaning more people are active in the water.
- the challenges of policing spearfishing near a marine sanctuary zone and reef restoration project.
- the high conservation value of the marine environment.

It is therefore recommended that Council responds to the PIRSA Spearfishing Closures Review Options Paper March 2021 (Attachment 2) with a preference for "Option 3 - no change to current spearfishing spatial restrictions".

In Council's response back to PIRSA it is also recommended that PIRSA should:

- Conduct broader public consultation should the matter be progressed further
- Demonstrate how public safety will be enforced in areas that are opened to spearfishing
- Explain how it will communicate and enforce the different rules for the different zones in a way that people can understand and adhere to.

## 6. Financial implications

There are no direct financial implications as a result of providing a submission.

## 7. Risk and opportunity management

Risk	
Identify	Mitigation
Reputation/community expectation	Advocating that PIRSA conduct broader public consultation should the matter be progressed further.
Community Safety	Seeking for PIRSA to demonstrate how public safety will be enforced in areas that are opened to spearfishing.
Environment	Referring to research that shows the impacts from spearfishing in the submission.

Opportunity	
Identify	Maximising the opportunity
Negotiating outcomes that support the needs of our community and environment	Participating in the review process and supporting any future community engagement.

## 8. Next steps

Council staff will continue to liaise with PIRSA about the outcomes of the review processes.

## 9. Attachments

Attachment 1 – Letter from PIRSA and Spearfishing Closures Review Options Paper (25 pages)

Attachment 2 – Maps of proposed spearfishing zone and existing Port Stanvac Sanctuary Zone (2 pages)

Attachment 3 – Response to PIRSA (4 pages)

- END OF REPORT -

**From:** PIRSA:Feedback  
**Sent:** Tue, 20 Apr 2021 15:09:01 +0930  
**To:** PIRSA:Feedback  
**Subject:** Request for feedback  
**Attachments:** ED Letter of invite to Stakeholders.pdf, Spearfishing Closures Review Paper March 2021 Appendices combined.pdf, Consultation feedback form.docx

**OFFICIAL**

Dear Stakeholder,

Please find attached letter from the Executive Director of Fisheries and Aquaculture inviting your organisation to provide feedback on the review of spearfishing closures along metropolitan Adelaide. The options paper has been attached for your consideration and the feedback form, that includes instructions to submit your preferred option and feedback, is additionally attached.

If you have any questions, please contact [PIRSA.feedback@sa.gov.au](mailto:PIRSA.feedback@sa.gov.au) or alternatively, call (08) 8207 5333.

Kind Regards,

PIRSA Fisheries Policy and Management





Objective ID: A4809110

20 April 2021

**FISHERIES & AQUACULTURE**

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Dear Stakeholder Group

The Department of Primary Industries and Regions (PIRSA) is currently undertaking a review of spatial closures to spearfishing along the Adelaide metropolitan coastline.

The review is being undertaken in response to a request from the Minister's Recreational Fishing Advisory Council (MRFAC) to consider opening the lesser used parts of the metropolitan marine coast to spearfishing. The request proposed spearfishing be permitted between Marino Rocks and O'Sullivan's Beach, and the southern side of the Outer Harbor breakwater.

It is proposed that spearfishing closures in popular metropolitan coast swimming beaches (Outer Harbor to Seacliff inclusive) be retained.

As part of the review process PIRSA is seeking submissions on a Spearfishing Closures Review Options Paper which is attached for your reference. A feedback form has been provided to assist in providing feedback which can be sent to [PIRSA.Feedback@sa.gov.au](mailto:PIRSA.Feedback@sa.gov.au). Submissions can be written directly onto the form to assist in providing submissions easily via email.

Submissions on the paper will close at 5.00 pm on 30 April 2021.

If you have any enquiries relating to this matter, please contact Ms Skye Barrett, Recreational Fishing Manager on telephone 08 8429 0844.

Thank you for taking the time to consider participating in this review.

Yours sincerely

Prof Gavin Begg  
**EXECUTIVE DIRECTOR**  
**FISHERIES AND AQUACULTURE**

## **Spearfishing Closures Review Options Paper**

**March 2021**

# Spearfishing Closures Review Options Paper

Information current as of March 2021  
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# Introduction

## Recreational fishing in South Australia

As defined in the *Fisheries Management Act 2007* (the 'Act'), recreational fishing means fishing other than commercial fishing or Aboriginal traditional fishing. A recent definition of recreational fishing is "fishing activities undertaken either for personal consumption or for fun, sport, thrill of the catch or social bonding (Arlinghaus et al. 2010). This definition highlights the social aspect of fishing, whereby increasing numbers of recreational fishers seek to enjoy the total fishing experience in addition to catching fish.

South Australia's fishery resources are a community owned public resource. The State Government, as custodians of these fisheries resources, has a fundamental role to protect, manage, use and develop the aquatic resources of the State in a manner that is consistent with ecologically sustainable development and object to foster recreational and commercial fishing activities for the benefit of the whole community

Recreational fishing is an important aspect of social, cultural, and economic life in South Australia. Recreational fishing is a popular leisure activity in South Australia, with over 277,000 South Australian residents aged five years or older participating, equalling to approximately 18% of the State's total population (Giri and Hall 2015). Fishing activities also generate valuable social returns, particularly in regional communities. For several coastal regions, more than one in every three residents went recreational fishing in the period 2007/08 and 2013/14 (Jones 2009; Giri and Hall 2015).

