

Select Committee on Recreational Fishing

Recreational fishing in New South Wales

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Executive summary

Introduction

This inquiry was established on the 24 November 2009 when the Legislative Council appointed a select committee to inquire into and report on the benefits and opportunities that improved recreational fisheries may represent for fishing licence holders in NSW.

The Committee called for submissions through advertisements in major Sydney and regional newspapers. The Committee also wrote to organisations and individuals with a likely interest in the Inquiry. The Inquiry generated wide interest and the Committee received 1036 submissions from a range of stakeholders. A number of organisations developed electronic pro-formas to assist like-minded individuals to make a submission – the Committee received 774 such submissions.

The Committee held ten public hearings, four of which were held in Parliament House, Sydney. The remaining six public hearings were held in the regional locations of Nowra, Port Stephens, Port Macquarie, Batemans Bay, Griffith and Grafton. More than one hundred individuals appeared and gave evidence before the Committee.

It is estimated that there are approximately one million recreational fishers in New South Wales. In the pursuit of their pastime, recreational fishers make a significant contribution to the State economy. The sale of recreational fishing licences raises approximately \$13 million dollars annually for the purposes of improving recreational fishing opportunities.

Recreational fishing can take many forms depending on the location, fishing gear and method employed and the type of fish being pursued. While most of the issues facing recreational fishers are common to all, there are also specific issues for certain types of fishers such as rock fishers and spearfishers.

The threats to marine biodiversity

There are a number of threats to the sustainability and security of marine biodiversity including fish stocks. These threats are climate change, resource use (including commercial and recreational fishing), land-based impacts, marine bio-security and marine pollution.

There is debate regarding the comparative level of risk each of these threats posed. With respect to recreational fishing, views ranged from it having no effect to it being the main threat according to the sector the inquiry participant came from. However, it was acknowledged by all participants that land-based impacts are a significant and continuing threat.

Good fish populations rely on quality fish habitats. A number of government agencies and departments are involved in activities relating to habitat restoration and addressing land-based impacts that threaten fish habitat and populations. However, there is no clear coordinated plan for these activities.

The Committee recommends that the Government prepare and publish a Plan that sets out the current and proposed actions across all government agencies and departments that will be taken to address the land-based threats to marine biodiversity, including fish stocks.

While there was debate on the significance of the threat posed by recreational fishing it was agreed that the actual threat, in terms of the volume of fish taken by the recreational sector, was not accurately known. Current wide-ranging estimates of the recreational fishing catch are based on out-of-date data.

Informed debate on the threat posed by the recreational fishing catch cannot occur until there is an accurate assessment of that catch. The Committee recommends that the NSW Government design a statistically robust survey that will provide as accurate as possible assessment of the recreational catch and effort throughout NSW. This survey should be repeated every five years.

The Committee also recommends that the NSW Government consider funding and commissioning an Environmental Impact Statement to review and evaluate the recreational fishing catch and effort in NSW waters.

Marine Parks

Marine parks were the primary issue for the overwhelming majority of inquiry participants. Many submissions to the Inquiry simply called for either an increase in marine parks, or, conversely, for no more to be established

Underlying these two calls was the dichotomy of views on whether there was a valid scientific basis for the marine parks in NSW. The debate on "the science behind marine parks" has been current in the public domain for some years.

The NSW Government commissioned an independent panel to undertake a review of marine park science in NSW. The report of that review was publicly released during the course of the inquiry. The report made 24 recommendations including that the strategic framework should now prioritise research to monitoring, evaluating and modifying marine park boundaries and zoning arrangements.

The Committee recommends that the NSW Government provide sufficient funding to ensure implementation of the recommendations of the report. Given the identified gaps in current research and issues that required investigation, the Committee recommends that the NSW Government not create any new marine parks until the next five-year marine park research plan is completed.

