

Submission
No 992

INQUIRY INTO RECREATIONAL FISHING

Organisation: Central Acclimatisation Society
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Director
Select Committee on Recreational Fishing
Parliament House
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Sydney NSW 2000
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Parliamentary Inquiry into Recreational Fishing – March 2010.

Dear Director,

Introduction

This submission is made on behalf of the Central Acclimatisation Society (CAS). CAS is a voluntary organisation, founded in 1937, principally for the purposes of furthering the interests of trout fishers in the Central Tablelands of NSW. CAS is one of four (4), trout acclimatisation societies in NSW and has statutory recognition under the Fisheries and Oyster Farms Act, 1935 and the Fisheries Management Act, 1994. CAS is a founding member of what is now known as the New South Wales Council of Freshwater Anglers (formerly, as founded, the NSW Institute of Freshwater Fishers).

CAS, has, for many years, been involved in much more than issues affecting trout fishing. We realised, more than forty years ago, that trout were of far less significance in Australia and NSW in particular, than our native species and the greatest threat to any freshwater recreational fishing activity arises from environmental degradation, loss of access to viable water and pollution in its various guises, including cold-water pollution downstream of many of the state's high-level storage dams on the tablelands and upper reaches of the western slopes geographical regions where our major waterways emerge to flow onto the slopes and plains of the western areas of the state.

CAS has long been (obviously), involved with NSW Fisheries in stocking activities, principally with trout. The former trout hatchery, built and operated by members of this society on the banks of Thompsons Creek, Burruga, was taken-over by NSW Fisheries and operated by them for a number of years, before being closed following the introduction of the Inland Angling Licence (IAL), in NSW in the late 1950's. (The IAL replaced the prior Trout Licence, the only form of fishing licence required for recreational fishing in inland NSW in those times; "western" waters, or those not "proclaimed trout waters", were able to be fished without any form of licence by recreational fishers until the introduction of the IAL in the late 1950's.)

Following the closure of our hatchery, NSW Fisheries, principally due to the involvement of the then Chief Secretary of NSW (who was responsible for NSW Fisheries in that era), and Member for Bathurst, the late Gus Kelly, received much favourable treatment and was well served by NSW Fisheries for many years. Despite this, however, the society, following the establishment of the Inland Fisheries Research Station, now, Narrandera Fisheries Centre (NFC), built and funded with monies provided from the IAL, became involved with and can fairly lay claim to being the first of the acclimatisation societies to support that centre and its research activities. We further contend we were responsible for the first public stocking of a major storage dam (Burrendong Dam), with native fishes in the 1970's when the then Director of Fisheries, Dr. Donald Francois, agreed, after much debate with us, that the fish being produced at NFC had, indeed, been bred with monies provided by us and, effectively, "belonged" to us. Dr. Francois agreed they ought not be sold to

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farmers wishing to stock their farm dams (as the initially were, following the break-through in breeding technology developed at NFC), but should be made available, free of charge to recreational fishers, by stocking the major impoundments, where there were few, if any native fishes following the construction and filling of the dams, or the remnants of the drowned river populations were showing little sign of breeding in the dams at that time. Since then, CAS has been to the fore in not only supporting the ongoing research into our native fishes, but also for increased funding and once, when the closure of NFC was being considered, was to the fore in the campaign to ensure its retention. We have enjoyed a most significant role in recent times (December 2009 and prior to that, 1991 – 1993), through our involvement in the Trout Cod Recovery Project. The project is doubly significant to this society – the species was first seen by white settlers – Assistant Surveyor George Evans, on his journey of exploration in the Bathurst region in 1813, recorded catching what we now recognise as this species, in the Fish River, near Bathurst and the scientific name of the species – *Maccullochella macquariensis*, reflects the fact the type specimen was collected from the Macquarie River in 1829. We have supported funding the research and breeding of the species for 20 years and have also been the proponents of a similar project to protect and now, also at NFC, breed the threatened species, Macquarie perch (*Macquaria australasica*, also named as such as the type specimen was collected from the Macquarie River, near Bathurst, in 1830). We unrelentingly urged NSW Fisheries to investigate the status of the northern most inland and extant population of M. Perch, west of the Great Dividing Range (Abercrombie River, south of Bathurst), and following an initial grant of \$10,000, urged them to seek additional funding from the NSW Recreational Freshwater Fishing Trust Fund in order to properly investigate the species with a view to breeding them in hatchery conditions at NFC. We wholeheartedly supported their application for funding and continue to work with them to identify sites on the Central Tablelands into which, eventually, they might well be re-introduced to help conserve the species and, one trusts, replace the need to stock trout.

Comments to the Inquiry

CAS welcomes the opportunity to comment upon matters affecting the recreational fisheries in NSW, in particular, the freshwater fishery and the chosen recreational activity of our members and many other recreational fishers, whose interests we represent, by default. We would also, if requested, be prepared to attend a public hearing and make verbal presentations to the committee, if this is considered appropriate.

