

**Submission
No 948**

INQUIRY INTO RECREATIONAL FISHING

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The Director,

Select Committee on Recreational Fishing
Legislative Council, Parliament House
Macquarie St, Sydney, NSW 2000

SUBMISSION TO THE PARLIAMENTARY RECREATIONAL FISHING INQUIRY

From: Mel Brown (USFA Executive from 1971 to 2007, Life member and Historian)

In making this submission I am drawing on over 40 years of accumulated experience and active committee involvement. Prior to 1971 I was actively involved in club administration, becoming involved at a state level during 1971 and national during 1972. Due to this I have been involved with many committees over my lifetime. I have served on the NSW Water Safety Committee and a number of Scuba and snorkelling training and coaching committees.

Committees directly related to fisheries matters began around 1979 when I was appointed to a fisheries research subcommittee. My relevant Fisheries committee experience is:-

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| 1991 – 1996. | NSW Recreational Fishermen's Advisory Council. |
| 1996 – 2006. | Advisory Council on Recreational Fishing. |
| 1992. | Jervis Bay Scallop Fishery Working Group. |

1992.	Rock Lobster Steering Committee.
1993 – 1994.	Rock Lobster Working Party.
1995	Rock Lobster Consultative Committee.
1995 – 2001.	Rock Lobster Management Advisory Committee.
1994 – 2007.	Abalone Management Advisory Committee.
2005.	Abalone Taskforce.
1996.	Spearfishing Regulations Review Committee.
1998 – 2003.	Jervis Bay Marine Park Advisory Committee.
2001.	Grey Nurse Shark Recovery Team.

Specific Comments Relative to the Terms of Reference

1. (a) Marine Parks.

Most fishers do not approve of Marine Parks but are reluctant to voice their opposition as they are afraid of being seen as anti conservation which most are not, adopting conservative fishing practices. This is especially true of spearfishers. Our competitions are extremely conservative allowing only one fish of each eligible specie. There is a substantial list of ineligible species and our minimum size limits for each eligible specie are exceeding those stipulated in the fisheries regulations. Most protected species in NSW have been protected following initial representations by the USFA. I mention this to show that spearfishers in NSW are quite capable of self regulation and have led the world with our environmentally conservative approach.

The establishment of marine parks and protected areas in NSW have in the main part not addressed the many threats to the marine environment, instead concentrating almost entirely on the reduction and cessation of fishing. The management of fishing practices is quite clearly the responsibility of NSW Fisheries and marine parks with their lockout mentality will never ever replace sensible management.

The creation of marine parks has mostly been used by the government to satisfy green extremist demands and firm up their electoral support. This has never been more blatant than the hasty introduction of the Port Stephens and Batemans Marine Park just prior to a state

election and following a Greens preference deal. Premier Morris Iemma publicly declared, whilst hosting a function for green groups that he would "Protect favourite fishing spots" and refused to clarify this statement despite numerous requests by fishing groups that it do so.

It is no coincidence that following the introduction of the Jervis Bay Marine Park the Labour Government lost the seat of South Coast to the Liberals and also had their local member defeated following the creation of the Port Stephens Marine Park, yet they still don't get it. Marine Parks are not wanted by the majority of the voting public and are a costly, ineffective way of managing the marine environment.

I fully support the calls for a moratorium on the creation of more marine parks in NSW. We already have too many with the present government refusing calls to come clean as to how much this bureaucratic empire building costs the NSW taxpayers.

1. (b) The Advisory Council on Recreational Fishing (ACoRF)

The *Advisory Council on Recreational Fishing (ACoRF)* is often represented as the peak representative body for recreational fishing in NSW. It is not this and can never be under its present legislative structure. Most fishing disciplines have their own peak body, for instance I am a spearfisher and my peak body in NSW is the Underwater Skindivers and Fishermen's Association which has been in existence for over 60 years.

This unelected ministerial advisory council consists of persons that in the opinion of the minister for fisheries have experience in one or more of the areas stipulated in the regulations. The minister personally selects who is to sit on the council in a process that does not involve recreational fishers and is not open to scrutiny by them.

The regulations stipulate that one member of ACoRF is a person appointed on the nomination of the Nature Conservation Council, which begs the question of why are they treated differently? Why is the NCC allowed to nominate their representative when the various fishing disciplines are not extended the same right? Indeed, why must there be a representative of the NCC on any recreational fishing committee? Recreational fishermen do not have reciprocal rights to representation on their committees.

Indeed over time any ownership of the ACoRF has been completely stripped away from recreational fishers.

This ministerial advisory council began life as the *Amateur Fishermen's Advisory Council (AFAC)*. When the AFAC was first formed the procedure for appointment to council was that prescribed organisations (stipulated in the Fisheries and Oyster Farms Act 1935) were requested to nominate 3 persons for their organisations seat on the council. It was a generally accepted convention that the person placed first on the list of nominees was the one appointed.

Later this councils name was changed to the *Recreational Fishermen's Advisory Council (RFAC)* to avoid any stigma attached to the term amateur.

