

Submission  
No 803

## INQUIRY INTO RECREATIONAL FISHING

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PROFESSIONAL  
FISHERMEN'S ASSOCIATION

# **Submission**

**to the**

**New South Wales Legislative Council**

**Select Committee on  
Recreational Fishing**

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## Executive Summary

Whilst this inquiry is focused solely on recreational fishing in NSW the Professional Fishermen's Association Incorporated (PFA) is cognizant of the flow-on impacts that could result from any recommendations or findings of the Select Committee.

The PFA has identified a number of issues that the Committee will see clearly need urgent government intervention within and for the recreational fishing sector within NSW.

The degradation that has been carried out on water quality, fish habitat and fish nurseries along the coast of NSW is undoubtedly the single biggest reason for declines in fish stocks.

Marine park authorities and their advocates have not provided one shred of scientific evidence for the justification of the no take zones within the current suite of NSW marine parks.

What is missing from the consultative processes is a mechanism whereby by industry representatives from the commercial and recreational sectors can come together and discuss issues.

The basic comparison of GVP (revenue) versus recreational fishing expenditure (cost) is nonsense.

The process used in the creation of Recreational Fishing Haven (RFH) achieved some unexpected, unsavoury and unsatisfactory results for the commercial sector and in reality there is little benefit to the infrequent angler/ holiday anglers through increased catch.

Anecdotal evidence indicates that of the 30 RFHs only two have shown any real increase in catch per unit of effort for the recreational sector and this is not because commercial effort was removed but due to other factors.

There are **no** gaps in the suite of recreational fishing havens (RFH) in NSW. The PFA argues that there are too many RFHs already.

Providing exclusivity to resources for one sector actually exposes that sector to total closures in the long term.

RFHs eliminate the opportunity of commercial fishers to catch species not normally targeted by the recreational sector.

The commercial sector, which generally targets the same species as the recreational sector, has been put through an extensive set of assessments. The same process is not in-place for the recreational sector. This is clearly a significant shortfall in the management regime for that sector, and the fisheries overall, and needs to be rectified.

## Introduction and background

To meet the demands and address the opportunities within the commercial sector the Professional Fishermen's Association Incorporated (PFA) was established in July 2009. It evolved from the previous Clarence Professional Fishermen's Association (established in the 1980s) which was a division of the Clarence River Fishermen's Cooperative. The PFA is now a separate and totally independent incorporated association. Members fund the PFA and the role of the Executive Officer. Its principal objective is to represent wild harvest commercial fishermen.

The PFA membership presently comprises all the members of the Clarence River Fishermen's Co-operative, the Coffs Harbour Fishermen's Co-operative and other individual members. Talks are continuing with a number of other Fishing Co-operatives in NSW and individual fishers to build the membership ranks. The PFA is totally independent of any government funding or subsidies.

The role of the PFA is diverse and broad in nature but essentially represents the interests of commercial fishers in many forums and to many different groups; Government (all three levels); departments and agencies issues that have the potential to impact fishing (agriculture, flood mitigation, industrial, etc); dealing with NSW Maritime; compliance issues; regulations and licencing; assisting Management Advisory Committee members; National Parks & Wildlife Services and fishing access; habitat remediation; plus many others too extensive to list.

The PFA recognises the importance of recreational fishing in NSW for both residents and visitors. Many commercial fishers are also very keen recreational fishers – enjoying the pursuits of fishing in many forms. Whilst recognising this, the PFA also wishes to highlight the role of the commercial wild harvest fishers as suppliers of fresh seafood - an important role of seafood security for Australians.

Whilst this inquiry is focused solely on recreational fishing in NSW the PFA is cognizant of the flow-on impacts that could result from any recommendations or findings of the Select Committee. To that end we will, through this submission, provide comments and recommendations to the Committee on the potential consequences of ill-informed decisions or decisions based on flawed scientific evidence or politically motivated objectives. The PFA has identified a number of issues that the Committee will see clearly need urgent government intervention within and for the recreational fishing sector within NSW.

We will address each term of reference with comments and recommendations for the Select Committee.