The Committee also makes a number of recommendations to improve the management and useability of marine parks. It was argued that certain fishing techniques targeting transient, non-resident fish species could be allowed within marine park sanctuary zones without compromising biodiversity and habitat protection. The interaction and role of migratory fish in the ecological processes within sanctuary zones is not well understood and is the subject of on-going research.

The Committee recommends that at least one fishable zone within each marine park be selected to trial restricted fishing access, with each site to be monitored to determine the impact of this restricted fishing access on biodiversity, habitat and ecological processes, compared to a fully restricted sanctuary zone, in consultation with local fishers.

The Committee also recommends that a 100 metre from shore habitat protection zone be implemented within suitable current sandy ocean beach sanctuary zones until a review of the utility of such sanctuary zones is completed.

Fishing within marine parks is strictly regulated and non-compliance with these regulations can result in large fines. Fishers need to be able to easily determine zone boundaries. The Committee recommends that the Department of Environment, Climate Change and Water finalise negotiations with software providers with a view to developing a means by which marine park zone boundaries can be displayed on GPS systems used by recreational fishers.

The Committee also recommends that the Marine Park Authority publish statistics and explanatory information regarding the number and type of cautions and fines issued within marine parks in order to alert users of where they particularly need to be informed of the relevant regulations and restrictions.

Representation of the recreational fishing sector

The current representational system of trusts and advisory committees does not appear to be meeting the needs of recreational fishing organisations. Their primary criticism of the current system is that they are only represented by way of ministerially-appointed to an advisory body. Recreational fishing organisations argued for a single independent representative body that can advocate and act on its behalf.

The Committee recommends that Industry & Investment NSW (I & I) in consultation with recreational fishing organisations, indigenous fishing representatives and other relevant bodies review the current structure of the Advisory Council on Recreational Fishing (ACoRF). The Committee also recommends that ACoRF develop a communication strategy so that current information can be made available in a timely manner to the wider fishing community.

Fishery programs

The NSW Government implements a range of fishery programs designed to improve recreational fishing opportunities, which are primarily funded through monies raised by the sale of recreational fishing licences.

Recreational fishing havens (RFHs) have been enthusiastically embraced by the recreational fishing sector, and it is keen to see more havens established. However, the prospect of further havens is causing concern among the commercial fishing sector.

The Committee believes it is prudent to delay consideration of establishing any further RFHs until research on the broader ecosystem and recreational fish stocks within each RFH is completed. The Committee also recommends that such research be updated at least every five years.

There is concern that when the amenity of a RFH is compromised by government action, such as infrastructure development within a haven's boundaries, there is currently no action required to ensure the level of fishing opportunity is maintained. The Botany Bay RFH has been subject to a number of major construction projects.

The Committee recommends the NSW Government commission research to determine the impact of recent government developments within the Botany Bay RFH to determine what mitigating actions and remediation programs can be established in proximity to the RFH in order to maintain or improve recreational fishing opportunities.

For many recreational fishers their greatest criticism of marine parks was the loss of access to reef habitat. During the course of the Inquiry it emerged there was potential for consideration of the deployment of artificial reefs within marine park habitat protection zones .

The Committee believes the deployment of artificial reefs would offer some compensation to the loss of access suffered by recreational fishers. The Committee recommends that the Marine Park Authority identify at least one location within each marine park where an artificial reef could be deployed without negatively affecting nearby sanctuary zones.

Regulation and management of recreational fishing

Recreational fishers have to be aware of the regulations and requirements that manage their pastime. These regulations are developed through a consultative process, with the next general review of fishing

rules to commence in 2011. There is a clear need to increase the involvement of the recreational fishing sector in these reviews.

At the moment there is no guarantee that a recreational fisher will be in possession of the current rules governing their activity. The Committee recommends that Industry and Investment produce a summary brochure of key recreational fishing rules to be distributed with renewal notices for recreational fishing licences.

The Committee also recommends that I & I develop an email database of recreational fishing licence holders, including persons exempted from holding a licence, with a view to using this as a means of direct communication with the recreational fishing sector.

