CSL60 SL 10/131

RECEIVED

17 MAY 2010

577 Singleton Road
Laughtondale
Via Wisemans Ferry 2775
13th May 2010.

Select Committee on Recreational Fishing
Legislative Council
Parliament House
Macquarie Street
Sydney

Thank you for the opportunity to respond to your questions as follows:

QUESTION. 1
Has the increase in recreational access and corresponding fall in commercial access to fishing grounds resulted in an increase in the price of fish for consumers?

DISCUSSION.
I would not only question whether there has been a change in value to consumers but also availability of local product.
The question does not clarify price of local product or imported product it just generalises.

Today for example retail Cooked Hawkesbury Prawns are cheaper than they were three years ago, that's if you can buy them, although 2009-10 has not been a good estuary season, however, if you were to put them in the market the wholesale price has dropped considerably for cooked and green.

ABARE states in its 2006 report that Quote: 'Production in Australia has recently been affected by unfavourable movements in a number of important macroeconomic variables. Fishing effort and catches have been influenced by cost increases, particularly fuel prices, which have reduced profit margins for operators. Many Fisheries have also been affected by reductions in total allowable catches, changes to access arrangements and more restrictive input controls. The appreciation of the Australian dollar since 2002-03 has simultaneously made exports less competitive and imports more attractive to consumers.' End quote. This situation has been ongoing.

The recreational fishing only havens (RFOH) occurred from 2002 on with some 30 areas closed and 24% *of the states rivers estuaries and major* lakes closed to commercial fishing. A total of 251 Fishing businesses were lost from industry. A total of 468 fishing boat licences were surrendered in association with the buy-out. *Across the remaining rivers, estuaries and ocean* there are also existing many no go zones for commercial fishers outside of the Marine Parks and RFOH areas.

Note: The reduction of commercial fishing effort has been happening since at least 1987. It should be noted that: *fishnote ISSN 1034-7704 second edition dated 1990 F.B. Prokop, Special Fisheries Officer makes the following comments to recreational fishers. Quote ' the number of licensed commercial fishermen has dropped by 37%, from 4300 to 2700 in the last ten years. There has also been a freeze on the issue of new commercial licences since August 1987.' End quote.*

Abare also makes the following observations.

Particulars NSW	*2005-06*	*2006-07*	*2007-08*
NSW Gross Value	*Down to $120 million*	*Up to $127million*	*Up $130 million*
Wild harvest Gross Value	*Down to $74.6 million*	*Up to $80.7million*	*Down to $77 million*
Wild Harvest production			*Down by 11%*

This table 1: ABARE figures quoted

Note: Australian Gross Value production from 2000-01 to 2007-08 has dropped by 39%

There has been an increase of product into the NSW market place from around the globe including from New Zealand and other Australian states. This has meant that local product has to compete with the increased available and often cheaper imported products.

1 ANSWER: **The consumers I talk to complain more about the 'availability' of local fish than the price of it. Try buying local estuary fish across NSW.**

QUESTION 2
When Recreational Fishing Havens were established was there sufficient buy-out of commercial interests? If not what has been the effect of this.

DISCUSSION:
Commercial Fishing Management changes resulted in fishers having to change their practices from well before the introduction of the Recreational Fishing Havens.

Again Note: The reduction of commercial fishing effort has been happening since at least 1987. It should be noted that: *fishnote ISSN 1034-7704 second edition dated 1990 F.B. Prokop, Special Fisheries Officer makes the following comments to recreational fishers. Quote ' The number of licensed commercial fishermen has dropped by 37%, from 4300 to 2700 in the last ten years. There has also been a freeze on the issue of new commercial licences since August 1987.' End quote.*

I would argue that the reduction in commercial fishing effort and access to areas has been more than adequate and extreme. I would also argue that to maintain sustainability of fish stocks and product to the three quarters of the community who do not recreational fish then a reassessment of all closures is necessary.

The overall affect of the creation of recreational fishing havens has meant that some fishers have taken the buyout from the specific closure area, but have increased their effort in other areas that they have purchased endorsements to fish in. If the fisher they have bought out didn't work as hard then there is a subsequent increase in effort. The use of the word 'sufficient' has me concerned. I believe that there is a management process that is not being made clear.
Example 1: The Hawkesbury Estuary Prawn Trawl Fishery now has an increase in effort because of fishers who have taken a buyout from a closed area and now increase the effort in the Hawkesbury

River - I would imagine that this has been replicated across the state – It certainly did in the Shoalhaven estuary general fishery.

