

Submission  
No 884

## INQUIRY INTO RECREATIONAL FISHING

**Organisation:** Alan A Byrnes and Sons

**Name:** Mr Graeme Byrnes

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# Alan A. Byrnes and Sons

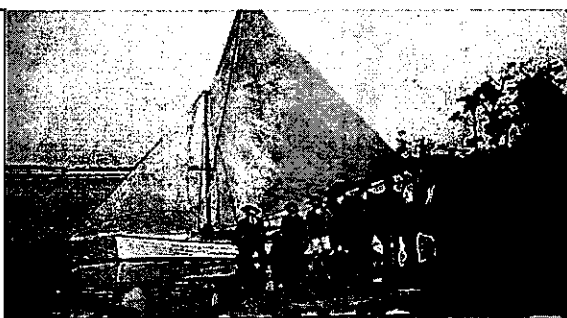
NSW Professional Fishermen Since 1909

*Celebrating 100 years*

*1909 - 2009*

Suppliers of

**The Finest Wholesale Seafood**



*The early years - 'Torment' - 1917*

## Honourable Members of the NSW Legislative Council

### Select Committee of Inquiry into Recreational Fishing.

#### A Submission

By

Alan A Byrnes and Sons

#### Overview.

Since 1909 the Byrnes family have been commercial fishermen in NSW. For generations, we have plied the coastal waters of NSW supplying the community with the finest wild caught seafood. Over this time arguably millions of people have enjoyed the dietary and health benefits of the fish the Byrnes family have provided.

Being suppliers of seafood has been a process that has enabled us to sustain ourselves. Fishing for a living has been our way of life – and still is. It is what we know, it is what we are recognised for and it is what we are good at.

One hundred years is a fair test of time for anything. We have survived many trials to be still fishing for a living today. This has not been by accident, but by careful planning and professional conduct that has got us to where we are. It has not made us wealthy – at least not in a monetary sense. But it has enriched our lives, working with the elements, seeing nature at its best, at its most wonderful and sometimes at its most harsh. It has carried some of our family from cradle to grave and at the same time taken some to an early watery grave.

Alfred Ernest Byrnes (1906-2000) was once asked what was the strongest memory of fishing he held after more than 60 years as one of professional fishing's most respected practitioners. He said there were two things – one was in the bay of the estuary where he lived and worked as he listened to the sound made by schooling prawns as they rose to the top of the water at dusk migrating on their travelling run '*like a shower of hail stones*' he recalled something wondrous to behold.

The second memory was that very human of emotions – fear. It was in 1942 and at a time when defences were being built against invasion by a foreign power; defences constructed right through the heart of where he fished. Gun emplacements, anti-aircraft spot lights, tank traps even to the extent of having all his fishing boats (bar one) confiscated by the defence forces for fear of these boats being used by invading troops.

As history now shows that fear was thankfully not realised. His way of life like so many others did not suffer such a fate. To be forced from ones way of life by overwhelming opposing odds would be soul destroying.

Sadly however, the fear of being forced from ones way of life by overwhelming opposing odds still hangs over the head of the fishing industry of NSW. Indeed it has been rekindled and given new life. Not from an external power but from within. For the fishing industry, being forcibly removed from ones livelihood and way of life now takes the form of a policy that is in effect '*management by exclusion*'.

Either by way of Marine Parks or Recreational Fishing Havens (RFH's) or other means, this is the single greatest thing the fishing industry fears most and, if continued, will be the means of its eventual destruction.

Too few people in the community and too few in public life have any appreciation of the adverse impacts upon the commercial fishing industry, the individuals in it and how seafood supplies have been effected through the process known as '*Sustaining our Fisheries*' that started in 2000. A combination of marine parks and recreational fishing havens have resulted in vast areas of water, long term sustainable commercial fishing grounds being taken away.

The cost of this process to the industry and the community has been huge in terms of lost seafood production, lost fishermen's incomes and in most cases the complete loss of livelihoods and family traditions. Add to this the loss of industry infrastructure, the loss for local communities has been very significant. Many coastal towns and villages as well as larger urban centres have lost the income of fishermen (and their families) who have either permanently lost jobs or have been forced to leave town to seek employment elsewhere. Most importantly too is the cost to the consumer in terms of the

loss of local seafood availability and its significantly increased cost as a result of losing local fishermen.

The impacts of the above as a result of the 'Sustaining our Fisheries' process has never been completely and independently assessed. As a process initiated, sponsored and supported by government it probably never will be - the results would be too embarrassing.

Yet, here we are again considering how to further exclude from access to the resource those who produce seafood for the community.

In a way however we welcome this inquiry as it may also lead to a positive outcome for all through considered analysis of the implications of more NSW wild caught seafood being removed from the system, not repeating the mistakes of the past and most importantly, finally defining and securing access rights for all those who harvest the resource for the wider community.

