

**Submission
No 895**

INQUIRY INTO RECREATIONAL FISHING

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Date received: 18/03/2010

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**SUBMISSION TO THE PARLIAMENTARY RECREATIONAL FISHING
INQUIRY – Submission presented by Dan Bode**

Introduction

We need to improve our marine management systems and promote fishing practices that encourage the positive and sustainable use of our resources. This will help ensure we maintain healthy oceans that are managed responsibly.

The NSW Marine Parks Authority and other Fisheries related regulators have effectively disenfranchised the anglers of NSW to such an extent that the benefit and fair use of Marine Parks has become a serious election issue.

Fishing is an important part of the cultural, social and economic lives of numerous communities in NSW, with responsible management, balance can be achieved but the NSW Government must make the correct changes to ensure a positive outcome is achieved.

Terms of Reference

A. Regulatory, policy and decision-making processes in relation to the management of recreational fisheries in NSW

- I DO NOT support the current NSW's marine parks zoning and management systems. I DO NOT support the science behind the current Grey Nurse Shark Sanctuaries. I DO NOT support the current zoning regulations within ALL NSW Marine Parks. I DO NOT support any of the current regulations that refer to the powers of Fisheries Officer or Ranger Powers in NSW Marine Parks and other NSW Waterways.

- The various forms of marine protected areas (MPAs) have proven to be extremely confusing to Park Users, Park Rangers and park regulators alike. This specifically applies to park zonings, boundary markings, park regulations and park enforcement.

- Sanctuary Zones within marine protected areas (MPAs) are entirely impractical for Park Users because prevailing winds and currents regularly force vessels to be accidentally drawn into Sanctuary Zones. This issue is even more compounded when human powered vessels like kayaks attempt to fish legally inside legal fishing areas. At Marine Parks like Cape Byron Marine Park, permitted fishing areas are positioned in such a way that legal reef systems immediately adjoin Sanctuary zone boundaries making it extremely difficult to fish in a natural harmony with wind and/or current. The NSW MPA needs to legislate fairer boundaries and allow for surface fishing in sanctuary zones.

- Marine Parks Regulations need to be amended to protect the constitutional rights of park users with regard to the correct application of Privacy Laws, the presumption of innocence and clearly defined and regulated use of enforcement powers. The powers of Marine Park Rangers must be fully defined and regulated under the Marine Parks and Fisheries Act to ensure Marine Parks Officers and NSW Fisheries Officers are bound to perform their duties in a manner representative of best practice in areas of harassment, bullying, intelligence gathering and the preservation of an individual's rights the presumption of innocence and privacy.

- All Marine Park zonings should be revisited to ensure they are scientifically matched to the proposed use within each particular Marine Park habitat. I DO NOT support the one size fits all blanket approach to a statewide zoning system.

- More public consultation regarding zoning plan amendments and more frequent public review and submission periods for NSW Marine Parks will ensure our parks remain relevant to the needs of the community on an ongoing basis. Ongoing input from stakeholders and the delivery of Advisory Committee initiatives on marine park zoning amendments once the park is announced is required.

- NSW must review and amend its entire MPA subset of Marine Parks to ensure each park provides the Marine Park Acts' stated opportunities for stakeholders, scientifically accurate to the usage, and strikes the right balance of sustainability. The declaration of new Marine Parks in NSW will only work when the NSW Government fixes the existing problems first and builds renewed trust with the tens of thousands of swing voting stakeholders that were collectively railroaded by the NSW Labor party. The creation of new parks at the present time will only serve to create a wider divide.

- Many NSW Marine Parks have put kayak anglers and other operators of human powered craft at increased risk due to unrealistic zonings that compromise the safety of those users or fall outside the practical use of legal permitted fishing zones. Examples of this are located throughout Cape Byron Marine Park, where users of human powered vessels are forced to fish large distances from shore or are exposed to breaking waves, wave refractions, backwashes, eddies, or cliff formed currents within the legally permitted 100m from Mean High water mark regulation. For users of human powered vessels such as kayaks, 100m from Mean High Water Mark is a DANGEROUS and irresponsible regulation.

- I am not convinced that the science that contributed to Grey Nurse shark sanctuaries was accurate. As a result, I believe Grey Nurse Shark sanctuaries could be important assets if robust and accurately quantifiable scientific evidence confirms the need.