Example 2: Is there eel fishing allowed in the Georges River? Why not?
What has happened to the live export of eels? My understanding is that it has collapsed.

What is not mentioned here is that recreational fishers have not reduced their access to commercial fishing grounds. The fact is that there is continual promotion for more recreational fishing across the state.
If again we use the Hawkesbury as an example it is estimated that Prawn trawlers would access less than 4% of this estuary on any one week day (keeping in mind that they can only work on weekdays less public holidays) This fishery is seasonal so many fishers may only work 9 months of the year. Yet the prawn trawl fishery is targeted as the prime culprit for depleting fish stocks. This is nonsense. Think about the size of the Hawkesbury River, less than 50% is open to prawn trawling and within the open area fishers are also restricted in where they can actually prawn.
What remains in the fishery is a percentage of shareholders who have low effort and these are potential effort – An increase in effort in the Hawkesbury Prawn Trawl Fishery would have significant impacts.
Commercial fishing is now being pushed into a regime that if a fisher is not a full time fisher and not earning "x" then that fisher seems to be considered not worth keeping. This is forcing fishers to fish areas unsustainably.
The removal of active fishers and closure of areas has meant that those who really want to fish for a living will buy another endorsement.

The problem remains that NSW Fisheries have allowed the retention of what is known as latent effort to remain and the recreational buy-outs were not interested in buying out latent effort.

Note: Latent: an endorsement retained for use in case it is required. Lots of fishers hold endorsements in different fisheries, but it is impossible to work them all at the same time. This is what makes up their total business package sometimes necessary to sustainably fish as a package.

Where commercial fishers had a greater area to fish they could fish without overfishing specific areas. In the main NSW fisheries had remained sustainable and contrary to popular belief have sustainable fisheries to support this fact.

There seems to be a notion that the sustainability of fish in estuaries and the ocean is due mainly to the practices of commercial fishers. This is not fact – sustainability of fish stocks relies on climate, state growth, zoning and development planning inclusive of the management of drinking water, effluent, diffuse water as well as recreational and commercial fishing effort.

ANSWER: If the proposed Commonwealth Marine exclusion zones come in to force without taking into account the needs of and the existing effort in conjunction with the existing closures and re distribution of fishing effort then NSW is facing a total shortage of locally commercially available fish to its communities and a collapse of its Co-Operatives across the state including a threat to the Sydney Fish Markets. Intellectual knowledge is not being recognised, some fishers have greater knowledge with the harvesting of fin fish rather than prawns for example. Fishing businesses have been sold as packages and as a result the new fisher may have previously worked in a total different fishery and as a result increases the effort in that particular fishery in a different location.

QUESTION 3:

Re –assessment of Recreational Fishing Areas.

I go back to my submission and my argument and sorry for repeating it but there seems to be a failure of people to understand that the continued removal of commercial access and active effort to transfer that to 10% of the community who catch 90% of the fish seems to be ignored.

The reductions in commercial effort started well before 2002.
The NSW commercial fishery has been reduced in capacity from nearing 6000, participants in the 1940's, 4000 in the early 1980's and now nearing the 1000 mark with the view that commercial fishers needed to be reduced for sustainability of fish stocks.*(see NSW Commercial Fisheries Statistics 1940 – 1992 B.C. Pease and A. Grinberg NSW Fisheries 1995)* and *(NSW Fisheries Status of Fisheries Resources 2001/2002. Dr Steve Kennelly, Ms Tracy McVea 2003).*

Commercial fisher's records can demonstrate for example in Lake Macquarie they caught tonnes of a variety of fin fish annually and that from 1955 through to 2002 they were consistently harvesting fish from the Lake each year pending variable climatic conditions.

Lake Macquarie: 1954/55 - 229,845 kg; 1989/90 - 272,788kg; 2001/02 - 267,326 kg. During this period the commercial harvest would actually increase with good rainfall events.

The same would apply in most of the Recreational Fishing havens created across the state.

What is the recreational catch in these areas for the corresponding period ?– it is unknown – what we do know is that 10% take 90% of the catch according to Paul O'Conner's evidence to the enquiry. Further evidence to the enquiry has implied that there is a quarter of the population that recreational fish.

What we do not have is the assessment of the area allocated to commercial fishers to sustainably and economically provide fish equitably to the rest of the community.

Evidence recently to the enquiry implies that some 6,000 recreational fishers, fish Lake Macquarie in peak times. How many members of the community were being fed by the commercial fishers take say in 2001/02 with 267,326kg – and unknown recreational fishing was being harvested annually on top of this figure.

