

Submission  
No 943

## INQUIRY INTO RECREATIONAL FISHING

**Organisation:** Recreational Fishing Alliance of NSW  
**Name:** Mr Peter Gibson  
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Recreational Fishing Alliance of NSW

Submission to the NSW Legislative Council's

## **Select Committee on Recreational Fishing**

March 2010

Members of the Recreational Fishing Alliance of New South Wales

- Australian National Sportfishing Association (NSW Branch) ▪ New South Wales Fishing Clubs Association
- New South Wales Council of Freshwater Anglers ▪ NSW Underwater Skindivers and Fisherman's Association
- Professional Fishing Guides and Instructors Association

17 March 2010



The Honourable Robert Brown MLC  
Chairman, Select Committee on Recreational Fishing  
Parliament House  
Macquarie Street  
Sydney NSW 2000

Dear Mr Brown

We are grateful for this opportunity to present our views to your committee's inquiry into recreational fishing.

Angling is enjoyed by thousands of NSW citizens, playing an important part in their recreation, family and community life, health and wellbeing. Recreational fishing also makes a major and underestimated contribution to the state's economy, especially in regional and rural areas.

For more than 130 years NSW recreational fishers have had a proud record of involvement and volunteerism in the stewardship and management of recreational fisheries and have had a positive and productive relationship with government departments and agencies. However despite the best efforts of recreational fishers their views are often dismissed by the government, particularly by agencies outside the Fisheries area. It is not easy for recreational fishing organisations, all of which are operated by volunteers, to bring together the views and efforts of fishers who are regionally remote, and who have diverse and unique local fishing opportunities and problems. The government needs to be more proactive in fostering and facilitating representation from recreational fishers, and would benefit considerably from the better communication that would ensue.

The main part of our submission addresses those issues of representation and interaction with government and makes recommendations that we believe will result in a more satisfactory and effective working relationship between recreational fishers and the government. We have also submitted our views on several other areas of major concern, including recreational fishing access and adequate funding for the core activities of the Fisheries section of I & I NSW.

We request an opportunity to present directly to the committee and look forward to its final report.

Yours sincerely

A handwritten signature in black ink, appearing to read "P. Gibson". The signature is fluid and cursive.

Peter Gibson  
for the Recreational Fishing Alliance of NSW

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# 1 Executive summary

## **Representation**

The Recreational Fishing Alliance of NSW believes that the present system of recreational fisher committees and councils that advise the NSW government is unrepresentative, undemocratic and inefficient and does not have the confidence of the majority of NSW recreational fishers.

We recommend that the current committee and council system be overhauled as soon as possible, and eventually replaced by an independent, statutory body (tentatively called Recreational Fishing NSW), with the majority of its members elected by recreational fishers, and others identified and appointed by the executive of the Council.

Recreational Fishing NSW would mainly advise and act on non-core fisheries activities, particularly activities funded through the licence fee trust funds. This would not preclude it from providing services currently provided by the government.

This would require clear delineation of core and non-core activities currently undertaken by the Fisheries section of I & I NSW, (Fisheries) and clear delineation of the funding of those activities, so that funds collected by the NSW Recreational Fishing Licence are not diverted to fund core activities which should be funded by the government's Consolidated Fund.

We recommend a number of initiatives to improve the performance of the existing advisory council and committee system. We recommend that those improvements be introduced as soon as possible and not be delayed while alternative representational structures are considered and planned.

## **Recognition of the value of recreational fishing and the need for appropriate government funding**

The Recreational Fishing Alliance of NSW believes that there is a lack of proper recognition of the economic and social value of recreational fishing.

The Recreational Fishing Alliance of NSW recommends that there should be research into the economic value of recreational fishing, increased funding of the activities of Fisheries and increased spending on recreational fishing by other agencies such as Tourism NSW and Communities NSW. We believe that such an investment will return multiple economic and social benefits to the people of NSW.

## **Access**

Access for recreational fishers in NSW is constantly under threat. Changes in land tenure, pressure from green groups to ban recreational fishing in national parks and marine parks and access denial by private landowners are just a few of the causes of loss of recreational fishing access.

The Recreational Fishing Alliance of NSW recommends that public access to this extraordinarily valuable public resource must be preserved and that further erosion of access rights must be prevented.

## 2 Representation of recreational fishers

### 2.1 The current representational situation for recreational fishers in NSW

Despite the popularity and economic significance of the sport, there is no executive office for recreational fishers in NSW and we are not aware of any recreational fishers in paid representational, advocacy or managerial positions. All interaction with government is carried out in a volunteer capacity by individual recreational fishers.

