

## **5 FISHERIES MANAGEMENT AND RESOURCE ALLOCATION IN NSW**

### **5.1 Resource Allocation**

The mission statement of NSW Fisheries is to “conserve, develop and share the fisheries resource of the State for the benefit of present and future generations”. To achieve ecologically sustainable development it is essential that fisheries managers arrive at an appropriate allocation of the resource between the competing user and interest groups. Achieving these aims is becoming increasingly difficult in the face of growing demands from all user groups to play a greater role in the management of the resource.

Fisheries managers around the world are grappling with these allocation issues. Western Australia’s Department of Fisheries has observed:

The area of access to, and allocation of, fish resources is a complex and potentially controversial one. It deals with a mix of legal, economic, biological and social issues. It also cuts across some important philosophical issues relating to the rights of the individual and the community in respect of natural resources and their management.<sup>1</sup>

The common property nature of fisheries resources are fundamental to an understanding of the difficulties associated with the allocation of the resource in an equitable and sustainable manner. According to the Australian Bureau of Agricultural and Resource Economics:

The central problem behind over exploitation and inefficient use of fisheries resources stems from an underlying problem of open access. That is, in the absence of private property or user rights, no individual has the incentive to constrain his or her fishing activity, or invest in

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<sup>1</sup> Western Australian Fisheries (1997). *Report of the Security of Access and Resource Sharing Working Group*, Western Australian Fisheries Portfolio Review, p 4

conservation, because the benefits would also be captured by others.<sup>2</sup>

Determining an equitable distribution of the common property resource on a sustainable basis that has the endorsement of all user groups is a major challenge for fisheries managers.

### 5.2 Conflicts Between User Groups

While the commercial sector has traditionally enjoyed security of access to the resource, governments have come to recognise the rights of a wider variety of user and interest groups. As a result, the allocation of the resource between these groups has become a central issue to management and supporting fisheries legislation.

In New South Wales the resource allocation debate has been centred on the division of access rights between the commercial and recreational sectors. Allocation conflicts are typically disagreements between the commercial and recreational sectors or internal conflicts within either of these sectors. The obstacles associated with achieving resource allocation solutions that are amenable to both the commercial and recreational sectors are:

- inherent resource competition between the commercial and recreational sectors;
- perceptions of Departmental bias;
- the lack of comprehensive research on which to base allocation decisions(see Chapter 9).
- the lack of statutory involvement in fisheries management for the recreational angling and commercial post harvest sectors, including inequities in fisheries management contributions; and

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<sup>2</sup> P Lal, P Holland, and P Power (April 1992). "Competition Between Recreational and Commercial Fishers: Fisheries Management Options", *Maritime Studies March Fisheries Economics Section*, ABARE, Canberra, p 2

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- the impact of black market activity.
- The role of indigenous fishers in allocation and management decisions (see Chapter 10).

### 5.3 Perception of Departmental Bias

NSW Fisheries has had difficulties in eliciting representative opinions from the large recreational fishing sector. Consultation has largely been restricted to representatives of fishing clubs and associations, whose members constitute only a minority of recreational fishers. Dr John Glaister, Director of Fisheries, told the Standing Committee:

The recreational sector is different in that most of them are not in organised clubs. That is the difficulty. We can pick clearly where the organised recreational fishermen, the vocal ones, are coming from on most issues because they will tell you in no uncertain terms.<sup>3</sup>

Recreational organisations have indicated that the share management approach to fisheries management is biased in favour of commercial fishers and was developed without significant input from the recreational community. The Australian Fishing Tackle Association submitted:

Recreational anglers have not been invited to public meetings where their views can be aired. These are restricted to licenced fishermen. The recreational anglers only recourse is to write submissions and letters, whereas the commercial sector has access to the bureaucrats at a series of port meetings, where they may air their grievances. Recreational fishermen demand a series of similar public meetings to openly discuss this far reaching issue.<sup>4</sup>

There is a perception among some commercial fishers that the growing number of recreational fishermen will apply political pressure on the present

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<sup>3</sup> Evidence of Dr Glaister, 7 July 1997, p 35

<sup>4</sup> Submission 38, the Australian Fishing Tackle Association (AFTA), p 3

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administration to achieve favourable resource allocation outcomes, resulting in the marginalisation of commercial operators and the abandonment of the fish consuming public. Mr Duncan Leadbitter, Executive Director of Oceanwatch, commented on the politicisation of the allocation debate:

The resource allocation debate is basically the nub of the management problems we have. The dispute between the recreational and commercial sectors over fish has become so extreme as to cloud the real debate. It is run along the lines: there are two and a half million of them and 2,000 of you [commercial fishers] so you work out the numbers yourself. I cannot count how many times that statement has been made by fisheries officers and others to the industry, that we need to recognise that commercial fishermen are there as licensed harvesters of fish for the seven million people in New South Wales, 96 per cent of whom eat fish. The allocation debate needs to be depoliticised. At the moment it has got out of hand.<sup>5</sup>

This opinion was supported by Mr Gary Sturgess, professional policy advisor, who stated:

I am happy to state as a matter of fact that the commercial sector does feel under pressure from the Department. They believe that the Department and the Minister are not prepared to apply an equal amount of pressure on the recreational sector as on the commercial sector. There are some who consider it a plot to get rid of commercial fishing. That is an overreaction. It is simply beyond dispute that the commercial sector at this time feels under siege and feels that there is an inequitable treatment of themselves vis-a-vis the recreational sector.<sup>6</sup>

The fears of the commercial sector have been fuelled by government initiatives to phase out inland commercial fishing in NSW by instituting a sunset clause on

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<sup>5</sup> Evidence of Mr Leadbitter, 3 April 1997, p 65

<sup>6</sup> Evidence of Mr Sturgess, 12 May 1997, p 41

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commercial fishing and recreational lobby groups indicating their intention to “stop beach netting and to ensure all rivers and bays are net free”.<sup>7</sup>

#### **5.4 The Need to Quantify Total Catch**

Fish stocks in NSW are currently exploited by commercial fishers, recreational fishers and black market fishers (“shamateurs”). There are currently 1835 licensed commercial fishers in New South Wales. Recreational fishery users include game fishers, sport fishers, estuarine and freshwater anglers, spearfishes, and SCUBA divers. Surveys indicate that the State’s recreational fishing community is rapidly expanding and at present may number as many as 2 million. The number of black market fishers is unknown.

Resource allocation within a sustainable management framework is dependant on an accurate assessment of fishery stocks and the catch of those exploiting the fishery. While the State’s fisheries managers have accurate estimates of the commercial catch, data on the recreational catch is limited. Little is known about the level of black market activity, although it is thought to be significant in certain fisheries such as abalone.

##### **5.4.1 Recreational Catch**

In the past it was assumed that the recreational catch was small in comparison to the commercial landings. Recent research has shown that the recreational catch is significant and that attempts to measure recreational effort should be afforded the same priority as those for the commercial sector. Professor Martin Tsamenyi wrote in the NSW Fisherman magazine:

It is true that historically, fisheries administrators have ignored any attempts to manage recreational fishing activities for logistic, political and economic reasons. However, in the present era of eco management of our fisheries resources, it is imperative that fisheries managers

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<sup>7</sup> AFTA News, February March 1994, p 1

begin to grapple with the increasing pressure from the recreational sector.<sup>8</sup>

Gary Henry, Supervisor - Recreational Fisheries Research, described to the Standing Committee the Department's efforts to estimate the recreational catch and its conclusions:

We have conducted nearly 20 surveys in particular estuaries such as Sydney Harbour, Botany Bay, the Hawkesbury River, Tuggerah Lakes and Lake Macquarie. In each of those places it appears to be a characteristic of the size of the surrounding population. In Sydney Harbour, which has a big surrounding population, anglers are taking more fish than the commercial groups. In a far-flung population, such as around Coffs Harbour, the commercial industry is taking more than the recreational sector. It is a function of the size of the population and how much effort can be brought to bear on the resource. A recently completed survey, funded by the commercial group, shows that in general terms the commercial industry takes more fish than the recreational groups, but that position fluctuates with species. Both groups compete for the main, overlapping species such as kingfish, tailor, bream, snapper. Our evidence is that the commercial sector is taking more than the recreational sector but the recreational sector is growing in importance and is significant.<sup>9</sup>

State and Federal Governments recognise that the majority of fisheries are either over exploited or under threat of over exploitation. Determining the size of the recreational catch and controlling the increase in recreational effort is proving to be one of the main priorities in fisheries management. Dr Glaister commented on the expansion of the recreational sector.

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<sup>8</sup> Prof Martin Tsamenyi (1995). "What is in a good fisheries Act? An examination of the Fisheries Management Act 1994", *The NSW Fisherman Sept - Oct 1995*, p 37

<sup>9</sup> Evidence of Mr Henry, 2 April 1997, p 41

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The point you made about the uncontrolled expansion of recreational fisheries, I agree, is probably the biggest challenge to me as Director of Fisheries. We have, by various surveys, estimated that a large number of people go recreational fishing, and that this number will probably increase with demographic increases in New South Wales. So, you are right, the Minister has asked me to review the recreational marine fishing regulations, which include things like bag limits and size limits and other constraints on recreational fishers. So that is in train now.<sup>10</sup>

These changes in resource allocation dynamics have led to commercial sector concerns that current methods of controlling the recreational catch, such as fish size and bag limits, will be ineffective, leading to the unsustainable exploitation of the resource. Oceanwatch submitted:

The management of the recreational fishery in NSW can be compared to the deregulated state of the commercial fisheries prior to the implementation of restricted fisheries as there is no biological basis for the implementation of bag limits and no way of constraining the fishing effort then the current management strategy can lead to stock collapses even if the rules are adhered to.<sup>11</sup>

The need for research based management decisions is examined further in Chapter 9.

