

Statement of Dissent by The Hon Jenny Gardiner MLC and The Hon Dr Brian Pezzutti MLC

The Liberal and National Party Members noted that, just before this report was completed, the Minister for Fisheries, Mr Bob Martin, introduced to the NSW Parliament a Fisheries Management Amendment Bill, which was relevant to some of the terms of reference in this inquiry.

The Standing Committee on State Development decided to proceed with the tabling of this report at this time, rather than delaying the report so as to take into account this latest development.

Members of the Standing Committee will, however, take a keen interest in the issues raised in the new proposed legislation and its passage through Parliament, especially in the Legislative Council.

CHAPTER 4 Implementation of the Act

The Liberal and National Party Members recommend the following changes to section 4.5 and the recommendations because:

- a) the Act is written for state wide implementation and fisheries sustainability is not for the benefit of a few
- b) there is no evidence given to support it.

In section **4.3.2 Dissatisfaction with *Progressive Implementation***, insert the following, after the evidence of Mr Young, two paragraphs that appeared in '*From Red Tape to Results - International Perspectives on Regulatory Reform*', 20 and 21 June 1995 Sydney, presented by the New South Wales Government, in collaboration with the Commonwealth Industry Commission and the New Zealand Ministry of Commerce:

An excellent example of 'market-based' regulatory solutions is the new fisheries management system for New South Wales. Under the old system the fish resource was protected by restricted access to the industry through licensing the number of participants, by strict controls on the equipment that could be used, imposing size limits on fish and by seasonal and area closures. This approach was cumbersome and unduly restrictive on fishers. By controlling their use of technology it limited potential to increase efficiency. The system was also ineffective in protecting the fish resource from over exploitation. Fishers who wished to expand their catch simply fished more.

Under the new system created in the Fisheries Management Act 1994 fishers will receive shares which entitle them to a certain proportion of the fish available. The shares will be tradeable. Now fishers who wish to increase the size of their catch beyond their share entitlement will have to bid for additional shares in the fish stock. This will provide much more effective protection against overfishing, as it is now in the commercial interests of fishers to protect the value of their shares by reporting to the authorities anyone suspect of catching more than their shares entitled to them to catch. Previously all fishers had an incentive to catch as many fish as possible before their competitor did so.

4.5 Comment

The Standing Committee is concerned that the Share Management Fisheries Review Committee undertook only very limited, and possibly selective, consultation before reporting to the Minister. The Standing Committee views this as a serious shortcoming and considers that it accounts for much of the stakeholder suspicion surrounding the Review Committee's report and recommendations. The Standing Committee also considers that the "progressive implementation path" will not necessarily lead to the implementation of share management in all fisheries, despite the Review Committee writing that it "did not consider not implementing SMF as an option".¹

¹ SMF Review Committee Report, p 4

After considering the voluminous evidence before it, the Standing Committee believes share management to be the appropriate fisheries management outcome for New South Wales. *It is obvious that, in spite of the "review", the Minister is isolated in his attempt to pervert the intention of the Act by way of so-called "progressive" implementation.*

Recommendation 2A

The Committee recommends that share managed fisheries be implemented forthwith.

CHAPTER 5 Fisheries Management and Resource Allocation in NSW

Recommendation 10A

That a proportion of sales tax on recreational fishing equipment be used to establish a trust under the control of the Board of Trustees so as to fund recommendations 12 and 13.

Recommendation 11A

That:

- *surveys* be undertaken by NSW Fisheries 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. The survey 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 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 revenue to research and management programs relating to fisheries with the greatest recreational effort.

Recommendation 12A

That the recreational fishing 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.

Recommendation 13A

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 aforementioned trust.

Recommendation 14A

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 trust.

Recommendation 14B

Contribution and management fees in recommendations 13 and 14 be set by the Independent Pricing and Regulation Tribunal (IPART).

Recommendation 17A

That the Government release its Coastal Policy without further delay.

The Liberal and National Party Members of the Standing Committee note that, as this report was about to go to press, the NSW Government released its so-called Coastal Policy. We find that new policy inadequate in its coverage of the issues raised in the Standing Committee's report on Coastal Review dated September 1991 and raised by witnesses during this inquiry into Fisheries Management and Resource Allocation.

Recommendation 20A

That NSW Fisheries, in consultation with the National Parks and Wildlife Service, conduct an extensive research survey to identify key areas of habitat along the New South Wales coast for *possible* classification as Marine Parks.

CHAPTER 7 Inland Habitat Management

Recommendation 24B

That a water inquiry be completed before the corporatisation of the Snowy-Hydro Scheme.

Recommendation 23A

That the department of Land and Water Conservation expedite its river bank willow eradication programme with the financial and non-financial support of the programme's beneficiaries, including funds raised *from the recreational fishing Trust*.