The Terms of Reference for the Inquiry relate to benefits and opportunities that improved recreational fisheries may represent to licensed recreational fishers in NSW, and in particular:

- (a) the current suite of existing regulatory, policy and decision-making processes in relation to the management of recreational fisheries in NSW, including the process for the creation of Marine Protected Areas and Marine Parks and the efficacy of existing Marine Protected areas and Marine Parks
- (b) the effectiveness and efficiency of the current representational system of trusts and advisory committees that advise government departments and statutory authorities
- (c) the value of recreational fisheries to the economy in NSW
- (d) the gaps in existing recreational fishery programmes, including the number and location of Recreational Fishing Havens, and
- (e) ecologically sustainable development issues related to improving recreational fisheries

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(a) the current suite of existing regulatory, policy and decision-making processes in relation to the management of recreational fisheries in NSW, including the process for the creation of Marine Protected Areas and Marine Parks and the efficacy of existing Marine Protected areas and Marine Parks

There are numerous regulatory, policy and decision making processes affecting the recreational fishery in NSW, the most significant of which are the Fisheries Management Act 1994 (FMA), and the Fisheries Management Strategy (FMS), however, there are many other Acts and Regulations, the responsibility of other Departments and Agencies, that greatly impact the recreational fishery.

The majority of recreational fishers accept the benefits provided by the FMA and the importance of the FMS, although, there are several glaring anomalies in the latter document and which, when the touted review of it is eventually undertaken, require urgent amendment.

One such matter is that which prevents the stocking of fishes into World Heritage Areas for the purposes of harvesting (recreational fishing is regarded as a form of harvesting), which is having a severe impact upon the ability of NSW I&I Fisheries to undertake stocking of Dunns Swamp, a small, man-made dam on the Cudgegong River, just within the boundaries of Wollemi National Park. The dam was constructed for the purposes of supplying water to Kandos and in particular, the cement works there and was over a period of many decades, stocked with trout by members of Kandos Branch, CAS. Subsequent to development of methods to mass produce native fish fry and fingerlings at NFC, CAS successfully lobbied NSW Fisheries to stock the dam with native fishes and a resultant, small scale, but nevertheless, highly productive, put-and-take fishery was created. Several years after stocking began the area was taken over by the NSW Parks & Wildlife Service, resulting in much work being undertaken to prevent the mindless and unnecessarily aggressive use of 4WD vehicles, repairing the damage caused by them, closure of some of the "tracks" created when unfettered use was permitted and permitting camping in designated areas only. Generally, these actions were applauded by the majority of thinking persons, who could see the environmental damage being sustained in a relatively small area. A boating speed limit was also imposed on the dam, resulting in the use of ski boats being discontinued, a move much applauded, again by those who were capable of rational thought. (Why water skiing was ever permitted, on such a small body of water in the first place, is beyond comprehension.) Unfortunately, however, when the Wollemi National Park was declared a World Heritage Area (WHA), the area around and including Dunns Swamp was, in accordance with the FMS, precluded from further stocking with even native fishes. We regard this situation as farcical; the dam was stocked with trout for more than four decades by members of this society, then native fishes (bred at Kandos Works by several members of this society in the late 1960's and early 1970's), and subsequent to the development of methods to mass produce native fish at NFC, by NSW I&I Fisheries. The dam is a man-made structure, it is still used to supply water to Kandos, was built before the area ever became a National Park and was subsequently declared part of the WHA. Whilst we continue to work with NSW I&I Fisheries to find a solution to this situation and have flagged the issue for remediation when (and if), the review of the FMS ever occurs, it is a clear case of bureaucracy gone mad!

We strenuously oppose the remotest notion that any other government agency, other than NSW I&I Fisheries, ever be considered as possible managers of the recreational fishery in NSW, regardless of whether or not the particular body of water is contained within the boundaries of National Parks, World Heritage Areas, Wilderness Areas, Nature Reserves or State Recreation Areas. The management and policing of all matters affecting the recreational fishery, in particular, the freshwater fishery, must remain with NSW I & I Fisheries alone.

This now brings us to the point of where NSW I&I Fisheries might best be placed; we contend that it ought to be a separate entity, in its own right and able to report, direct to a responsible Minister of the Crown. We further contend that it is most inappropriately located, where it now resides, within the confines of NSW

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Industry and Investment and where it is glaringly subservient to the roles of NSW Agriculture, Industry and Investment, where, in our opinion, its role and effectiveness are greatly diminished and are frequently at conflict with, in particular, agricultural and mining interests. Typically, development proposals, especially mining, are given far greater significance and despite the obvious need to ensure adequate environmental safeguards, our interests are treated with little, if any, real concern when the proposals are reviewed. Similarly, when such activities (as they frequently do), impact upon water quality and availability, the small, poorly funded and resourced and insignificant by comparison, Fisheries Division, is always a very poor last in putting forward it's views in any effort to protect the aquatic environment and fishery. Despite some excellent remedial work having been undertaken in recent years, especially in areas severely impacted upon by generations of poor land use, recent funding cuts have caused many staff cuts and projects that ought be considered have had to be abandoned.