## **Introduction**

The following submission has been prepared by Graeme Byrnes on behalf of the family business Alan A Byrnes and Sons. I am the fourth generation of my family to be a professional fisherman. I have held a professional fishermen's licence from 1976 to May 2002 and then October 2002 to date – almost 34 years.

I have been a representative and advocate for my industry for a considerable period of time. Starting in 1983 as Vice-Chairman of my local branch of the Professional Fisherman's Association; representative of the Lake Illawarra Fisherman's Coop on the Lake Illawarra Authority for fourteen years; three times the elected representative of the Estuary General Management Advisory Committee (seven years in total); a member of the board of Ocean Watch Australia Ltd; Vice-President then President of NSW Seafood Industry Council Inc.; member of the Australian Seafood Industry Council; member of the Advisory Council on Commercial Fishing (ACCF); Treasurer of ProFish NSW (Professional Fisherman's Association); and since 2005, Deputy Chair of the Seafood Industry Advisory Council - SIAC (peak ministerial advisory body) and Chair of SIAC's Structural Adjustment Working Group.

I have also taken part in many other committees, working groups, reference groups too numerous to mention. In recognition of this body of work, in 2009 at the Seafood Excellence Awards I received the 'Star of the Sea' award '*Recognising and Rewarding Excellence in the Australian Seafood Industry*'.

My life has been professional fishing. I have always been surrounded by it and grown up with it.

Professional fishing is, at its roots, an industry of families. I grew up with these families. Apart from the Byrnes family there are many other fishing families but to name just a few from my youth, Massey, Musamicci, Aish, Lamachia, O'Brien, Lavalley, Hooper, Puglisi, Dennis, Diorio, White, Rachella, Ianni, Mayer, Thompson and from further afield and in later years, Howard, Bagnato, Bramble, Baker, Johnson, Cheers, Ragno, Foley, Monin, Hollis, Clouten, and many more – scores of families hundreds of men, fathers, sons, brothers. The family linkage to commercial fishing has covered the entire length of the NSW coastline over a period of 150 years.

Fishing too is their life, very often it is all they know and all they have. Taking their livelihood away therefore is more than financial, more than personal. It is traditional, a way of life in some cases carried on since the early days of European settlement.

For others it is ancestral, their association with the sea going back thousands of years. For the Aboriginal fishers of NSW in particular those residing on the south coast, their loss has been profound. I know this as I heard their accounts first hand, face-to-face, when on a tour of sixteen fishing ports in 2009 as part of a SIAC consultation process discussing industry reform.

The common thread in all these meetings was their loss of access to the fish due to recreational fishing havens and marine parks. Their viability has been drastically eroded and their young people denied their fishing tradition. Nineteen recreational fishing havens on the south coast and two large marine parks have had a dramatic impact on an important part of Australia's Aboriginal culture.

What price resource access? How can this cost ever be calculated for Aboriginal fishers or indeed for others who fish generation after generation for a living then lose that access? What is the cost to society of losing them? What is the cost to the whole community of fresh fish now on the south coast now that almost no commercial fishing exists when that fresh fish has to come from the north of the state or even interstate or overseas? There are so many questions and to date so few answers.

If this matter is about the whole community and what is good for all and not just one part of it over the other, then there must be independent assessment of what has happened. To do less would risk too much for once gone it will never come back.

## Terms of reference

- (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,*

There are a number of points of issue in relation to the above. The first relates to the 'regulatory, policy, and decision-making processes' of Marine Parks (MP's) and Marine Protected Areas (MPA's). For good governance purposes and to ensure the best use of public resources we must ask why are we doing this, what purpose does it achieve and is it succeeding? Clearly, the aim is to protect the marine environment – this includes the fish. If community resources are to be used in this endeavour, we must ask what is the greatest risk and are we managing that risk?

To date, not only have we not been focusing management on dealing with the greatest risk, but we have purposely been excluding those who can constantly tell us about what is happening in the water, those who can be the 'canaries in the mine' so far as the fish are concerned – the fishermen both recreational and professional.

Management by exclusion so far as MPA's and MP's are concerned is no management at all. Indeed it is an abdication of the proper roles and functions that should be good fisheries management. If good fisheries management is in place the fish resources should not be overexploited by either recreational or professional fishers anywhere – that is the fishes protection.

Drawing a line on a map as with MP's and MPA's does very little to protect the fish. Unlike trees in terrestrial parks, in marine parks the fish move. An abundance of fish one day can be barren the next. The only true way to determine long term fish abundance is through data collected from those harvesting that resource. This is the 'canary in the mine' proposition and is something that has now been lost. Our capacity to know when things are going wrong is greatly diminished.