Recreational fishing is undertaken in coastal habitats and most freshwater habitats in South Australia. The majority of total recreational fishing effort occurs in marine waters, including estuaries, and inshore and offshore waters with freshwater environments only accounting for a small amount of fishing effort (Jones 2009; Giri and Hall 2015). The Spencer Gulf and Gulf St. Vincent are where most of the recreational fishing activity takes place in South Australia.

## Recreational fishing and legislation

Recreational fishing across South Australia is regulated by the Act and the *Fisheries Management (General) Regulations 2017* (the 'Regulations').

The Act acknowledges the importance of recreational fishing to South Australia. The Act:

- Requires that access to the aquatic resources of the State is allocated between users of the resources in a manner that achieves optimum utilisation and equitable distribution of those resources to the benefit of the community
- Requires that management decisions are made that 'foster' recreational fishing for the benefit of the whole community

- Provides for a management plan to be developed for recreational fishing ([https://pir.sa.gov.au/data/assets/pdf\\_file/0003/296490/2020\\_Recreational\\_Fishing\\_Management\\_Plan.pdf](https://pir.sa.gov.au/data/assets/pdf_file/0003/296490/2020_Recreational_Fishing_Management_Plan.pdf))

The recreational fishery is not licensed but is subject to a range of regulatory restrictions implemented through input and output controls. These controls include:

- Input Controls
  - Types of permitted fishing gear
  - Temporal closures
  - Spatial closures
  - Complete and partial protection of species
- Outputs Controls
  - Size limits
  - Daily bag limits
  - Boat limits (for when three person or more are present on a boat)
  - Possession limits

## **Fishing with a hand spear or spear gun in South Australia**

There are several restrictions currently in place specifically related to fishing with a hand spear or spear gun devices in South Australia. These restrictions include:

- Use of fish spears and spear guns while using underwater breathing apparatus including hookah and SCUBA is prohibited.
- It is an offence to take or attempt to take rock lobster with a spear gun or any other pointed instrument.
- Divers are not allowed to carry a hand spear or spear gun that uses an explosive cartridge.
- Devices that operate with an explosive cartridge can be used for protection only. They cannot be attached to a fish spear or spear gun. Any fish injured or killed with the device must be left in the water.
- Powerheads can be carried but must not be used for fishing.

Ref:

[https://pir.sa.gov.au/fishing/fishing\\_gear/permitted\\_devices/devices/fish\\_spear\\_or\\_hand\\_spear](https://pir.sa.gov.au/fishing/fishing_gear/permitted_devices/devices/fish_spear_or_hand_spear)

## **Spatial Closures**

Spatial closures are also in place under current management arrangements. Fishing with a spear or spear gun is not permitted:

- Within 200 m of the Hindmarsh River and Inman River mouths.
- In the Gulf St. Vincent up to 600 m offshore from the high-water mark between the southernmost breakwater at Outer Harbor and Witton Bluff (Appendix 1).
- Within 100 m of jetties, landings, wharves (incl adjacent foreshore areas).
- The waters of Second Valley (Appendix 2).

## Relevant Legislation

Fisheries Management Act 2007 -

<https://www.legislation.sa.gov.au/LZ/C/A/FISHERIES%20MANAGEMENT%20ACT%202007/CURRENT/2007.4.AUTH.PDF>

Fisheries Management (General) Regulations 2017 -

[https://www.legislation.sa.gov.au/LZ/C/R/FISHERIES%20MANAGEMENT%20\(GENERAL\)%20REGULATIONS%202017/CURRENT/2017.226.AUTH.PDF](https://www.legislation.sa.gov.au/LZ/C/R/FISHERIES%20MANAGEMENT%20(GENERAL)%20REGULATIONS%202017/CURRENT/2017.226.AUTH.PDF)

A summary specifying the relevant regulations can be found at Appendix 3.

## Background on the issue

### Spearfishing Spatial Closures

The current spatial closures for spearfishing in South Australia were based on historical decisions aiming to allow safe access to metropolitan coastal areas for all marine users.

With the current closures in place, spearfishers who live in the metropolitan area either need to have access to a boat to be able to fish more than 600 m offshore, which is deep water and best suited to experienced divers, or alternatively, fishers must drive up to 1 hr south or north outside of the current metropolitan coastline restrictions.

As a physically demanding fishing activity, spearfishers foster fishing as an integral healthy outdoor option. For junior spearfishers, the metropolitan closures restrict access and, as a result, participation in recreational spearfishing is affected.

### Proposal

It is proposed to retain spearfishing closures in popular metropolitan coast swimming beaches (Outer Harbor to Seacliff), however, open the lesser used parts of the metropolitan marine coast to spearfishing to allow for more equitable access to fishers.

Specifically, shore-based entry access between Marino Rocks and O'Sullivan's Beach, in addition to access to the southern side of the Outer Harbor breakwater.

The approximate coordinates of the proposed areas are as follows:

Outer Harbor Southern Breakwater: All water north of a line extending from landpoint 34°47'04" S, 138°28'39" E out to the corresponding 600m mark of the breakwater.

Marino to O'Sullivan's: All waters between the two landmarks, 35°02'21" S, 138°30'53" E (Kingston Park/Marino) and 35°07'04.8" S, 138°28'07.5" E out to the corresponding 600m mark.