#### **5.4.2 Black Market Activity**

While some research has been carried out into the size of the recreational catch, the level of black market activity is unknown. Mr John Roach, President of the Fish Merchants Association, described the consequences of black market activity on resource management and its potential effect on the marketing of fish:

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<sup>10</sup> Evidence of Dr Glaister, 19 May 1997, p 53

<sup>11</sup> Submission 68, CFAC, p 33

... Anecdotal evidence coming from the Fisheries Department ... indicates that black marketing could be as high as thirty percent. That is in fish. There are a few major problems there. First of all, it undermines all management of the resource, that is the underlying effect and that is probably what needs to be taken into consideration when management processes are put in place in the future for the resource.

From the health aspect, it basically leaves it open to another Wallis Lake scare if there is some contaminated fish or poisonous fish and it goes out to the general public. The strength of the black market actually impinges on the merchants to quite a large degree. We often get merchants coming to us and saying, "I can't sell snappers at the moment for \$10 a kilo". They actually might be buying it on the auction floor for \$8 a kilo. We say, "Why not? That's a very good price". They say, "Well, at the restaurants I supply, someone has come around and sold it to them at \$5 a kilo".<sup>12</sup>

Amateur fishers taking commercial quantities of fish for sale (shamateurs) are a major source of black market product. Dr Glaister outlined the Department's strategy to provide a more effective means of limiting the activities of shamateurs, particularly in the higher value species fisheries, as follows:

.... we are aware that black marketing occurs in specific fisheries. For example, a large number of Victorians come up to Bermagui when the yellowfin season is on, and the fish are transported to Victoria, and that is of concern. We had a meeting of the subcommittee of the Advisory Committee on Recreational Fishing last week. The Minister has asked me to review the marine regulations. I took some pains to explain to the members of that subcommittee my views on restrictions on recreational fishing. Things like size limits and bag limits need to be

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<sup>12</sup> Evidence of Mr Roach, 14 April 1997, p 72



based on definite criteria. A separate issue is the need to explain to recreational fishermen that what they do is for recreation; it is not to go out and catch commercial quantities of fish. My suggestion to that group is to look at possession limits as well as bag and size limits for the reason that you have mentioned. It is not appropriate to use bag limits to somehow get around the black market issue.<sup>13</sup>

Mr Sam Gordon, Executive Officer of the Fish Merchants Association, told the Standing Committee that one of the problems in controlling the illegal capture and sale of fish is that has become accepted practice:

Anyone who has asked questions about the black market trade has been told that black marketing is as old as the fishing industry itself, an industry within an industry that has been accepted<sup>14</sup>

To control the level of black market activity the Fish Merchants Association suggested: more fisheries inspectors, an education campaign aimed at changing the industry's present acceptance of the black market trade, and an increase in the penalties for black marketeering.<sup>15</sup>

## **5.5 Shortcomings of the *Fisheries Management Act 1994***

### **5.5.1 Inadequate Recognition of Recreational Fishers**

The specific objects of the Act under section 3(2) include:

- (c) to provide quality recreational fishing opportunities;
- (d) to appropriately share the fisheries resources between the users of those resources.

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<sup>13</sup> Evidence of Dr Glaister, 7 July 1997, p 24

<sup>14</sup> *The NSW Fisherman*, November -December 1995, p 35

<sup>15</sup> Submission 80, Master Fish Merchants Association, p 12

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The property rights approach embodied in the *Fisheries Management Act 1994* was designed to secure access for commercial fishers and provide an economic incentive for the commercial sector to use the resource sustainably. Recreational fishers have argued that the Act favours the commercial sector and does not provide an adequate legislative framework to incorporate the needs of a wider variety of user groups. Industry observers have also criticised the Act for inadequately addressing the role of the recreational sector. Professor Tsamenyi wrote:

Despite the increasing significance of recreational fishing in the state and despite the statement in the objectives of the Act to the effect that one of the aims of the legislation is “to provide quality recreational fishing opportunities”, surprisingly the Act fails to integrate recreational fishing within the overall fisheries management framework.<sup>16</sup>

The Share Management Review Committee reported:

The Committee was concerned at how any of the schemes will accommodate increasing recreational catches. At present the Act relies on bag limits as the major means of addressing the recreational take of fish. Simple projections of Statistics data indicate current NSW population at 6.1 million. Accepted proportional survey data thus put the angling population at 1.8 million. By 2000 this will have increased to 1.9 million an additional 100, 000 anglers. The Committee believes that the fisheries management Act in New South Wales must address the recreational component of fishing effort.<sup>17</sup>

Environmental groups have also expressed concern regarding the Act's shortcomings in relation to managing recreational fishing effort. For example, Mr Connor, Executive Officer of the Nature Conservation Council, commented:

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<sup>16</sup> Tsamenyi (1995). *What is in a good fisheries Act? An examination of the Fisheries Management Act 1994*, p 37

<sup>17</sup> Share Management Review Committee Report, p 13

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Clearly, the share management system is all about allocating property rights of a proportion of the commercial fishery to individual fishermen by way of shares. I guess one of the fundamental questions you would have to ask, if you were to apply it to recreational fishermen, is how you would do that allocation. Do you just allocate shares to recreational fishermen as a group? I mean, you cannot then allocate it to individuals. There are a whole series of questions there which have not been answered.<sup>18</sup>

Many recreational fishers perceive property rights as a ownership of the resource. This perception has fuelled concern among recreational sector that the resource, now publicly owned, would become private property under share management. A lack of understanding of the share management concept among recreational fishers is contributing to this mistrust. Mr Stafford Dixon, former Region 7 representative of the Recreational Fishing Advisory Council, described his difficulty determining how the share management system will affect the recreational community:

It is hard to work out what they mean by share management because they have not given us enough information on how they intend to run share management. We have heard talk about a monetary sum and we have heard talk about a quota sum. We do not know what they actually mean. You can read into it what you think they mean, but they have not come out and said how the share management will work. So how can you be in favour of something when you do not understand it.<sup>19</sup>

### 5.5.2 Equity in Management Contributions

Prior to the introduction of the *Fisheries Management Act 1994*, the cost of fisheries management was met through the tax base. The introduction of the user pays philosophy in the form of management and community contribution charges has led to fishermen replacing taxpayers as the primary purchasers of

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<sup>18</sup> Evidence of Mr Connor, 26 May 1997, p 60

<sup>19</sup> Evidence of Mr Dixon, 30 January 30 1997, p 96

fisheries management services. As a result, fishers are now more concerned with the quality of management and the equity among contributors.

The Act provides for the collection of a resource rent on behalf of the community and the recovery of management costs from commercial fishers. In the case of share management fisheries, these charges are levied on commercial fishers in proportion to their shareholding, whereas for restricted fisheries, these charges are raised through a flat fee. The Act does not provide a mechanism to collect similar contributions from the recreational sector.

Referring to this apparent inequity, Dr Glaister stated:

.... some people would consider that recreational fishers do make a contribution now through taxation and other forms of payment. I can certainly see some inequity in a fishery such as abalone or rock lobster, which are highly valued, in that the commercial sector pay significant fees for the right to carry out their activity and that recreational fishermen do not.<sup>20</sup>

One way of increasing the contribution of the recreational sector suggested to the Standing Committee was to levy businesses that have a vested interest in the growth of the recreational fishing industry and which lobby Government and fisheries managers for a greater role in policy formulation. Mr Connor commented:

... the suppliers of fishing equipment could play a much larger role than they do. We could look at some sort of environmental resource tax on their equipment as a way of funding research and enforcement, rather than necessarily focusing on the end users, the recreational fishers.

Clearly those suppliers are heavily involved in the debate and consider themselves major players and want to be involved in the policy making and public decisions. I think this is an area that could be explored a bit further in terms

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<sup>20</sup> Evidence of Dr Glaister, 26 May 1997, p 55

of ensuring that the recreational fishing effort does not hinder ecological sustainability.<sup>21</sup>

Specific examples of a recreational contribution that have been proposed include:

- a recreational licence fee;
- a portion of Federal sales tax on recreational fishing equipment; or
- a levy on recreational boat registrations (QLD model).

## **5.6 Case Studies**

A number of recent resource allocation conflicts illustrate the aforementioned problems associated with resource allocation and the difficulty in providing outcomes that are acceptable to all user groups.

### **5.6.1 Kingfish Trapping**

#### **5.6.1.1 Background**

Kingfish are a popular angling species and a significant commercial species. Traditionally both sectors targeted the species using lines. During the 1970's, traps began to be employed as a means of commercially harvesting the species. No restrictions were imposed on the number of traps that could be used.

Total commercial landings of kingfish in New South Wales increased during the early 1980's, reflecting a change in consumer tastes and higher market prices, followed by a decline from 595 tonnes in 1985/1986 to 346 tonnes in 1993/1994. This decline must be viewed in the context of the input restrictions imposed over the period in response to concerns in relation to the danger the traps posed to navigation, the potential of traps to break loose and "ghost fish" indefinitely, and the capture of juvenile fish.

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<sup>21</sup> Evidence of Mr Connor, 5 May 1997, p 26

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In 1988 the Minister for Agriculture and Rural Affairs, Ian Armstrong, imposed a limit of 5 traps per boat, a restriction on trap size, and a minimum depth that the traps could be set. He also required that the traps be fitted with timed release catches. Mr Armstrong stated at the time:

I am prepared to test the use of floating fish traps under the new safety regulations, but unless commercial fishermen ensure that their traps do not create an offshore safety hazard, I will have no other option but to ban their use.<sup>22</sup>

In November 1990 the use of kingfish traps was restricted to 76 fishers with 3 traps per endorsement. A further size restriction of 600mm was also imposed. The notification expired in 1993 and was renewed for a further year to allow for a review of the method. Continued concerns over the trapping of kingfish resulted in the convening of the Kingfish Trap Review Committee. The Committee identified the perceived decline in recreational and commercial catches as being the most pressing issue to be addressed. With uncertainty over the status over the stock and the lack of research results, the Kingfish Committee considered that its primary responsibility was to ensure the protection of the resource and determined:

The only option considered to address all the problems was to discontinue the use of floating traps. The Committee noted that a number fishers rely on these traps for a considerable part of their income, and a summary halt to this activity would cause considerable hardship. It was therefore recommended that the use of traps be permitted for one further year beyond the expiry date of the present notice in October 1994 to moderate the impact of this decision. This would allow operators to continue to use kingfish traps until October 1995 while restructuring their fishing operations.<sup>23</sup>

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<sup>22</sup> The Hon Ian Armstrong (3 June 1988). "Floating Kingfish Traps on Trial", Press Release

<sup>23</sup> Kingfish Trap Review Committee Report, p 4

The present Minister for Fisheries, Bob Martin, gazetted an amendment to the Fisheries Management (General) Regulation 1995 on 6 October 1995 which banned the use of kingfish traps from 1 April 1996. A motion to disallow the Regulation was moved in the Legislative Council but lapsed due to prorogation. The ban on kingfish traps created a great deal of concern among fishers and the post harvest sector, culminating in the temporary closure of the Sydney Fish Markets in protest.