Recreational fishers in NSW interact with government in a number of ways:

- Individual fishers and angling clubs make direct representations to departments such as I & I NSW.
- Fishers and clubs personally and directly lobby elected representatives at local and state government level.
- Groups of clubs form associations to effectively represent a particular type of fishing or fishing district.
- Individual fishers, clubs and associations of clubs work together in umbrella groups whose cooperative efforts give fishers more clout when dealing with government.
- I & I NSW managers proactively meet with angling groups to advise on current issues or monitor and anticipate new issues.
- I & I NSW provides feedback and resolution of issues to fishers through a variety of structures and channels including bulletins, newsletters, attendance at meetings and direct advice.
- Individual fishers and fishing clubs and associations are represented on advisory councils and committees.

The last point in that list is of utmost importance. The government established a system of advisory councils and committees to assist the Minister and the department properly consider the many and varied issues raised by the wide range of individuals and organisations that approach them from all directions. The government takes advice from these committees on numerous issues, including, very importantly, the expenditure of funds collected from the Recreational Fishing Licence Fee, as well as a variety of core and non-core management, regulatory and development activities. While this approach is commendable, aspects of its application need a major overhaul.

Of major concern to recreational fishers is that they have little if any involvement in the appointment of members of the councils and committees, how the councils and committees operate and how they report their deliberations to recreational fishers and the community. Many fishers are not even aware of the existence of the committees, are confused by the overlap and duplication of activities and are suspicious of the appearance of the same individuals as chairs and members of the bodies.

These councils and committees include the Advisory Council on Recreational Fishing (ACORF), Recreational Fishing Saltwater Trust Expenditure Committee (RFSTEC), Recreational Fishing Freshwater Trust Expenditure Committee (RFFTEC), Gaden Trout Hatchery Management Committee, Trout Allocation Committee and the Snowy Lakes Strategy Committee.

Nominees to these bodies usually include individuals who are self-nominated or recommended by fishing clubs and associations, or individuals recommended by I & I NSW, but ultimately these are mostly government appointments at the indulgence of the Minister responsible for Fisheries, currently the Minister for Primary Industries. Committees also usually include members of I & I NSW and other agencies and interest groups.

The councils and committees typically meet once or several times a year. On some, recreational fishers are paid a sitting fee and travel expenses, on others they are paid just travel expenses, and on others no payments or expense claims are paid. No payments are made for work or expenses outside of the meetings. Generally, sitting fees and expense payments fall far short of the lost income or travel and accommodation costs of members.

One would expect that appointees would be chosen for their experience and knowledge of a fishing type or a district, their links with the angling community, etc. However all the appointments are at the discretion of the Minister and the selection process is opaque to the recreational fishing community. Surprisingly there is no sign that the peak committee, ACORF, has any formal input into nominations or assessment of nominees for various committees.

To maintain a dialogue with the government the recreational fishing community is obliged to work within the council and committee system, but weaknesses in the system are causing increasing concern and there are sections of the recreational fishing community that believe the current system is failing them.

The current model has been in place for many years and a formal review should be undertaken to determine if a better system can take its place.

## 2.2 Problems with advisory councils and committees

Recreational fishers have identified a number of problems when working within the advisory council/committee system.

### **The workload of councils and committees has increased.**

There has been a significant increase in work load for advisory bodies such as ACORF due to:

- An increasing amount of Fisheries core activity being referred to advisory council and trust fund committees for funding, e.g. funding of the state's main trout hatchery.
- An increase in issues caused by conflicts between recreational fishers and other agencies, such as marine parks and national parks.
- Time spent assessing the costs associated with cost shifting by Fisheries, e.g. approving appointments and salaries for Fisheries conservation and compliance positions previously considered to be core business which are now funded by recreational fishing trusts.

Many of these issues are outside of the commercial and legal experience of council and committee members, yet they are expected to understand them and give wise advice.

► The Recreational Fishing Alliance of NSW recommends that processes should be streamlined, particularly the more timely availability of more detailed agenda information, and that councils and committees include independent advisers who can assist members with guidance on commercial and financial matters.

**Committee and council members are not elected by fishers.**

This creates a perception that the government can load the bodies with voices it prefers to hear, instead of voices that truly represent recreational fishers and other stakeholders.

One of the most common complaints by fishers about the peak advisory body, ACORF, is that it is an advisory body whose members are appointed by the Minister. This creates problems for NSW recreational fishers not just within NSW but also at a national level, where ACORF is meant to represent NSW fishers on the national recreational fishing peak body, RecFish Australia.

Fishers are extremely frustrated that because of this arrangement, they have no angler-elected representatives at the national level, diminishing the authority of the national representative body.

► The Recreational Fishing Alliance of NSW recommends that the majority of representatives on councils and committees be elected by recreational fishers.

**Advisory councils and committees do not actively communicate to recreational fishers.**

Many fishers are not even aware of the existence of the committees or are confused by the overlap and duplication of activities. There are no legislated requirements, guidelines, structures or conventions for ACORF and other committees to communicate back to NSW anglers, so the vast majority of NSW fishers are left in the dark on matters that affect them. Minutes of some councils and committees are not published on the internet.