## Target Species

There are a variety of species that are targeted by persons who participate in spearfishing in South Australia. Likely species that would be targeted through spearfishing activities if the proposed spatial closures were removed would include:

Species Common Name	Species Scientific Name	Stock Status*
Southern Calamari	<i>Sepioteuthis australis</i>	Sustainable
King George Whiting	<i>Sillaginodes punctatus</i>	Sustainable
Yellowfin Whiting	<i>Sillago schomburgkii</i>	Sustainable
Blue Spotted Flathead	<i>Platycephalus caeruleopunctatus</i>	Sustainable
Black Bream	<i>Acanthopagrus butcheri</i>	Sustainable
Silver Trevally	<i>Pseudocaranx georgianus</i>	Undefined
Yelloweye Mullet	<i>Aldrichetta forsteri</i>	Sustainable
Australian Salmon	<i>Arripis trutta/truttaceus</i>	Sustainable
Dusky Morwong	<i>Dactylophora nigricans</i>	Undefined
Bluethroat Wrasse	<i>Notolabrus tetricus</i>	Sustainable
Sweep Spp	<i>Scorpius aequipinnis/georgiana</i>	Undefined
Longsnout Boarfish	<i>Pentaceropsis recuvirostris</i>	Undefined
Leatherjacket Spp	<i>Meuschenia freycineti/hippocrepis</i>	Undefined
Zebrafish	<i>Girella zebra</i>	Undefined
Red Mullet	<i>Upeneichthys vlamingii</i>	Undefined
Magpie Perch	<i>Pseudogoniistius nigripes</i>	Undefined
Moonlighter	<i>Tilodon sexfasciatus</i>	Undefined
Silver Drummer	<i>Kyphosus sydneyanus</i>	Undefined

\* Stock Classifications based on the Status of Australian Fish Stock (SAFS) at [www.fish.gov.au](http://www.fish.gov.au)

The majority of the species likely to be targeted are either classed as sustainable or undefined. Spearfishing is a very targeted method of fishing and labour intensive which prevents large numbers of people participating in the activity and limits the amount of fish taken. As a result, the opening of any of the areas proposed in the options outlined in this paper would be expected to have a negligible impact to the status of the stocks targeted.

## Encounter Marine Park

The area adjacent to the old Port Stanvac oil refinery, between Marino and O'Sullivan's, has been a marine exclusion zone for more than 50 years, to protect and conserve the biodiversity of the local region.

The Department for Environment and Water (DEW) recently undertook a review of South Australian Marine Parks. As a part of the review, a proposal was made to create a new sanctuary zone at Port Stanvac to protect the unique intertidal reef environment.

In December 2020, the Minister for Environment and Water, approved the extension of the northern boundary to create the new sanctuary zone at Port Stanvac. Under the



*Marine Parks Act 2008* sanctuary zones are 'no take' areas, meaning that you cannot collect, fish or use fishing gear in them.

## Next Steps of the Review

Information collected through the internal and external stakeholder consultation processes will be compiled, and recommendations made upon the basis of the feedback. Dependent on the recommended option determined through the review process, amendments to the relevant regulations (Appendix 3) outlined in the *Fisheries Management (General) Regulations 2017* may be proposed.

Outcomes from the review must:

- Provide recommendations that are simple, reasonable and enforceable.
- Result from a thorough and transparent consultation process
- Produce recommendations that continue to provide safe and equitable use and access for all aquatic user groups and stakeholders.

The final outcomes of the review will be communicated through the Department of Primary Industries and Regions (PIRSA) and the MRFAC.

## Proposed Management Options

### 1. Option 1

Allow shore-based and vessel entry access between Marino Rocks and O'Sullivan's Beach, in addition to access to the southern side of the Outer Harbor breakwater consistent with the coordinates proposed and provided (Appendix 5). The current 100 metre jetties, landings and wharves (including the adjacent foreshore area) exclusion zone will still apply within the area. Consistent with the *Marine Parks Act 2007* the Port Stanvac sanctuary zone (SZ12) will remain a no take zone.

### 2. Option 2

Allow shore-based and vessel entry access between Marino Rocks and O'Sullivan's Beach only consistent with the coordinates proposed (Appendix 5). The current 100 metre jetties, landings and wharves (including the adjacent foreshore area) exclusion zone will still apply within the area. Consistent with the *Marine Parks Act 2007* the Port Stanvac sanctuary zone (SZ12) will remain a no take zone. This will not include access to the southern side of the Outer Harbor breakwater.

### 3. Option 3

No change to current spearfishing spatial restrictions.

## References

Arlinghaus R., Cooke S.J. and Cowx I.G. (2010). Providing context to the global code of practice for recreational fisheries, *Fisheries Management and Ecology*. 17:146-156.

Giri, K and Hall, K. (2015) *South Australian Recreational Fishing Survey 2013/14*, Fisheries Victoria Internal Report Series No. 62, Victorian Government, Department of Economic Development, Jobs, Transport and Resources.