Whilst we are not in a position of being able to comment upon the creation and impact of Marine Protected Areas and Marine Parks and the efficacy of existing Marine Protected areas and Marine Parks, we, nevertheless, are deeply concerned by rumours that similar proposals are being suggested for freshwater reserves. The current Acts and Regulations applicable to the freshwater fishery, with appropriate amendments, as they become necessary, are best administered by those qualified to do so, presently NSW I&I Fisheries. We contend that we have been concerned by and involved in conservation of the fishery, protection of threatened and endangered species (it was, after all, recreational fishers themselves, many years ago, during the first "Warmwater Review" [c. 1989], who recommended the imposition of the ban on the taking of Macquarie perch in order to ensure survival of the remnant populations of the species, not some new found "green" group, who, in reality, have probably never heard of the species), and protection of the aquatic environment for the past 70 or more years. It was we (members of this society), who forced the then State Pollution Control Commission, to undertake the first and only successful prosecution of a Government entity in NSW (then, Bathurst City Council), for polluting a waterway, while other, so-called environmental groups and activists stood idly by, watching the Macquarie River in Bathurst being polluted by the Bathurst City Gasworks.

This society has long been involved in efforts to reduce the impacts of water extraction ("abstraction", as it might well still be referred to in the Water Act, or whatever Act currently governs such activities), from the unregulated, small streams and feeder streams of the Central Tablelands. These streams have long been over-exploited and the seemingly, endless extraction of water from them severely impacts upon not only the ecology of these streams, but, naturally, as a consequence, the recreational fishery. We began to lodge objections to the granting of irrigation licences on unregulated streams in the 1970's and, after much pressure, finally convinced then NSW Fisheries to become involved (as reluctant as they were to become involved, of course). Our members appeared before numerous hearings of Local Land Boards as the appellants, gave sworn evidence to those hearings and eventually, we understand, caused the then Water Resources Commission to amend the Act in order to preclude us from objecting to their almost indecent haste to issue such licences. Whilst this might now be history, the fact remains, irrigation licences are continuing to be issued, at an alarming rate, particularly as more large properties are subdivided into smaller holdings and an increasingly greater number of licences are sought. Similarly, the increasing number of "off-stream" storages being constructed, whilst helping "drought proof" the properties on which constructed, are also having a most significant impact on run-off into many small, ephemeral streams, which, however, ultimately contribute to the flows in larger, permanent waterways. We believe the rights of all Australians to an equitable "share" in the scarce water resources is undeniable, but greater emphasis and attention must be paid to environmental stream flows, especially if we are to ensure the existence, into the future, of our many and unique forms of aquatic fauna and flora, including our wonderful native fishes.

We have been to the fore in objecting to the diminution of access rights to our precious inland waterways through the (and, in recent years, alarmingly accelerated), disposal of old "paper" and unused public roads, Crown Leases, Reserves and Travelling Stock Reserves and Routes (TSR's). Members of this society appeared before a hearing of a Local Land Board, some years ago, to give evidence on behalf of the then, Department of Lands, to object to the proposed closure of access roads and reserves on the Abercrombie River,