#### 5.6.1.2 Criticisms of the Ban

Those opposed to the ban perceived the decision to be politically motivated. Mr Ronald Snape, commercial fisher, submitted:

The kingfish trappers feel strongly that when a management system is being implemented, political expediency should not enter the equation. Indeed management should be based on the sustainability of a stock. This has not been the case with the banning of kingfish traps for the Minister, with extremely obsolete biological data (1993's data) banned our fishery at the behest of the Australian Fishing Tackle Association (AFTA) and thus the entire debate was centred around allocation and not conservation.<sup>24</sup>

Industry accepted that problems had existed but maintained that modifications to equipment and fishing practices had addressed these problems.<sup>25</sup> In evidence, Mr Snape stated:

That is another thing that the kingfish trappers have actually put up as part of their management plan. They want to be quota-ed. This is the ultimate in responsibility - not wanting to rape, pillage and plunder, as we have been accused of doing. We want a discrete amount of fish, a quota amount. Also within their management plan they

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<sup>24</sup> Submission 3, Ronald Snape for Commercial Fishing Advisory Council, p 4

<sup>25</sup> Submission 3, Ronald Snape for Commercial Fishing Advisory Council, p 8

want to look at escape gaps. This industry should be applauded, not vilified. In 1988 they set the parameters on which the rest of fisheries management should be based. In 1988 they wanted to pay \$2,000 per year per endorsement holder to research. Fisheries found it too difficult to collect. Now, here is an industry which in 1988 offering \$200,000 a year for research. There was no research done on kingfish up until just very recently.<sup>26</sup>

The perception of industry was that kingfish traps had been banned without the scientific evidence to support it. Mr Leadbitter stated:

There was an expectation amongst the industry that kingfish would go to share management and that share management would be via a total allowable catch which was then split up with individually transferable quotas. There needed to be some work done on stock assessments. The data showed that the commercial kingfish catch had been stable basically since kingfish traps were established. There had been an increase in the commercial catch after the kingfish traps were established. It seemed to me that there had been basically a reallocation of the catch from a more even-stevens to a greater commercial share but there was no evidence at all that the kingfish were under threat. That is where Fisheries should have stepped in and done a proper independent stock assessment rather than responding to the sorts of pressure which they did.<sup>27</sup>

Kingfish trappers also claimed a right to compensation for the loss of earnings arising from the ban and the fact that they had not been able to accumulate a catch history in other fisheries. Mr Snape submitted:

The kingfish trap fishermen are not only disadvantaged in their loss of income but also in entry criteria that has been set up to manage NSW commercial fishing. The entry

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<sup>26</sup> Evidence of Mr Snape, 28 January 1997, p 44

<sup>27</sup> Evidence of Mr Leadbitter, 3 April 1997, p 78



dates for qualification to various fisheries are between 1986 and 1990. This is coincident with the time that kingfish trappers were trapping kingfish extensively throughout NSW. Hence if these fishers knew that kingfish trapping were to be banned, naturally enough they would have fished in fisheries for which they could have made an entry criteria. Most of these fishers, being trap fishers would have fished for lobsters, which has now shown itself to be one of the most lucrative fisheries in NSW now that it is under a quota regime.<sup>28</sup>

### 5.6.1.3 Departmental Defence of the Ban

The Departmental countered this criticism by arguing that there were sufficient indicators to warrant the banning of the traps. Mr Steve Dunn, Policy Manager, NSW Fisheries, told the Standing Committee:

The evidence that was provided to back up that statement is falling trends in total catch, and an increase in the number of people who were actually targeting the species. So there was a fall in catch and an increase in effort. There were records - quite good records - from some of our Departmental officers who tagged and released kingfish that the numbers were different and also that the size frequency of the fish was changing. So there were less large fish and the catch was becoming predominantly of a smaller average size.

That all adds up to a situation where you have a fishery that is being over-exploited. I accept that there is no hard, scientific evidence. Any researcher will tell you that by the time we had put in place a research program which would have been designed to and capable of giving that hard, scientific evidence, it could well have been too late..<sup>29</sup>

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<sup>28</sup> Submission 3, Ronald Snape for the Commercial Fishing Advisory Council, p 11

<sup>29</sup> Evidence of Mr Dunn, 19 May 1997, p 35

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The Department also indicated that the kingfish fishery was not economically large enough to warrant the expenditure required to conduct the necessary research.

When questioned as to why a more comprehensive stock assessment was not carried out, Mr Dunn responded:

..... the fishery is, by any standard, of relatively low value. Last week I said somewhere under \$1 million. I have checked that out since, and the fishery's 10-year average value is \$1.5 million a year. It is a relatively high profile fishery now because of the current debate, but by any standard that is a very small value. Yes, we have a need to have scientific information on all of our fisheries, but the kingfish is one that has consistently prioritised off the bottom of the list, even by the industry itself. When the kingfish research proposal was first put to the Fishing Industry Research Advisory Committee it did not receive a high enough priority to successfully get their support.<sup>30</sup>

With respect to compensation, Mr Dunn argued that the Department had approved trapping only as an experimental technique with no assurances that the method would continue. Furthermore, Mr Dunn claimed that the Department had encouraged those fishers involved in trapping to return to traditional line methods.<sup>31</sup> Dr Glaister also indicated that he would not support compensation as kingfish trappers still had line methods available to them, adding:

You asked me for my opinion. The way I would answer that would be, if I was asked, I would say to the Minister that kingfish are still able to be taken by line methods, that the trap method was always experimental, and that it was put in there for a trial, that the decision was taken by my predecessor or whoever that it was not a successful outcome and so it should be stopped. Now, in that case, I would not be supporting a push for compensation

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<sup>30</sup> Evidence of Mr Dunn, 26 May 1997, p 35

<sup>31</sup> Evidence of Mr Dunn, 26 May 1997, p 40

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because you do not know where that line would end. I mean, do you then look at compensating people for imposing a closure to protect small prawns, for example?<sup>32</sup>

#### **5.6.1.4 Conclusion**

While the Standing Committee recognises that the use of kingfish traps has only ever been on a trial basis, it is concerned that the traps were banned with little scientific basis. The Standing Committee believes that kingfish traps have a number of advantages over the line method, particularly the ability to release juvenile fish with relatively little harm, and that the trap's major disadvantages, such as 'ghost fishing' and being a hazard to navigation, have been addressed. However, the Standing Committee considers that it would be unwise to allow the trap's reintroduction without having implemented a method of limiting the total kingfish catch. Accordingly, the Standing Committee recommends:

#### **Recommendation 3**

**That kingfish trapping be recommenced on an experimental basis. NSW Fisheries and ex commercial kingfish trappers should operate this pilot scheme for 1 year. Independent assessment of the recreational take, the black market take and the charter boat take should be carried out along with a detailed stock assessment.**

**Kingfish traps as a method should be assessed for their efficiency, bycatch, state of the fish as landed and value at point of sale in comparison with line fishing for kingfish.**

**The Total Allowable Catch Committee should be furnished with the results of the assessment and take into account the commercial data for the years 1990-1995. A TAC for kingfish should be set within 3 months of receiving the detailed stock assessment and take data, and no longer than 18 months from the tabling of this report.**

#### **5.6.2 Beach Hauling**

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<sup>32</sup> Evidence of Dr Glaister, 26 May 1997, p 37

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### 5.6.2.1 Background

Beach hauling involves the use of a net to encircle fish moving along the shore. The net is towed from the shore using a boat and once encircled the fish are pulled into the shallows and harvested. Several species are taken by beach hauling in NSW, with sea mullet constituting the bulk of the catch by weight.

NSW Fisheries conducted a review of ocean hauling in June of 1994. The review identified the following problems in the NSW beach haul industry:

Despite a freeze on the issue of net hauling registrations and fishing licences, conflicts relating to ocean beach hauling have become more frequent in recent years. This is due to a number of reasons, some which may be related to the expanding NSW population. The majority of the population of NSW is concentrated in coastal regions and both tourist and residential development is expanding into coastal areas of previously low population density. Additionally recreational fishing is increasing in popularity and there is a greater community awareness of, and involvement in resource management, including concerns about the use of community owned resources such as fish.<sup>33</sup>

The beach haul fishery has provided fisheries managers with complex problems arising from dissatisfaction with Departmental management strategies, rivalry between beach hauling crews, conflict between commercial fishermen and the recreational sector, inequities in the regulation of other commercial fishing methods, and the specialised management requirements of Aboriginals involved in the fishery.

### 5.6.2.2 Departmental versus Industry Conflicts

Beach hauling crews have been confined to geographic zones as part of the move to restricted fisheries. The restrictions have had social and economic

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<sup>33</sup> Summary of Submissions to Ocean Hauling Review 1994, p 1

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impacts on beach haul fishers who traditionally ranged up and down the coast in search of fish. Mr Russel Massey, a beach haul fisher, identified the inequities resulting from zoning:

I have grave concern about the zoning going on in the State at the moment. The State is dividing us into seven or eight regions, inland as well. Well, we as commercial fishermen are not allowed inland. Anyway, the shore fishermen are being divided up. To me, it is not being divided up equally amongst the commercial fishermen. There are some areas that have high production and other areas that really have not got production. It is in our submission as far as the beach fishing is concerned on the production in each region as we see it from the figures.