With the adoption of the Fisheries Management Act 1994 and its 1995 regulations the provisions for appointment to the council remained unchanged.

Since then amendments to the Act and Regulations, without any consultation with recreational fishers, have completely removed any "ownership" of the process by recreational fishers. Even in 1997 the change of name from the *Recreational Fishermen's Advisory Council* to the *Advisory Council on Recreational Fishing* has further removed any suggestion of recreational fishing "ownership"

Previous provisions in the Act for the advisory council to act as a liaison body between the Minister and recreational fishers have been removed.

With the formation of the AFAC a secretariat was provided within fisheries and quite rightly council's expenditure was met from the Minister's budget. After every meeting an information sheet (usually comprising 6 foolscap pages) was circulated. With time this became a formal advisory council newsletter called "Between the Lines" with a wide circulation. Without any consultation with the advisory council fisheries discontinued its production and it has never been replaced. Since then the advisory council has not engaged in any substantial communication with recreational fishers (nor are they required to).

Funding for this ministerial advisory committee has been shifted from the Minister's budget to an impost on the Recreational Fishing Trust Funds, apparently without any regulatory authority and without any reference to the council. Advisory Council expenditure statements have never been provided to the council for approval. I was a councillor for 15 years and only became aware of this cost shifting shortly before my retirement from council in 2006. This is something I would have vigorously opposed. Recreational Fishers have no say in who is appointed. It is the Ministers council. The Minister should fund it from his budget, not recreational fishers!

When I was first appointed to the NSW Recreational Fishing Advisory Council in 1991 there was a very real sense of solidarity amongst its members and decisions were always by unanimous consensus. If consensus was not reached no further action was taken. Communication of council's activities to fishing organisations was quite good and generally councillors were held in high esteem by the fishing public. Agendas were received well before scheduled meetings and minutes were comprehensive. The information stream from Fisheries to councillors was also very good. Meetings were held from 5 to 6 times per year and were always attended by the Director of Fisheries and his Deputy and quite frequently by the Minister. Councillors were appreciated, being invited to the Ministers end of year function and received Christmas cards from the Minister and also the Director of Fisheries.

There has been a very real deterioration over time. The Fisheries Department has been consumed by super ministries and it has been fragmented to such an extent that its efficient functioning has been severely compromised and it is almost impossible to know who is responsible for what. This has obviously impacted quite seriously on the ACoRF. Meeting minutes no longer exist. Instead a list of decisions reached is produced that has been very heavily sanitised by the department. Decisions are no longer by consensus but are by voting meaning contentious matters which previously would not have seen the light of day are given ACoRF approval, leading to quite serious dissent from fishing groups and a general feeling of mistrust of the councillors.

There are now only 3 or 4 meetings yearly and councillors are increasingly subjected to dealing with out of session items without any resourcing or recompense for this time and effort. Meeting agendas are usually circulated very late, giving councillors little time to research issues prior to the meeting. In fact councillors are not informed of many issues they should be continually updated on. They are rarely circulated with discussion papers of interest and rarely make submissions, for example, have councillors been fully briefed on this enquiry and will ACoRF make a submission? Somehow I doubt it.

Despite several requests from ACoRF to the Minister, councillors are only rarely circulated with his press releases relative to fisheries and the same applies to the fisheries department. All reports and documents produced by fisheries should be circulated to ACoRF councillors for their information, but again this rarely happens. It would seem that at a time communication has never been easier, it has never been worse.

Given the present state and unrepresentative nature of ACoRF there is a dire need for a fully funded self-governing statutory recreational fishing authority. There already exists a very successful model which could be used as a basis for its establishment, this being the NSW Game Council, a self governing statutory authority with 22 employees and an annual budget of some four million dollars. If this can be done for the state's 70,000 shooters then surely the state's 600,000 fishers are entitled to no less, especially when one considers the extremely valuable contribution recreational fishers make to the state's economy. At present the NSW Government does not return one cent of the revenues raised, to benefit recreational fishers. Instead the reverse applies with Fisheries cost shifting placing an ever increasing and quite unfair burden on the Recreational Fishing Trust funds.

Saltwater Trust Expenditure Committee

Spearfishing has no representation on the Saltwater Trust Expenditure Committee despite ministerial assurances at the time the trust was formed that all major fishing organisations would be represented. The USFA is extremely concerned at this lack of representation, again appointments to this committee are lacking in recreational fisher involvement and there is no transparency in the selection process.

The ACoRF is expected to rubber stamp all decisions of the expenditure committees whilst being given very limited information. When anything is questioned by councillors the chairs response is invariably "Don't you trust the Committee". This state of affairs is quite unsatisfactory.

Saltwater Regulations Review Committee

The recreational Bag and size limits are reviewed every 5 years and there has never been a spearfishing representative on this committee. Again appointments to this committee are lacking in transparency and recreational fisher involvement.