This also affects NSW fishers' interests at a national level—even though ACORF acts as the representative for NSW recreational fishers at RecFish Australia, it is not obliged to communicate to fishers about what representations it has made, or any other issues discussed at that level.

► The Recreational Fishing Alliance of NSW recommends that all advisory councils and committees should proactively communicate with recreational fishers by prompt online publishing of reports, minutes of meetings and all proposals and issues under consideration.

**There is inadequate communication by council and committee members to stakeholders.**

Appointees should have to demonstrate that during the period of their appointment they have consulted with their stakeholders and communicated the decisions of councils and committees back to those constituents.

► The Recreational Fishing Alliance of NSW recommends that council and committee members should have to report at least annually to their committee or council on their own communications with stakeholders.



**Agendas and proposals under discussion at RFSTEC and RFFTEC meetings are not made available to council and committee members in time for them to consult their constituents prior to the meetings.**

There are increasing complaints about the lack of time that members of ACORF and its RFSTEC and RFFTEC sub-committees get to consider expenditure proposals. Members frequently complain that they only get the agenda and supporting paperwork a few days before committee meetings. This does not allow them any opportunity to review the proposals thoroughly, let alone canvass the opinions of their stakeholders.

Paperwork is usually sent by conventional mail, limiting the opportunity for members to quickly distribute and seek advice from stakeholders.

Notices and agendas for RFSTEC and RFFTEC meetings, including expenditure proposals, should be sent to representatives in time for them to consult their constituents prior to the meetings.

The *Fisheries Management Act 1994*, Part 8, Division 3, Section 238A (General provisions relating to consultation on expenditure from trust funds) states:

*The following provisions apply for the purposes of consultation with an advisory council that is required under this Division with respect to expenditure from a trust fund:*

- (a) the Minister is to provide the advisory council with a draft expenditure budget,*
- (b) the Minister is to give the advisory council at least 1 month to make any recommendations about the draft budget*

► The Recreational Fishing Alliance of NSW recommends that meeting agendas and proposals under consideration be made available to members at least one month before meetings and that they are distributed electronically.

**Members are obliged not to discuss the business of councils and committees with stakeholders until minutes are approved.**

Minutes of meetings of advisory councils and committees are not published promptly and quality of minutes is poor, with only the decisions reached being minuted, and discussions around rejected proposals not recorded. This arrangement is very restrictive and limits open discussion between stakeholders, peak bodies, associations and clubs, preventing representatives from obtaining a range of views and the best advice.

This information blackout is supposedly because expenditure decisions need the approval of the Minister, a process that often takes several months.

► The Recreational Fishing Alliance of NSW recommends that minutes be more comprehensive and that members be allowed to report to stakeholders on business discussed at meetings, immediately following a meeting, regardless of whether or not the Minister has approved the minutes or reached a final decision.

**Chairs and deputy chairs of councils and committees are not elected by committee members.** Instead, they are appointed by the government, destroying angler confidence in the expertise, objectivity and transparency of those bodies. Many councils and committees have the same chair,

and have had that same chair for many years, leading to a perception of inattention to the business of the bodies and unnecessary duplication and overlap of responsibilities. The chairmanship and secretariat to these committees needs to be independent of the department and minister, and should have a more prominent and independent role in setting the agenda for committees.

► The Recreational Fishing Alliance of NSW recommends that chairs of councils and committees be elected by the committee members and councils and committees be serviced by a secretariat independent of the department.

**There is no code of conduct for council and committee members.**

It is not unreasonable for council and committee members to have vested interests in aspects of recreational fishing—some of these people have considerable experience and commercial involvement—but a code of conduct should be established to cope with conflicts of interest as they arise.

► The Recreational Fishing Alliance of NSW recommends that a code of practice manual should be developed that covers issues such as conflicts of interest and members' responsibilities to their stakeholders.

**Vacancies on advisory councils and committees are not filled promptly.**

This occasionally delays sittings of those bodies. The process also needs to be more transparent—there is no reason why members of a body like ACORF, if it is truly representative of recreational fishers, should not have some say on how and with whom vacancies are filled.

► The Recreational Fishing Alliance of NSW recommends that vacancies be filled promptly and that meetings of councils and committees not be delayed if positions have not been filled.

**Reciprocal arrangements are not in place for fishers to be represented on other councils and committees.**

For example, a representative from the Nature Conservation Council is a member of ACORF and is therefore fully aware of all the issues and considerations being discussed relating to recreational fishing. A reciprocal arrangement does not exist for recreational fishers to be represented on conservation committees.

► The Recreational Fishing Alliance of NSW recommends that representation on recreational fishing advisory councils and committees not be allowed unless reciprocal arrangements are in place for anglers to be present on all government conservation committees that could affect the status of recreational fishing in NSW.

## 2.3 An alternative structure for recreational fishing representation

The Recreational Fishing Alliance of NSW recommends that the NSW government should create and provide proper resources for a new independent statutory council to replace the existing advisory committees and councils. 'Recreational Fishing NSW' would more equitably and effectively formalise the angler representational process and marry it efficiently to I & I NSW's existing recreational fisheries management infrastructure.