As a full-time commercial fisherman I was allowed to roam, which I did, to maximise my income. Now, just because my local residence is in RAC region six, I have been told to go home. I have always considered myself as a New South Wales fisherman, and my family has always been the same. You can go right back through the history of the Massey family. My grandfather and great-grandfather all roamed up and down the coast. It has been traditional to be full-time commercial fishermen and to roam.<sup>34</sup>

Catch histories were used to identify the participants in each fishery. Some participants in the beach haul fishery believe that the limits set by the Department are too low and constitute a threat to the sustainability of the resource. Mr Massey outlined the deficiencies of the entry criteria:

What happened was that the historical right has been so low, virtually to be a beach fisherman it was 1 kilo and owned a boat and net prior to 1990. One kilo! The result was that the fisheries records are that bad that they really cannot tell whether you caught in the estuary or on the

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<sup>34</sup> Evidence of Mr Massey, 30 January 1997, p 28

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beach. So the result is that every Tom, Dick and Harry got in.<sup>35</sup>

Mr Massey also complained of the inequities arising from the Department's inability to stop the use of unlicensed crew in the industry, stating:

I have always worked six to eight commercial fishermen with me. As the wife stated, some of these other beach crews have got three blokes and they have been using dole bludgers to catch exactly the same as I am, and when it comes to catch history I am splitting mine up eight ways and they are only splitting theirs up three ways. We are talking about going into a share fishery, but these guys who have cheated in the industry are getting a golden handshake and the full-time blokes are getting the gurgler.<sup>36</sup>

### 5.6.2.3 Recreational versus Commercial Conflicts

The beach haul fishery has also experienced allocation conflicts between the recreational and commercial sector. In an attempt to resolve these issues, commercial fishermen in the South Coast region are now subject to weekend and public holiday closures. Mr Sonny Butler, an Aboriginal beach haul fisherman, argued that the restrictions were insensitive to the specialised fishing practices of local Aboriginal communities:

The Aboriginal people who are still in this beach haul fishery have not done anything else. They have got no experience in anything else. In some cases they have got a little bit of experience doing other jobs, but, as for making a living and providing for our families, we have had no other interests.

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<sup>35</sup> Evidence of Mr Massey, 30 January 1997, p 30

<sup>36</sup> Evidence of Mr Massey, 30 January 1997, p 30

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We come to the point now where, not knowing anything else other than the beach haul fishery, we are squeezed right out of existence. We have a situation at the moment with the closure of weekend and public holiday fishing. We cannot handle this as other people in the beach haul fishery may do because, of the New South Wales beach haulers, the only people who work all year round and almost totally dependent on the beach haul fishery are on the south coast.<sup>37</sup>

#### 5.6.2.4 Commercial versus Commercial Conflicts

Inequities in the regulation of different fishing methods is the basis for conflict within the commercial industry. While the beach hauling method is restricted to zones, other commercial fishing methods that compete for the same species remain geographically unrestricted. Mr Massey stated:

I would be able to accept zoning if everybody got the axe the same as I have. Unfortunately, that has not happened. When you read the gazettal for the beach fishery there is garfishing to a boat, multiple zones, there are purse seining in this also. It has got no zones. You can roam all New South Wales. Then you have got provisions made for beach haulers like myself who work half of one zone and half another. As I have stated before, we have got guys even from Tweed Heads coming down and working around Newcastle.<sup>38</sup>

Referring to the sustainability of the fishery, Mr Massey added:

What has happened with this zoning is that there has been a vast increase in effort as far as the mullet fishery is concerned nowadays, because you have got to catch those fish before they get across the boundaries. So there is a vast lift in effort. Everybody has lifted their effort really

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<sup>37</sup> Evidence of Mr Butler, 30 January 1997, p 48

<sup>38</sup> Evidence of Mr Massey, 30 January 1997, p 43

considerably. It is no different to me. I think I work twice as hard on the beach to try to catch my mullet nowadays than I did, say, in 1986, because all these other little guys have come in and scraped into the industry and they are all lifting their effort. So I have had to lift my effort. All I can see in the long run is that the fish stocks will really suffer.<sup>39</sup>

Mr Butler also commented on the inequities between different methods and questioned the sustainability of the stocks and beach hauling as a method under the current management regime:

... On the one hand we have the Director of Fisheries initially stating that it was to protect the dwindling stocks in this particular fishery. That was about November 1995. Since that time purse seine vessels, which are big boats normally used out in the ocean to catch tuna, et cetera, have been given licence to come right into the beach and to take the species which the beach haul fishery once survived on. With purse seiners, by the way, one vessel last year caught in about three weeks more salmon than the entire beach crews caught in about two or three years.

They are able to work on the weekends. They have no restrictions at all. They can work from the Victorian border to the Queensland border, whereas we are zoned. The New South Wales coast is zoned into seven regions, and we who are shore based with row boats and hand-haul nets are allowed to work in one of those regions and we are not allowed to work on weekends and public holidays. The purse seining vessels have no restrictions like that at all.<sup>40</sup>

### Recommendation 4

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<sup>39</sup> Evidence of Mr Massey, 30 January 1997, p 38

<sup>40</sup> Evidence of Mr Butler, 30 January 1997, p 48

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**The Standing Committee recommends that to protect the beach haul fishery, other boat-based fishing methods (including purse seine operators) should not be able to operate within 500m of the shore. (Shore being defined as the limit of the high water mark).**

### **5.6.3 Charter Boat Fishing**

The resource allocation debate is further complicated by charter boat operations, which blur the activities of the recreational and commercial sectors. In evidence to the Standing Committee, Dr Glaister supported greater regulation of charter activities:

The question of charter boats is a vexing one. I have tried to start negotiations with the charter boat operators, and in fact there is some legislation that we have been given the okay to go ahead with in order to try to get some idea what their catches are through a log book program. But the issue of charter boats is one that stretches right across the country. I know that Western Australia and Queensland have had the same concerns about the unregulated increase in charter operations.

In fact, my officers last week finished a trip along the coast where they had port meetings - and I think there are about 200 charter boat operators in New South Wales - looking at their reaction to the idea of regulation and licensing and that kind of thing. Most of them seem supportive, but they want to see the fine print of course.

I do believe that, unchecked, it could be a long-term problem. It certainly happened like that in the United States, and it had some huge problems there. My own view is that charter boats are about providing a platform for recreational fishermen to go recreation fishing. We have got some difficulties where charter boat operators are also licensed commercial fishermen and can change hats

when they are at sea, depending on how the catches are going. I do not think that is appropriate at all.<sup>41</sup>

The Standing Committee considers that charter boats represent a unique crossover between the commercial and recreational sectors. The unregulated nature of the charter boat industry has the potential to impact on the resource by providing recreational fishers with a more effective fishing platform and may contribute to the sale of fish caught by recreational anglers. The Standing Committee believes that tighter management arrangements are required to provide fisheries managers with a more accurate estimate of the impact of charter boat operators on the resource. Accordingly the Standing Committee recommends:

### **Recommendation 5**

**That the activities of charter boats be clearly defined and regulated by a system of registration and licencing. The lodgement of catch returns should be a condition of this licence.**

#### **5.6.4 Abalone 2 for 1 Issue**

Until recently, abalone divers in NSW were classified as either unconsolidated or consolidated. Unconsolidated divers obtained their licences under the previous open access scheme, where fishers could buy a licence for \$2. In 1984 the '2 for 1' law was introduced to reduce the number of participants in the fishery from 57 to 29. This law required new entrants to buy out 2 unconsolidated licence holders to become a 'consolidated' diver. Consolidated licences could then be traded at market value.

In the early years of the scheme the number of participants fell by an average of five per year. In 1989 a Total Allowable Catch was introduced to ensure the sustainability of the industry. Consolidated and unconsolidated divers were allocated the same quota, but the 2 for 1 law remained in force. In 1993 free consolidation of the remaining unconsolidated licences was promoted. Sales of unconsolidated licences ceased while divers awaited the outcome. In 1995

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<sup>41</sup> Evidence of Dr Glaister, 26 May 1997, p 69

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the 2 for 1 law was repealed as part of the introduction of share management. All licences were rendered consolidated as a result.

There are currently around 36 licenced abalone divers in New South Wales. The free consolidation of the remaining unconsolidated licences angered consolidated divers who maintained that the 2 for 1 system should be followed until its endpoint to ensure the financial viability of their investments and the sustainability of the fishery. The matter is now the subject of a Supreme Court action between the Consolidated Divers' Group (plaintiffs) and NSW Fisheries, the Minister for Fisheries, and the State of New South Wales (defendants).

Due to the pending legal proceedings, the Standing Committee does not wish to comment on the 2 for 1 issue.

