

Submission  
No 917

## INQUIRY INTO RECREATIONAL FISHING

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**Date received:** 22/03/2010

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**SUBMISSION TO THE SELECT COMMITTEE INQUIRY INTO RECREATIONAL  
FISHING  
NSW SEAFOOD INDUSTRY COUNCIL (NSWSIC)**

March 2010

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**EXECUTIVE SUMMARY**

Commercial, recreational and to a lesser extent, indigenous fishers place pressure on the State's limited fisheries resources. However, non-fishing impacts, particularly from pollution, inappropriate development and introduced species, far exceed the pressures exerted by all fishing sectors combined.

Implementation of commercial fishing area closures, either through the marine park process or through recreational fishing havens, has had a profound negative impact on the supply of fresh local fish to the NSW seafood consuming public and devastating effect on many commercial fishing and post harvest sector businesses.

Commercial fishing, which has been assessed as sustainable, has had its access to the resource dramatically reduced. This reduction has failed to acknowledge the critical role of the industry in providing quality local seafood

and has been out of all proportion to the commercial industry's impact on fish stocks and coastal biodiversity.

No comprehensive environmental impact assessment of recreational fishing has ever been conducted, even though it is well known that the recreational catch of the only species in serious decline, mulloway, is at least five times the commercial catch.

The case for recreational fishing havens has been based on the assertion that because 20% of the population of NSW fish at least once a year they are entitled to exclusive access to significant sectors of the resource. In excess of 90% of the NSW population consumes seafood so the same logic would necessitate four and a half times as many areas dedicated to commercial only fishing.

Most critically, coastal fisheries resources, fish habitats, ecosystems and associated biodiversity continue to be devastated by non-fishing impacts which are largely unmanaged.

There is no justification for more commercial fishing area closures either through marine parks or additional recreational fishing exclusive areas.

The people of NSW have a right to the sustainably-harvested and responsibly-marketed seafood resources of this State.

The NSW Seafood Industry Council seeks the Select Committee's strong support and encouragement for the continuation and development of a viable NSW commercial fishing industry.

## **INTRODUCTION**

NSWSIC recognises that this Inquiry has a major focus on recreational fishing; however the Terms of Reference for the Inquiry require that this be done in the context of comprehensive ecologically sustainable development (ESD). It is essential that the Select Committee adequately considers the role of commercial fishing in the ESD of coastal NSW and fully appreciates the contribution the commercial fishing industry makes to the NSW economy. In 2003 Minister Macdonald stated that the commercial fishing industry was valued at \$500 million annually employing more than 4000 people.

Indeed, we believe the Committee should make a strong statement of support and encouragement for our sector as part of its conclusions on the pursuit of ESD in coastal NSW.

- The NSW Seafood Industry Council (NSWSIC)

Members of NSWSIC include:

- The NSW Fishermen's Cooperatives Association, representing commercial fishers
- Sydney Fish Market – the largest market of its kind in the Southern Hemisphere representing both the catching sector and post harvest sector and the host to over 2 million visitors annually
- Master Fish Merchants Association representing seafood retailers and through them the estimated 6 million seafood consumers of NSW
- OceanWatch Australia, the nation's coastal environmental watchdog

Beyond this current membership NSWSIC represents the interests of a wide range of stakeholders in the broader industry.

Commercial fishers operate in NSW waters in vessels ranging from small vessels able to fish the inshore estuarine areas to larger trawlers and longline vessels able to access Australian fish stocks out to the edge of the 200 mile EEZ.

A key objective of NSWSIC is to work cooperatively with Governments, their agencies and other key stakeholder groups to ensure the long term resilience, sustainability and viability of the industry through the promotion of responsible fishing, codes of practice, promoting the availability of quality fresh fish, adhering to sound OH&S and operating in an ecologically sustainable manner.

- The NSW Seafood Industry - an important Primary Industry

The NSW seafood industry, comprising the catching, processing and marketing sectors, is the supply chain for consumers to access high quality NSW-harvested seafood. The quality and regional individualism of seafood are increasingly measures of the attractiveness of cities and towns to locals and

tourists alike. Since European settlement the NSW fishing industry has provided high quality, fresh seafood to the general public, in particular, to those who are unable or unwilling to catch fish for their own consumption (over 90% of the population). This seafood is provided to consumers through a variety of outlets including the Sydney Fish Market, fishermen's co-operatives, supermarkets, restaurants, cafes, local fish mongers and suburban fish and chip shops. Australian seafood is a much sought after product with a sound reputation for quality and proven health benefits.