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upstream of Wyangala Dam. Since that time, the society has lodged numerous objections to the proposed closure and sale of Crown Reserves and Leases, where those parcels of land are adjacent to public waterways. We have also lodged numerous objections to proposed closure and sale of old paper and unused public roads, where those roads lead to public waterways and Crown Reserves and Leases, where those parcels are adjacent to public waterways. We consider (despite some suggestions from NSW I&I Fisheries that we weren't responsible; we began lodging objections to the disposal of public lands, long before they did), we were largely responsible for the creation of the recreational fishers funded positions of Access Officers within NSW I&I Fisheries (Recreational Management), and have continued to support funding and an increased role for those positions. We have a vision that in the not too distant future, we will see created, numerous access tracks (foot and limited to the use of mountain bikes only), along the routes of many of these old roads, similar to the many walking tracks in the Flinders Ranges in South Australia and fishing access laneways in Tasmania. It was this society, when NSW I&I Fisheries had withdrawn from the process, negotiated with and succeeded in gaining the support of the then Member for Bathurst (the good friend and supporter of this organisation, the late RJ "Mick" Clough), to ensure Delta Electricity withdrew its mindlessly intransigent objection to the creation of a recreational fishery in Thompsons Creek Dam, near Wallerawang. Following our successful representations, several (much more progressive and forward thinking than it seems the present incumbents are), NSW I&I Fisheries Recreational Fisheries Managers produced, in 1999, an excellent document, entitled "*Management Agreement Thompsons Creek Dam Recreational Fishing Trial*", that was accepted by and duly signed-off by the "Co-operating Agencies", Delta Electricity, NSW Fisheries, Central Acclimatisation Society and Lithgow City Council. This excellent document is proof of what can be achieved and should be possible in gaining access to many, publicly owned waterways, throughout NSW. CAS accepted a number of responsibilities, including construction and installation of infrastructure at the access point to the dam, ongoing removal of any litter and to be the "watchdogs" of any illegal fishing activity on the dam. We are extremely privileged in that we succeeded in gaining access on behalf of recreational fishers; in fact, recreational fishers are the only recreational users of that body of water. It ought to be the benchmark for creating access to waters currently restricted to the general public, but that are well known as the domains of an exclusive few. CAS continues to lobby, unrelentingly, through many avenues, for the retention of existing access, creation of additional access and creation of new, freshwater fisheries, throughout not just the Central Tablelands, but the entire state. We have identified and are working to secure access to a number of TSR's that we believe offer a unique opportunity to present and future generations of freshwater recreational fishers throughout NSW. We have also indicated our willingness to become Trustees of a Crown Reserve on the Central Tablelands and are hopeful we will be offered the opportunity to consider many others, provided, of course, they are not disposed of by NSW Land & Property Management Authority (LPMA), without us, or NSW I&I Fisheries (Recreational Management), being notified of their proposed disposal beforehand. We have also, in recent weeks, successfully negotiated with a local landholder, through whose property a traditional access route to the Belubula River, near Carcoar, had been closed for several years (using the Thompsons Creek Dam document as a model), resulting in re-opening of the access, which had, effectively, been abandoned, for a number of reasons, including, incredibly, intransigence on the part of Blayney Shire Council and the LPMA.

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RECOMMENDATIONS

CAS recommends:

1. Serious consideration be given to the location of NSW I&I Fisheries, Recreational Fisheries, within the portfolios of Tourism New South Wales, or Sport and Recreation
2. That the management of the state's fisheries (especially the recreational fishery, that has demonstrably been shown to be worth more to the state's economy than the commercial fishery), be recognised by the re-creation of the position of Director of Fisheries, with that person reporting directly to the responsible Minister, whoever that might be
3. The government of New South Wales accept its Community Service Obligations by providing far greater funding towards the roles of Recreational Fisheries Management, Conservation Management and Compliance, all of which are being heavily subsidised by recreational fishers
4. Far greater emphasis be placed upon the significance of retention and improvement of existing access and vastly improved additional access opportunities, through greater, inter-departmental co-operation and understanding of the needs of recreational fishers and increased government support through both legislation and funding to ensure achievement of access for future generations of recreational users of our inland waterways
5. Maintenance of the current Recreational Fishing Fee
6. Increasing the number of Compliance Officers in inland NSW by a minimum of six positions
7. Increasing the significance and status of native, freshwater species, even if this means a diminution in the significance of and expenditure of funds on the trout and salmon fishery in NSW
8. That no consideration, whatsoever, be given to any other entity, other than NSW Fisheries, for the responsibility for management of the state's fisheries
9. Earnest consideration of vesting (despite the inevitable, staunch objection of State Treasury to such a proposal), all monies collected in the form of penalties for offences under the FMA, in the two Recreational Fishing Trust Funds
10. The continuing, consultative process of reviews of various Acts and Regulations affecting the fishery, be maintained

(b) the effectiveness and efficiency of the current representational system of trusts and advisory committees that advise government departments and statutory authorities

CAS, generally, is happy with the current trusts and committees (despite the apparent displeasure expressed by others associated with the recreational fishery), that advise the Minister responsible for the state's fisheries. We do not believe any one organisation has the right to claim it ought to be the "electoral college" for selection of representatives on, especially the Recreational Freshwater Fishing Trust Expenditure Committee (RFFTEC), or the Advisory Council on Recreational Fishing (ACoRF).

We do, however, believe the deliberations of both committees ought not be shrouded in "secrecy", ought be more transparent and that the minutes of meetings of both committees must be made available in a far more timely manner than at present (given membership and secretarial duties of RFFTEC, if not both Trusts is funded, fully, by recreational fishers), to not only members of the committees, but all recreational fisher representative organisations. We concede that deliberations and decisions of the committees are both to be found on the NSW I&I Fisheries website, however, they are obscure, difficult to find, except by the most experienced users of the Internet and, of course, are often extremely "stale" by the date of publication. Currently, the minutes of the meeting of RFFTEC held on 11 August 2009, appear only in "draft" form on the NSW I&I Fisheries website and those of the most recent meeting (11 November 2009), have not yet been published in any form; a truly, incredible situation, by any standard!! We are also greatly disturbed by the extremely tardy fashion in which vacancies on both committees are filled; currently, there are three vacancies

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on RFFTEC, all advertised in July 2009, closed on 28 August 2009 and still no decision has been as to who is to fill the vacancies; a truly, incredible and lamentable situation.