## **5.7 Proposed Solutions**

### **5.7.1 Greater Statutory Recognition of the Recreational Sector**

Some witnesses expressed concern to the Standing Committee regarding the adequacy of recreational sector provisions within the *Fisheries Management Act 1994*. They claimed that the Act has an unbalanced focus on the commercial fishing sector, with inadequate provision for the management of recreational fishing activity. For example, Mr Jeff Angel, Director of the Total Environment Centre, stated

The Total Environment Centre in association with other groups such as the Australian Conservation Foundation was engaged in quite intensive negotiations for the Fisheries Management Act 1994. During those negotiations we also developed a very constructive relationship with commercial fishermen. We were particularly pleased with a number of the outcomes with the legislation, the total allowable catch provisions, particularly the factors to be considered under section 30 such as the precautionary principle; the provision for management plans; and habitat protection measures. Certainly the relationship between environmentalists and commercial fishermen reached a new level. However, as

is perhaps apparent in the legislation, the recreational fishing sector was not a particular part of those negotiations and despite our efforts to improve the legislation in regard to controls on recreational fishing we failed to do that. To that extent the provisions of the Fisheries Management Act have a bias towards commercial fishing controls and a lack of attention to recreational fishing controls. To that extent the legislation is imperfect.<sup>42</sup>

The Department was also critical of the lack of adequate legislative provisions for the recreational sector. Dr Glaister stated:

I understand that the original draft legislation had provision for a recreational total allowable catch as well as a commercial TAC and that was subsequently removed. In the case of resources that are jointly shared inevitably there will be need to include some provision for recreational fishing. Even the two existing share-managed fisheries of rock lobster and abalone have got potentially significant recreational and indigenous interests that are not currently being addressed. The legislation could be improved by explicitly recognising that needs to be done. At the moment we are saying there is a total resource of X. In the case of an output controlled fishery we are saying, all right, the total allowable commercial catch should be this part of it and we will keep an eye on that, and the indicators that we will look at in a stock assessment since will let us know how things are ticking along. It is the same as the Commonwealth-State concern with input and output controls, and if there is an uncontrolled increase in the other sector there will be problems. I agree that the legislation could be usefully amended.<sup>43</sup>

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<sup>42</sup> Evidence of Mr Angel, 2 April 1997, p 55

<sup>43</sup> Evidence of Dr Glaister, 7 July 1997, p 30

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### 5.7.2 Postharvest Sector Involvement

The current form of the *Fisheries Management Act 1994* does not provide for post harvest sector input into fisheries management. Both NSW Fisheries and the post harvest sector have indicated that legislative amendment could increase consultation between the Department, the post harvest sector, and commercial fishers. Mr Sam Gordon, Executive Officer of the Fish Merchants Association, stated:

I see part of the present problem at the moment, and it really is a bit unfair on either Mr Martin or the Fisheries Department, in that the actual Act only gives them responsibility up to once the fish has got to the first receiver. It is like the loop is not complete, so to speak. In the Agricultural Department it is very much the case where their responsibility goes from growing the product down to marketing the product, following the whole chain.

At the moment there is a problem because the product is caught and then when we want to talk to government about it we really have no government department to go to and it has been made quite clear by Dr Glaister that his responsibility does not extend to the post-harvest sector in any area really apart from compliance. I would see the concerns would be with the current legislation.

I would like to see a completion of the loop, bring the consumers involvement and the post-harvest sector involvement in because you cannot manage one without the other.<sup>44</sup>

The involvement of the post harvest sector can provide financial incentives to industry to harvest the resource in a more efficient and cost effective manner. Mr Gordon commented:

... from our experience of Duncan Leadbitter having been to America and looking at how the fisheries are managed

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<sup>44</sup> Evidence of Mr Gordon, 14 April 1997, p 68

over there, one thing he was quite surprised by is that the post-harvest sector plays an important role in really controlling what happens in the industry. I can give an example back home that when we see a lot of under-sized tuna being caught and the market price drops to 80 cents, we would see that the post-harvest sector if it were better organised could really say to the fishermen, enough is enough, there is really no point in catching this smaller fish.

Not only that, as the market sector we are the ultimate controllers because if we start getting worried with what is happening with a particular species or the way it is caught, we can put ultimate pressure on by saying we will not buy that product.<sup>45</sup>

The Standing Committee considers that the post harvest sector has a significant role to play in the commercial fishing industry, particularly with respect to the encouragement of sustainable fishing practices. Specifically, the Standing Committee believes that greater feedback from fish marketers to fishers regarding saleable fish size and species could have benefits for the State's fisheries. Accordingly, the Standing Committee recommends:

### Recommendation 6

**That the Government amend the *Fisheries Management Act 1994* and/or associated regulations to broaden the Department's awareness of, and contact with, the post harvest sector, and to provide fish marketing organisations with a more formal role in liaising with fishers. These amendments should establish a more comprehensive framework to combat the black market trade in fisheries product and provide a means of informing fishers of ways to maximise the value of their catch.**

#### 5.7.3 Post Harvest Levy

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<sup>45</sup> Evidence of Mr Gordon, 14 April 1997, p 68

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Consumption patterns within NSW indicate that seafood requires product development and marketing effort similar to that undertaken by other primary industries to promote the image and competitiveness of NSW seafood. The Master Fish Merchants Associations has written:

Indications suggest that our out-of-home seafood consumption continues to increase but that in-home consumption is static and may be declining. The domestic seafood industry has, in the past, been a fractured industry, product driven rather than market driven and until now never had the need or common cause required to create a united approach to issues of common interest.<sup>46</sup>

The Association supports the creation of a post market levy to assist it in product development, market research, quality assurance, and service improvement to raise the profile of the seafood industry with consumers and government. Mr Gordon, Executive Officer of the Master Fish Merchants Association, lists the benefits to all sectors of the seafood industry and the environment that can be derived from a post harvest levy as follows:

... One would be assisting generic seafood promotion and that would be to prevent situations of market collapse such as we have seen recently [Wallis Lake incident]. The second one, staying on generic seafood promotion, is that at the moment, for example, there is a huge glut of seafood. The industry has not got the resources to go out and market that seafood, so it really is not obtaining a value which we feel it deserves and could achieve.

Another one is food safety. It is really coming down to a situation now where the public is demanding that all food industries do something. We have a choice here whether the government pays for it and there are negatives there because if the government is the one who develops it the chances are that it will not really be something that suits industry and will be taken up and used by industry. We are

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<sup>46</sup> Master Fish Merchants Association (1995). *Seafood Promotion Fund for New South Wales*, Master Fish Merchants Association, Sydney, p 1

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basically saying: We are willing to pay for it if you give it to us to run it.

Then we have product development. A quick example would be baby octopus, which is a by-catch. Ten years ago or so it used to be thrown over the edge of the boat's deck because it had no market value. Now, as we all know, baby octopus is seen in most trendy cafes around Sydney and around New South Wales. It has been given a value. There is no reason why we cannot do that with other forms of product, therefore giving it a value and also meaning that the fisher does not have to go out and catch quite as much as he did before to generate an income.

Then we go to the environment sustainability side. Obviously that is a crucial side for all of us and, as the post-harvest sector, we feel that we have a responsibility to play in the environment's sustainability. It is educating the public. We have just done a promotional paper at the moment on tuna, educating the public about tuna, where it comes from, how it is caught, what safeguards are being introduced and what some of the problems are in the industry, but in relation to educating the consumer of what is happening and where their seafood comes from and why it is so important to look after the environment, I think we play a very big role there.

The next area would be market research and statistical data. There is absolutely no market research and statistical data done in this industry whatsoever. I think everyone here would agree that it is very hard to manage an industry well if you do not know what it is doing at all, how many players are in the game, how much is being sold, what the trends are in the consumer, what marketing works.

The next point would be research contribution. At the moment there is the Fisheries Research and Development Corporation that is there for development as well as research and I have been told by the Executive Director of



that organisation that, sadly, because the post-harvest sector does not contribute financially, a lot of the development projects do not get up, so we feel that if we can contribute financially to that organisation we have more chance.<sup>47</sup>

The Standing Committee believes that there would be considerable benefit for all sectors of the seafood industry and the resource to be gained from the introduction of a post harvest levy. Accordingly the Standing Committee Recommends:

#### **Recommendation 7**

**That a compulsory levy (to be determined through consultation with industry) be collected from the first receiver, levied on each kilo of product caught or imported into NSW. Funds raised from this levy should be used to improve quality assurance, product development, seafood promotion, and environmental sustainability.**

#### **5.7.4 Restructuring Resource Allocation Mechanisms**

It is apparent from the preceding review of recent resource allocation disputes and evidence received by the Standing Committee that the present administrative structure is generally not viewed as fair and objective. For example, Mr John Connor, Executive Officer of the Nature Conservation Council, commented:

The way in which the administration of this legislation is heading, the Minister is involved at a number of key points and there is quite an extraordinary politicisation of the processes going on. That is not even necessarily a reflection on the particular Minister but that is something we were always concerned with. That the short term interests would prevail over more long term reasoning analysis.<sup>48</sup>

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<sup>47</sup> Evidence of Mr Gordon 14 April 1997 p 67

<sup>48</sup> Evidence of Mr Connor, 5 May 1997, p 29

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Adjustment of the current resource allocation structure could improve consultation and remove perceptions of political interference from the decision making process. Referring to consultation, the Security of Access and Resource Sharing Working Group wrote in its final report:

A centralised approach denies the involvement of participants in the allocation process. It is inconsistent with contemporary management practices, which revolve around consultation and public participation in decision making. A management system without these elements inevitably causes competing user groups to be dissatisfied with outcomes of policy decisions<sup>49</sup>

An alternative to the Departmental fisheries management structure is a statutory authority similar to those of the Commonwealth and Queensland. This type of management model received support from a number of different organisations as a means of avoiding the current perceived politicisation of the management process.

Mr Leadbitter stated:

..... the establishment of a fisheries management authority would help remove a lot of the politicisation which we have observed in the last couple of years. The legislation setting up the authority should recognise the various interest group categories that provide advice, whether they be from commercial, recreational or environmental groups or expert groups.<sup>50</sup>

Mr Harasymiw, representative of the Four Ports Management Committee, also saw the implementation of a statutory authority as a means of overcoming much of the politicisation now involved in the resource allocation debate. Mr Harasymiw said:

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<sup>49</sup> Security of Access and Resource Sharing Working Group, p 12

<sup>50</sup> Evidence of Mr Leadbitter, 3 April 1997, pp 65-66

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My feeling is that at the moment the present departmental structure, which is still based on the 1935 Act, is very much out of date. It should move forward into something that is much more up-to-date with the world as it is now. I believe it should become a statutory authority, with spelt-out legal objectives catering for all sectors of the fishing industry, that is, both the recreational and commercial side, with environmental objectives, and so on. If we do not, I am afraid that the politicisation of the fishing industry will go on forever.<sup>51</sup>

Dr Glaister, in response to a question on notice concerning the value of an authority to oversee the present operations of NSW Fisheries, stated:

There is little, if any, value in a board being appointed by the Minister to oversee the operation of NSW Fisheries. The present arrangement provides for the closest liaison between the Department and Government, and is the most appropriate model providing direct communication and responsiveness.