## Terms of reference 1

**That a select committee be appointed to inquire into and report on the benefits and opportunities that improved recreational fisheries may represent for fishing licence holders in New South Wales, and in particular:**

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

### Comment.

The real threats to fishing emanates from off stream sources. The degradation that has been carried out on water quality, fish habitat and fish nurseries along the coast of NSW is undoubtedly the single biggest reason for declines in fish stocks (Kearney 2008). The fisheries management regime must have a monumental shift in priority. There needs to be a concerted effort to address the most significant issue that threatens the fish stocks in NSW i.e. a move to rebuild or restore the ecosystems that fish rely upon. Some that require urgent attention and a massive injection of resources include:

- Riparian vegetation;
- Water quality;
- Fish passage restoration; and
- Wetland rehabilitation

Once these are rectified the issue of stock carrying capacity within the estuaries will be improved. Fix the rivers and their tributaries and the fish will do the rest – breed and increase stock levels.

In their paper **“The role of non-government organisations in recreational fisheries management”** (chapter 16 Global Challenges in Recreational Fishing 2008) Jason Schratwieser<sup>1</sup> and John Harrison<sup>2</sup> stated in part (p 325 & 333):

“Habitat degradation from development and pollution combined with unsustainable fishing practices imperils the very fish that recreational fishers so revere. While some anglers are aware of these threats, many do not completely understand the magnitude at which these impact fisheries. Further, many are also unaware of the impact that recreational fishing itself has on fish stocks”

“There needs to be a shift in the philosophical mindset of the wider community in general, and maybe also amongst angling NGOs<sup>3</sup> as to why wetlands are important and what they do - environmental services they perform from water quality, bird nesting, fish production and so on. Landowners could be paid for a stewardship role to grow fish that will be recruited into the wider environment outside wetlands. The NGOs can and should assist in the process by supporting these types of initiatives.”

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<sup>1</sup> Fishing & Science Director International Game Fishing Association

<sup>2</sup> Chief Executive Officer Recfish Australia

<sup>3</sup> Non-government organisations

Professor Robert Kearney<sup>4</sup> in his paper **“Science and Marine Parks in New South Wales: the hoodwinking continues”** (30 October 2008) discusses the issue of off stream sources degrading water quality and posing a serious threat to biodiversity and ecosystems and consequently fish-stocks. He states in part:

“..irrefutable evidence that damage to water quality, resulting from agriculture and coastal development is a real and serious threat to aquatic organisms and assemblages, at least in estuaries”: ..... “The NSW Government is well aware of these threats;” ... “Other relatively obvious, serious threats to our estuaries and inshore biodiversity and ecosystems include urban and road traffic runoff, siltation, loss of wetlands, pollution resulting from commercial and recreational use of waterways and acidification from carbon dioxide build up.”

“Less obvious, but almost certainly ongoing and continuous is the, initially, sub-lethal impact on invertebrates and fish from pollution in its many forms, for example dioxins and heavy metals in Sydney Harbour, or the secondary effects of acid run-off, such as facilitating red-spot disease.

These may well be even more devastating to biodiversity, particularly of sessile or sedentary organisms, and subsequently to ecosystem health, than are at least some of the more obvious threats. Sub-lethal effects, other than advanced red spot on fish, are just normally less obvious: a sick worm, cockle or fish is easy prey in its generally unforgiving environment. Sub-lethal effects tend not to be adequately monitored, unless there is an acknowledged immediate threat to human health, let alone properly managed.”

In the view of the PFA the NSW Marine Park Authority and their advocates have not provided one shred of scientific evidence for the justification of the no take zones within the current suite of NSW marine parks. This cannot continue as these declarations have multiple flow-on impacts for all sectors of the fishing industry.

In his address titled **“The pros and cons of marine protected areas in New South Wales: who’s been hoodwinked?”** to The Australian Society for Fish Biology (Canberra, 12/9/07) Professor Bob Kearney said, in part, regarding the Marine Parks Authority “Science Paper”:

General statements on fisheries problems around the world are then followed by the somewhat leading comment, “There are a number of species in NSW identified as being at moderate to high risk of becoming overfished; many of which are sharks species”. This key statement is neither substantiated, nor referenced. What it is actually saying is that there are no species in NSW that are currently overfished.

Further Professor Kearney says:

The real threats, as identified in the Science Paper, for example “pollution, siltation, introduced species”, are not addressed at all in the proposed actions. The management measures implemented are all nothing more than restraints on fishing. None of the key threats identified for estuaries are addressed in any way. Almost all of the other listed causes of “direct damage”, “introduced marine pests, swing mooring chains, propellers, retrieval of anchors”, are totally ignored, except for retrieval of anchors, which is specifically mentioned in the zoning plan as being permitted in all zones, including sanctuaries, except over seagrass beds in sanctuaries. Thus there is

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<sup>4</sup> Emeritus Professor of Fisheries at the University of Canberra

extremely little action against anything, even if it has been identified as a threat, except fishing of any sort. The Batemans Marine Park is nothing more than an external agency imposed fisheries management measure, and an extremely poorly conceived and designed one, at that.