- In some Parks like Cape Byron, the taking of prolific winter species like Mulloway and snapper have been banned without any scientific justification

from the only viable and easily accessible, legal inshore habitats. This effectively means that anglers are denied the only readily available seafood product for up to eight months a year. This regulation related to permitted species must be revisited and revised to ensure a fairer and more sustainable Marine Park for the other eight months.

- Revenue generated from Marine Park and fisheries related offences within NSW Marine Parks should be redirected to Consolidated Revenue, NOT to finance the NSW MPA.

B. The effectiveness and efficiency of the current representational system of trusts and advisory committees

- Some of the current information arising from these sources is misrepresented by outrageous ideology that is at odds with scientific fact, economic reality and community opinion. Efforts should be made to eliminate bias and bullying from these committees.

- Advisory committees should be balanced, proactive and positive.

- Determinations made by advisory committees, especially where Marine Parks are concerned, should (in most cases) be applied to the park by the NSW MPA. An example of this demonstrated a failing of Cape Byron Marine Park where the Advisory Committee determined marker buoys be placed at 100m intervals around an oddly placed Habitat Protection Zone. In response CBMP installed only one marker and not even the rangers know how to reference it in a practical sense.

C. The value of recreational fisheries to the economy in NSW

- Recreational fishing is good for the economy and holds an important place in the social and economic future of NSW. Multiple use marine parks and fisheries management tools can be compatible with ongoing recreational fishing activities and must improve upon existing opportunities and create extended opportunities.

- Recreational angling extends economic benefit to many local industries that drive on innovation. e.g Kayak manufacture that caters to the new breed of kayak anglers.

- Recreational angling contributes to the growth in NSW and Australian tourism

D. The gaps in existing recreational fisheries programs

- Recreational fishing programs need to encourage leisure, promote good health, promote sustainability and educate in such a way that our fishing resources are respected for generations.

- In many coastal towns Marine Parks are popularly viewed as a massive loss for the people of NSW. The NSW Government needs to change public

perception but this can only happen when stakeholders like recreational anglers are satisfied that our Marine Parks are evenly balanced across stakeholders. Currently our NSW Marine Parks are perceived as a political joke and many anglers believe a vote at the next election is the only way that our Marine Parks will achieve better and more appropriate balance.

- Our licensing fees are getting squandered by NSW Government mismanagement

E. Sustainability issues related to improving recreational fisheries

- Further studies should be done to assess the true value of many of the current NSW Marine Park Zonings. This will enable more sustainable management of marine waters to be achieved. Studies could include a review into the scientific efficacy that forced a ban of the taking of certain species like Mulloway and snapper from a Habitat Protection Zone in Cape Byron Marine Park.

- Positive steps have been taken to reduce the impacts of recreational fishing waste, in the form of lost gear, bait bags and other litter. Further education and training programs are encouraged.

- Due to the largely uncapped commercial catch rates that are predominately exported, NSW fisheries are in decline. At the same time NSW ratepayers are expected to eat cut price foreign imports of significantly lesser quality. The NSW Government should address the entire commercial fishing management and trade issue and acknowledge it as a leading contributor to the holistic fisheries debate.

- Fish stocking is encouraged and is an important process given the state of our current commercial fishery.

- Artificial reefs should be incorporated widely to encourage further habitat creation and allow anglers more appropriate fishing opportunities. Habitat protection zones within Cape Byron Marine Park are an example where this could work because most currently permitted angling areas are based around immense tracts of sand that present no benefit to anglers.

Conclusion

Recreational fishing in NSW has been largely mismanaged through the process of political decision making and vote buying, much of this can be attributed to the inappropriate declaration and misuse of our marine park resources. If the NSW Government is committed to this recreational fishing Inquiry, it will revisit all existing NSW Marine Parks, its regulations and its zonings and re-regulate them in such a way that they represent the core objectives of what our marine parks and Fisheries should provide.

In terms of Fisheries enforcement, all NSW Fisheries, Waterways Officers and MPA Rangers functions need a complete review that results in widespread regulation with regard to the application of powers of function. Officers must

be provided with clearly defined procedural guidelines that serve to respect and protect the fundamental rights of the community at all times. At the present time they can at best be described as a law unto their own.

Yours sincerely,
Dan Bode