... The experience in other places would suggest that the board structure may give rise to significant conflicts of interest, and exposure to capture by client interest groups. This appears evident where the legislative focus is narrow, as in the Commonwealth arena.

The Australian Fisheries Management Authority (AFMA) and the Queensland Fisheries Management Authority (QFMA) provide the Australian experience with broad controlled management. While ostensibly intended to operate at arms length from the Minister, the need for all plans of management, the AFMA Corporate Plan and the Annual AFMA operational Plan to be approved by the Minister substantially impacts on that independence. Under these authorities the development of appropriate legislative review and amendment has been slow and unresponsive.

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<sup>51</sup> Evidence of Mr Harasymiw, 30 January 1997, p 53

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The alleged client capture of the AFMA board has led to a focus on large scale commercial interests, and the neglect of other significant client groups such as recreational fishers.

... A board structure would lead to increased costs, with the necessity to retain a chairman, to remunerate additional members and to fund meetings. All of this would have to be met by increased imposts on fishers. With dedicated councils (the ACCF, AcORF, ACA, ACFR and ACFC) and management advisory committees (MAC's) with broad industry and community interest group representation liaising with the Department and providing advice directly to the Minister, no useful purpose would be served by providing yet another layer of bureaucracy in the form of a board.<sup>52</sup>

While a move to a statutory authority may partly address perceptions of politicisation of the allocation process, the present centralised approach to fisheries resource allocation and management would remain. Management needs to recognise that resource allocation is a specialised field, with management solutions varying on a case by case basis. A review of the Department-based allocation of fisheries resources in Western Australia found that:

... there is no structured mechanism by which competing user groups can acquire access to a fishery or gain access to a larger portion of the resource . Instead shares tend to be determined by the political system which often results in fishery resources being allocated on an ad hoc, incremental and reactive basis.<sup>53</sup>

As a result of the Western Australian review, the Department is currently consulting with all sectors of the fishing community to reformulate that State's resource allocation framework. This process involves moving through clearly

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<sup>52</sup> Glaister J. Response to questions on notice, p 4

<sup>53</sup> Security of Access and Resource Sharing Working Group p 5

defined steps within set time limits, is reliant upon a high degree of consultation and transparency, and has been described thus:

This process is intended to provide the public (including commercial, recreational, and passive users of WA's aquatic resources), the Minister and the Fisheries Department of WA with a vehicle for achieving defensible voluntary resource sharing arrangements among potentially competing users of fisheries resources.<sup>54</sup>

The Standing Committee considers that the present system where the fishery manager (NSW Fisheries) also plays a major role in the allocation of the resource, exposes it to the criticism that there is an opportunity, perceived or real, for interest groups to 'capture' the Department and receive a more favourable allocation. This perception has been the major impediment to the equitable distribution of fisheries resources between competing user groups and the acceptance of allocation decisions. While the Standing Committee believes that a move to a fisheries management authority structure would be unnecessarily expensive and disruptive, it recognises the need to separate the allocator from the manager. The Standing Committee considers that there are existing mechanisms within the Government that are capable of separating resource allocation from management. The Resource and Conservation Assessment Council (RACAC), using techniques developed during the ongoing forestry resource allocation debate, has proven successful in this regard. The Standing Committee considers that RACAC has a role to play in fisheries resource allocation and expands on this proposition in Chapter 11, General Conclusions and Recommendations.

### **5.7.5 Research Based Allocation Decisions**

The lack of research on which to base allocation decisions has been cited as a factor which renders allocation disputes intractable. In the absence of some objective body of evidence, allocation decisions remain open to perceptions of politicisation and bias.

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<sup>54</sup> Guidelines for Voluntary Resource Sharing (Draft), Fisheries Department of Western Australia, p 1

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For example, the Australian Fishing Tackle Association (AFTA) submitted:

The recreational sector has expanded rapidly. There is ever increasing competition for the declining numbers of fish . But where is the sound proof for these dire statements, upon which such far reaching management decisions could be made? Where is the scientifically collected data showing the dramatic increase in recreational angling through time...

The simple fact is: The Department does not have the data, and is basing their argument on biased opinion and speculation.<sup>55</sup>

Professor Robert Kearney, former NSW Director of Fisheries Research and presently Head of the Department of Resource, Environmental and Heritage Sciences, University of Canberra, indicated that this has been an ongoing problem in fisheries management that has only recently been addressed, adding:

... let us put it in perspective. When I took over the research division 10 years ago now there was only one report on the nature and size of the recreational catch in New South Wales and it had never been published - it was an internal report - and that was in Sydney harbour alone. At that time I believe our research efforts were disproportionately focused on game fishing activities and not on the things that a majority of people in New South Wales were involved in, which was inshore fisheries.

Again being mindful of the need for data on both sets, recreational and commercial, to put the matter in complete perspective, I should also point out that at the time I took over the commercial fisheries data base had been officially abandoned by the department. They were not even compiling the commercial catch and effort returns. That was in 1986. That had been abandoned in late 1984 and it took me some time - I could document it for you - about 18 months to get the then Department of Agriculture to

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<sup>55</sup>

Submission 38, The Australian Fishing Tackle Association (AFTA), p 3

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agree to re-establish the commercial catch and effort data base. I pointed out that if you are going to do any form of management in the future you have no other data set to use, be it property rights management or otherwise.<sup>56</sup>

The need for research is particularly evident to determine the recreational catch and resolve resource allocation disputes between the recreational and commercial sectors. Mr Gary Henry, Supervisor of Recreational Fish Research, stated:

From my point of view the major problem is a lack of a long-term database on recreational fish catches. I have found in the past that when some science is conducted and the figures are on the table the conflict tends to go away. We have a very good commercial catch database, which goes back almost 100 years. There is no such comparable database for angling. I believe that if we had some good, long-term databases on the annual recreational catch and how it changed, a lot of the heat in the debate between the two groups would go away. I see that as my major problem with Fisheries.<sup>57</sup>

Dr Glaister conceded that recreational catch assessment had been neglected but that the Department is currently addressing this deficiency to meet its statutory obligations, stating:

... It was incredible to me, when I took on the job as Director, that here, in the most populous State, with the largest recreational activity going on, that there was not any recreational research of any note.

... Since I became Director I have established the recreational research group, and I have increased significantly the resources in recreational management. So

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<sup>56</sup> Evidence of Professor Kearney, 12 May 1997, p 67

<sup>57</sup> Evidence of Gary Henry, 2 April 1997, p 38

I do recognise that there is a need for basic information in that area.<sup>58</sup>

### 5.7.6 More Effective Enforcement

Fisheries Officers are instrumental in ensuring that management measures are being adhered to. New South Wales presently has 95 Fisheries Officers to cover the NSW coast and inland areas.

The duties of Fisheries Officers include:

- Public education, advisory and law enforcement activities to raise community awareness and ensure compliance with State and Commonwealth legislation.
- Managing external relationships with individuals and organisations from the community, government, industry and recreational fishing sectors.
- Assistance and support for the Fisheries Management Division in the development and implementation of policies and management plans for recreational and commercial fisheries and aquaculture, habitat protection and conservation programs.
- Assistance to the Research Division to undertake research into various protection and conservation issues.

There is an increasing awareness within the Department that, given the available resources, public education has a major role to play in achieving the desired levels of compliance. As a result enforcement officers have moved away from compliance and placed greater emphasis on education. In evidence, Dr Glaister stated:

It has been my experience that most people want to do the right thing. In the case of recreational fishermen, a big proportion of their catches are illegal in terms of things like

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<sup>58</sup> Evidence of Dr Glaister, 26 May 1997, p 28



snapper, at Tuggerah Lakes or in Sydney Harbour for example. Quite a lot of the fish that those people catch are under legal size. If the need for having size regulations are explained to them, generally most people are cooperative. It really is more of an educational need than a need to have a fisheries inspector behind every tree. So I am confident that, with the information extension activities that we are putting in place now, that will be increasingly important and that it will alleviate some of the problems.<sup>59</sup>

Dr Glaister argued that the new activities undertaken by the Department's fisheries officers constituted better value for money than the former, enforcement focus, stating:

So we have taken the view that just putting more compliance people in is not the answer. We have looked at trying to broaden the range of activities that our compliance people are engaged in. They are a very important resource, fisheries officers. They are really the front line troops, if you like. They are the people who most often the public comes in contact with first. That being the case, they have got more to do than really sell the message of fisheries law. They are also really, as I say, selling the image and culture of the department and how we manage fisheries in New South Wales.