The current suite of bag and size limits have assisted management to control the take by the recreational sector however they may need a revision and the introduction of new and innovative practices to control the take of recreational fishing into the future.

In his paper "**Is recreational fishing in Australia sustainable?**" to the 3<sup>rd</sup> World Recreational Fishing Conference in Darwin in 2002 Neil Sumner<sup>5</sup> said in part (p24):

"Standard management measures used to manage recreational fisheries include bag and size limits. Bag limits are effective in reducing large catches on occasions. However, surveys conducted in WA have indicated that very few fishers achieved the daily bag limits specified under present statewide recreational fishing regulations. Furthermore, bag limits will become even less effective if abundance of the species declines further."

"Token systems giving a recreational fisher a licence to catch a specified number of fish have been used successfully in the United States. This approach would be suitable for recreational fisheries with highly valued fish species."

### **Recommendations**

- The fisheries agency in NSW changes focus and is empowered to manage and improve the rivers and waterways that fish rely on. This paradigm shift is fundamental to long term stock sustainability.
- No further marine parks be introduced without independent scientific peer reviewed evidence to support their introduction.
- All existing NSW marine parks be independently scientifically reviewed and reassessed to allow for managed fish resource extraction by all sectors.

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<sup>5</sup> Senior Fisheries Manager, Western Australian Fisheries



## Terms of reference 1

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

### **Comment.**

In the view of the PFA the present system of the Advisory Council on Recreational Fishing (ACoRF) appears an effective body having representation from the various recreational fishing disciplines. The selection process of the members of the ACoRF has disturbed some people in some quarters as it is seen to be a political appointment process rather than a process to provide true representation. However, as stated above the PFA considers this body to have expertise from various disciplines of recreational fishing qualifying it to administer the trust monies and provide advice when requested. A discussion on representation versus representative does little to further recreational fishing in NSW. There are many representative recreational fishing groups in NSW which can be consulted on a needs basis.

This is not to say that the PFA always agrees with the advice provided by ACoRF to the NSW government.

What is needed is a mechanism to enable recreational and commercial fishing sector representatives to interact on issues impacting on both sectors. A consultative process whereby industry representatives from the commercial and recreational sectors can come together and discuss issues is missing.

### **Recommendation**

- Representatives from the recreational and commercial sectors convene at least once per year in a forum to discuss high level issues and provide a unified fishing industry approach to issues that need addressing to improve the sustainability of the fishing industry overall.
- The debate posed by some minority groups regarding representation versus representative should not be allowed to overshadow the real issues facing recreational and commercial fishing in NSW.

## Terms of reference 1

### (c) the value of recreational fisheries to the economy in New South Wales,

#### Comment.

While it can be seen that the tourist dollar is an asset to many coastal communities it cannot be argued that this benefit is completely due to recreational fishing and would not be present without recreational fishing. Many visitors to coastal regions come looking for high quality fresh local seafood – a commodity supplied by the commercial fishing sector.

The basic comparison of GVP (revenue) versus recreational fishing expenditure (cost) is nonsense (see Tor Hundløe<sup>6</sup> publication “**Valuing Fisheries – An Economic Framework**” 2002 p16). If community benefit really did increase as cost of fishing rises (the recreational argument) then Governments should respond by raising license fees and heavily taxing fishing tackle.

The implications for stock management are also absurd – i.e. drive catch rates lower to increase cost per fish. Management of fishing should be no different to any other human enterprise where the aim is to have greater benefit than costs – so measuring value as either revenue or cost alone is fraught with dangerous consequences.

With the bulk of the tackle used by the recreational sector imported it could be argued that this increases Australia’s trade deficit, is not supporting the local manufacturing economy and in fact is not necessarily good for the economy.