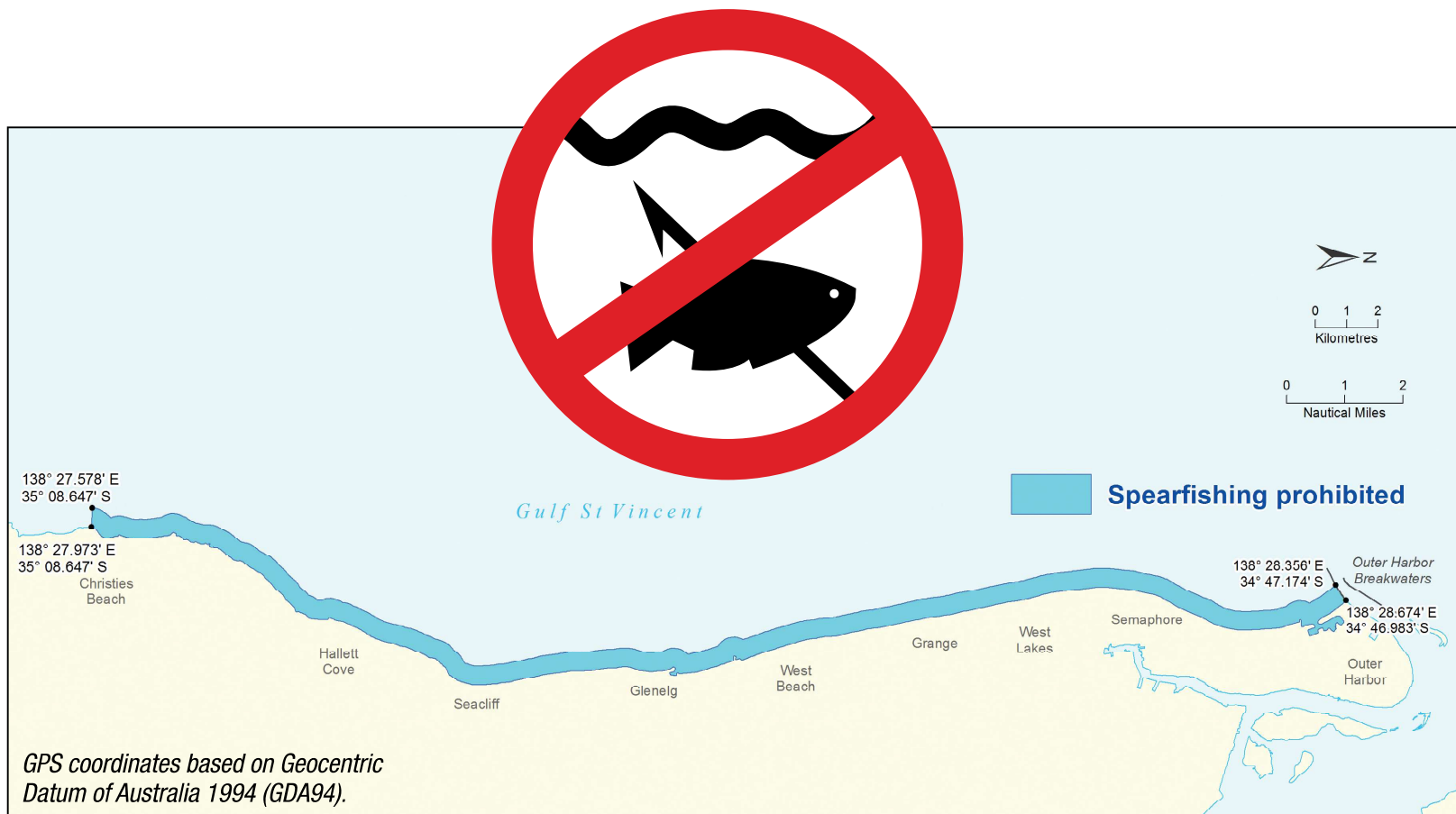
Jones, K (2009). *2007/08 South Australian Recreational Fishing Survey*. The South Australian Fisheries Management Series Paper 54, 84p. Primary Industries and Regions South Australia.

## Appendix

1. Map of Gulf St Vincent spearfishing spatial closure
2. Map of Second Valley spearfishing spatial closure
3. Spearfishing, hand spear and spear gun regulations summary report
4. Map of areas that have been requested to allow access to Spearfishing
5. Map of Encounter Bay Marine Park Port Stanvac Sanctuary Zone



# Spearfishing Prohibited



**For the safety of all water users, the use of spears or spear guns is prohibited in the marked waters. The area includes all waters within 600 metres of the high water mark between the southern Outer Harbor breakwater and Witton Bluff (see map).**

In South Australian waters, the use of a hand fish spear or spear gun is also prohibited:

- ✗ Within 100 metres of any jetty, landing or wharf
- ✗ While using underwater breathing apparatus such as hookah or SCUBA