Features of Recreational Fishing NSW would include:

- A mixture of angler representatives appointed by the executive of Recreational Fishing NSW and elected by fishers.
- Invited representatives of relevant departments such as I & I NSW, Marine Parks Authority, NSW Office of Water, Land and Property Management Authority, Communities NSW, Tourism NSW, commercial fishing organisations, conservation and scientific advisers and the leading tackle and boating industry associations.
- Adequate administrative funding by the government, including but not limited to funding from the recreational fishing fee trusts.

### Responsibilities

Recreational Fishing NSW would mainly advise and act on non-core fisheries activities, particularly activities funded through the licence fee trust funds. This would not preclude it from providing services currently provide by government.

It would work through a team of selected and elected members in a structure that would, without duplication or overlap, address all key areas and issues (e.g. access, conservation, education). It would have a strong advocacy role and would be able to undertake and commission projects in its own right. It would be able to secure and hold management or trustee rights for Crown Land relevant to recreational fishing access.

### Benefits and opportunities

The formation of a Recreational Fishing Council would provide NSW with a dedicated body empowered with the management of important aspects of recreational fishing. It would effectively and inclusively harness the existing capabilities of the recreational fishing community which, once properly funded, would become more streamlined, cohesive and focused on more effective cooperation with Fisheries and other agencies.

The Council would provide government and private enterprise with a unified and more responsive single point of consultation on all major recreational fishing issues.

A Recreational Fishing Council would act as a centralised, empowered body to negotiate access and other rights for recreational fishers.

► The Recreational Fishing Alliance of NSW recommends an alternative representative and management structure for recreational fisheries management in NSW, with the formation of an independent statutory body, Recreational Fishing NSW.

### 3 The value and funding of recreational fishing

Insufficient recognition is given to the economic and social value of recreational fishing and to the contribution made by recreational fishing to the community.

#### 3.1 The social and economic value of recreational fishing

NSW DPI's annual report from for 2008-09 estimates that more than one million people participate in recreational fishing each year in NSW. Recreational fishing provides enormous social, health and lifestyle benefits to those people, including outdoor activity and exercise, learning about the environment, travel, relaxation, family and community interaction and providing the opportunity to catch fresh seafood for personal consumption. These are not just traditional Australian customs and values that should be preserved for their own sake—they are values that are more applicable today than ever before and should be encouraged and protected as an important lifestyle choice in modern living.

Recreational fishing activity also directly and indirectly provides a significant income to government and to the community. Some rural and coastal NSW towns are particularly focused on recreational fishing, which creates economic activity such as tourism, accommodation, camping, general retailing, food outlets, boat and vehicle services. In some areas, a significant number of people are directly employed in recreational fishing, such as fishing charters, tackle shops, marine centres and professional fishing guides.

Despite the breadth and depth of the recreational fishing economy, there is little useful data on its economic value. The few studies undertaken have focused on just a few towns or regions, and are already out of date, but even those studies reveal the important economic value of the recreational fishery. For example, a study for the government by Dominion Consulting undertaken in 2001 estimated that the value of the recreational fishing industry in the Snowy Mountains alone was over \$70 million per annum, a figure that surely would be much greater today. But despite such data, few efforts are made by government to promote recreational fishing through agencies such as Communities NSW and Tourism NSW.

► The Recreational Fishing Alliance of NSW recommends that there should be frequent research and monitoring of the social and economic value of recreational fishing in NSW and that the outcomes of the research be applied to Fisheries, regional development, community and health planning.

### 3.2 The direct financial contribution by recreational fishers

There is no other group in the community making a direct financial contribution of \$13.4m per year (2008-09 figures from NSW DPI) to their own sport. Based on a likely licence fee increase in June 2010 this figure is likely to increase to \$15m in 2010/11.

The introduction of the Recreational Fishing Licence (first as a freshwater licence in 1998 and then as a general angling licence in 2001) assisted the government in a number of ways:

- The funds were used to buy out a number of commercial fishers, the cost of which should have been borne by the government.
- These buyouts removed a number of environmentally unsustainable fishing practices and enabled the creation of Recreational Fishing Havens where conflict was removed between commercial and recreational fishers.
- It created an ongoing annual funding base in two recreational fishing trusts, supposedly to cover activities that might not normally be covered by core funding.

The licence fee revenue is intended to cover a wide variety of activities including, as stated in Section 34AA of the *Fisheries Management Act 1994*:

- (a) *enhancing recreational fishing,*
- (b) *carrying out research into fish and their ecosystems,*
- (c) *managing recreational fishing,*
- (d) *ensuring compliance with recreational fishing regulatory controls.*

Unfortunately these clauses allow the government to use the funds for just about any purpose, and work funded by the trusts now includes activities that in the past would have been considered core activities of government, such as capital works and operating costs at government-owned fish hatcheries, environmental assessments required under *Environmental Planning and Assessment Act 1979*, and salaries to cover policing of fisheries regulations and basic conservation duties.