In their paper “**An integrated approach to sustainable fisheries management**” to the 3<sup>rd</sup> World Recreational Fishing Conference in Darwin in 2002 Dr Peter Rogers<sup>7</sup> and Ian Curnow<sup>8</sup> said in part (p178):

“There is substantial disagreement about how to make comparisons of the relative benefits of allocation of resources amongst sectors. Previously, debates often compared the dollars spent by recreational fishers compared to the dollars generated by the commercial sector. Despite, the spurious nature of this comparison – which is often described as comparing “apples with oranges” - such data are still cited as justification for shifting allocation from one group to the other (mostly from commercial to recreational).”

#### Recommendation

- That no attempt be made to measure and compare the two major fishing sectors as this is not only divisive but is of little value in the debate over resource management or allocation.
- That the Committee proposes and supports an extensive investment regime for a series of structured studies and programs to provide for rehabilitation and management changes, (e.g. paying wetland landholders to ‘grow’ fish), to our coastal ecosystems to deliver far reaching long-term benefits to all sectors of the fishing industry.

<sup>6</sup> Professor of Environmental Management University of Queensland

<sup>7</sup> Executive Director Western Australia Fisheries

<sup>8</sup> Senior Manager Western Australia Fisheries

## Terms of reference 1

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

### Comment.

The key questions to be asked in regard to this topic are:

- What is the appropriate balance of recreational fishing access and commercial fishing access in order to provide food security for the broader general public?
- What are the benefits of changing the existing RFHs and if changes were to be made how would they be implemented?
- Should Government be managing resources for the maximum benefit of the general community?
- How many fish do recreational anglers require to feed their families?
- What was the tonnage of fish taken by the recreational sector from the 30 existing recreational havens?
- What have been the consequences to the general public seafood consumers from the loss of commercial catch in the RFHs and how has this been replaced in order to supply the public with seafood?
- What has been the socio-economic loss through the demise of commercial fishing in the locations where RFHs were declared?

Anecdotal evidence indicates that of the current 30 RFHs only two (Lake Macquarie and St Georges Basin) have shown any real increase in catch per unit of effort for the recreational fishing sector. Interestingly both of these have been subject to substantial environmental improvements which are believed to be the actual reason for improved catch rather than the implementation of RFHs. This also adds support to our argument under 1(a).

We argue that because there has been a significant increase in harvest per person by a small group of dedicated and regular anglers, representing an extremely small proportion of the general public, government is managing the resource on behalf of the few and not for the maximum benefit of the broader community. In reality there has been little benefit through RFHs to provide increasing catches for the infrequent holiday angler.

In his paper "**Allocating Fisheries Resources: Who deserves what?**" to the 3<sup>rd</sup> World Recreational Fishing Conference in Darwin in 2002 Professor Bob Kearney said in part (p150):

"Allocation within the commercial sector traditionally gives priority to those currently active in the fishery and with a well established history. Those who explore may also receive acknowledgement. More recent management strategies, in particular the use of

individual transferable quotas (ITQs) have facilitated the transfer of the allocation to those with money (expenditure).

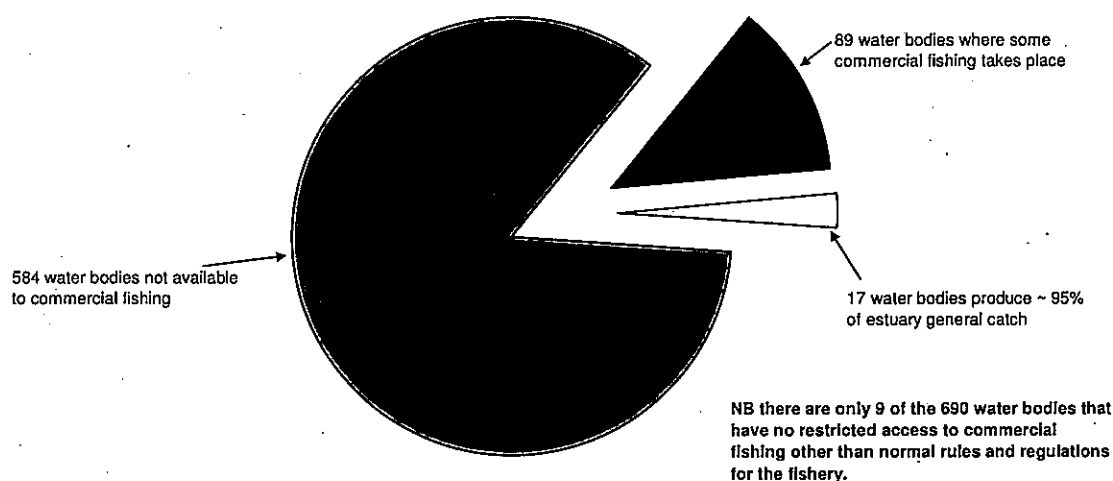
Allocation within the recreational sector in Australia has historically been little considered. The belief that there is equity, in that all citizens have equal rights to the same catch, is challenged by the implementation of licenses and by statistics which show that a very small percentage of anglers take most of the total catch. A competitive edge remains in that skill and knowledge are reflected in catches, as is expenditure on equipment in the form of better boats, four wheel drive vehicles and higher quality tackle and bait, and the employment of guides. With the current move in numerous Australian states to increase the areas available for the exclusive use of anglers, or at least the exclusion of commercial fishing, it would be good to see more restrictive bag limits which give the majority of anglers, who catch very little, a greater chance of success. What about considering total bag limit of two kilos in such areas? After all, the average angler only catches one kilo a day, and therefore, will not be restricted."