The development of such a database would assist in ensuring greater awareness of current rule changes and could assist in ensuring greater participation in fishing rule reviews.

The submissions from many recreational fishers included information on their observed status of fish stocks in their local area and made suggestions or recommendations for changes to fishing rules accordingly. Many of these recommendations were for greater rather than less restrictions in terms of bag and size limits.

There is no doubt that the recreational fishing sector is a valuable information resource. I & I has facilitated some partnerships to involve recreational fishers in research on the status of fish stocks. However, the Committee believes that there could be further potential that is yet untapped. The Committee recommends that I & I investigate increasing these partnerships.

There was a strong call from among all inquiry stakeholders for an increase in fishery compliance officers. The Committee was led to understand that the current contingent of compliance officers in NSW was on par with that of other States. However, the Committee believes that given our State's respective geographic size and fishing population that our contingent may need to be more than average. The Committee recommends that Industry & Investment NSW undertake a review of the staffing of compliance officer positions.

Access is an increasingly important issue for many recreational fishers. Historically recreational fishers have enjoyed widespread access to creeks, dams, estuaries and ocean waters via numerous access points across the State. However, over time access points have been lost through foreshore development, road closures, and various environmental planning processes.

The Committee contends that more needs to be done to improve public access to rivers in NSW, and recommends that I & I fill the two vacant fishing access officer positions.

Currently recreational fishers are allowed access to water impoundments (dams) in some parts of the State but not others. Impoundments near major population centres are less likely to be accessible to fishers. Prospect Reservoir presents as an opportunity for the metropolitan public to become familiar with the fishing within water supply storages. The Committee recommends that the Minister for Water consider the impact of recreational fishing on water storage impoundments with a view to determining the types of fishing activities that could be permitted, in particular at the Prospect Reservoir on a trial basis.

Indigenous fishing issues

The *Fisheries Management (Amendment) Act*, which was passed in December 2009 contained a number of important provisions that formally recognised Aboriginal peoples' customary association with the fisheries resource. The Act provided for the establishment of the Aboriginal Fisheries Advisory Council (AFAC). Aboriginal community representatives told the Committee that they hoped the establishment

of the AFAC will lead to greater consultation with Aboriginal fishers, as consultation had not been strong enough in the past to resolve Aboriginal fishing issues.

Inquiry participants voiced some concerns regarding the provisions for Aboriginal cultural fishing that will ultimately be established under the regulations of the Act. It is difficult for the Committee to make any specific recommendations concerning the regulations as the AFAC has not yet met to consider them.

The Committee also heard that there are a number of issues with the general regulation of commercial fishing practices that have a marked impact on Aboriginal people, particularly the use of traditional practices when beach hauling and the issuing of commercial licences.

It was disappointing to hear that traditional beach hauling practices were being undermined by the stringent application of commercial licence regulations. Additionally the Committee was concerned that the practice of passing down licences through generations can no longer occur. The Committee recommends that I & I investigate two things: firstly, a block licencing system for Aboriginal commercial fishers that will allow their family and community members to assist in beach hauling, and, secondly, the potential for commercial fishing licences to be inherited by family members along traditional lines.

Spearfishing

Spearfishing is practiced by a relatively small but passionate sector of the recreational fishing community. Spearfishers maintain that their practice is a sustainable and environmentally friendly form of recreational fishing.

Spearfishers called for greater representation on trusts and advisory boards, as the unique characteristics of their sport meant that anglers and other types of fishers could not adequately represent their interests and concerns.

Spearfishers believe that they do not adequately benefit from the fishery programs established by the Government such as RFHs, artificial reefs and fish aggregating devices (FADs). The Committee is concerned that spearfishers do not have equitable access to these programs. Monies raised through the recreational fishing licence fees should be used towards programs that assist all fishers, including spearfishers.