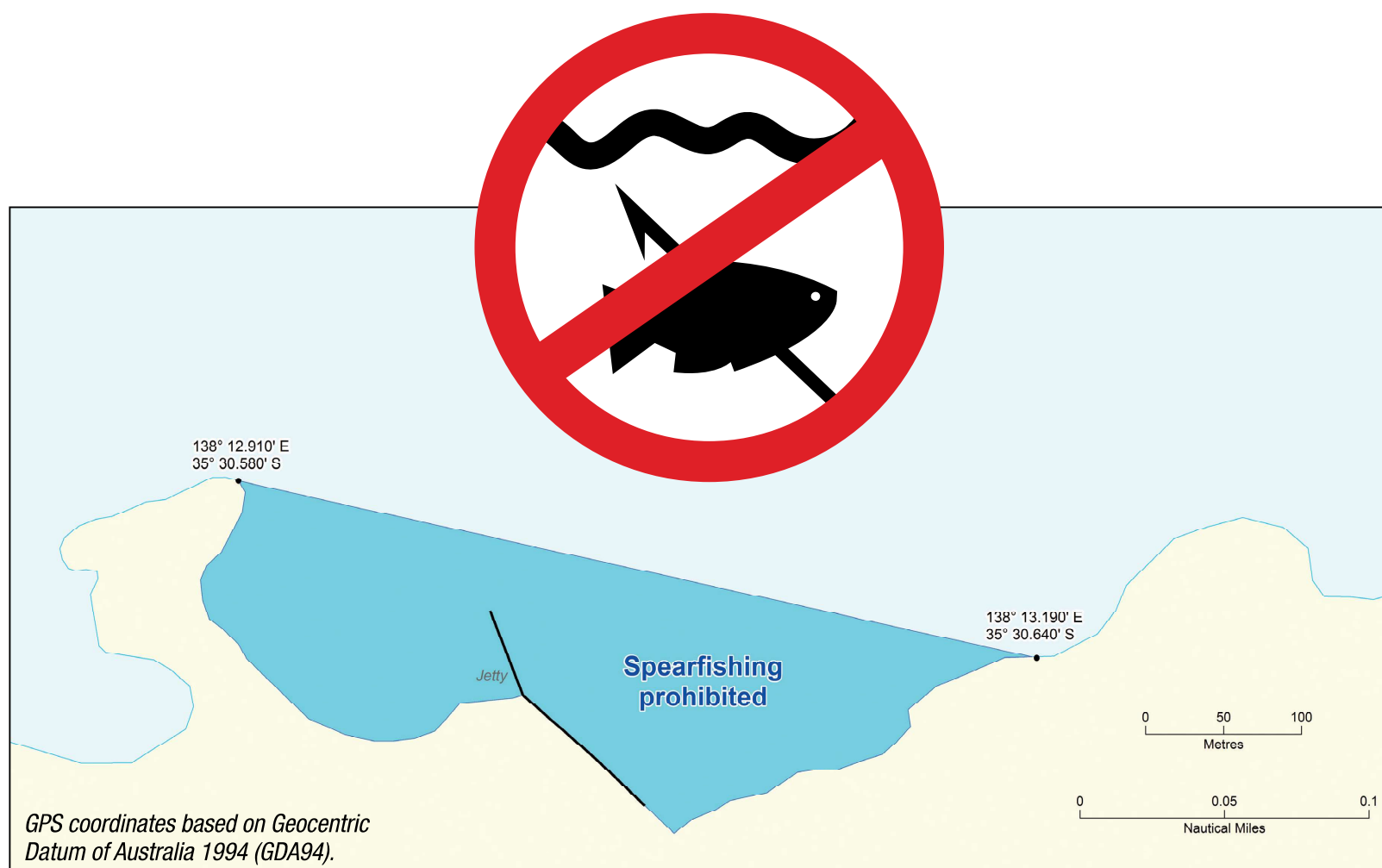
It is also an offence to target or take Rock Lobster with a spear or any other pointed instrument in South Australia.

**Maximum penalty of \$20,000 applies.**

For more information visit:  
[www.pir.sa.gov.au/fishing](http://www.pir.sa.gov.au/fishing)  
or download the free SA  
Recreational Fishing Guide app



# Spearfishing Prohibited



For the safety of all water users, the use of a spear or spear gun is prohibited within the marked waters of Second Valley (see map).

**In South Australian waters, the use of a hand fish spear or spear gun is also prohibited:**

- ✗ Within 100 metres of any jetty, landing or wharf
- ✗ While using underwater breathing apparatus such as hookah or SCUBA

It is also an offence to target or take Rock Lobster with a spear or any other pointed instrument in South Australia.

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## **Spearfishing, hand spear and spear gun regulations - Summary report**

# **Spearfishing, hand spear and spear gun regulations – Summary report**

Information current as of February 2021  
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## **All Enquiries**

Fisheries and Aquaculture  
Primary Industries and Regions SA (PIRSA)  
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GPO Box 1671, Adelaide SA 5001  
T 08 8207 5333  
E [PIRSA.Feedback@sa.gov.au](mailto:PIRSA.Feedback@sa.gov.au)

# Introduction

The current closures for spear fishing in South Australia were based on allowing safe access to metropolitan coastal areas for numerous water user stakeholder groups. The information available in relation to the safety of multiple marine water user stakeholder groups, and their impact on one another, is limited.

It is proposed to retain spear fishing closures in popular metropolitan coast swimming beaches (Outer Harbour to Seacliff), however, open the lesser used parts of the metropolitan marine coast to spear fishing to allow for safe and more equitable access to fishers. Specifically, shore-based entry access between Marino Rocks and O'Sullivan's Beach, in addition to access to the southern side of the Outer Harbour breakwater.

The objective of this summary report is to outline specific references to current spearfishing, hand spear and spear gun regulations contained in the *Fisheries Management (General) Regulations 2017* (the 'Regulations').

## 3 - Interpretation

**hand fish spear** means a fish spear propelled by human power without the use of any explosive, spring, elastic material or mechanism; - **Page 4**

**spear gun** means a device for spearing fish consisting of a spear and an apparatus for discharging the spear by means of explosive, spring or elastic material or other mechanical means; - **Page 8**

## 14 – Carriage of explosive devices in specified areas

(1) A person must not carry a hand fish spear, spear gun or device that operates by means of an explosive cartridge in an area specified in Schedule 10.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) It is a defence to a charge of an offence against subregulation (1) to prove that the defendant was carrying the spear, spear gun or device only for the purpose of transporting it across the area. – **Page 16**



## 15 - Carriage of certain devices while using scuba etc

(1) Subject to subregulation (2), a person must not, while using a scuba, hookah or other apparatus for breathing underwater, carry a hand fish spear, spear gun or device that operates by means of an explosive cartridge.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) A person may, while using a scuba, hookah or other apparatus for breathing underwater, carry a device that operates by means of an explosive cartridge if—

- (a) the device is not attached to a hand fish spear or spear gun; and
- (b) the device is carried only for protection; and
- (c) any fish that is injured or killed is left in the water.