The seafood industry is currently NSW's fourth most valuable food-based primary industry after beef, sheep and horticulture. Commercial fishing is characterised by hard working individuals who make a significant contribution to small communities along the entire NSW coastline and to regional economies (in excess of \$82 million to the fishing sector alone and many times this amount at the retail and restaurant level annually: Source: Australian Fisheries Statistics 2008). Indirect employment activity provides many more jobs in the processing, maintenance, transportation, fuel, wholesaling, tourism, catering, retailing and other related fields.

The seafood industry is one of NSW's oldest primary industries. It has been and remains the backbone of many regional economies and towns along the entire NSW coast. The presence of this industry in some of the more remote coastal communities in NSW has provided a source of income and lifestyle to many families, and has created significant wealth and employment for the region.

It is critical that the NSW commercial fishing industry has a stable legislative and regulatory environment in which to invest and operate. The sector must have the capacity to withstand changes in fish stock levels, market conditions and operating costs, over all of which the industry has no control, without the ongoing uncertainty of unjustified but regular resource reallocation.

- The Fisheries Management Challenge

NSWSIC recognises that while fisheries resources are naturally renewable annually, they need to be managed carefully to ensure over-exploitation does not occur. Fisheries management has to grapple with a number of important elements which influence fish stocks:

- environmental variables, such as water temperature, climatic conditions, nutrient availability, currents and habitat health;

- off-stream impacts, such as agricultural, industrial and urban pollution, land, water and effluent management and habitat modification;
- the different biological characteristics of the fish populations being targeted such as age, growth rate, reproduction, mortality and behavioural characteristics;
- productivity which is influenced by water flow, food availability, natural predation and in some cases pollution;
- migration patterns; and
- the commercial and recreational fishing impact on particular fish species.

These issues must be taken into account and addressed in the process of good fisheries management. For more than 50 years the commercial sector has been providing catch and effort data to fisheries agencies for management purposes. Data from the commercial sector remain the primary source of information on which to base not only fisheries management but also other coastal management activities.

- Key issues to be addressed

The current relationship between the NSW commercial fishing sector and the NSW Government has improved from a decade ago when Recreational Fishing Havens (RFHs) were under consideration and in the process of implementation. Many fishers felt that the Government was trying to force them out of business. The Government was seen as actively working to bring about the demise of the industry. Many of these people are not formally educated, and in some instances have language difficulties. The social and cultural consequences of the current restricted resource access arrangements for the commercial sector should be acknowledged and considered in the Committee's deliberations.

There have been two major reviews undertaken of fisheries in NSW in the past 5 years, both by the same author (Richard Stevens, who chaired the NSW Government's "Fisheries Resource Conservation and Assessment Council in 2001/2002). The first occurred in 2005, and was titled "The performance of fisheries management in New South Wales"; the second was undertaken in 2007 and was titled "Report on Structural Adjustment in Commercial fisheries in New South Wales". The recommendations from these two reviews are germane to the Terms of Reference of this Select Committee inquiry, particularly as covered under point (c) which relates to ESD. NSWIC contends

that it is essential that the Select Committee includes both these reports in its review.

NSWSIC also draws to the attention of the Committee the relevance of the reports of two parliamentary Standing Committees on State Development as they deal with Fisheries Management Amendment (Advisory Bodies) Act and Fisheries Management and Resource Allocation in New South Wales. These reports were commissioned prior to the introduction of the present legislation and released in July and November 1997 respectively.

### SELECT COMMITTEE TERMS OF REFERENCE

Turning now to the Select Committee's specific Terms of Reference:

***1 Inquire into and report on the current benefits and opportunities that improved recreational fisheries may represent for fishing licence holders in NSW 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.***

The current suite of existing regulatory policy and decision making processes, allows the Minister and his managers to:

- charge a fee for recreational fishing for a specific age group
- develop a trust and managed in conjunction with recreational fishing delegates
- the power to borrow from the government
- close areas for the creation of RFHs
- buy-out commercial fishing licences
- develop advisory committees
- participate in fish re-stocking programs

The results of these have been:

- exclusive access to over 30 RFHs across NSW
- the removal of the commercial fishermen that held endorsements to fish in those Estuaries, Rivers, Lakes and Bays.