Providing exclusivity to resources for the benefit of one sector actually exposes that sector to total closures in the long term. This is a threat that the recreational sector has overlooked as has the political processes. The PFA believes that sustainability is the key to resource access and it should not be at the expense of any one sector of the industry.

The chart below clearly shows how little of the coastal water bodies in NSW are available to the commercial fishing sector.

### CHART 1

NSW Coastal water bodies (690)  
(source Fishery Management Strategy for the Estuary General Fishery 4 February 2003.)



RFHs eliminate the opportunity to commercially catch species not normally targeted by the recreational sector e.g., eels, mullet, catfish, prawn, etc. Through the implementation of RFHs many waters are off limits to the commercial sector. This has impacted on the

commercial sectors potential to supply fresh fish to the general community, bait to the recreational sector and to various markets to earn an income.

Precedents have been set for allowing commercial fishing within RFHs showing that the two sectors can co-exist without any detriment to the other sector. Two examples of these are the Richmond River and "Wave Beach" at the mouth of the Clarence River where mullet hauling is permitted during the annual mullet season.

During discussions between the Chair of the NSW ACoRF and the Executive Officer of the PFA the ACoRF Chair said **he did not believe there is any need for additional RFHs in NSW**. He added there is room for agreements to be established to **allow commercial fishing to return to RFHs** for selected species like eels, mullet, catfish, prawn, etc.

Further, in discussion with the Chairman of the NSW Recreational Fishing Alliance (RFA) the PFA were advised that the RFA see **no need for expansion of or additional RFHs**. The RFA Chair also agrees with the concept of allowing specified commercial fishing practices for selected species to resume in current RFHs.

Implementation of RFHs and marine parks has had a detrimental impact on the commercial fishing sector and has not provided adequate compensation or removal of effort. This was a flaw in the implementation process. Without appropriate and adequate buy out of commercial fishing effort when exclusion has been imposed on that sector the net result is aggregated effort across a decreased region of water. This then impacts sustainability and economical and ecological outcomes. This is very evident in the communities of the NSW South Coast and along parts of the mid and north coast.

The 1994 **National Policy for Recreational Fishing**, which NSW is a signatory, articulates what resource sharing should consider. It says in part (p 14):

"The other side of the resource allocation coin is that recreational fishers will have to accept constraints in some fisheries to comply with long-term sustainable yields; the rights and entitlements of others; and the **need to maximise community returns** (emphasis added) from available stocks."

### **Recommendation**

- Current RFHs be reviewed to allow commercial fishing of species not generally targeted by the recreational fishing sector. Implementation could be:
  - annual or seasonal depending on specific circumstances.
  - delegated to a local committee of recreational and commercial fishing representatives
- The NSW government review the process and assign adequate resources for commercial fishing buyouts as a result of RFHs
- No further RFHs be created or current ones extended

## Terms of reference 1

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

### Comment.

Clearly this is an area that requires urgent attention by the NSW government and its agencies i.e. Fisheries. The commercial sector, which in many cases targets the same species as the recreational sector, has been put through an extensive set of assessments.