The Committee believes the Government should ensure equitable access for spearfishers to programs such as FADs and artificial reefs. The Committee recommends that I & I examine the potential for use of these programs on either a temporal or spatial basis.

Rock fishing

Two main issues regarding rock fishing were raised during the Inquiry – safety and access.

Sadly, during the course of the Inquiry a number of NSW citizens lost their lives while rock fishing. Following the deaths of six rock fishers in May 2010 there were renewed calls for governments to implement stricter rock fishing regulations including the mandatory wearing of lifejackets. There was a divergence of views on whether this increased regulation or increased education of rock fishers was the most appropriate response.

The Australian National Sportsfishing Association (ANSA) has been involved in rock fishing safety and education initiatives such as the Angel Ring Project and the "Don't put your life on the line" program

of educational and instructional materials which particularly target people from non-English speaking backgrounds.

The Committee acknowledges the debate concerning the introduction of mandatory lifejackets. While certain inquiry participants argued in favour of maintaining the status quo, the death of a high number of rock fishers in 2010 cannot be ignored. The Committee recommends that the Water Safety Advisory Council investigate the most appropriate type of lifejacket for rock fishers and publicise this information and further investigate the possibility of introducing mandatory use of lifejackets for rock fishers particularly at high-risk fishing sites.

Rock fishers were concerned about their loss of access within marine parks. Given the limited amount of safe rock fishing locations this has led to overcrowding of safe locations and to some rock fishers making use of unsafe locations.

The Committee notes that recent proposed changes within the Jervis Bay marine park seek to increase the amount of spots available to rock fishers. The Committee hopes that future reviews of marine park zoning plans also seek to increase the number of safe rock fishing locations.

Commercial fishing

The commercial fishing industry makes a significant contribution to the overall state economy and is particularly important for some regional centres. The NSW commercial fishing industry is highly regulated to ensure its sustainability, and its impact should not be compared to those of less effectively regulated fisheries in other parts of the world.

The recreational fishing sector was generally concerned at their perceived loss of access to fishing areas as a result of the establishment of marine parks. However, the commercial sector lost an even greater amount of access during this process. In addition commercial fishing access has been restricted by the establishment of recreational fishing havens, which was compounded by the buy-out of commercial fishing interests process which has seen greater competition for limited resources within the industry.

The Committee notes the range of views expressed about the proposal to phase out prawn trawling in the Solitary Islands Marine Park and that the Minister for the Environment, Climate Change and Water and the Minister for Primary Industries will be considering the submissions and comments from the local marine park advisory committee prior to making the final zoning plan. The Committee recommends that I & I in consultation with recreational fishers and other relevant bodies, investigate and identify locations and circumstances in which limited commercial access can be maintained.

There is a clear need to further reduce the number of commercial fishing operators to ensure the viability of the industry. The amount of \$1.5 million that has been set aside to assist commercial fishers leave the industry appears inadequate when compared to the amount expended on previous buy-outs.

The commercial fishing industry is highly regulated by world standards and increasingly working to reduce its impact in terms of by-catch. Notwithstanding continual improvement in the use of by-catch reduction devices, there remains a perception among the public and the recreational fishing sector that the by-catch of the commercial fishing industry has a dramatic impact on fish stocks.

The lack of accurate data on its overall fish catch was described as the Achilles heel of the recreational fishing sector. It would be fair to say that the lack of accurate data on actual by-catch, or if this data is known the lack of its presentation, is the commercial fishing industry's weak point in terms of public perception. The Committee recommends that Industry & Investment NSW publish information on the discarded commercial by-catch in NSW.

The commercial and the recreational fishing sectors compete for the same resource and have an integral interest in the continuing sustainability of that resource. The majority of issues of concern for the two sectors are common. Given these common interests there is an obvious need for cooperation and dialogue between the two sectors.

There have been numerous cases where local joint committees have been established to engender cooperation and improve ties between the two sectors. These local initiatives invariably lapsed due to lack of formal support.