QUESTION 3 Further: Should Commercial fishers pay access rights to return to Recreational Fishing Havens.

DISCUSSION:
While it is easy to argue that since money from Recreational Fishers Trust has been used to buy–out the Commercial fishers and therefore Commercial fishers should have to pay to be able to access these areas, I would argue that this highlights the intrinsic bias in this legislative management process.
Recreational fishers have access to both the Commercial fishers share and the recreational fishers share - but at no time have the recreational fishers had to buy their original access to any waters other than paying a licence fee to the trust. The land and Environment Courts endorsed that the legislation for the fee paid is a money raising venture not a licence to fish. You can't have it both ways.
It is my view that this now means that commercial fishers are faced with a fee to have access to what should be a commercial fishers rights to access and to be equitably sharing these resources.

Commercial fishers are not consuming the fish they are catching fish that is a whole of community owned resource. The 'fish' do not belong to the recreational fishers.
I believe that the sharing of the resource has been *inappropriately managed and that the managers* of the community resources need to assess this and its impacts to members of the community who no longer have the luxury of eating fish from at least 30 recreational only havens across the state.

I quote from a report to the Recreational Fishing Trust in 2004 (attached) "In Botany Bay 38 fishing businesses with estuary prawn TRAWL ENTITLEMENTS WERE VOLUNATARILY ACQUIRED, and the entitlements of another 10 COMPULSORILY ACQUIRED as this fishery ceased to exist with the creation of the Botany Bay Haven. In all cases, fishers were offered ex-gratia payments to voluntarily leave the industry. In general this was calculated from the history of the fishing business or in some cases estimated market value. All entitlements owned by fishers were purchased including boat and net registrations.(*except where the businesses have lobster shares)" end quote.*
Note the area was closed – none of the fishers could continue to fish there, the offers I believe were in fact legislative bribes.

3. ANSWER:
Should the commercial fishers pay to access the resource? 'No'.
Should the commercial fisher pay to 'buy shares' in a fishery with access in Recreational Fishing Haven Areas? Then that's a different question.

QUESTION 4:
Your submissions note that the commercial fishing industry is often unfairly denigrated in terms of its practices and effect on the fish resource.How can the industry respond to this and improve the public perception.

DISCUSSION:
I would argue that much of the community perception of commercial fisheries comes from the practices and management regimes of the agency itself.
For example: Let's look at the publicity in 2000 for the Recreational Fishing Haven Process Headings in major and local Newspapers right across the state:

Sustaining Our Fisheries

The NSW Government is inviting the community to have a say about a proposed plan to ensure the future sustainability of the states fish resources.
The consultation proposes:

- A general fishing licence
- More fishery conservation
- Commercial fishing licence buy backs
- Using Aquaculture to restock fish habitats.

South Coast fishing can be improved by (note this line was change area by area)

- ***Reducing the impact of contentious commercial fishing methods with negotiated buy-outs***
- Creating recreational fishing areas.
- Promoting responsible fishing and increasing law enforcement
- Stocking of estuaries with hatchery produced *fish such as black bream*
- Promoting tourism through improved fishing.

The proposed licence fee

- Free to pensioners and children
- $10 for month or
- $25 per year.

This is just one example of many that has been levelled at the commercial fisheries. The Act as I understand it requires the Agency to promote commercial fisheries – a look at the promotion budget actually targeting commercial fisheries over the past twenty years would be interesting to say the least. There are a multitude of field days and fairs across the state that NSW Fisheries have attended that are there to promote fisheries – what do you find at these in the past is a good recreational promotion presence and Aquaculture; as for commercial fishing – no real effort for commercial fishing promotion overall until the past year or two.

The Hawkesbury Trawl Fishery in 1996 produced a home video and sent this to every councillor in 23 councils bordering the Hawkesbury River to introduce them to the fact that a prawn trawl fishery actually existed in the Hawkesbury River. A river of national significance that is environmentally challenged and that they continually impacted by their management decisions. There is a Hawkesbury Field Day held annually 'No' historic promotion of a commercial fishery occurs from past agency presentations – but there certainly was recreational fishing and aquaculture.

ANSWER:

So the starting point in promotion of the Commercial fisheries of this state must come from the NSW Government being proud of its Sustainable commercial fisheries and letting their state agencies and the community know that by the 1990's they had already reduced their numbers by 37% and at that time there were 2700 fishers now there is a further 50% reduction with less than 1200 fishers left in the state- why? Due to closures and restrictions too commercially fish and subsequently providing benefit for recreational fishers.