We are not happy, however, with the composition of other trusts that, might, from time to time, make recommendations to other Ministers not responsible for management of the state's fisheries, that have the potential to have serious impacts upon the fishery, or the accessibility of the fishery to recreational fishers, when recreational fishers appear, in the main, not to be represented on those committees.

RECOMMENDATIONS

CAS recommends:

1. The current method of filling vacancies on the various Trusts advising the Minister currently responsible for the state's fisheries be maintained and no attempt be made to impose the often and probably, overbearing presence of "representatives" of "substantial" fishing organisations on those Trusts
2. Filling of vacancies on RFFTEC and ACoRF must be more timely
3. Publication of deliberations and minutes of meetings of both RFFTEC and ACoRF must be made more readily available and in a more timely manner and be made available in a far more transparent manner than at present
4. Deliberations of any trusts, advising any Minister on any subject likely to affect the fishery (such as those involving the National Parks and Wildlife Advisory Council) and not necessarily subject to review or scrutiny by representatives of recreational fishers, must not be implemented without consultation with staff of NSW I&I Fisheries and representatives of recreational fishers
5. Urgent consideration to provide Corporate Governance for both RFFTEC and RFSTEC as neither have the capacity to use recreational fisher's funds, held in trust, for the purposes of purchasing property, structures or, potentially, water for environmental stream flows or other things that might be regarded as beneficial to the recreational fishery under present guidelines for operation of the Trusts. Implementation of Corporate Governance would also allow the committees to invest funds held on behalf of recreational fishers in legal action designed to protect the fishery and particularly, the aquatic ecosystems so necessary to ensure the future viability of the recreational fishery.

(c) the value of recreational fisheries to the economy in NSW

The last known estimate of the value of the recreational fishery to the economy in NSW was probably made two decades or more ago and it was stated then that the recreational fishery was worth more to the state than the commercial fishery. The most recent, authoritative survey was that of the Snowy Mountains Recreational Trout Fishery, undertaken in 2001 by Dominion Consulting Pty Ltd (*An Economic Survey of the Snowy Mountains Recreational Trout Fishery*), funded by RFFTEC, (yet again, another project funded by recreational fishers), indicated the value of that fishery, alone, was worth \$70 million per annum to the economy of NSW in 2000. If one were to extrapolate that to the entire state, it is not unreasonable to suggest, in today's values, recreational fishing is likely to be worth in excess of, conservatively, \$500 million per annum to the economy of NSW. We consider it is incumbent of the NSW Government to ensure additional funding, well in excess of that currently provided, to ensure the proper management of the recreational fishery and ensure its long term sustainability to not only the economic benefit of NSW, but also the socio-economic benefit of the entire community.

We also consider too little attention is given to the contribution of volunteers, be they members of recreational fishing organisations or individuals who make contributions to the value of the recreational fishery, when any assessment of the "value" of the recreational fishery is contemplated. Far too little credit is given to the work of such organisations or individuals and the monies saved by Government due to the use of voluntary labour, motor vehicles, boats and the like in support of our chosen recreational pursuits.

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RECOMMENDATIONS

1. The NSW Government, in partnership with recreational fishers and industry, identifies the current economic value (including the socio-economic values), of recreational fishing to the NSW economy
2. The NSW Government, in partnership with recreational fishers, identifies the current value to the economy of NSW in terms of savings, due to the involvement of volunteers, in the operations and management of the recreational fishery in NSW.

(d) the gaps in existing recreational fishery programmes, including the number and location of Recreational Fishing Havens

There are a number of gaps in recreational fishery management programmes, with two, in particular, requiring scrutiny; a review of the Fishery Management Strategy for Recreational Fishing (FMS), and the use of the Precautionary Principle (PP), as a primary management tool.

As indicated in the *Introduction* to this submission, this society is confronted with the ludicrous situation resulting from the recent inclusion of Dunns Swamp, on the Cudgegong River, near Kandos, in the Wollemi WHA and which can no longer be stocked with any species of fish, including native fish, for the purposes of recreational fishing. Incredibly, fishing is listed as an activity permitted on Dunns Swamp by the NSW National Parks & Wildlife Service, yet neither they, nor anyone else seems to comprehend that the fishery is not self-sustaining. Little, if any, natural recruitment of species permitted to be taken by recreational fishers can, or does occur within the impoundment, or for that matter, upstream of the dam, necessitating, therefore, regular re-stocking to ensure the viability of the fishery through the presence of strong "year classes" of fish. Without annual re-stocking of the dam, any species which may be targeted (many recreational fishers now release most native fish they catch), or taken by recreational fishers will soon be removed, leaving the dam without one of its principal recreational activities. Loss of this amenity will have not only economic, but social impacts upon the nearby, small towns of Rylstone and Kandos and the wider recreational fishing community, many of whom travel hundreds of kilometres to visit and fish this particularly pleasant and aesthetically pleasing fishery.