This includes:

- Environmental Impact Statements completed for the development and introduction of share management within the commercial fishers (Estuary General, Estuary Prawn Trawl, Ocean Haul, Ocean Trap and Line, Ocean Trawl, Lobster and Abalone);
- Regular assessments are completed by the Commonwealth Government under the Environmental Protection & Biodiversity Conservation Act (EPBC) to provide for Wildlife Trade Operation status for those fisheries wishing to export. It should be noted by the Committee that the standards or 'bar' is continually raised by the Commonwealth and this means the commercial sector has to constantly improve or change its modus operandi to meet the new standards set by the Commonwealth through the likes of gear technology changes, finer scale catch and effort data, etc.
- Fishery Management Strategies for all the commercial fisheries in NSW. A comprehensive set of rules, goals and objectives and trigger points for each fishery has been completed under the FMS.

Professor Robert Kearney in his paper **Science and Marine Parks in New South Wales: the hoodwinking continues** (30 October 2008) identifies this. He states in part:

"The Fishery Management Strategy for commercial fisheries outline programs for monitoring the biological, social and economic performance of the fishery, establishes trigger points for the review of the strategy, and requires annual reporting on performance in order to ensure the objectives set out in the strategy are met."

The Fishery Management Strategy for the commercial Estuary General fishery has 7 goals and 31 performance monitoring points many with existing trigger points and others where the trigger point is yet to be determined.

The recreational sector has nothing like this for management, or indeed the community, to assess its impact on the fisheries. This is clearly a significant shortfall in the management regime for that sector, and fisheries overall, and needs to be rectified. There have been no similar assessment processes completed for the recreational sector in NSW. And this is a glaring gap in management knowledge for fisheries in NSW.

In her paper "**Recreational fisheries, extractive industries and ESD: The challenges that lie ahead**" to the 3<sup>rd</sup> World Recreational Fishing Conference in Darwin in 2002 Margaret Moore<sup>9</sup> said in part (p12):

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<sup>9</sup> World Wide Fund for Nature

"So often the blame is laid at the feet of the commercial operators. However, the commercial fishing industry is managed and in the past 5 years, the accelerated rate of changes to their management arrangements has required them to develop and apply far more prescriptive management regimes. The Australian commercial industry has undergone a faster rate of change than any other industry anywhere in the world."

"Not only do they have to comply with management measures, they have to pay for a major part of the management. Into the budget which they have to meet, is built the application of gear restrictions and modifications, bycatch mitigation device implementation, compliance measures and enforcement. In many cases now, the vessels are tracked in real time through vessel monitoring systems, and catch and bycatch is logged by the crew and verified by on board observers. They also have limits on their access to the resource. It is interesting to know that of the commercial catch, 88% of the volume is exported, the rest supplying some of the local market."

"Recreational fishers on the other hand have enjoyed largely unfettered access to the resource. They are able to go almost anywhere within the freshwater and marine aquatic systems and fish for whatever species they can catch, including some of the commercially targeted species, with minimal requirements imposed as to registration, licence fees, bag limits, size and seasonal availability, particularly relating to freshwater fishing access. It has only been in times of excessive drought conditions that rivers have been closed to anglers, in some States there is no registration or licencing of recreational fishers."

#### **Major problems with an uncontrolled industry**

"Probably the most important downside of an unregulated industry is simply not knowing what amount of impact and damage is being done by the fishers to the marine and freshwater ecosystems and the species contained in them."

On 3 July 2002 the then Fisheries Minister Eddie Obeid announced that "The NSW government is currently developing management strategies and EISs for all commercial fisheries, the shark meshing program, charter fishing boat and **recreational fishing industry**" (emphasis added).

This was not completed for the recreational sector even though it was included in the Fisheries Management and Environmental Assessment Legislation Amendment Act 2000 No 86 (Schedule 1A Designated fishing activities page 22).

Subsequently the legislative requirement for an EIS for the recreational sector was repealed. This is unsatisfactory and the requirement must be reinstated. Without proper studies how can any future determinations be legitimately made regarding recreational fishing and any flow on effects for the commercial sector.

The Estuary General Fishery (EGF) is the fishery that has the most interaction with the recreational sector. With the majority of recreational fishing occurring in the estuaries or their respective branches and tributaries the commercial EGF targets the same species as the recreational sector i.e., so called 'bread and butter' fish such as bream, flathead, mulloway, tailor and whiting to name a few. For some species the take by the recreational sector is far more significant than that of the commercial sector. Mulloway being a case in

point where it is estimated the recreational take is about 80% of the total catch (personal comment NSW Fisheries Scientist 9 February 2010).