The Committee recommends that the Government establish, and provide on-going support for, a permanent forum for the commercial and recreational fishing sectors to meet on a regular basis to discuss common issues.

Summary of recommendations

Recommendation 1

39

That Industry and Investment NSW ensure that as soon as practicable compliance activity is undertaken to enforce compliance with the rules governing the use of meshing nets, particularly in the Clarence River.

Recommendation 2

46

That the NSW Government, as a high priority, provide appropriate funding to ensure the design and implementation of a statistically robust survey that will provide as accurate as possible assessment of recreational fishing catch and effort throughout NSW, and that this survey is undertaken once every five years.

That the NSW Government consider funding and commissioning an Environmental Impact Statement (EIS) to review and evaluate the recreational fishing catch and effort in NSW waters.

Recommendation 3

61

That the Recreational Fishing Trust Funds provide a greater allocation of available funds to rehabilitation and restoration of aquatic habitat and establish formal Memoranda of Understanding and funding arrangements with relevant Catchment Management Authorities to undertake inland river, estuary and coastal pollution reduction programs.

Recommendation 4

63

That the NSW Government prepare and publish a Plan which sets out the current and proposed actions across government that will be taken to address the threats to marine biodiversity, including fish stocks.

Recommendation 5

88

That the Marine Park Authority continue to publish information identifying the location of the various categories of reef habitat within each park for the use of the marine park users and to continue publish information on the seabed mapping program as it progresses.

Recommendation 6

102

That the Marine Park Authority place statistics and explanatory information regarding the number and type of cautions and penalty notices issued on either its public website or on each individual marine park's public website.

Recommendation 7

105

That the Department of Environment, Climate Change and Water finalise negotiations with software providers with a view to developing a means by which marine park zone boundaries can be displayed on GPS systems used by recreational fishers.

Recommendation 8

107

That agendas and minutes of marine park advisory committees be published on the Marine Park Authority's website or the website of individual marine parks.

- Recommendation 9** **109**
 Marine Park Authority, with the assistance of the NSW Environmental Protection Agency, identify land based licensed and unlicensed point source and non-point source discharges and pollution into marine protected areas and prioritise them in terms of need for remedial action, and continue to provide funding to assist local councils in remediating these discharges.
- Recommendation 10** **113**
 That as the primary objective of NSW marine parks is conserve the biological diversity and maintain the ecological processes responsibility for the operational management of marine parks should continue to be appropriately led by the Department of Environment, Climate Change and Water. Responsibility for the declaration of and management of marine parks should be vested jointly with the Minister for Environment, Climate Change and Water and the Minister for Primary Industries.
- Recommendation 11** **113**
 That the NSW Government maintain the concurrence role for the Minister for Primary Industries in the Marine Park Act and remove any concurrence requirements that do not directly relate to fisheries management issues or legislative mandates.
- Recommendation 12** **132**
 That a 100-metre from shore habitat protection zone be implemented within suitable current sandy ocean beach sanctuary zones until a review of the utility of such sanctuary zones is completed.
- Recommendation 13** **135**
 That at least one fishable zone within each marine park be selected to trial restricted fishing access, with each site to be monitored to determine the impact of this restricted access on biodiversity, habitat and ecological processes, compared to a fully restricted sanctuary zone, in consultation with recreational fishers.
- Recommendation 14** **138**
 That the NSW Government provides sufficient funding to ensure the effective and timely implementation of the twenty-four recommendations contained within the December 2009 report Marine Park Science in NSW – an Independent Review.
- Recommendation 15** **138**
 That the NSW Government not create any new marine park until the next five-year marine park research plan is completed.
- Recommendation 16** **143**
 That Industry & Investment NSW undertake a review, including any legislative constraints, of the structure, membership and operation of the Advisory Council on Recreational Fishing.
- Recommendation 17** **147**
 That the NSW Government investigate the sufficiency of expenditure on recreational fishing compliance officers and that both Industry and Investment NSW and the fishing trusts establish a shared funding arrangement for funding compliance with regulatory controls .