- recreational fishing access to tonnes of fish that records demonstrate were historically sustainably caught in the areas now exclusive to recreational fishers

### Fishing Effort

Past history in NSW clearly demonstrates that the commercial fishing sector has had to endure significant cutbacks in its operations. Fishery Management Strategies (FMS) and Environmental Impact Statements (EIS) requirements have resulted in changes to gear levels and industry practices which make the industry less efficient.

Highly conservative (due to the application of the Precautionary Principal) Total Allowable Catch (TAC) settings at both and state and commonwealth level reduce the capacity of commercial fishers while recreational fishing numbers continue to expand.

It is important to recognise that there has been a “cap” or limit on the number of commercial fishing licenses in NSW since the mid 1980s. There is however no cap on the effective recreational effort which has risen several fold in recent years with the introduction of soft-plastic lures and the continued improvement in, and availability and affordability of, fish-finding electronics and GPS navigation devices. The continuous escalation in the efficiency of recreational fishers severely reduces the ability of the current regulatory processes to control the catch, effort and fishing-mortality by the recreational fishing sector.

### Marine Parks

The closure of areas to commercial fishing for the development of marine parks and RFHs has been based on flawed science or no supportive science at all.

Implementation of fishing closures, either through the marine park process or through recreational fishing havens, has had a profound effect on many fishing businesses, both at the commercial fishing level and in the post harvest sector including Fishermen’s Cooperatives, Sydney Fish Market, transporters,



processors and retailers of seafood. They have resulted in considerable distress (including marriage and family break up), principally because the process of decision making and the structural adjustment provided by the Government which accompanied it did not adequately address the fall in the supply of seafood to consumers and specific issues such as:

- displacement of commercial fishing effort
- loss of income for affected operators
- employment loss through license buyouts
- social and family impacts associated with fishing closures
- loss of production/turnover in pre-harvest and post-harvest businesses dependent on the commercial fishing industry
- the need for meaningful and practical assistance to retrain and assist those affected to find new employment opportunities

Worldwide there has been much debate on marine parks, with an expressed consensus that under the right conditions well designed parks can assist with conserving biodiversity and even assist with fisheries management, particularly for relatively sedentary species and stable habitats, such as are often associated with rocky reefs. Changes that have resulted from marine parks have unfortunately been more often assumed than proven to be benefits. Analyses of comprehensive cost-effectiveness of marine parks are particularly lacking. In many cases, such as in NSW, the benefits of marine parks continue to be misrepresented and exaggerated, particularly for mobile species and complex ecosystems.

There are five NSW fish species considered as 'growth-overfished' (fishing mortality is higher than that which would produce the optimum economic return but not high enough to represent any threat to the survival of the species or even to subsequent recruitment of the species in NSW. In other words 'overfishing' is an economic issue and not a biological one): mulloway, snapper, silver trevally, sea garfish and kingfish. There is no evidence or any current, or even anticipated, problems with predominantly estuarine or ocean beach species in NSW.

It is to be expected that there will be more fish and invertebrates in areas that are protected from real threats than in areas where there is no protection. The question is whether this provides a true benefit.

If we are truly trying to assess benefits, the objective should surely be to assess if having a closed area leads to conservation of biodiversity that would

otherwise be lost or at least seriously threatened and/or/if the normal objectives of fisheries management (maximum or optimum sustainable yield from the total resource) are enhanced by having access to part of the resource restricted.

What fishing closures in NSW marine parks do is allocate fish stocks away from those individuals who previously fished in the areas that are now closed. Individuals who fish in adjacent areas are most unlikely to receive any advantage from "improved fish stocks". Individuals fishing on ocean beaches and in estuaries will certainly not receive any significant or even detectable benefit. They will also have to accommodate additional fishing effort from those who pay the cost, substantial in many cases, and relocate their fishing effort to the adjacent areas. The obvious outcome is that one group of fishers will be seriously disadvantaged by having to move, at considerable cost and with grave effects on lifestyle if their current place of domicile is related to access to fishing sites, and the remaining group will have to accommodate increased fishing effort at their current sites where there will be no detectable improvement in fish stocks.

In the absence of specific stock management benefits for individual species closures are a resource allocation measure for no assessed positive conservation or stock management outcome. If there are specific fish stock conservation measures that need addressing and for which area closures are the appropriate management tool, then they should be identified. None have been identified in the current NSW marine parks and recreational fishing havens are merely allocation mechanisms not intended for conservation benefits.