Yours faithfully.

Mary Howard

Recreational Fishing Havens
Report to the Recreational Fishing Trust Expenditure Committee
June 2004

Scope

This report is a data summary of the results of the introduction of Recreational Fishing Havens in NSW. It covers the number and types of commercial fishing entitlements that were purchased in order to implement the havens. Final expenditure on the havens was expected to have occurred by the end of December 2003. Due to possible court action resulting from the compulsory acquisition of entitlements from Botany Bay, and the granting of extensions to a few fishers to claim relocation costs, expenditure figures should only be considered to be representation as at June 2004.

Introduction

In May 2002, 30 areas along the NSW coast became Recreational Fishing Havens. In these areas commercial fishing was either completely closed, or significantly restricted. This initiative lead to the closure of 24% of the State's estuarine waters to commercial fishing, including several major lakes and rivers. In order to implement these closures a number of commercial fishing entitlements were bought out using funds from to NSW general angling licence. A $20 million loan was taken out from NSW Treasury in order to undertake all purchases of commercial fishing entitlements at one time.

A voluntary buy out process was used to purchase a number of commercial fishing entitlements in the areas affected by the entitlement of recreational fishing businesses. In Botany Bay 38 fishing businesses with estuary prawn trawl entitlements were voluntarily acquired, and the entitlements held by another 10 prawn trawl businesses were compulsorily acquired, as this fishery ceased to exist with the creation of the Botany Bay haven. In all cases, fishers were offered ex-gratia payment to voluntarily leave the industry. In general this was calculated from the history of the fishing business or in some cases the estimated market value. All entitlements owned by fishers were purchased including boat and net registrations (except where the business have lobster shares).

Fishery Endorsements

A total of 251 fishing businesses were purchased through the buy out process. Table 1 lists the numbers of business surrendered in each of the seven estuary general management (EGMAC) regions. Note that ocean businesses purchased as part of the Womboyn Beach closure on the far south coast have been included in region 7.

Table 1 Numbers of fishing businesses purchased by EGMAC region.

EGMAC Region	Number of Fishing Businesses
1	18
2	8
3	28
4	68
5	81
6	35
7	13

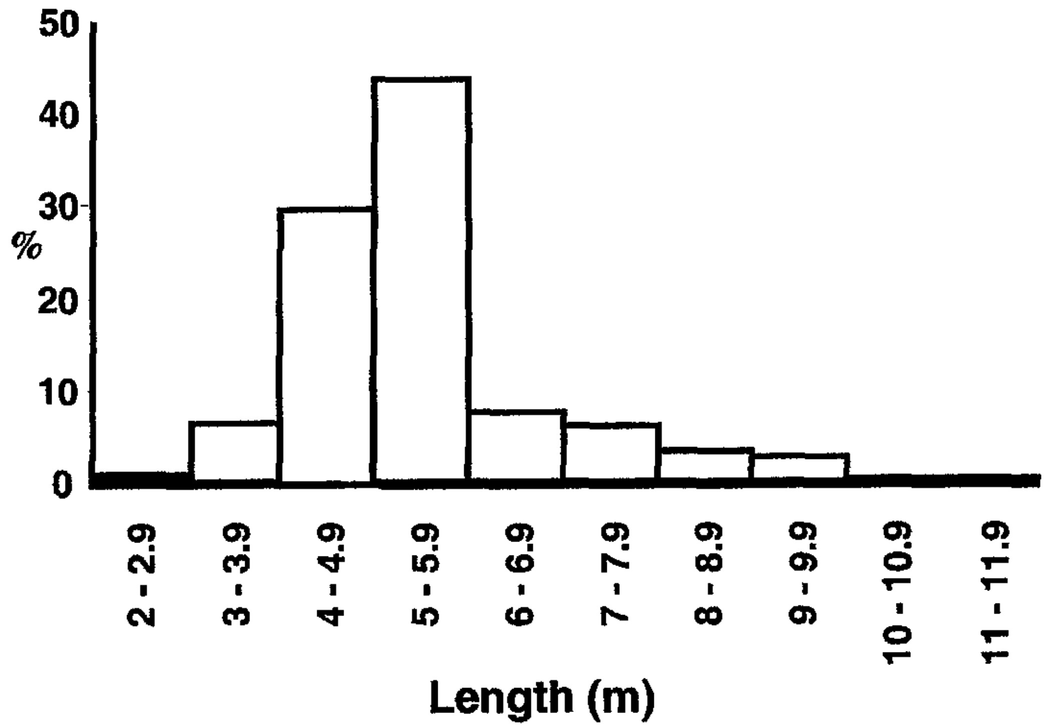
Estuary fishers were targeted under the buy outs as these fishers were affected by the creation of havens (except the Womboyn Beach haven). As such the majority of fishing endorsements surrendered were for estuary fishing methods. Except for lobster or abalone shares, whole fishing business were purchased. This lead to a variety of other endorsements being surrendered as a consequence of the buy out (Table 2). The 48 Botany Bay prawn trawl endorsement bout out covered the entire fleet.