In terms of risk to habitat, commercial fishing has been assessed, the risks identified, addressed and managed as part of the Fishery Management Strategy/Environmental Impact Statement (FMS/EIS) process as required by law. The same cannot be said for the recreational fishery. In any event, the focus of risk management should be on what does pose the greatest risk to marine habitat and this is practices in the catchment. I know of no better elucidation of this proposition than that given in '*Science and Marine Parks in New South Wales: the hoodwinking continues.* (October 30/2008)' by Bob Kearney, Emeritus Professor of Fisheries, University of Canberra.

Professor Kearney puts forward a compelling case and I fully support that case. His document is a 'must read' for all members of this committee.

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

As mentioned above, I have been the deputy chairman of SIAC since 2005. In the ensuing period I have had considerable interactions with members of the Advisory Council on Recreational Fishing (ACoRF) through meetings of select working groups.

While all our meetings have been either informal and/or ad hoc, I and my colleagues have found that we have tended to find more common ground at these meetings than matters over which we disagree. Indeed at one point we reached in principle agreement regarding funding for a structural adjustment plan for the commercial industry co-funded by both sectors. This plan went as far as proposing the borrowing of \$3million by the commercial sector from T-Corp (paid back through licence fees) with the same monies from the recreational sector then matching monies from government. This was put to SIAC and unanimously supported and put to the minister. Sadly, this went no further as it was not supported by the minister of the day.

However the point here is, when the two groups get together – ACoRF and SIAC – much progress has been made. But these remain two separate advisory groups. For more than ten years now I have been advocating that as there is only one resource, one stock of fish, there should be one body advising the minister on matters relating to the take of that stock – not two.

Further, membership of that single advisory body should be on merit as assessed by an independent panel (like the Commonwealth). A single peak advisory body to the minister on fishing should be a group of the 'best' people to advise the minister on fishing matters – not necessarily representatives of the largest importers of fishing tackle nor the representative of the largest commercial fishing industry body nor those who might be the most popular by some electoral process but, be made up of those who can demonstrate they have the capacity and industry knowledge to best advise the minister.

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

Typically and historically, valuations have been arrived at for both commercial and recreational fisheries. Often these valuations have been calculated using a variety of methods. Very typically then, these figures have been compared with each other to say

one is worth more than the other. Almost never are these comparisons an 'apples with apples' comparison.

Those advocating recreational fishing is more valuable than commercial fishing will count the value of the butter they use on their sandwiches they take fishing to add to the total while commercial fishers will tend to add the beach value of the fish to the wholesale value to the restaurant plate value. While all very interesting none of this provides any useful information.

Of late, and for a more disingenuous purpose, valuing recreational fishing has been aimed at giving reason to exclude professional fishing – the '*we are worth more than you lot so you should go*' argument. This is a ludicrous argument. It is best put in context by the comic and spurious parallel of oil spills and economic value.

The parallel goes that if an oil spill takes place and it is of more value to the local economy than both recreational and commercial fishing then we should ban all fishing and have more oil spills – the cost of the clean up, more people in town, accommodation, meals, etc, etc, was so much more valuable than fishing we should ban all fishing and just have regular oil spills – its worth more money.

Such is the 'nutty-ness' of the '*we are worth more than you lot so you should go*' argument. There is yet to be a true 'apples with apples' comparison in NSW. However, as an aid to get there the book 'Valuing Fisheries' by Tor Hundloe (2002) is a good place to start. This book seeks " ... to bring a degree of rationality and logic to sharing access to fish resources.(pg. vii) "and it was in part a collaboration between both sectors in fishing. It too is a 'must read' for members of the committee.

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

I cannot state too strongly that in my view the NSW commercial fishing industry cannot stand another round of resource reallocation. More loss of resource access by either RFH or MP processes will destroy the industry.

The last RFH process was an exercise that sought to capitalise on conflict between the sectors with a resource reallocation and politically motivated end. It should never be revisited.

From the day the policy was launched and from the opening statement of the minister of the day in '*Sustaining our Fisheries – A Fisheries Policy Discussion Paper January 2000*' the tone was set by the following quote,



*"It is widely recognised that our seas can be fished out. Our lakes, rivers and estuaries that were once filled with fish of every kind can be emptied".*

This was a gross literary in-exactitude. Nowhere in this country or even the world has a species been fished to extinction. Indeed the opposite was and is the case for NSW estuary fisheries where commercial fish catches since records began have remained remarkably stable. At a subsequent meeting of the Advisory Council on Commercial Fishing I put this fact to the minister and asked him how he could make such a statement. He said a lot in reply, but didn't answer the question.