Of far greater concern to the pursuit of Ecologically Sustainable Development is the purpose of having even the existing recreational havens. These were justified on the basis that 20% of the population fish recreationally at least once a year. In excess of 90% of the NSW population buy fish at least once a year and their clearly stated preference is for local fresh fish. If it can be justified that commercial fishing can be excluded from areas to meet the demands of the 20% of the population who fish then four and half times as many areas should be designated as commercial fishing only areas to provide the fish for the seafood consuming public.

Invariably and often exclusively, where and when fish stocks have declined the cause has been environmental degradation or pollution rather than a result of

fishing practices. Such changes include climate variability, land based pollution (from urban and agricultural run-off, excessive use of fertilizers and other activities), destruction of habitat, storm water discharges and sewage outfalls.

**Environmental degradation is therefore a much greater danger to fishing than fishing is a danger to the environment. The proportionate threat from terrestrial activities on fisheries compared to the threat from fishing is perhaps best expressed by noting that there has never been a marine species fished to extinction anywhere in the world, but even in Australia there are many species of fish in serious danger, particularly in inland fresh-water systems, as a result of habitat destruction and pollution.**

**TOR 1(b) The effectiveness and efficiency of the current representational system of trusts and advisory committees that advise government departments and statutory authorities.**

In 1997 the Standing Committee on State development released its report on The Fisheries Management Amendment (Advisory Bodies) Act 1996. In its evaluation of recreational Fishing Advisory Bodies it recognised problems with the Recreational Fishing Advisory Council (RFAC) evidence on the 13 February 1997 from the then Director of NSW Fisheries that the structure of RFAC did not match the role of a body to advise the Minister and to act as a liaison body between recreational and commercial fisheries. The structure was at risk of expressing the views of the particular bodies comprising the membership rather than the views of the angling public in general. Also, much of the agenda of RFAC concerned attempts to limit commercial fishing rather than dealing with angling issues. RFAC's principle concern appears to be to get a bigger share of the access to fish resources at the expense of the commercial fishing sector rather than dealing with the full range of matters of interest to anglers<sup>[BK1]</sup>.

Mr Bruce Schumacher, Chairman of the interim Advisory Council on Recreational Fishing, said that he believed there was little difference between the old body and its proposed successor, The Advisory Council on Recreational fishing. Mr Schumacher progressed to Chairman of this committee and the concentration on limiting access to commercial fishers and expanding recreational exclusive access occurred.

Clearly the representation and objectives of this committee continued to be very effective in this regard but it failed to follow through on the commitment to undertake Environmental Impact Assessments for recreational fishing ensuring that this was repealed from the Fisheries management and Environmental Assessment Legislation Amendment Act 2000.

All NSW commercial fisheries were required by law to undergo an environmental impact assessment. The first fishery examined was the Estuary General Fishery for which the EIS was on public exhibition between Nov 2001 and Jan 2002. Members of the public, stakeholders and other interested parties made submissions with respect to the EIS and the draft fishery management strategy (FMS). Subsequently all other commercial fisheries were assessed. On 3 July 2002 the then Minister for Fisheries Eddie Obeid announced that the NSW Government "is currently developing management strategies and EIS's for all commercial fisheries, the shark meshing program, the charter fishing boat and recreational fishing industry".

This was never completed for the recreational fishing industry. Recreational fishing is no longer considered to be a "designated fishing activity" under the provisions of the relevant legislation. This is clearly nonsense.

#### **TOR 1(c) The value of recreational fisheries to the economy in New South Wales**

Historically governments have failed to adequately address the need to value fisheries resources fairly. The book "valuing Fisheries – an Economic framework" edited by Professor Tor Hundloe was completed in 2002, to address this problem. Unfortunately it was too late to influence the process already underway for the current recreational havens.

We urge the committee to understand and respect that the continued removal of commercial fishing access and fishers will continue to deplete their ability to supply fish to the public. This will in turn greatly limit the likelihood that they will be valued fairly and equitably.

**TOR 1(d) the gaps in existing recreational fishery programs, including the number and location of Recreational Fishing Havens.**

Before considering any expansion of recreational fishing havens, the Committee must have an appreciation of the full picture of the distribution of fishing effort in NSW at present.

Moreover, what must be taken into account are the cumulative impacts of RFH's, marine parks and other areas closed to commercial fishing on seafood supply.

In the documents relating to the environmental assessments and fishery management strategies for the estuary general fishery, a very clear picture is drawn of the status of this fishery in relation to the estuarine bodies of water available to commercial fishing in NSW.