- Recommendation 18** **156**
That Industry & Investment NSW in consultation with recreational fishing organisation, Indigenous fishing representatives and other relevant bodies review the current structure of the Advisory Council on Recreational Fishing.
- That ACoRF develop a communication strategy so that current information can be made available in a timely manner to the wider fishing community.
- Recommendation 19** **170**
That Industry & Investment NSW immediately commence on-going research on the broader ecosystem and recreational fish stocks within each recreational fishing haven, with information updated at least every five years.
- Recommendation 20** **173**
That Industry & Investment NSW, in consultation with recreational and professional fishers, investigate and identify the locations and circumstances in which limited commercial access to recreational fishing havens could be considered.
- Recommendation 21** **175**
That the NSW Government commission research to determine the impact of recent government developments on the Botany Bay recreational fishing haven with a view to determining what mitigating actions and remediation programs can be established in proximity to the Botany Bay RFH to maintain or improve recreational fishing opportunities.
- Recommendation 22** **186**
That the Marine Parks Authority identify at least one location within each marine park where an artificial reef could be deployed without negatively affecting nearby sanctuary zones.
- Recommendation 23** **191**
That Industry & Investment NSW investigate increasing the involvement of the recreational fishing sector in research and information gathering on the population and health of fish stocks.
- Recommendation 24** **197**
That the allowance of four attended lines, with a maximum distance of 100m allowable to the fisher be reinstated, this issue should be revisited during the review of fishing rules that will follow the 2011 review.
- Recommendation 25** **204**
That Industry & Investment NSW produce a summary brochure of key recreational fisheries rules. These summary brochures should be distributed with renewal notices for recreational licences.
- Recommendation 26** **205**
That Industry & Investment NSW develop an email address database of recreational fishing licence holders with a view to using this as a means of direct communication and interaction with the recreational fishing sector.
- Recommendation 27** **206**
That Industry & Investment NSW investigate, with a view to developing, a fishing licence registration scheme for all licenced fishers other than exemptees.

- Recommendation 28** 211
That Industry & Investment NSW undertake a review of the staffing of compliance officer positions in view of the need for extra compliance officers.
- Recommendation 29** 212
That fin clipping for all recreational fish be investigated.
- Recommendation 30** 220
That Industry & Investment NSW fill the two vacant recreational fishing access officer positions.
- Recommendation 31** 222
That the Minister for Water consider the impacts of recreational fishing on water storage impoundments with a view to determining the types of fishing activities that could be permitted, in particular at the Prospect Reservoir on a trial basis.
- Recommendation 32** 238
That Industry & Investment NSW investigate a block licensing system for Aboriginal commercial fishers that will allow their family and community members to assist in beach hauling.
- Recommendation 33** 238
That Industry & Investment NSW should also investigate the suitability of the licensing system to be inherited by a family member along traditional lines without the family members having to apply for a new licence. These licences should be issued with comparative rights for the member inheriting the licence
- Recommendation 34** 255
That Industry & Investment NSW examine the potential for use by spearfishers of Recreational Fishing Havens, FADs and artificial reefs on a temporal or spatial basis.
- Recommendation 35** 264
That the Water Safety Advisory Council investigate the most appropriate type of lifejacket for rock fishers and publicise this information and further investigate the possibility of introducing mandatory use of life jackets for rock fishers particularly at high risk fishing sites.
- Recommendation 36** 269
That Industry & Investment NSW in consultation with recreational fishers and other relevant bodies, investigate and identify locations and circumstances in which limited commercial access can be maintained.
- Recommendation 37** 277
That Industry & Investment NSW publish information on the discarded by-catch in NSW.
- Recommendation 38** 282
That the NSW Government establish, and provide on-going support for, a permanent forum for the commercial and recreational fishing sectors to meet on a regular basis to discuss common issues.