Although the licence fee revenues are divided into funds (freshwater and saltwater) there seems to be no accountability for equitable application of funds to different fisheries or user groups within those sectors, e.g. many underwater fishers feel they receive relatively little in return from their payment of licence fees.

► The Recreational Fishing Alliance of NSW supports the concept of a Recreational Fishing Licence and recommends its continuation. We also recommend research into levels of licence uptake, levels of licence charges and levels of participation in particular fisheries by licence holders.

### 3.3 The volunteer contribution by recreational fishers

Recreational fishers are justly proud of their volunteer involvement in the management of the fishery. That involvement can be traced back as far as the late 1800s when private interests were responsible for the first fish stockings in NSW. Since then, recreational fishers have been responsible for lobbying to ensure the introduction of proper regulatory legislation, the construction of early fish

hatcheries, facilities for boat anglers, honorary fishing inspectors and numerous other unpaid activities.

Even in the 21<sup>st</sup> century, Fisheries in NSW relies heavily on a massive volunteer effort by Fishcare volunteers, hatchery volunteers, acclimatisation society members, fishing clinic volunteers, individuals and clubs involved in habitat work and catch data collection, and representation and advocacy to government.

As one of the highest participant recreational activities in NSW, recreational fishing should not have to rely completely on volunteer representation. It deserves proper support by the government, including financial support for a paid representative structure. Lack of government support for coordinated representation leaves recreational fishing fractured and unable to respond properly to the government and public.

The NSW government should recognise one fisher-elected organisation (Recreational Fishing NSW) as the peak recreational fishing body.

Recognition and proper resourcing of one peak body in NSW would enable the government to better focus its consultation with recreational fishers and would enable recreational angling organisations to efficiently get consensus from members and present their views to government.

► The Recreational Fishing Alliance of NSW recommends that recreational fishing representation and advocacy in NSW should be financially supported by the government through the funding and resourcing of a peak body, Recreational Fishing NSW. Funding should be adequate to properly resource at least an executive director and manager with guaranteed funding far enough into the future to enable the Council to make effective long term plans and execute major projects.

### **3.4 Cost shifting from the government to recreational fishers**

The funds received from the Recreational Fishing Licence now constitute a significant part of the total Fisheries budget in NSW. It is difficult to estimate from publicly available information the direct contribution from the government's Consolidated Fund to Fisheries, but it is obviously quite small, and without the introduction of the Recreational Fishing Licence, would be so insignificant that it would be impossible to deliver any services at all to the sector.

Government funding for recreational fishing in NSW in 2001 was estimated at \$5m. Budget cuts proposed at that time reduced this to \$3.5m with the \$1.5m shortfall being covered by income that would flow from the fishing licence introduced in March of that year.

This was to be known as the Recreational Fishers User Pays Contribution to Fisheries Management in NSW, and the government's \$3.5m was meant to be tied to annual CPI increases.

At numerous advisory council meetings since then, anglers have raised concerns or requested Fisheries and NSW DPI to provide details of how this commitment is being met. The response has been limited and the details unobtainable.

► The Recreational Fishing Alliance of NSW recommends that I&I NSW and the government show how they are honouring that commitment. If the Department is unable to deliver a clear account of such expenditure, then we recommend that the Government instead should provide the full amount (i.e. \$3.5m adjusted to include the accumulated annual CPI increases for each year) annually to the fishing trust funds where their use and expenditure will be subject to the same scrutiny as recreational fishers' contributions, before they can be applied to Fisheries activities.

Unfortunately, instead of being used to supplement a reasonable level of core funding by the government, Recreational Fishing Licence funds are being used to replace core funding and the government's direct contribution continues to diminish.

Numerous management, compliance and research positions within Fisheries are now paid by Recreational Fishing Licence revenue and the cost of entire, essential operations such as Gaden Trout Hatchery has now been shifted from core funding to Recreational Fishing Licence funding. State wide, we believe that approximately 25 Fisheries staff are paid for by Recreational Fishing Licence funds.

► The Recreational Fishing Alliance of NSW recommends that core funded and non-core funded activities of Fisheries be clearly delineated and that Fisheries should not be allowed to make applications to the Recreational Fishing Saltwater Trust and Recreational Fishing Freshwater Trust for funding of core activities.

### **3.5 The loss of status within government for Fisheries**

Simultaneous with the lack of growth of funding, the status of Fisheries activities within NSW government continues to diminish, with the Fisheries division being relegated to the furthest corners of larger departments and 'super agencies'. There is no longer a Minister for Fisheries in the government. The lower profile of Fisheries, its loss of identity and lack of clout, leads to less recognition of recreational fishing at Cabinet level, and this is reflected in the government's inaction on behalf of fishers on major issues such as:

- Recognition of a peak user body.
- Lack of action on important angler access issues.
- Interference by Department of Environment, Climate Change and Water and the Marine Parks Authority in fishing activities in marine parks, national parks and Recreational Fishing Havens.
- Difficulties establishing MoUs with other departments regarding access and fishing.
- Lack of leadership and advocacy by Fisheries staff on major cross-portfolio issues such as marine parks.
- Lack of recognition, funding or promotion of recreational fishing activities by Tourism NSW and Communities NSW.
- Difficulties in achieving appointments for recreational fishers to Department of Environment, Climate Change and Water and the Marine Parks Authority consultative committees.