The use of the PP to limit activities of recreational fishers is particularly irksome, despite the fact we are well cognizant of its importance in most instances. There are several such instances which have caused members of this organisation great angst, especially cases involving the reported (often, vaguely suggested sightings), presence of threatened or endangered species, such as the presence of Booroolong frogs (*Litoria booroolongensis*), in a number of streams on the Central Tablelands. Most of these sites are in places where trout have been present for well over 100 years and were stocked until the imposition of bans by NSW I&I Fisheries, yet, despite the supposed threat to the species from trout, they are still reported to be present. One such site on the Macquarie River (very well known to the author of this submission), a few kilometres upstream of Bathurst, is so degraded by the impacts of European presence since the early days of white settlement, one wonders how any aquatic species, let alone threatened frogs are still to be found, especially when the habitat of Booroolong frogs is very specific. Nevertheless, recreational fishers have funded numerous research projects (one wonders were any such projects funded by any organisations, supposedly concerned for the preservation of the threatened species claimed to be present), which, to date, have revealed little, if any impact upon the species from the stocking of (especially), trout. Despite this, we are still denied access to many, traditional stocking sites.

We also consider the use of PP as a pretext (often, after much debate it is relaxed, but as a consequence of the conservative approach adopted, many years of potentially, excellent recreational fishing have been lost), not to stock new bodies of water created as a result of the construction of new impoundments. One such example was the extremely tardy response by NSW I&I Fisheries to our requests to stock a native species, Australian bass (*Macquaria novemaculeata*, usually referred to by recreational fishers as "bass"), into Lakes Wallace (Wallerawang Dam), and Lyell, despite the fact the Coxs River (on which both dams are located), is part of the

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Eastern Catchment (Hawkesbury-Nepean Catchment), and bass were endemic to the system, before the activities of white man ensured their extinction in that part of the system. Many years of argument ensued and eventually, almost begrudgingly, they were stocked and are now one of the most sought after species in both dams, however, until September of last year, they were again not stocked for several years as a result of concerns resulting from an outbreak of nodavirus at the Port Stephens Research Centre. We are well aware of the implications of the potential release of fish affected by this particular virus, however, the resultant delays in resolving the problem lead to delays in re-stocking the dams and much angst amongst members of the society. One member branch (Wallerawang), was able, in the intervening period, to obtain approval to re-stock the dam under the dollar-for-dollar native fish re-stocking grants, to purchase bass from a privately operated hatchery, able to supply bass from the "Central Zone"! We believe the PP has been "overdone" in both examples quoted and in other instances, when we sought approval to create tail-water fisheries in the cold water polluted discharges, downstream of several high level impoundments and where most native species had all but disappeared, NSW I&I Fisheries again were quick to apply the PP and tardy to develop the ensuing fisheries, which have since proven highly successful one might add! Similarly, they were extremely reluctant to stock what has now become an iconic trout (and, as indicated above), and bass fishery in Lake Lyell, the nearest freshwater fishery of any note, nearest the largest urban population in Australia (let alone NSW), Sydney! The pretext was that the dam was likely to be highly eutrophic and as a consequence, trout might not do well; consequently after several years of argument, the dam was stocked, but much of the exceptional fishing one might expect as a result of the rising waters, over new ground, with abundant food and rapid growth rates, was lost. Of course, NSW I&I Fisheries were; once again, proven wrong.

Another issue which is causing us increasing concern is the seemingly, unhindered spread of undesirable, alien fish species, especially Redfin perch (*Perca fluviatilis*), and European carp (*Cyprinus carpio*), both of which have greatly increased their range in the past decade.