Table 2 Endorsements surrendered.

Ocean Prawn Trawl	
Inshore	4
Offshore	1
Deepwater	-
Ocean Fish Trawl	
Northern Zone	1
Southern Zone	-
Ocean Trap & Line	
Demersal Fish Trap	17
Line Fishing Western Zone	32
Line Fishing Eastern Zone	1
School and Gummy Shark	1
Spanner Crab North	2
Spanner Crab South	-
Ocean Hauling	
Skipper	19
Crew	33
Purse Seine	2
Estuary General	
Handlining and Hauling Crew	211
Meshing	201
Prawning	126
Trapping	60
Eel Trapping	45
Mud Crab Trapping	64
Hand Gathering	10
Hauling Category 1	52
Hauling Category 2	54
Estuary Prawn Trawl	
Botany Bay	48
Port Jackson	10
Hawkesbury River	6
Hunter River	3
Clarence River	3
Lake Woolooweyah	1

Licensed Fishing Boats (LFBs)

A total of 468 fishing boat licences were surrendered in association with the buy out. Of these, 399 (85%) were for general purpose[1] boats. This high percentage is expected as the majority of vessels that operate in the estuary general fishery were classified as general purpose boats. Boat lengths ranged from 2.5 to 11m, with an average of 5.5metres. The majority of the boats were 4 to 6m in length (Figure 1).



Figures 1 Length frequency distribution of boat registrations surrendered.

---

[1] A licensed fishing boat that does not have an associated catch history. General purpose boats are generally operated in fisheries where the fisher rather than the vessel is the principal unit of effort.

Net Registrations
A total of 1,670 net registrations were surrendered through the buy out process. These consisted of:

- 1,201 meshing nets
- 481 hauling nets
- 93 set pocket nets
- 69 trawling nets; and
- 6 unknown nets (illegible – usually due to water damage)

Mesh Nets

A total length of the 1,201 mesh net registrations surrendered was over 535km. The largest proportion of these registrations were for nets 700m or greater in length (Figure 2).

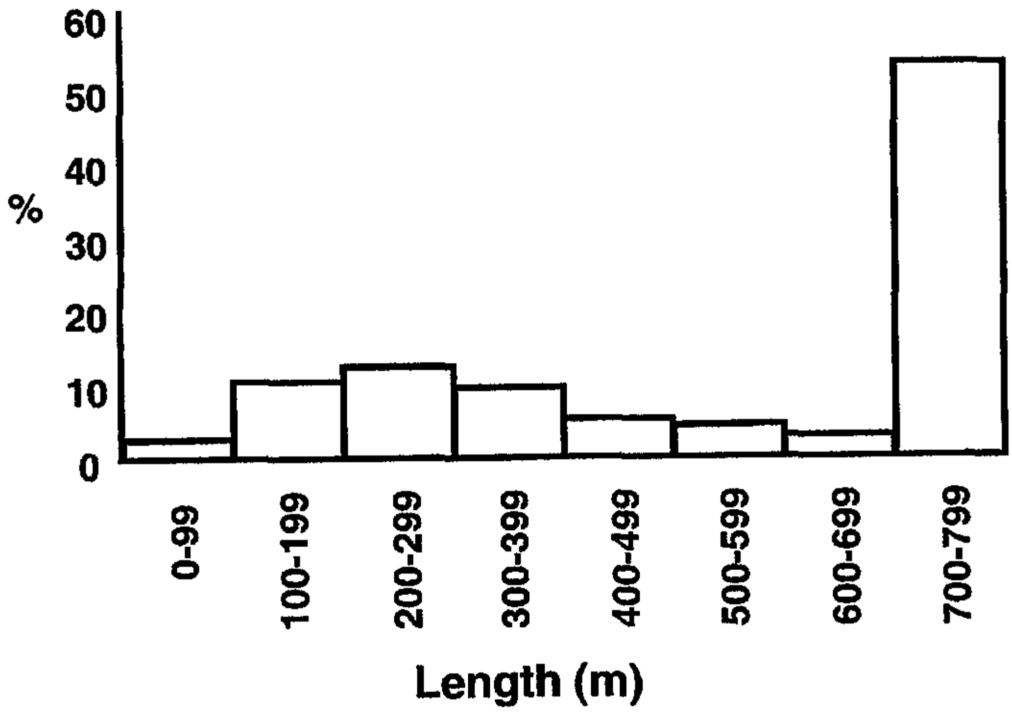


Figure 2 Length frequency distribution of hauling net registrations surrendered.