- Lack of commitment or engagement by some agencies to consult with recreational fishers in a timely and transparent manner.
- Inadequate funding for Fisheries to engage permanent staff to tackle core activities.
- The creeping influence of larger agencies encroaching into areas which have traditionally been managed by Fisheries.

► The Recreational Fishing Alliance of NSW recommends that the status of Fisheries within government should be restored by the appointment of a Director of Fisheries, reporting to a Minister for Fisheries.



## 4 Recreational fishing access in NSW

Access for recreational fishers in NSW is constantly under pressure. Threats include:

- Changes in land tenure such as closures of travelling stock routes and 'paper roads'
- Closures of popular access routes in national parks
- Pressure from green groups to ban recreational fishing in national parks and marine parks
- Access denial by private landowners
- Pollution of once-healthy waterways
- Major infrastructure projects
- Effects of climate change (especially on inland fisheries)
- Closures for conservation and protection purposes
- Increasing interference in recreational fishing activities by local councils
- Illegal and misleading signage by landowners denying access to recreational fishers.

Some of these factors are irreversible, unavoidable or even understandably intentional, but together, they encompass an enormous range of activities and circumstances that impinge heavily on what should be an inalienable public right.

### 4.1 Marine parks and national parks

The formation and management of marine parks and national parks is laudable, and recreational fishers have benefited from commercial fishing closures that have been introduced. But marine parks and national parks can and should be managed without reducing the access rights of recreational fishers who follow sustainable fishing practices. Through their cooperative development of reasonable fishing regulations in the past, recreational fishers have demonstrated sensible and progressive attitudes towards sustainable resource management and conservation, and the banning of access, without reasonable consultation, to many marine and national parks is unacceptable.

► The Recreational Fishing Alliance of NSW recommends that plans of management should allow for recreational fishing access and recreational fishers should be involved in the development of those plans.

The *Fisheries Management Act* refers to the common law principle which grants public access to all tidal waters, but this principle has been rendered ineffective by the access regulations that apply to parts of marine parks. There is also legislation in section 38 of the *Act* regarding fishing access to non-tidal waterways, but this legislation has never been tested.

► The Recreational Fishing Alliance of NSW recommends a review of the legislation in the *Fisheries Management Act* that supposedly enshrines access to tidal and non-tidal waters.

The differences in scientific opinion on the conservation value of recreational fishing bans in marine parks needs to be resolved. The fishing community perception is that the current process is just a way of reducing and eliminating fishing in the long term, regardless of any scientific measures. There appears to be a lack of research to acquire baseline data before management plans are implemented, lack of supporting data behind many recommendations and management plans, and inadequate follow-up research after plans are implemented.

► The Recreational Fishing Alliance of NSW recommends that the NSW government addresses its appalling record of consultation with recreational fishers on marine parks, and its failure to develop recreational fishing management regulations for marine parks without regard to proper scientific research and diligence.

Extremist conservation groups such as the National Parks Associations freely admit that their objective is to achieve an increase sanctuary zones in marine parks—clearly a move which should not be made without rigorous scientific research and which clearly demonstrates their desire to eliminate recreational fishing at all costs.

Reviews of several marine parks have now been completed (Jervis Bay and Solitary Islands Marine Parks) but at the date of this submission, the release of the outcomes of the reviews are still delayed.

► The Recreational Fishing Alliance of NSW recommends that until the outcome of the reviews of all current marine parks are completed that no consideration should be given to new marine parks in NSW.

Within some marine parks there is a conflict between normal Fisheries bag and possession limits and those imposed by the Marine Parks Authority, creating confusion and anger among well-intentioned recreational fishers who believe that they are properly following the law. Extremist conservation groups have managed to persuade the government to use the *Marine Parks Act* to control fishing, after having little or no success through the *Fisheries Management Act*.

► The Recreational Fishing Alliance of NSW recommends that Fisheries should be recognised as the sole regulator of recreational fishing in marine and national parks.

Many of the most popular recreational fishing locations in NSW are within national parks, and the number and extent of national parks is increasing. Numerous vehicle access points are being closed, depriving anglers of important fishing access.

► The Recreational Fishing Alliance of NSW recommends that plans of management should preserve and maintain traditional public access routes for recreational fishers.

The Recreational Fishing Alliance of NSW does not support the current percentage process, with an average of 20% of total marine park areas 'locked up' as sanctuary zones, taking away the majority of safe and accessible fish habitat from recreational fishers.