Both species have become far more prevalent on the Central Tablelands than they were ten years ago, largely, we believe, due to the illegal spread of both species, despite it being an offence to use them for either bait (the use of live, fin-fish for bait has been illegal for many years), or illegally stocked by unthinking or, in some instances vandalistic individuals, intent upon damaging the recreational fishery. A recent incident (January 2010), near Wallerawang, where Redfin were found in a farm dam by a member of this society caused us great disquiet, especially as their presence there, if they were to make their way into the Cocks River (nearby and certainly, with the potential, should heavy rains flush them from the dam into a nearby watercourse), where they had the potential to enter both Lakes Wallace and Lyell, with potentially disastrous results for not only the recreational fishery, but also the preservation of a remnant population of Macquarie perch in the Cocks and Kowmung Rivers, downstream of Lake Lyell. Due to staff cuts (caused by funding cuts by the NSW Government), in the Aquatic Biosecurity Unit at Port Stephens, the response to our pleas for assistance were, initially, treated with, in our opinion, far less concern than we considered they warranted. After much, intense lobbying, it was agreed the matter warranted investigation and immediately following confirmation of the presence of Redfin in the dam, eradication plans were devised and implemented, resulting in, we sincerely hope, complete eradication of the species in the farm dam on 5 February 2010. Our concern is that, despite the gravity of the situation (Redfin are known carriers of epizootic haematopoietic necrosis, commonly referred to as EHN, which has proven to be extremely lethal to Macquarie perch), they had the potential to impact upon the northern most extant, coastal river catchment of Macquarie perch (Hawkesbury-Nepean strain). They could also have a devastating impact upon the extremely viable and economically significant (to the City of Lithgow and the township of Wallerawang), recreational fisheries we have worked so very hard to establish in both Lakes Wallace and Lyell. We can say, without contradiction, NSW I&I Fisheries' initial response was, to put it mildly, completely unhelpful and even lethargic; the excuse given for not "...dropping everything..." to investigate the matter was "...staff shortages...". Again, as stated above, we had to lobby very intently, even to the extent of attempting to contact the Member for Bathurst, Gerard Martin, in order to seek his intervention (which, thankfully, wasn't, eventually, required), to achieve the response that, in such circumstances, one would have reasonably expected the Aquatic Biosecurity Unit to already have in place, a plan to address such reported findings of such a threatening pest species.

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We note also, the rather insipid document entitled *NSW Draft Control Plans for the Noxious Fish Carp (Cyprinus carpio)*, submissions to which, rather ironically, closed with the Aquatic Biosecurity Unit on the same day (29 January 2010), the presence of the Redfin in the farm dam at Wallerawang was reported to them! We are greatly disturbed by the increasing incidence of European carp and their damaging impact upon the aquatic ecosystem, however, we are dismayed (as we have been, for many years), by the response of NSW I&I Fisheries to the spread and consequently, lack of effective eradication of the species. Perhaps we are under some misapprehension, but we are of the belief that “noxious” animals (such as rabbits, foxes, feral goats and pigs, etc.), are, supposedly, meant to be eradicated. One would expect the document, therefore, to have placed far more emphasis upon destruction, rather than suggesting “control” and “education” as a means of restricting their spread.

If the so-called “green” movement were serious about either, or both these extremely damaging species (both of which have the potential to cause extinction, or at the least, local extinction of threatened native species), they would be calling for stricter penalties and more research into developing methods, including biological control, to remove them from our waterways.

Similarly, if the “greens” were to be serious, they would be as equally concerned as we are by the actions of those who keep aquaria, especially those with introduced species, which, inevitably, are finding their way into many freshwater habitats. Already, we have, in recent years, seen the discovery of Oriental weatherloach (*Misgurnus anguillicaudatus*), an aquarium fish, importation of which was banned in 1986, in streams around the ACT and Murray River Catchment. This species is but one of many that have the potential to impact upon the freshwater fishery, if not directly, then indirectly through either competition for food, or destruction of smaller native species that form part of the food chain for, in particular, our native species.

We believe the NSW Government must consider introducing far stricter controls and penalties for breaches of any Regulations related to the Aquarium Industry, illegal importation of any species or disposal of exotic species and the rapidly expanding breeding and showing of Koi carp.

We do not believe we are qualified, or, indeed, entitled to comment upon the creation and management of Recreational Fishing Havens and Marine Parks, but are gravely concerned that any such reserves might be considered, or inflicted upon the freshwaters or freshwater recreational fishers of this state. Already, there are numerous restrictions on freshwaters and freshwater fish species in NSW, including closed waters, closed seasons, bag and size limits and no-take restrictions, imposed, principally as conservation management tools. Most of these restrictions have been at the behest of recreational fishers themselves, as referred to in the *Introduction* when referring to Macquarie perch. Many restrictions have also been imposed (again, at the behest of recreational fishers), in the interests of equity – “sharing-the-catch” - amongst all fishers.

RECOMMENDATIONS

CAS recommends:

1. The public review of the FMS, promised by NSW I&I Fisheries, be undertaken at the earliest possible date
2. The review of the FMS must be facilitated by NSW I&I Fisheries and recreational fishers must be widely consulted, as they were prior to its creation and implementation
3. The use of the Precautionary Principal must be reviewed and if utilised, must be accompanied by a sunset clause
4. No freshwater Recreational Fishing Havens or Parks be created as adequate provisions already exist within the FMA and associated Regulations administered by NSW I&I Fisheries to protect endangered, threatened or vulnerable species
5. The NSW Government immediately restores funding to ensure the Aquatic Biosecurity Unit, Port

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Stephens, has sufficient staff to undertake effective research and the capability to develop and implement "disaster" response plans

6. Immediate creation of a plan to respond to reported sightings of alien species
7. Increased surveillance of the activities of those involved in the Aquarium Industry
8. Increased penalties for the importation and/or sale of exotic species
9. Increased penalties for the use of live fin-fish as bait
10. NSW I&I Fisheries immediately take steps to amend the Regulations to the FMA, to make it an offence to return to the water, live, any Redfin or European carp caught by any legal means by recreational fishers
11. The NSW Government commits to the continuing, Statutory Recognition of the four Acclimatisation Societies in NSW in any future review of the Fisheries Management Act.