I maintain that a driving force in this process was in seeking political advantage. The government used its full resources to turn one fishing sector against the other and back a winner in the process. The goal was winning recreational fishing votes in marginal coastal electorates. But the plan back-fired and the vote surge did not materialise. The end result at the 2003 NSW poll was a loss of seats for the government. One where the greatest number of RFH's were created (South Coast) and the other the seat of Clarence where the Labor candidate spent much time during the campaign 'dumping' on the fishing industry.

The commercial fishing industry still struggles with the legacy of that time. Prior to this time there were some 113 waterways available to commercial fishing in NSW. It is illuminating to study the figures from the 2003 Fishery Management Strategy for the Estuary General Fishery to see what is now left for seafood production from our coastal waters –

- there are 690 water bodies in NSW – large and small
- of these 113 were available to be commercially fished
- 24 of these water bodies produce 95% of the fish in the fishery
- 7 of these 24 are now RFH's
- of the 17 left, 8 suffer partial commercial fishing closures due to RFH, MP or other closures.
- 9 remain unaffected by RFH, MP or other closures (but are subject to the conditions of use under the Fisheries Management Act 1994)
- 9, out of 690.

At the same time, those who argue for more RFH's cannot have it both ways. They cannot argue for more RFH's and the exclusion of professional fishermen and at the same time argue against the 'unfairness' of being excluded from sanctuary zones in marine parks. This is the height of hypocrisy but it is what is happening.

Another part of the legacy of this period is the need to 'clean up the mess' as a result of too many areas being closed to commercial fishing and too few fishers being bought out. Since 2005 SIAC has been working hard to develop a structural adjustment plan to deal with this issue. Given this is to be an industry self funded plan has only made it all the more difficult.

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

Every commercial fishery in NSW has now been subject to environmental assessment under the provisions of the EP&A Act 1979. To be required by law to do such a thing is unique not only in Australia but indeed the world. Having passed this test and being regularly scrutinised by Commonwealth law (EPBC Act) to ensure sustainability, our commercial fisheries are strong in this regard.

The same cannot be said for our recreational fishery. It remains an open access fishery, an expanding fishery, a no cap on cumulative take fishery, a fishery promoted by government encouraging all to 'go catch a fish'. This cannot go on. A point is now being reached for at least one prime recreational species (Mulloway) where a recovery program is underway due to overexploitation.

Similarly, there is a wealth of data regarding species of fish showing recreational take far greater than the commercial take included in submissions from the inquiry into Fisheries Management and Resource Allocation 1997 (Legislative Council – Hon Patricia Staunton AO MLC Chair). Committee members would find this data most informative.

At the time commercial fisheries became required to undertake environmental assessment, so too did recreational fisheries. Such a requirement should be reinstated. There seems little point if one user group is assessed while the other, taking most of the fish in some species, is ignored.

Recreational fishing is not what it was. It is not an old chap, a dog and a boy standing on the bank of a creek with a Coke bottle and 50 yards of cat gut line. It is sophisticated and professional using the latest technology from new plastic baits (soft plastics) to picture perfect depth sounders, to GPS systems and the internet to find the coordinates of the best fishing spots, the list of such goes on and on. Essentially, skill, judgement and experience have gone out of it to a large extent.

There is no greater evidence of this than in the proliferation of Fish Attraction Devices (FAD's) now dotted along the coast – the electronic version of shooting fish in a barrel. This combined with easy credit has put many hundreds of thousands of new recreational fishers into boats and out fishing.

Yet, no assessment of impact on the resource or environment is required for any of this when clearly it should be.

### Conclusion and Summary

- The NSW commercial fishing industry cannot cope with another round of removal of access to the resource. More RFH's or marine park exclusion areas would destroy the industry. The recreational fishery already holds the overwhelming majority of resource access having no justification whatsoever in seeking more. The full impact of the initial round of exclusion areas must be fully and independently assessed.
- The current ministerial advisory body system of two peak councils – one for recreational fishers and one for commercial fishers (including the broader seafood industry) – should be evolved into one body. The benefits of such a change would be significant not the least of which being bringing the two sectors together to work for their common interest - the sustainability of the resource.
- Determining a 'value' of recreational fisheries must be done using a sound, well recognised format " ... to bring a degree of rationality and logic to sharing access to fish resources."
- If anything, there are now too many water bodies on the NSW coast that are for exclusive recreational fishing use. There are none exclusively for seafood production. Out of 690 bodies of water in NSW only 9 available for commercial seafood production are unaffected by RFH, MP or other exclusion areas. Even then these 9 are shared in resource usage between recreational and professional fishers.
- As an open access fishery, an expanding fishery, and a no cap on cumulative take fishery, a fishery primarily responsible now for the decline of some species of fish, the recreational fishery must be subject to the same rigorous environmental assessment process as the commercial fishery. To do less is an abandonment of responsibility.

Yours faithfully,