According to the EIS/FMS documents the following facts apply to commercially fished waters:

- There exists a total of 690 water bodies in NSW.
- Of these 690 in 2001 only 113 were available to commercial fishing.
- Of these 113, 24 supplied 95% of all fish caught commercially.
- Of these 24, 7 are now recreational fishing havens and as such produce no seafood for NSW consumers.
- Of the 17 remaining, 8 exclude commercial fishing to some degree by both recreational fishing havens or marine park area closures.
- Thus there are only 9 bodies of water out of 690 in NSW unaffected by RFH, marine park or other closures where seafood can be produced for the people of the State.

The result has been a loss of access to the fish for the commercial sector, a cut in the supply of NSW fresh fish for consumers and the inevitable and significant increase in the price of local fish to local people and tourists.

For some residents of NSW (such as the NSW south coast) local fish are almost unprocurable. If NSW fish can be obtained by local fish vendors they must come from areas such as the mid north coast. The issue of the cost and implication of 'food miles' is therefore significant and regional pride in local fish is being destroyed.

For consumers across NSW, the once Friday meal of local fish is now no longer a regular and staple part of a good varied diet but is a luxury, out of the reach of ordinary wage and salary earners. This is but one area where the price of having recreational fishing havens continues to be paid by the majority of the community.

Therefore to suggest there are 'gaps' in the number and location of Recreational Fishing Havens is nonsensical and in defiance of the facts. In reality the gaps are:

**Gap 1 Environmental Impact assessments.**

Removal of 'recreational fishing' from the category of a designated fishery in the Fisheries Management and Environmental Assessment Legislation Amendment Act 2000 has created a glaring anomaly.

**Gap 2 Adequate commercial fishing social impact assessment due to creation of recreational fishing havens.**

On the 28<sup>th</sup> February 2000 the Minister Hon Edward Obeid OAM MLC made the following media statement: ***'There is no threat to seafood supplies to NSW families, proposals raised in the discussion paper will have no impact on our seafood industry since 60% of our seafood is imported into NSW. The consultation paper discusses a complete buy-out of commercial fishers in two estuaries. This would affect less than two percent of the value of NSW's total seafood catch'***. This statement is itself a frightening condemnation of the NSW seafood consuming public to accept that frozen imports can be expected to replace the health, social and cultural benefits of fresh local and regionally characteristic seafood.

Twenty Nine recreational havens were subsequently created displacing many commercial fishers and greatly reducing seafood supply. Creating closed areas and then inviting fishers to "voluntarily" take a buyout, insulted many fishers and their families.

NSW Fisheries under its various Ministerial portfolios failed to address the social issues created by the development of RFHs, social implications that impacted consumers and commercial fishers living in small towns across NSW. The plight of individual fishers was highlighted by the fishermen from Crowdy Head and evidenced by the work of Barraclough Jones and Associates, solicitors and Attorneys in February 2005 and Geoffrey A. Fox and Associates, Consulting Psychologist from Port Macquarie in November 2004.

**TOR 1(e) ecologically sustainable development issues related to improving recreational fisheries.**

**Issue 1: Environmental Impact Assessment**

The Fisheries Resource Conservation Advisory Council at its meeting number 16 on 11 August 2003 observed that “following the RFH process undertaken during 2001 and 2002 Council does not support the declaration of any additional RFH’s until relevant information (conservation, economic and social impacts) is available on the impact of existing RFHs and the recreational fishing FMS/EIS has been completed”. Neither of these was subsequently completed.

In addition, we are concerned that the continuing “Sea Change” phenomenon (movement of people to the eastern seaboard) coupled with a growing population and increased recreational fishing activity has led to increased pressure on the State’s fisheries resources and the ecosystems that support them. The cumulative effects of these changes will need to be strategically managed to ensure that existing assessed and sustainable commercial fishing activities remain protected so that supply of seafood to the population is secured.

The State’s fisheries resources are renewable annually but these resources have their limitations. It is neither fair nor reasonable to seek to accommodate even greater recreational effort to the exclusion of other sectors. There is irrefutable evidence that the recreational sector has greater impact than the commercial sector on many key species such as mullocky, bream, tailor and flathead.

It is imperative that any consideration of the conservation and allocation of the fisheries resources of NSW properly addresses all impacts in proportion to the severity of the threat and their consequences. It is now well documented that the primary threats to our coastal aquatic ecosystems are land based pollution

**in many forms including urban and agricultural run-off, destruction of habitat, and introduced species.**

**The allocation of the sustainable harvest of resources must appropriately accommodate the requirements of all seafood consumers and users in proportion to their representation in the NSW community.**