So we are trying at the moment to broaden the skills base of fisheries officers. We are looking at bringing in some specialist areas into the fisheries officers area - things like monitoring of habitat issues, participating in education through schools, and a whole range of things like that. I agree with you that the perception may be that there are not enough fisheries officers out there, but I think we are trying to do better with what we have got.<sup>60</sup>

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<sup>59</sup> Evidence of Dr Glaister, 26 May 1997, p 66

<sup>60</sup> Evidence of Dr Glaister, 26 May 1997, p 17

Despite the Departmental view, many recreational fishers are not satisfied with the present level of enforcement and, while acknowledging the importance of education, perceive that the current diversification of fisheries officer duties may negatively impact the resource. For example, Mr Peter Parker, recreational fisher and former RFAC member, stated:

... New South Wales Fisheries, for many years - and they may say differently - has exhibited a trend in education rather than an administration by Fisheries inspectors. Members of the fishing community in northern New South Wales see a significant lack of inspectors on the ground or policing of the provisions of the Act in relation to harvesting of fish. It is very rare that members of this committee or their colleagues even see a fishing inspector on the beach. We generally have the view that we would like to see more active policing of the Act. Certainly, education is very important. We do see signs around that Fisheries are making significant efforts in relation to the publication of fish sizes and bag limits, but the number of inspectors is significantly too small.<sup>61</sup>

The South-West Anglers' Association expressed a similar view in relation to inland areas, submitting:

The monitoring of the inland sector in NSW is to say the least a joke. With the limited number of compliance officers and the huge area to police making a totally unworkable situation. We make every attempt to assist and work with our fisheries officers, and we are finding their morale declining and their workload totally unrealistic. The promise by the Minister to return the five inspectors to the inland (removed by the previous Government) has not materialised. With the numbers of recreational fishers probably at an all time high level in the state of NSW and

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<sup>61</sup> Evidence of Mr Parker, 21 February 1997, p 4

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increase in the number of compliance officers is long overdue.<sup>62</sup>

In evidence, Mr John Naughton, Senior Fisheries Officer - Northern Metropolitan Zone, indicated that there was a need to properly determine what duties could be undertaken by the enforcement branch with the existing level of resources, stating:

... We have always been told that we have to do this, this and this extra on top of what we already had to do. But no-one ever told us what we dropped off in place of doing something else. There was never much in the way of prioritising exactly what needed to be done.<sup>63</sup>

The Standing Committee considers that diversification of the role of fisheries officers and an expanding recreational sector have overextended the enforcement branch and affected its ability carry out habitat protection and enforcement. For fisheries enforcement to be carried out effectively, the duties of fisheries officers need to be clearly defined and the resources needed to achieve the desired goals estimated. Once the level of resources required have been determined for a given set of duties, the appropriate funding should be allocated. If funding is not available, the duties of fisheries officers should be reassessed. Accordingly, the Standing Committee recommends:

### **Recommendation 8**

**That a benchmarking process which identifies the duties of the enforcement branch and the associated level of resources required be undertaken, followed by an assessment of the ability of the enforcement branch, as currently resourced, to comply with these expectations.**

#### **5.7.7 Recreational Licensing**

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<sup>62</sup> Submission 38, South-West Anglers' Association, p 5

<sup>63</sup> Evidence of Mr Naughton, 2 April 1997, p 52

A major problem in managing the recreational fishery is that it is extremely difficult to accurately determine the number of anglers and their fishing effort. The Standing Committee received many submissions from freshwater recreational fishers in support of the re-introduction of an inland recreational fishing licence. For example, the Institute of Freshwater Anglers NSW submitted:

The IFA has always supported "The Inland Fishing Licence" and has continually lobbied for its reintroduction since it was deleted by the Greiner Government.

The licence provided an income of \$1.2 million in 1988 dollars and this funded the inland fishery. It was also an effective tool for management of the inland fishery in terms of protection of the species through law enforcement and self regulation by the anglers...

Australia and more importantly NSW, is the only freshwater fishing destination in the world that does not require a Angling Licence. It is well documented that in destinations where a licence is required, that the related laws are complied with and this is to the benefit of the health of that fishery and consequently to the State through revenue gained through tourism.<sup>64</sup>

The North and North west Amateur Fishermen's Association submitted:

NETAS has on several occasions asked for and supported the reintroduction of an Inland Angling Licence, with the funds generated from it to be used in the areas of:

1. Policing: several inland areas are understaffed or not staffed at all, therefore allowing illegal practices to run riot.
2. Restocking: the popularity of freshwater angling is overwhelming and on the increase, the need to

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<sup>64</sup> Submission 28, Institute of Freshwater Anglers NSW, p 5

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stock rivers with native fish and trout is paramount to relieve pressure on impoundments.

3. Research: it has become apparent that funding for research, particularly stream research is on the decline, this is obvious from correspondence received from the Department after requests have been made.
4. Education of the public: many individuals of English and non-English speaking backgrounds would be unaware of the effects overfishing has on the fish stocks in our State.<sup>65</sup>

The South-West Anglers' Association submitted:

We believe that licensing would be an effective tool in the management of recreational fishing and believe that it is vital that licences be re-introduced. Licences do provide a guide to the numbers and distribution of recreational fishers, as well as providing a significant source of revenue that could be used to better administer the fishery. Monies gained from a licence must be returned in total to the fishery and then used in vital areas such as research and compliance. Licences on the inland should be returned immediately, with serious consideration given to imposing a licence on salt water fishers as well.<sup>66</sup>

While freshwater recreational fishers strongly supported the re-introduction of the inland angling licence, coastal anglers were much less enthusiastic about licensing saltwater recreational fishing. The Concerned Anglers Group (Lake Macquarie District) submitted:

Licensing could possibly be used as an effective tool in the management of recreational fisheries provided that there

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<sup>65</sup> Submission 25, North and North West Amateur Fishermen's Association, pp 1-2

<sup>66</sup> Submission 38, South-West Anglers' Association, p 5

was a sound proposal for the distribution of funds laid out. The greater majority of recreational anglers see a licence as an extra tax and will strongly oppose such a move unless they are convinced that the funds derived from the licence scheme are to be used in protecting and enhancing their recreational fishing opportunities.<sup>67</sup>

While supporting an inland licence, the Australian Fishing Tackle Association submitted:

The question of a saltwater fishing licence is more vexed. To begin with, there is very little commercial fishing in the inland, and therefore, any benefits can be seen to flow primarily to recreational fishing. Secondly stocking of fingerlings into public impoundments and river systems has obvious benefits to recreational fishing, and funds generated from a licence may be used for such purposes. In saltwater however, commercial and recreational fishers compete for the same resources, and stocking of wild populations of marine fishes is not seen as a viable option at present. Therefore benefits accruing to saltwater anglers through a licence or levy would need to be clearly outlined in order to be generally accepted by the angling community at large, and not seen as just another form of taxation.<sup>68</sup>

The Anglers Action Group (Sydney Northside) submitted:

AAG is totally opposed to a General fishing licence (that is, a licence applying to all forms of recreational fishing in NSW, both saltwater and freshwater) ... It has also expressed opposition to the proposal for a freshwater licence which was raised in the recent NSW Fisheries Review of Freshwater Fishing.<sup>69</sup>

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<sup>67</sup> Submission 39, Concerned Anglers Group Inc (Lake Macquarie District), p 2

<sup>68</sup> Submission 29, AFTA, p 14

<sup>69</sup> Submission 17, Anglers Action group (Sydney Northside) Inc, p 36

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The Anglers Action Group (Sydney Northside) cites a number of reasons for its opposition to licensing, including the cost of administration, the deterrent effect on participation in recreational fishing, and a perception that licensing is just another tax.

In response to the support of angling groups for an inland recreational fishing licence, NSW Fisheries recently distributed a discussion paper and draft *Fisheries Management Amendment (Recreational Freshwater Fishing Access Fee) Bill 1997* to gauge wider community support for such a licence.

The discussion paper states:

All peak angling associations are now calling for the reintroduction of a freshwater angling fee . These groups argue that such a fee is widely accepted "user pays" mechanism that helps fund recreational fisheries management in many Australian states and in many other countries, and are an appropriate cost for access to freshwater fish stocks.<sup>70</sup>

The discussion paper also suggests that an inland fee could be used to fund additional Fish Habitat Managers, fish stocking, research and fisheries officers, and outlines the fees applicable in other states.

This information is summarised in table 5.1.

**TABLE 5.1** <sup>71</sup>

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<sup>70</sup> A Freshwater Recreational Fishing Fee Discussion Paper, p 1

<sup>71</sup> NSW Fisheries (1997). *A Freshwater Recreational Fishing Fee?* Discussion Paper, p 2

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STATE	LICENCE	FEE
New South Wales	no licence	n/a
Northern Territory	no licence	n/a
South Australia	no licence	n/a
Tasmania	inland	\$38 per year, \$20 per 2 weeks, \$12 for 3 days.
Western Australia	licence for specified fisheries	abalone \$20, marron \$15, net fishing \$15, freshwater \$10.
Victoria	inland	\$20 per year, \$10 for 28 days.
Queensland	no licence	levy of \$12 placed on boat registration.

The draft Bill provides for an inland recreational fishing fee payable by fishers over the age of 18. The fees that would apply under the Bill are:

- \$10 for 28 days; or
- \$25 for 12 months; or
- \$70 for three years.

The draft Bill also requires the establishment of a Recreational Fishing (Freshwater) Trust Fund and a Recreational Fishing (Estuarine and Marine) Trust Fund. The Recreational Fishing (Freshwater) Trust Fund would receive all access fees paid under the Bill, the proceeds of the sale of tags, or other identification, to be used on fish taken by recreational freshwater fishers and any gift or bequest of money. Purposes for which money could be paid out of the fund include meeting the costs of:

- freshwater fish stocking;
- freshwater research;
- management and administration of recreational freshwater fishing;
- ensuring compliance with freshwater regulatory controls;



- third-party insurance coverage for landowners where recreational fishers use private land; and/or
- consultative arrangements with freshwater recreational fishers.

The Recreational Fishing (Estuarine and Marine) Trust Fund would receive all fees paid for the registration of fishing gear used for recreational estuarine and marine fishing, the proceeds of the sale of tags, or other identification, to be used on fish taken by recreational freshwater fishers and any gift or bequest of money. Purposes for which money could be paid out of the fund are similar to those listed above for the freshwater fund except that they apply to estuarine and marine recreational fishing.