Haul Nets

Of the 481 hauling net registrations, 277 were prawn haul and 199 were fish haul nets. Due to inconsistent completion of net registration, it was unknown the exact nature of the remaining haul nets registrations. The largest proportion of the surrendered registrations were for nets under 300m in length (Figure 3). The net registrations surrendered included 19 haul nets 1km or greater in length.

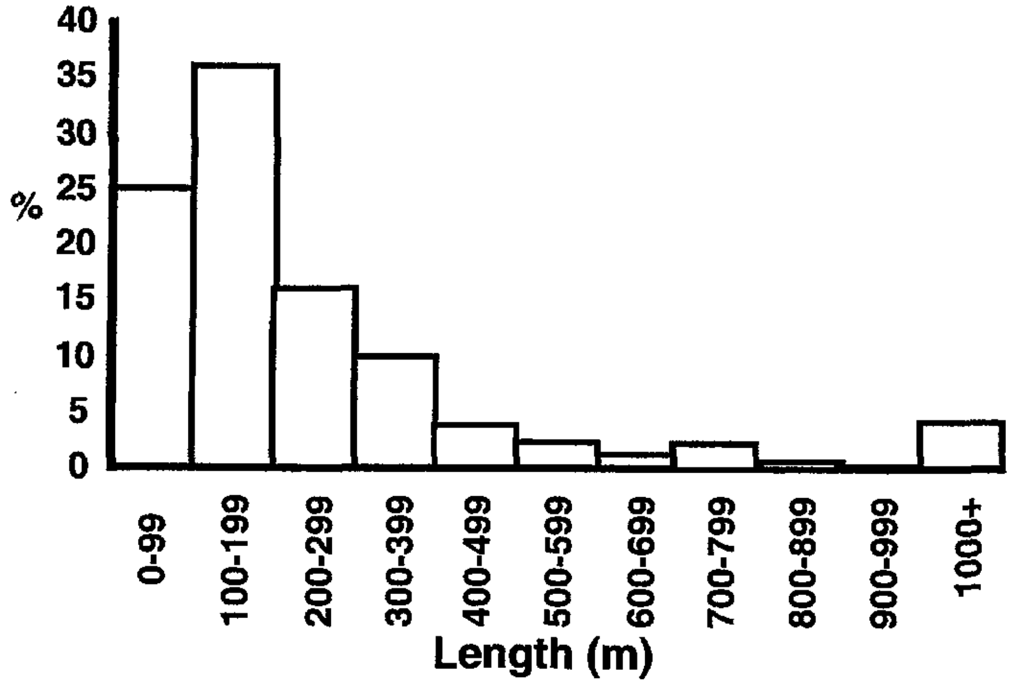


Figure 3 Length frequency distribution of hauling net registrations surrendered.

Expenditure

The purchase of fishing entitlements, accelerated depreciation and relocations and retraining (RRD) claims, and the signage for the havens had a budget of $20 million. Table 3 provides a breakdown of the expenditure for the buy outs and RRD claims by estuary general region. It must be noted that although the process is mostly complete, the incomplete resolution of the compulsory acquisition of fishing entitlements and the completion of some final RRD claims, means that the final expenditure is not available at this time.

Table 3 Buy out expenditure by EGMAC region.

EGMAC Region	Offers	RRD	Total
1	$ 1,841,000	$ 91,000	$ 1,932,000
2	$ 441,000	$ 58,000	$ 499,000
3	$ 2,084,000	$ 169,000	$ 2,253,000
4	$ 5,293,000	$ 375,000	$ 5,668,000
5	$ 3,861,000	$ 266,000	$ 4,127,000
6	$ 2,984,000	$ 214,000	$ 3,198,000
7	$ 816,000	$ 53,000	$ 869,000
Total	**$ 17,320,000**	**$ 1,226,000**	**$ 18,546,000**