In addition school and juvenile king prawns are targeted by both sectors in the estuaries and lakes using various methods - set pocket net, haul nets and others. And finally the other popular species crabs; both mud and blue swimmer crabs are targeted by each sector.

The commercial EGF was subject to an EIS in 2001 and it found:

"The EIS highlighted the importance of the Estuary General Fishery to the community in terms of employment, supply of seafood to the community and economic benefits. The EIS concluded that the management rules proposed by the fishery management strategy provide for an appropriate allocation of the resource, and incorporate measures needed to address the various principles of ecologically sustainable development."

Unfortunately the same cannot be said for the recreational sector as there are no supporting studies to categorically define what the recreational sector's impact is on the resource.

The commercial sector continues to be challenged and pursued by fisheries agencies to provide more and more information on its catch and effort. In July 2009 a new Catch and Effort Logbook (excludes Lobster, Abalone & SUTS) process was introduced. This new process means the commercial fishermen have to provide even finer scale data on their catch and effort.

In the near future NSW Fisheries will introduce "Fish-on-Line" a computerised catch and effort data base, for the commercial sector, where fishers will be able to log their catch and effort on line. The system will also provide other services for commercial fishers. The key point however is the commercial sector continues to be 'hounded' to provide catch data at an increasing level of detail however no such requirement is being made by the management agencies to gather that level of data for the recreational sector. In fact as far as we know there is no data being collected on the recreational sector within NSW and no plans to do so.

The question then needs to be asked how the Fisheries Agency can ever manage an unknown, limitless catch and effort without data. This is particularly relevant when for some species the recreational take far exceeds the commercial take.

In their paper "**An integrated approach to sustainable fisheries management**" to the 3<sup>rd</sup> World Recreational Fishing Conference in Darwin in 2002 Dr Peter Rogers and Ian Curnow said in part (p175):

"Clearly, the major question facing fisheries management in recent years is to solve the problem of increasing populations, technology changes and the issues that flow in terms of the impact on exploitation rates and hence the sustainability of fisheries. To a degree, this debate has been had and there is now widespread acceptance that a total yield must be set for each fishery. However, the key step which has not yet occurred is to obtain clear recognition within the community that if we have to set a yield limit, then the catch of all sectors must be managed. This is essential if we are to gain the required support for implementing an effective management framework."



"Controlling the total take of all user groups requires that we must deal with the question of allocation and reallocation to user groups within the community. If we do not meet that challenge, there is one thing that can be guaranteed - we will lose fisheries. In the Australian context, we have focussed very much on the exploitation of the commercial fishing sector but not on other sectors, and this has to change as the population grows. Managing the recreational sector within a specified catch, or more likely a target catch range, will present new challenges for managers and recreational fishers. Recreational fisheries can no longer be simply managed by 'social' management measures, and new and innovative management solutions which can meet these requirements are required."

### **Allocation decisions**

"Despite, or perhaps because of, the intensely emotive nature of debates related to the sharing of access to fisheries resources, public policy prescriptions have rarely attempted to explicitly manage the relative level of access of each of the sectors. Instead, they have simply dealt with public perception and made adjustments to the rules as combined fishing pressure (or lobbying pressure) of all groups has continued to grow. Consequently, these decisions have tended to be politically influenced, and generally not based upon any ideological platform."

One of the pressing needs for the recreational sector is to actually be able to categorically identify what the take of the sector is. Without this it is impossible to accurately manage or indeed be confident of the actual catch, effort and most importantly the level of mortality that should be attributed to the sector for the purposes of management.

Historically there has been a management tendency to assume that the recreational sector has relatively no or little impact when in fact it could be malignant. The problem lies in understanding the level of take by this sector. It is necessary to change the way of thinking, and hence management action, about how the recreational sector is actually managed.

In his paper presented to the Australian Society of Fish Biologists in 2008 entitled - **Research challenges arising from differing stakeholder objectives and perceptions** - Aldo Steffe<sup>10</sup> said in part (p 42):

#### **"Reversal of the burden of proof**

Precautionary management of any wild resource requires a buffer for uncertainties to safeguard the future health (sustainability) of the fish stock or ecosystem. Reversing the burden of proof has been suggested as a method for providing this buffer.