However it does support protecting areas representative of critical habitats using sanctuary

zones, providing it is being used to protect specific ecological communities, critical habitat or specific species, and is not being used as a de facto recreational fishing management tool by the Marine Parks Authority. We believe that once qualified research has identified a need for protection of marine biological diversity and marine habitats, then the process may be accomplished using a variety of methods which could accommodate all marine park users, such as:

- Rotating sanctuary zones once regeneration is complete
- Seasonal closures for spawning or migration of species
- Seasonal access to pelagic species
- Localised recovery plans for specific species
- Stock enhancement through breeding programs
- Habitat enhancement through artificial reefs
- Stock enhancement and recruitment through fish aggregating devices
- Multi-use sanctuary zones

► The Recreational Fishing Alliance of NSW recommends that once the need for protection is identified by robust science, a variety of management tools should be used to achieve that protection, within a management framework that accommodates all marine park users.

## 4.2 Crown Reserves

Changes to use and governance of Crown Reserves and 'paper roads' is accelerating, and many opportunities are being lost to preserve these parcels of land for recreational fishing access.

► The Recreational Fishing Alliance of NSW recommends that there should be a properly resourced position within Fisheries or within a peak body such as a Recreational Fishing Council to monitor and review these changes and to educate and alert recreational fishers who may want access rights on these properties preserved in some way.

► The Recreational Fishing Alliance of NSW recommends an education and information program for recreational fishers to empower them to assume responsibility for Crown Reserves as trustees.

## 4.3 Freshwater streams

NSW law currently allows freshwater anglers access to the bed of the stream, i.e. the area between high water marks. This provides practical access in many locations but in others, where the waterway has deep water, steep banks or other obstructions, a more generous and practical access zone is needed. We believe that the 'bed of the stream' zone should be extended to an area that provides 20 metres of practicable walking access. Access to public waterways should not be prevented by the topography of privately owned land nearby. If reasonable access is not available along the bank of a stream, it should be possible for the public to negotiate with landholders for perpetual access via the shortest direct practical route to the waterway.

It may be necessary for a review of legislation affecting the insurance liabilities of landowners so they are not burdened with the personal risk of recreational fishers who use these access opportunities.

► The Recreational Fishing Alliance of NSW recommends that recreational fishers should have reasonable access to all public waterways, such as a 20 metre buffer zone for walking access on all Crown and freehold property. Where access along the river bank is not practical walking access should be allowed by the most direct route across the land from the nearest public access point, or via a route negotiated with the land owner. Insurance legislation should be reviewed to provide reasonable protection for landowners who allow access.

Conversions from Crown land to freehold often rob anglers of legal fishing access.

► The Recreational Fishing Alliance of NSW recommends that when Crown land is converted to freehold a reasonable walking access zone should be preserved on the property title deed.

#### **4.4 Freshwater sanctuary zones**

Some conservationists are calling for the introduction of freshwater sanctuary zones similar to those that apply in marine parks. The Recreational Fishing Alliance of NSW believes there are sufficient closures and other regulations that can be applied to conserve freshwater fisheries and that there is no evidence that freshwater sanctuary zones are necessary, nor would they be effective or manageable.

► The Recreational Fishing Alliance of NSW recommends that freshwater sanctuary zones should not be introduced in NSW but that other controls and regulations managed by Fisheries should be used to conserve the freshwater environment.

#### **4.5 Freshwater impoundments**

Management of recreational fishing access to freshwater impoundments in NSW is inconsistent and many opportunities are missed to develop better recreational fishing opportunities. In many places recreational fishing is allowed in drinking water storages and catchments, but in others, particularly in the Sydney region, water authorities resist such access, despite having high levels of water treatment and little risk of contamination by properly managed recreational fishing activities. Recreational anglers should have access to water authorities' water storages where there is clearly no environmental or health risk.

► The Recreational Fishing Alliance of NSW recommends that the NSW government directs water authorities throughout the state to review their access rules with a view to providing properly negotiated and managed recreational fishing opportunities to the public.

► The Recreational Fishing Alliance of NSW recommends that the NSW government undertake an exhaustive inquiry into fishing access in impoundments, similar to that recently undertaken in Western Australia.

## 4.6 Recreational Fishing Havens

The creation of Recreational Fishing Havens was proposed as a major benefit of the introduction of the Recreational Fishing Licence and was promoted as a positive way of addressing resource allocation between recreational and commercial fishers. Funds from the licence were used to buy out commercial fishers and improvements from creation of the Recreational Fishing Havens were almost immediately noticed by recreational fishers.

► The Recreational Fishing Alliance of NSW recommends that the NSW government considers introduction of more Recreational Fishing Havens funded by Recreational Fishing Licence fees.