In 1996 a Spearfishing Regulations Review Committee was established to review the regulations applying specifically to underwater hunter/gatherers. At the time we were told

this committee would be the forerunner of a Management Advisory Committee and eventually a Management Committee specifically for spearfishing, in recognition of its special needs and problems. Unfortunately with a change of recreational fishing management within the fisheries department this never happened which has been a matter of some concern to the USFA.

Commercial Fishing Management Advisory Committees

Commercial Fishing Management Advisory Committees are obliged to have a representative from the recreational fishing sector. Once again appointments to these committees are lacking in recreational Fishing involvement and are completely lacking in transparency. Commercial fishers elect their representatives to these committees. Why aren't recreational fishermen given a say on who their representatives are?

The two commercial MACs of interest to the USFA and underwater hunter / gatherers are the Rock Lobster Management Advisory Committee and the Abalone Management Advisory Committee. In 1992 I was selected by the NSW RFAC to be its representative on the Rock Lobster Steering Committee (the forerunner to LOBMAC). This was the first time a recreational fisher had been appointed to a commercial fishing committee. When I retired from LOBMAC in 2001 the nomination from the USFA was accepted and we have no problems, receiving adequate reports on issues of concern.

The Abalone Management Advisory Committee is an entirely different story. In 1994 I was appointed by RFAC to be its representative and upon my retirement from this committee in 2007 a person completely unknown to us (the USFA) and with no diving experience and no knowledge or experience of the abalone fishery was appointed to be our representative. This was and still is completely unacceptable. Complaints to Fisheries management fell on deaf ears and to this day this person has not communicated with us, nor do we receive any reports or information concerning this extremely important recreational fishery. A totally unacceptable situation and one of enormous concern to the USFA. ***This outrageous appointment of an inexperienced, unqualified, unacceptable person to represent recreational fishers highlights everything that is wrong with the present system.***

Marine Park Advisory Committees

Appointments of recreational fishing representatives to marine park advisory committees also lack transparency with no involvement of recreational fishers in the selection process.

Repeated representations have been made to the former fisheries minister Ian MacDonald over the need to have expert spearfishing representation on each marine park advisory committee and he has agreed, assuring the USFA that we would have representation on each committee.

Despite spearfishing having been shown as the most selective and environmentally friendly form of fishing there exists immense prejudice towards spearfishers, most notably from government and environmental groups, the very ones who should be extolling its virtues.

Due to this the USFA believes very strongly that we should have a representative on each marine park advisory committee.

In 1998 I was appointed to the Jervis Bay Marine Park Advisory Committee to represent Scuba divers, one of two positions for this activity. I was well credentialed for this but being concerned about spearfishing representation on this committee contacted the Director of Fisheries concerning my appointment and was assured I could also represent spearfishing interests. I served for 5 years on this committee, until the introduction of the zoning plan. During my time I observed the committee was heavily stacked with "green" representatives under various guises and at times quite outrageous and totally incorrect claims concerning spearfishing were made, most notably emanating from the Bouderee National Park representative and the Jervis Bay Marine Park researcher.

Since I was not reappointed to the committee there has been no spearfishing representation on this committee and the replacement recreational fishing representative dislikes spearfishers intensely and can not in any way shape or form be deemed to represent us.

This illustrates the need for recreational fishers, as one of the largest user groups (if not the largest) of marine parks to have multiple representatives on each committee with expertise covering all applicable fishing disciplines. It is impossible for a single representative to do this.

Spearfishers only have representation on three marine parks in NSW, Solitary Islands, Port Stephens and Batemans. We do not have our preferred representative at Port Stephens and have concerns as to how well we are represented as he never reports back to the USFA or raises concerns with us.

1. (c). The Value of Recreational Fishing to the Economy of NSW.

With in excess of one million people participating in recreational fishing each year in NSW alone, the revenue generated is obviously of great significance to the economy, most likely hundreds of millions of dollars or even more. There needs to be greater recognition by government of this with a research programme to create a better understanding of the recreational fishing contribution to the government's finances and a willingness by government to return a portion of the revenue raised by recreational fishing to support recreational fishing.

1. (d). The Gaps in the Existing Recreational Fishing Programmes.

When Ian MacDonald was appointed Minister for Fisheries one of his first actions was to arbitrarily and without any consultation declare an end to the Recreational Fishing Haven programme. I always believed this was a big mistake, getting him offside with recreational fishers and setting the tenure for the rest of his term as Minister, which was generally seen as unsupportive of recreational fishing.

There is very little of benefit in the Recreational Fishing Havens for spearfishers, with spearfishing being prohibited in most of them. There needs to be a re-examination of these

prohibitions with a view to allowing access to recreational fishing havens for all recreational fishers.

Thank you for the opportunity to present my views to your enquiry and I would be pleased to elaborate on or clarify any aspects of this response as required. Space and time does not allow all terms of reference to be adequately addressed.

I would appreciate the opportunity to attend any public meetings that are planned and would appreciate being notified of when and where these are to be held.

Yours faithfully.

Mel Brown.

Historian for the USFA.