(3) Subregulation (2) does not permit the carrying of a device in an aquatic reserve or an area specified in Schedule 10. – **Page 16**

## Schedule 1

### Permitted Devices

Hand fish spear  
Spear gun

## Division 2 – Use of more than permitted number of devices

### 43 – Use of more than permitted number of devices in coastal waters

- (1) The taking of fish by an unlicensed person in coastal waters by using—
- (a) 2 or more hand nets at the same time; or
  - (b) 2 or more mussel dredges at the same time; or
  - (c) 3 or more rock lobster pots at the same time; or
  - (d) 3 or more spear guns at the same time; or
  - (e) 4 or more drop nets at the same time; or
  - (f) 4 or more hoop nets at the same time.

(2) The taking of fish by an unlicensed person in coastal waters by using, at any 1 time, a combination of the different kinds of devices referred to in the table below if the combination consists of or includes—

- (a) more than 2 kinds of the different kinds of devices referred to in column 1 of the table; or
- (b) more than 1 kind of the different kinds of devices referred to in column 2 of the table.

Column 1	Column 2
Hand net	Drop net
Mussel dredge	Hoop net
Spear gun	Rock lobster pot

(3) This clause does not apply to the taking of fish (other than rock lobster) in coastal waters by an unlicensed person by using not more than 10 hoop nets and not less than 4 hoop nets. – **Pages 12 & 13**

## 77 – Use of pointed device to take rock lobster

The taking of rock lobster in the waters of the State by using a fish spear, hand fish spear, spear gun or other pointed device. – **Page 28**

## 104 – Use of certain devices near artificial reefs

(1) The taking of fish using a fish net, fish trap, hand fish spear, speargun or long line within 0.5 of a nautical mile from any of the artificial reefs specified in the table below.

Location	Artificial reef	Latitude (South)	Longitude (East)
Ardrossan	Dredge	34°31'48.00"	138°03'35.99"
Giles Point	Tyre module	35°03'00.00"	137°47'23.98"
Glenelg	Dredge	34°58'48.00"	138°26'24.01"
Glenelg	Sunken barge	34°58'48.00"	138°26'24.01"
Glenelg	Tyre module	34°58'48.00"	138°26'24.01"
Grange	Tyre module	34°55'11.99"	138°23'59.98"

Kingscote, Kangaroo Island	Tyre module	35°41'24.00"	137°40'11.99"
Port Augusta	Tyre module	32°40'11.99"	137°45'35.98"
Port Broughton	Car bodies	33°33'00.00"	137°51'36.00"
Port Germein	Pipes	33°03'36.00"	138°00'00.00"
Port Lincoln	Sunken vessel	34°40'48.00"	135°52'11.98"
Port Neill	Sunken vessel	34°06'36.00"	136°22'48.02"
Port Noarlunga	Tyre module	35°09'00.01"	138°26'24.01"
Port Pirie	Tyre module	33°05'24.00"	137°54'36.01"
Streaky Bay	Tyre module		
Wallaroo	Tyre module	33°51'36.00"	137°34'12.03"
Whyalla	Tyre module	32°58'12.00"	137°46'48.00"
Whyalla	Tyre module	33°00'00.00"	137°47'23.98"
Whyalla	Tyre module	33°06'36.00"	137°36'36.00"

(2) The taking of fish by any person within 930 metres from the artificial reef known as Fleurieu Reef, 35°28'09.00" South, 138°09'05.00" East. – **Pages 35 and 36**











# Spearfishing closure review consultation

The Department of Primary Industries and Regions (PIRSA) has developed an options paper to consider possible changes to spearfishing access along the metropolitan coast.

Please review the options paper and provide feedback via email to [PIRSA.feedback@sa.gov.au](mailto:PIRSA.feedback@sa.gov.au)

Consultation closes at 5.00 pm on Tuesday 18 May 2021.