There needs to be constant review of the condition and status of the Recreational Fishing Havens, especially as there is some evidence to suggest that to be effective, Recreational Fishing Havens need to be of a reasonable size. There are also many new opportunities for creation of Recreational Fishing Havens, such as intermittent estuaries and areas close to major coastal towns where recreational fishing could be a significant economic lever.

► The Recreational Fishing Alliance of NSW recommends a more focused approach to the management and promotion of Recreational Fishing Havens, through a special management council or Trust managed by a Recreational Fishing Council.

► The Recreational Fishing Alliance of NSW recommends that Recreational Fishing Havens be protected by being recognised as Crown Reserves specifically for the purpose of recreational fishing.

## 4.7 Equitable access for all recreational fishers

Some recreational fishing groups are not managed equitably and reasonably. Underwater fishers in particular are poorly treated. Although special interest groups such as this require a certain amount of specialised regulation and consideration by other anglers, it seems the only thing 'special' about their current situation is that they are over-regulated and unfairly banned from many fishing areas and lack representation on advisory councils and committees operated by Fisheries and the Marine Parks Authority.

Underwater fishers have made a major effort in recent years to self-regulate their sport with an accreditation system for sustainability and safety reasons, but are banned from fishing in rivers, lakes, beaches, dams and many harbours and special habitat areas. Similar bans do not always apply to other recreational fishers...e.g. spear fishing is banned in Lord Howe Island Marine Park although land and boat based fishing is permitted. Similar regulations and licence or access fees do not even consistently apply to recreational scuba divers, and their use of the same resource is not subject to the same environmental impact studies or scrutiny.

Lack of consideration of safety issues affects a number of other recreational fishing groups. Land based rock fishers in Jervis Bay Marine Park have difficulty accessing popular recreational fisheries

because of closures of access routes to safe fishing locations, and are therefore inadvertently diverted to unsafe locations. Trout fishers in Lake Jindabyne are unable to access a safe boat launch area at Waste Point inside Kosciuszko National Park without paying a \$16 entry fee into the park each time they visit...this encourages some fishers to use less safe launch options on other parts of the Lake. Local councils in Sydney are considering banning fishing from popular harbour wharves and jetties.

► The Recreational Fishing Alliance of NSW recommends that plans of management and regulations take into consideration equitable arrangements for access to and sharing of the fishery resource and the effects of regulations on angler safety.

## 5 About the Recreational Fishing Alliance of NSW

### 5.1 History and activities

The Recreational Fishing Alliance of New South Wales was established in 2000 by a group of recreational fishing organisations that had different angling interests but a common desire to have a united voice in the management of recreational fisheries in NSW.

The Recreational Fishing Alliance of New South Wales is the peak volunteer representative body made up of member associations in NSW including:

- Australian National Sportfishing Association (NSW Branch)
- New South Wales Fishing Clubs Association
- New South Wales Council of Freshwater Anglers
- NSW Underwater Skindivers and Fisherman's Association
- Professional Fishing Guides and Instructors Association.

Fishing clubs and individual also become members of the Recreational Fishing Alliance of NSW.

The aims of the Recreational Fishing Alliance of NSW are:

- To represent the interests of the recreational fishers of NSW and to gain equitable representation in the management of the State's recreational fisheries.
- To promote sustainable fishing practices throughout NSW.
- To encourage the participation of children in recreational fishing.
- To pursue and secure the rights of recreational fishers to fishing access in NSW waters.
- To encourage recreational fishers to become involved in the well-being of the fishery.
- To promote consultation and communication between government bodies and fishers.
- To promote fishing safety.

The Recreational Fishing Alliance of NSW has a mission to be recognised as the peak recreational fishing body in NSW. In the pursuit of this mission the Recreational Fishing Alliance of NSW has set two goals: to deliver leadership to the recreational fishing community; and to contribute to sustainability of our fisheries resource.

Recreational Fishing Alliance of NSW policies and other information can be viewed online at [www.rfansw.com.au](http://www.rfansw.com.au).

### 5.2 Achievements

Recent achievements of the Recreational Fishing Alliance of NSW include its major fishing safety project, an award winning, government and industry funded initiative to educate recreational fishers and the broader community about fishing safety (commenced in 2007 and still ongoing); a 'future

leaders' training program to develop representational capabilities among young fishers (2009) and a major conference on recreational angling access attended by fishers, government and legal experts (2009).

The Recreational Fishing Alliance of NSW also disseminates information within the fishing community, distributing electronic bulletins linking fishers to information on draft zoning plans, meeting dates, consultation processes and a raft of other relevant information to encourage fishers to get involved and participate in the well-being of the fishery.

### **5.3 Officeholders**

Elected officeholders of the Recreational Fishing Alliance of NSW during 2010 are:

President—Malcolm Poole

Vice President—Max Castle

Secretary—Stan Konstantaras

Public Officer—Max Castle

Committee: Joe Garufi, Radge Diakiw, Mel Brown

### **5.4 Contact details**

#### **Recreational Fishing Alliance of NSW**

President Malcolm Poole:

Secretary Stan Konstantaras: