

**Submission
No 451**

**INQUIRY INTO MANAGEMENT OF PUBLIC LAND IN
NEW SOUTH WALES**

Name: Mr Jason Rivett

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SUBMISSIONS

Background:

The New South Wales Inland freshwater fishery has operated in this region since European settlement. Historically, the Western division of New South Wales provided significant volumes of freshwater fish, for the local and interstate markets. Since 2001, freshwater finfish cannot be commercially fished except in specific circumstances with what is called a 'drying lakes' permit which allows for the harvesting of fish which would otherwise die in stranded areas of water. Apart from such permits, since the above date only freshwater yabbies and European carp and can be legally harvested.

As a result of legislative changes and the drought, the inland commercial fishing industry has dramatically reduced in recent years. There are now 21 licensed inland commercial fishers in New South Wales. It is estimated that of those licenses, approximately are still 'active'.

Since 2009, the Western division of New South Wales has been subject to widespread inundation from record rainfall and inflows of water from Southern Queensland. Watercourses, wetlands and lakes which have been without water since the 1950s are now holding significant amounts of water which will be present in such systems possibly for years to come. Members of the New South Wales Inland Commercial Fishers Association believe that the extent of the inundation which has occurred in the last 3 years, is the greatest since European settlement. Many of those areas of water, contained substantial volumes of freshwater native fish, yabbies and European carp.

Present Situation:

There is a substantial unsatisfied market, for fresh water yabbies. Presently, yabbies retail for \$10.00 to \$15.00 per kilogram processed. There are no recent studies which have been completed with regard to the underlying unsatisfied demand however, from discussions with retailers and persons within the industry, we would be confident of being able to sell many times the present volume of yabbies which are reaching the market. Specifically, Harris Farm Markets who act as a group buyer for a number of retail produce stores in Sydney, have indicated that they would purchase up to 4000 kilograms of yabbies per week at a price of \$8.00 to \$10.00 per kilogram.

Development of a sustainable market for yabbies is compromised by the fact that we cannot offer regular and consistent supply. This in turn is the result of the inability of commercial fishers, to obtain access to areas of water to fish. Difficulties are now encountered, obtaining access across Western Lands Leases to areas of public waters. Traditionally, fishers were able to obtain such access through travelling stock routes and other crown reservations. The position now adopted by the relevant authorities is that Western Lands Leases are in effect, the equivalent of freehold title and the Lessor has the right to refuse access as referred to above. This has the result of greatly reducing the areas of water which are available to commercial fishing.

The economic potential of the inland fishery for yabbies, is significant. The harvesting, processing and transportation of yabbies is relatively labour intensive and it is estimated, that if the fishery were developed along appropriate sustainable lines, that several dozen jobs could be created in the Western Division of New South Wales. We say that this is particularly important, as many of the other traditional labour intensive horticultural and agricultural industries in the region, are suffering as a result of the high Australian dollar.

There are figures quoted of between 70% and 90% of the fish consumed in Australia being imported. Much of that fish, is taken from fisheries which are not properly managed. The over reliance by the Australian market, on imported products results in over fishing and depletion of fish stocks in poorly regulated fisheries such as Papua New Guinea.

Legislative Framework:

Licensed New South Wales Inland Commercial Fishers, must comply with the requirements of New South Wales Fisheries. We are required, to produce records of our catches and fishing activities generally. We are subject to the supervision of fishing inspectors.

Since 2001, fresh water fishing has ceased. During the intervening period, commercial fishers have had to rely upon individual permits, with regard to any harvesting of yabbies or carp.

New South Wales Fisheries closely monitor areas of waters and populations of yabbies. There is no prospect of there being any significant depletion of stocks, as the number of licensed fishers is minimal, and we are subject to close supervision of our activities. Permits are not granted without an assessment by Fisheries, as to any potential adverse affects, upon fish stocks.

Issues arising from the Administration By Parks:

There are now substantial areas of water which contain significant volumes of yabbies and carp. Unfortunately, the practices adopted by Parks in relation to provision of access to areas to be fished, has not operated smoothly and has frustrated the ability of Inland Commercial Fishers to properly undertake their lawful activities. We also say that there has been inconsistency and arbitrary decision making, which has further complicated the position.

With regard to National Parks generally, there is a specific reference to the New South Wales Fisheries Management Act 1994 at Section 44 of the National Parks Legislation as follows:

"Section 44 Application of Fisheries Management Act 1994:

- (1) Subject to subsection (2), nothing in this Act affects the operation of the *Fisheries Management Act 1994* in relation to lands within a national park or historic site.
- (2) A lease under the *Fisheries Management Act 1994* shall not, without the concurrence in writing of the Minister, be granted in respect of lands within a national park or historic site or in respect of any waters beneath which those lands are submerged."

Our submission, is that licensed commercial fishing activities, are an existing interest, which should be taken account of, both in relation to any plan of management, for a National Park, and the way in which such plan is put into effect.

Any application for access to an area of public water within a National Park, is commenced by completion of a form. The form requires provision of particulars of the purpose for which access is required, the vehicle which is to be used for such access and particulars of the person who will be exercising the access.

We say that the experience of New South Wales Commercial Fishers, is that such access is refused, in a way which does not recognize the interests of commercial fishers in a way the legislation envisages. When applications are refused, inadequate or wrong reasons are given for such refusal.

By way of example, application was made for access to the Peery Lake in Paroo Darling National Park. Correspondence was received refusing such application on the following basis:

- "1. There is no vehicle access to the lake edge from the public access track and car park, or from any other management track in the park."

Reference was also made in such refusal to the draft plan of management, which states that:

- "(a) There will be no motorized craft allowed to operate on the lake."

With regard to the first issue, there are numerous points of access, to the water suitable for the purpose of launching the small craft used by commercial fishers.

With regard to the second basis for refusal of the application, we say that the boats which are used by commercial fishers, involve minimal disruption to the surface of the water. By way of example, photographs are available of the type of low draft punt which is used by commercial fishers. Commercial fishing boats, have relatively low draft, and there is minimal disruption of the water. Banning all forms of motorized craft from the lake, is unrealistic and does not properly acknowledge the prior existing interest of New South Wales commercial fishermen.

Another application for access to the Nearie Lakes in the Nearie Lake Nature Reserve, was refused on the basis that:

"The current plan of management for Nearie Lake states that commercial activities and vehicle access are not permitted on the reserve. Access to the lake is therefore only possible via Old Roo Roo Road that crosses the Stony Creek regulator, or via private property."

We say that this refusal, has no practical affect other than to make access for the Inland Commercial Fishers more difficult.

Also, carp fishing has been permitted, in the Moira Lakes, near Barmah which are a RAMSR listed area of water. This has had a beneficial effect, through the removal of a prevalent pest species. The refusal of Parks, to properly consider applications for access to areas of water, has prevented the harvesting of this pest species.