**Organisation:**

**Contact person:**

**Contact email:**

**Which option do you support? (select one option only)**

- ☐ Option 1
- ☐ Option 2
- ☐ Option 3
- ☐ None of the above

**Do you have any comments on the spearfishing options paper?**

*Start writing here...*

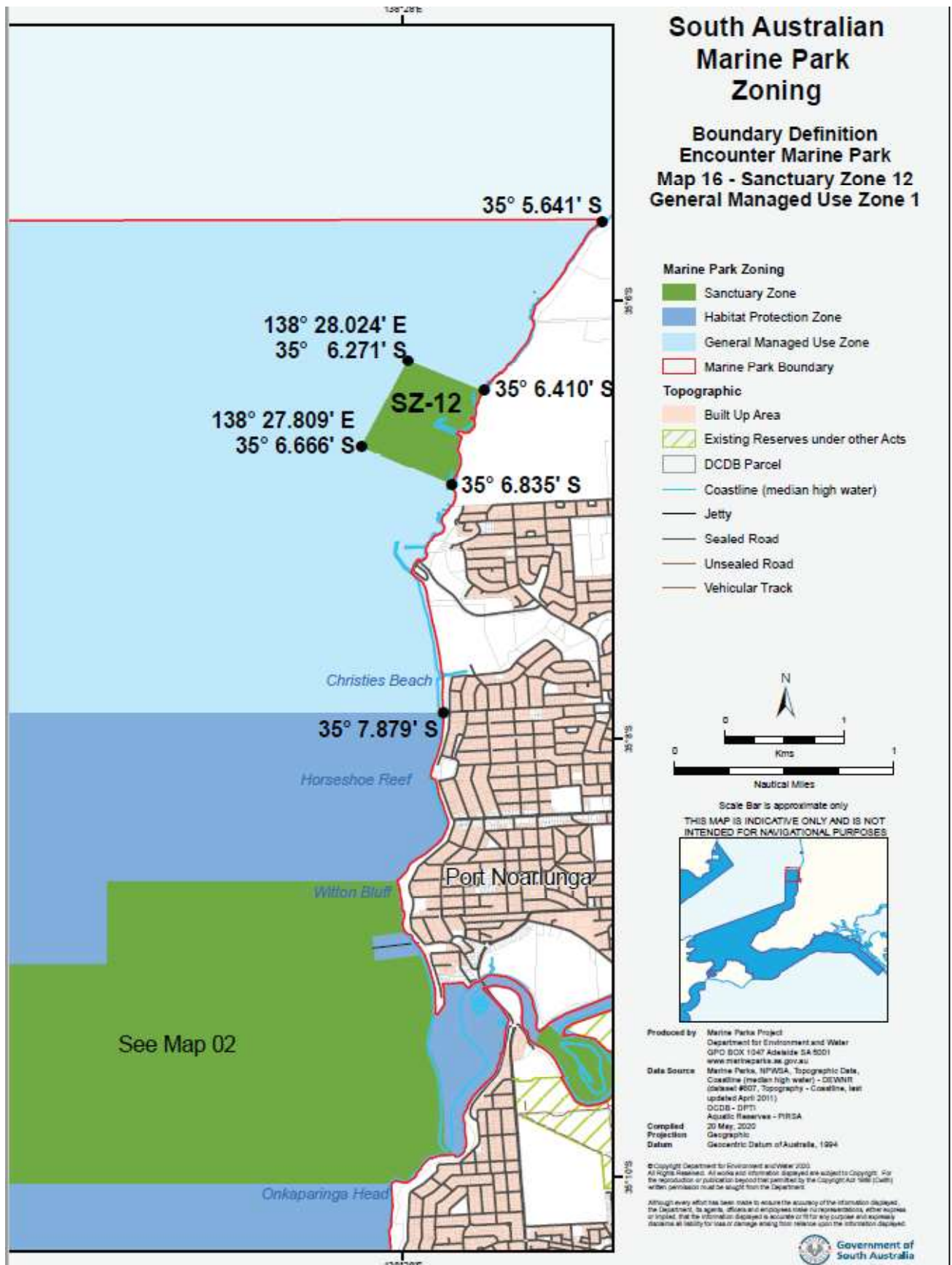




Proposed spearfishing zone



Map of existing Pt Stanvac Sanctuary Zone



# Spearfishing closure review consultation

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Please review the options paper and provide feedback via email to [PIRSA.feedback@sa.gov.au](mailto:PIRSA.feedback@sa.gov.au)

Consultation closes at 5.00 pm on Tuesday 18 May 2021.

**Organisation:** City of Onkaparinga

**Contact person:** Nina Keath, Senior Strategic Planner

**Contact email:** [nina.keath@onkaparinga.sa.gov.au](mailto:nina.keath@onkaparinga.sa.gov.au)

**Which option do you support? (select one option only)**

- ☐ Option 1
- ☐ Option 2
- ☒ Option 3
- ☐ None of the above

**Do you have any comments on the spearfishing options paper?**

PIRSA's Spearfishing Closures Review Options Paper was considered at Council's 18 May Council Meeting.

It was resolved that Council:

- 1. Does not support spearfishing between O'Sullivan Beach and Onkaparinga's northern boundary.*



2. *Approves the draft submission to PIRSA on the Spearfishing Closures Review Options Paper, March 2021.*
3. *Writes to the Department of Primary Industries and Regions (PIRSA) in response to the Spearfishing Closures Review Options Paper March 2021 identifying support for "Option 3 - no change to current spearfishing spatial restrictions".*
4. *Requests PIRSA conduct an open community consultation if it wants to pursue the option of spearfishing along the metropolitan coast.*

Council has endorsed a recommendation for "Option 3 - no change to current spearfishing spatial restrictions". Our position was based on:

- The potential increased public safety risks with the introduction of spearfishing in a populated area, particularly with the likely higher proportion of junior and inexperienced spearfishers.
- The increasing trend in nature-based tourism activities such as snorkelling and diving including the area north of O'Sullivan's Beach resulting in more people being active in the water.
- The challenges of policing spearfishing near a marine sanctuary zone and a potential artificial reef restoration project.
- The high conservation value of the marine environment.

If the proposed spearfishing zone progresses further it is recommended that PIRSA:

- Conduct broader public consultation prior.
- Demonstrate how public safety will be enforced in areas that are opened to spearfishing.
- Explain how it will communicate and enforce the different rules for the different zones in a way that people can understand and adhere to.

The Options Paper proposes to *"retain spearfishing closures in popular metropolitan coast swimming beaches and open the lesser used parts of the metropolitan marine coast to spearfishing."*

PIRSA is advised that the area north of the O'Sullivan Beach boat ramp and south of the Port Stanvac Sanctuary Zone is a popular beach that receives a high level of recreational use by boaters, kayakers, tourists, divers and snorkellers. Additionally, Council is partnering with The Nature Conservancy and the Department for Environment and Water on a reef restoration project that may be located at O'Sullivan Beach which would further increase public use of the site.