Dr Glaister indicated that the widespread support for an inland recreational licence is due to the fact that there is a clear link between the monies provided for by a licence and the services offered by the Department, stating:

I can only say that because government does things like stock fish and provide amenities, education facilities and things like that, the inland fishing people feel comfortable with the idea of a licence because they can see a direct benefit and a direct return. In the case of marine fishing, unless there is good evidence to support a stocking of marine embayments then there is no nexus.<sup>72</sup>

While the major angling groups have indicated their support for a marine licence, the difficulty is convincing anglers that are not associated with clubs of the benefits they will receive from paying an angling fee. Dr Glaister stated:

... the difficulty for Governments has been that, whilst it is strongly supported by organised fishermen, in other words, those who are in fishing clubs or whatever, because they can see the benefits of a licence from which the funds revert to supporting the recreational fishery in terms of education, compliance, stocking and whatever they are

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<sup>72</sup> Evidence of Dr Glaister, 7 July 1997, p 32

interested in, that sector unfortunately is only some 5 or 6 per cent of all anglers.

There is a strong perception among the remaining anglers that "Oh, this is just another tax that is going to disappear into the black hole and we will never see any benefit for it."<sup>73</sup>

Despite this perception, Dr Glaister did not reject the eventual introduction of a general recreational fishing licence, stating:

..... to be successful, a marine recreational licence would need to demonstrate that recreational fishermen were getting something for it.

.... We have put in place the provision to allow the setting up of trust funds to enable the allocation of funds into an area so that it can be transparent. People can see what they are getting by paying this or that licence. I am keen to pursue the idea of the recreational sector becoming more accountable. In fact, the review about the regulations that the Minister has asked me to do will go a long way towards doing something about the unknown and increasing recreational fishery and will be very timely. Again, the issue of a general licence is one that governments will have to address. It is not something that I have consciously avoided. It is not something that I have consciously said we will not do.<sup>74</sup>

Licensing of the recreational sector, as well as redressing inequities in cost of management, has also been identified as a means of providing fisheries managers with a means of limiting the effort of the recreational sector:

... restrictions on the use of certain fishing gear, are unlikely to be effective in preventing biological over

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<sup>73</sup> Evidence of Dr Glaister, 26 May 1997, p 56

<sup>74</sup> Evidence of Dr Glaister, 7 July 1997, p 34

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exploitation unless they are accompanied by simultaneous controls over the number of participants. This because the size of the total recreational catch is not limited and is likely to grow with increasing popularity of recreational fishing. Therefore restrictions on the number of recreational fishers, together with explicit limits on their fish catches, may be necessary if fish stocks are to be conserved.<sup>75</sup>

### 5.7.8 Volunteer Recreational Fishing Officer Programme

While the need for greater contact between the Department and recreational fishers has been widely acknowledged, an alternative means of obtaining this contact is through the establishment of a volunteer recreational fishing officer programme such as that run in Western Australia.

To facilitate a link between fisheries managers and the recreational community, the Western Australian Fisheries Department initiated the Volunteer Fishing Liaison Officer (VLFO) programme. This programme has proven to be highly successful in providing a link between the Department and recreational fishers. G M Kailis, a former Director of the Australian Fisheries Research and Development Corporation, commented on the value of the Western Australian programme:

A good example of incorporation of a user group within the system can be found in Western Australia. There has been considerable success with the recruitment of Voluntary Fisheries Liaison Officers (VFLOs). The VFLO programme recruits recreational fishers to assist in education and maintenance of the recreational fisheries management system. VFLO's have no statutory powers but have special identifying clothing and patrol important centres of

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<sup>75</sup> "Competition Between Recreational and Commercial Fishers: Fisheries Management Options", *Maritime Studies*, March-April, 1992, p 3

recreational activity advising recreational fishers of management rules and monitoring compliance.<sup>76</sup>

Entry to the programme is by carried out by interview. The objectives of the programme are clearly defined as education and not compliance. The program has proved to be a success in Western Australia with 200 volunteers contacting an estimated 25,000 fishers per year. For the Department, the volunteer concept is an effective and efficient method of delivering educational messages, receiving feedback on recreational fishing regulations, and supplementing Departmental recreational fishing research.

Both the recreational community and the Department have indicated support for a similar program in NSW provided the role of volunteers was clearly defined as educational and not compliance. Dr Glaister indicated that such a programme would provide a means of communicating with those recreational anglers that are not associated with clubs:

The recreational sector is different in that most of them are not in organised clubs. That is the difficulty. We can pick clearly where the organised recreational fishermen, the vocal ones, are coming from on most issues because they will tell you in no uncertain terms. It is difficult though because we are really only providing the grease to the wheels. For the vast majority of recreational fishermen other techniques are needed to gauge their opinions. I agree that the volunteer system has a lot to recommend it. As I say, at the moment we are actively looking at it.<sup>77</sup>

The Standing Committee considers that the Western Australian VFLO programme has merit. Specifically, a similar programme in New South Wales could be used to establish an effective two way link with the majority of the recreational fishing community rather than the minority of anglers who are

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<sup>76</sup> G M Kailis (1996). *Sustainability Managing Sustainable Management. Developing and Sustaining World Fisheries Resources. The State of Science and Management* 2nd World Fisheries Conference. D A Hancock, D C Smith, A Grant, J P Beumer (Eds), p 261

<sup>77</sup> Evidence of Dr Glaister, 7 July 1997, p 35

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members of clubs and associations. Accordingly, the Standing Committee recommends:

### **Recommendation 9**

**That a Volunteer Fishing Liaison programme be established in New South Wales. The role of Volunteer Fishing Liaison Officers should be limited to education and offence reporting, with no enforcement duties.**

## **5.8 Conclusions and Recommendations**

The Standing Committee considers the attention paid to recreational fishing activity in the present resource allocation framework to be insufficient and a significant shortcoming of the fisheries management structure. Under both the restricted and share management systems, the size of the recreational catch is largely unknown or ignored while commercial fishers bear the brunt of allocation changes through TACs or input controls. Commercial fishers are also the only user group expected to contribute towards the cost of fisheries management. Present recreational fish size and bag limits appear inefficient and lack scientific basis. The absence of any effective mechanism for recreational fishers to contribute to fisheries management, both financially and in terms of catch control, is viewed by the Standing Committee as particularly inequitable and detrimental to the ecological health of the State's fisheries.

The Standing Committee believes that the introduction of an inland recreational licence without a parallel marine licence would be unfair, confusing and ineffective. Despite having the support of many freshwater angling clubs and associations, an inland licence alone would probably attract only a low rate of compliance, partly due to confusion among the angling public as to what they require a licence to do, and partly due to resentment among unaligned freshwater fishers based on the notion that they are being discriminated against.

Despite these concerns regarding an inland recreational licence, the Standing Committee strongly supports the introduction of a general recreational fishing licence. A general recreational fishing licence would prevent feelings of discrimination from arising and avoid confusion regarding jurisdiction. As a result, it would lead to greater compliance than an inland licence, provided

licence fees were affordable. Such licences could be efficiently sold through tackle shops and would:

- provide an avenue for two-way communication between fishery managers and recreational fishers by enabling the establishment and maintenance of a comprehensive angler database. Anglers could be kept informed by a newsletter and asked for their opinions through questionnaires;
- raise significant revenue which could be used to fund restocking, enforcement, education programs and research, as well as contribute to the cost of fisheries management; and
- provide information on recreational fishing effort by incorporating questions in the application form.

The Standing Committee views a general recreational fishing licence as an integral part of a broader strategy to address the aforementioned inequities and inefficiencies in resource allocation and cost contribution. Accordingly, the Standing Committee makes the following inter-related recommendations:

### **Recommendation 10**

**That the NSW Government introduce a general recreational fishing licence. Licence fees should be set between \$20 and \$30 per annum, with special arrangements for short and long term licences, children and families. The revenue raised through these licences must be held in trust under the control of a Board of Trustees to engender trust in the system by, and ensure accountability to, recreational fishers.**

### **Recommendation 11**

**That:**

- **the application form for a general recreational fishing licence ask the applicant to estimate (1) how many hours per month they spend fishing and (2) what percentage of this time is spent fishing warm**

freshwater, alpine freshwater, estuarine, ocean beach and deep sea environments. The form should make it clear that this information will be used to allocate funds to these fishery types;

- the information from (1) be used, in conjunction with research funded through the licence fee trust, to determine average recreational catches per unit of effort with a view to estimating the recreational catch in each defined fishery; and
- the information derived from (2) be used to allocate licence fee revenue to research and management programs relating to fisheries with the greatest recreational effort.

#### **Recommendation 12**

**That the recreational fishing licence trust fund research into the effectiveness of present recreational fish size and bag limits, new methods to control recreational catches and the size and extent of black market fishing activity with a view to refining mechanisms to manage non-commercial fishing effort.**

The revenue raised through a general recreational fishing licence would also provide recreational fishers with the opportunity to play a more active role in fisheries in which they had a significant interest. The existing problem of there being insufficient consideration made of the recreational catch in determining TACs could be addressed by providing for collective recreational share holdings based on the recreational catch research outlined in Recommendations 11 and 12. The Standing Committee recommends:

#### **Recommendation 13**

**That the Government amend Part 3 of the *Fisheries Management Act 1994* to provide for a recreational share holding in share management fisheries, based on the recreational component of the catch for each fishery, with management and community contributions for such share holdings to be drawn from the recreational fishing licence trust.**

#### **Recommendation 14**

**That the Government amend the restricted fishery regulations to provide for a recreational allocation of TAC for restricted fisheries based on the recreational component of the catch for each fishery, with any consequential financial contributions to be drawn from the recreational fishing licence trust.**

The Standing Committee considers that in fisheries where recreational and commercial fishers compete for stocks, the sector that attributes the highest value to those stocks should be given the opportunity to increase its allocation. Where the allocation to the recreational sector changes, recreational catch adjustment mechanisms (such as fish size and bag limits, exclusions et cetera) would also need to be made. While this may be difficult to achieve in restricted fisheries, the Standing Committee recommends:

#### **Recommendation 15**

**That the Government, when setting up the recreational fishing licence trust, empower the board of trustees to buy the shares of commercial fishers in share management fisheries on behalf of recreational fishers.**

#### **Recommendation 16**

**That the Government, when amending the Fisheries Management Act and associated regulations in accordance with Recommendation 13, provide for the purchase of part of any recreational share holding by commercial fishers.**