This means that it cannot be assumed that a fishing activity is benign simply because there is little or no information available to formally test the assumption of no impact. Instead, the onus has now been shifted to the proponents of development and/or resource user groups (i.e. recreational fishers in this specific example) to show that they do not have an unsustainable impact on fisheries resources. This reversal of the burden of proof is designed to minimise the frequency of Type II errors (i.e. failure to detect significant impacts when they in fact do occur) so that statistical errors should favour the long-term sustainability of the

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<sup>10</sup> Fisheries Scientist NSW Fisheries

fishery.

The consequence for researchers is that they will need high levels of replication to ensure that any fishery-related impacts on the resource can be detected. This will, of course, increase the cost of surveys. However, should highly replicated and statistically powerful survey designs be absent, it will be necessary for fisheries managers to make decisions in a precautionary framework to ensure that fisheries are sustainable. A precautionary framework has to assume that recreational fishing has unsustainable impacts on the resource.

Clearly, this is an undesirable consequence for recreational fishers and it would be prudent to invest additional funds towards data collection so that fisheries managers can make decisions based on scientifically defensible advice rather than predetermined and politically mandated solutions."

The need for accurate data is further emphasised by the following.

In their paper "**An integrated approach to sustainable fisheries management**" to the 3rd World Recreational Fishing Conference in Darwin in 2002 Peter Rogers and Ian Curnow said in part (p177):

"Knowledge of current fisheries management practices, historical levels of catch taken by each sector, information on the fishery, the species biology, yield status and localised/regional catch and other data is required – including important regional employment, economic and social/lifestyle issues. Future trend information on population, coastal development and data on social and economic issues around the cases for any shift in future resource use patterns are also necessary."

"I must emphasise the urgent need for cost effective recreational fishing data because this area is probably the most under-resourced of all the data sets required. Over the last 12-18 months, we have seen the first national survey of significance, for the measurement of recreational fishing catch and effort. The challenge is working out what it really means. Are the broad national figures suitable in dealing with local debates? Possibly not, but they may still provide important positioning data."

This void of data may not be across the entire species range for the recreational sector. For example much work has been done on the 'top' end species such as billfish and tuna for the recreational sector. However these species are only caught by a very small percentage of the recreational fishing participants.

#### **Recommendation**

- The NSW Government initiates a comprehensive environmental impact study for the recreational fishing sector in NSW. This should include all recreational users both residents and visitors to ensure that the cumulative catch, effort and mortality is assessed to determine the overall effect that the sector has on the resource.
- A fishery management strategy is developed for the recreational sector to ensure that there are measures in-place to assess the cumulative effort of catch and mortality (including mortality for released fish). This strategy should account for

managing increased effort and capacity in the years ahead within the recreational sector.

- A comprehensive and regular (5 yearly) assessment of the recreational catch effort and mortality be initiated and the results of this aggregated with the current commercial take to ensure that management agencies have the correct and complete data available to manage the resource.

## Conclusion

The PFA is appreciative of the opportunity to have input into this inquiry. We have highlighted the imbalance between the impositions placed on recreational and commercial fishing and made recommendations for improvement. The PFA strongly believes there is a place for recreational and commercial fishing to co-exist in a properly managed environment.

Exclusivity at the expense of another sector is not the answer. We strongly support ecologically sustainable fishing by both sectors. For this to be a reality further research and data is required on the recreational sector practices and impacts.

Management agencies and the government must be confident that they are in fact managing the resource through processes that have reliable and accurate information on which to base their decisions.

Seafood security must not be underestimated. The Committee must take into account that seafood security can only be achieved if the commercial fishing sector has access to the resources. Without access rights protection, the general public who rely on the commercial sector to supply seafood will not be able to purchase this important component of their balanced diet.

The reasons for the establishment of this inquiry have drawn a strong level of criticism from some quarters. That criticism is based on the perception that the motivation behind the inquiry and main rationale is one of political objectives. The PFA is of the opinion that the inquiry should not report on or bias its processes for political outcomes.

With the NSW state election occurring 4 months after the Committee is due to report the PFA seeks, from the Select Committee, a commitment that any recommendations developed as a result of the inquiry are not compiled or designed with a political motive and political outcome as objectives. Moreover they should be targeted at constructive change and development of the recreational fishing sector, however not at the expense of other sectors, but for the fishing industry in general in NSW.

The single most important issue that the Committee must address is to ensure the state of NSW has ecological and sustainable fishing by the recreational sector. Once this can be assured, with appropriate measures put in-place, the combined efforts of all sectors can be assessed. At present this is not possible due to the significant short comings of the management regime and lack of data collection by and for the recreational sector.