(e) ecologically sustainable development issues related to improving recreational fisheries

CAS has long realised the problems associated with environmental degradation, pollution and the impact of poor land management and practices on our waterways and the recreational fishery. We have campaigned, unrelentingly, for provision of environmental stream flows and the inclusion and use of variable level off-takes for discharges from the many, high-level storage dams on the Tablelands of NSW. We have urged, time and again, improved land management practices, including exclusion of stock from waterways through fencing and provision of water troughs and proper evaluation and supervision of flood mitigation schemes. We have been to the fore of recreational fishing representative organisations, for more than four decades, in the campaign to provide better protection of aquatic ecosystems from:

- undesirable development
- unwise and unnecessary land clearing
- removal of riparian vegetation
- excessive abstraction of water from unregulated streams
- pollution of all forms
- removal of in-stream snags
- poorly planned river gravel extraction operations
- the use of educator dredges in streams (our campaign led to a ban on the use of these devices on many streams in NSW)

These are but a few of the issues we have confronted in our efforts to ensure the recreational fishery on the Central Tablelands, the first area to be settled by Europeans, west of the Great Dividing Range and as a consequence (especially following the gold rush of the 1850's), one of the most severely impacted in terms of environmental degradation, remains viable to the extent it does.

In more recent times, we have become aware of and involved in the programme "Bringing Back the Fish", which was part funded by recreational fishers. The programme, until recent cuts in funding by the NSW Government caused its demise, had some remarkable achievements; notably, the removal or remediation of nearly 100 old barriers to fish passage, resulting in the opening of more than 1200 kilometres of coastal streams to migratory native fish. It also resulted in 2000 hectares of core riverine habitat being remediated. While most of this work was undertaken on coastal streams, it, nevertheless, has application on inland waterways, where there are countless, badly constructed causeways and culverts, as well as weirs, over many streams. Recreational fishers see the need for the removal or remediation of such structures and have been more than willing to assist in funding the works necessary to restore fish passage, but believe the NSW Government was extremely short-sighted in cutting funding and it ought to be restored and the programme reinstated at the earliest possible date. We cannot help but wonder, however, if so-called conservation organisations, especially the Nature Conservation Council of NSW, who receive government funding, have ever paused to think about projects like this, let alone contributed to them, in their head-long haste to condemn recreational fishers as being anti-conservationist. It was not us, recreational fishers who built these structures,

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and, in some cases, we actually objected to their construction, yet not only did we contribute funding to their removal or remediation, but we remain willing to contribute to their removal, or remediation, if the government can be convinced of the stupidity of their decision to cease funding them and reinstate the programme.

A key tenet of our organisation is that we must have water, of suitable quality, if we are to have a sustainable recreational fishery into the future.

RECOMMENDATIONS

CAS recommends:

1. The NSW Government ensures sufficient funding is provided to employ highly qualified and motivated staff who will work, assiduously, to ensure adequate controls are in place to protect the aquatic ecosystems to the extent they remain viable into the future and no further losses of species are caused through the impacts of development in any guise
2. The NSW Government reinstates funding to ensure programmes, such as "Bringing Back the Fish" can re-commence at the earliest possible date
3. The NSW Government does everything possible to ensure a commitment to the provision of environmental streams flows is mandated in all Acts related to the activities of State Water and NSW I&I Fisheries

CONCLUSIONS

We thank the Select Committee for this unique opportunity to comment upon matters so vital to the future of the Recreational Fishery, especially the freshwater fishery, in NSW. We also apologise for the length of this submission, however, given the significance of the Inquiry, it would do neither it, nor us, justice, if we were to be disrespectful and submit some insignificant, or flippant document; we sincerely trust this document is of both significance and substance.

We believe it is the first time, or at least, in the lifetime of the author of this submission, who has been a member of the organisation for nearly 46 years that such an opportunity has been afforded to the recreational fishers of NSW.

We remain greatly indebted to you for allowing us to comment and our only criticism is that the terms might, perhaps, have been even wider than they are.

We trust our comments and recommendations might prove of some value to the committee in its deliberations and trust you will, yourselves, make recommendations that will prove beneficial to ensuring the sustainability of the chosen recreational activity of so many Australians now and into the future.

Yours faithfully,

Karl H. Schaerf
Honorary Secretary
Central Acclimatisation Society.