The former Port Stanvac oil refinery site north of the Port Stanvac Sanctuary Zone is currently being remediated by the State Government and is only accessible via a walking path. There is a lack of clarity about the state government's plan for the site in future and it would be prudent for the state government to confirm the plans for the area, and any potential impacts upon levels of use, before committing to spearfishing at this location.

Potential public safety hazards that could be of concern to Council include:

- Accidental injury when accessing the coast e.g. via the coastal walkway North of the Port Stanvac Sanctuary Zone (CoastPark is not scheduled to be completed for this area until after 2030).
- Accidental spearing of someone snorkelling or swimming in the water.
- Accidental spearing of a member of the public when setting up equipment e.g. at the O'Sullivan Beach Boat Ramp.

The Options Paper highlights that demand for spearfishing is from new and inexperienced spearfishers. It is possible that awareness of safety hazards and sporting guidelines may not be as high in this group which also has the potential to increase public safety risks.

### **Access and enforcement within the proposed location**

#### Access

The Options Paper aims to: *"allow for more equitable access to fishers."* The small area north of the O'Sullivan Beach ramp is the only proposed Onkaparinga location that would be readily accessible to spearfishers. However, this high-use site is subject to public safety concerns (outlined above) and is therefore unlikely to be suitable for spearfishing.

The Port Stanvac Sanctuary Zone to the north is not open to spearfishing and the area further north of the Sanctuary Zone has limited public access, except via a walking track. It is therefore questionable as to whether opening this area delivers substantially improved access to spearfishing.

#### Enforcement

One of the review's stated goals is to *"provide recommendations that are simple, reasonable and enforceable."*

The Options Paper does not demonstrate how PIRSA plans to enforce public safety in the high use area north of the boat ramp, or how it will communicate and enforce the different rules for the different zones in a way that people can understand and adhere to.

Allowing spearfishing directly adjacent to both sides of the Port Stanvac Sanctuary Zone presents potential policing challenges given spearfishers cannot be seen from above the water in the same way that boat fishers can.

### **Marine Biodiversity and Protection**

Onkaparinga's northern beaches are rocky reef environments with high marine biodiversity that includes fishes, invertebrates and macroalgae. The location is considered as regionally significant due to the mixture of habitat types and inshore low-profile reefs. Past surveys by marine biologists for the State Government have identified the area as a 'hot spot' for species richness.

In the most recent review of Encounter Bay Marine Park, the Stanvac Reef was added as a no-take Sanctuary Zone.

There are several fish species considered by marine experts to be of "conservation concern" that occur in the macro-algae reef environment off the City of Onkaparinga coastline. These include iconic species such as Blue Devils, Dusky Morwong, Long-snouted Boarfish, several Leatherjacket species, juvenile Blue Groper and Harlequin Fish. There are also occasional sightings of Leafy Sea Dragons.

Spearfishing is known to increase pressure on the marine environment through the selective targeting of certain species.

The Options Paper includes a table that lists potential species targeted by spearfishers. In this table there are several species listed as "undefined" in the "stock status". The stock status is based on the [Status of Australian Fish Stocks Reports](#). Several of these species listed as "undefined" are also described as being of "conservation concern" in the local publication " Reef Fishes of Conservation Concern in South Australia - A Field Guide." Species in this list known to occur in the area under consideration include:

- Dusky Morwong
- Blue-throated Wrasse

- Banded Sweep
- Long-snouted Boarfish
- Leatherjacket

Other species of conservation concern that may also be present but not on the "target species" list in the Options Paper include Harlequin Fish and Blue Devils. Harlequin Fish are also known to be caught by spearfishers.

Regulations on the size and number of fish caught in South Australia are established and enforced by PIRSA in order to manage fish stocks for industry and the community.

The precise impact of spearfishing on species of "conservation concern" within the areas proposed to be opened is not known. However, given the density of the human population in this area and fact it would become one of the primary locations on the metropolitan coastline for spearfishing, there is potential for exploitation of certain species.

### **Community Interest**

As described above, recreational line fishing is a popular activity along the Onkaparinga coastline offering many benefits to the local community however the demand for spearfishing is unknown and a broader approach to consultation is recommended.

PIRSA is advised that interest in nature-based tourism events and marine-based tourism is continuing to grow in our council region. Council partners with Experiencing Marine Sanctuaries to provide community snorkelling activities to promote care of our marine environment. Events are hosted at O'Sullivan Beach, Port Noarlunga, Port Willunga and Aldinga and are capped at 75 people. Every event is sold out with a waiting list, and O'Sullivan Beach is a popular location because of its proximity to the Port Stanvac Sanctuary Zone.

Council also delivers the popular community wellbeing program Fish Feeders and partners with Reef Watch to undertake intertidal monitoring, as well as nature-based activities with Green Adelaide and as part of our Sustainable Onkaparinga events program.

### **References**

The following publications have been considered in our submission.

Baker, J.L. (2011) Reef Fishes of Conservation Concern in South Australia - A Field Guide. Booklet produced with support from the Adelaide and Mt Lofty Ranges Natural Resources Management Board, South Australia .

Bryars, S. (2013) Nearshore marine habitats of the Adelaide and Mount Lofty Ranges NRM region: values, threats and actions. Report to the Adelaide and Mount Lofty Ranges Natural Resources Management Board , Dr Simon Richard Bryars, Adelaide.

Frisch AJ, Cole AJ, Hobbs J-PA, Rizzari JR, Munkres KP (2012) Effects of Spearfishing on Reef Fish Populations in a Multi-Use Conservation Area . PLoS ONE 7(12): e51938.  
doi:10.1371/journal.pone.0051938