

**INQUIRY INTO COMMERCIAL FISHING IN NEW SOUTH
WALES**

Name: Recreational Fishing Alliance of NSW

Date received: 9 December 2016

The Recreational Fishing Alliance of NSW

“Promoting Sustainable Fishing”

PO Box 328 Matraville, NSW 2036

Email: secretary@rfansw.com.au

Website: www.rfansw.com.au

A.B.N. 52 142 674 484

NSW Incorporations No. 9874764



The Director

Inquiry into Commercial Fishing in New South Wales

Upper House Committees

Parliament of New South Wales

Macquarie Street

SYDNEY NSW 2000

8th December 2016

NSW Commercial Fishing – Parliamentary Inquiry

To whom it may concern,

The Recreational Fishing Alliance of NSW RFA in its capacity as the peak NSW Recreational Fishing representational and advocacy body welcomes yet another opportunity to be engaged in and provide a response towards the future management of the states publicly owned shared and managed fish resources under the NSW Commercial Fishing Parliamentary Inquiry.

Since 1935, New South Wales has recognised the states publicly owned fish resources, and provided the Commercial Fishing and Oyster Industries recognition under the State's Fisheries Management Act FMA¹. Through periodical reviews it now recognises a developing hard stand and in water aquaculture industry, and in the last decade or so the Indigenous Fishing sector was added. However the interests of the Recreational Fishing sector remain as anecdotes and a few objectives in today's FMA.

The Alliance would like to note once again, first and foremost that this whole process whilst it has been directed mostly at reforming the commercial fishing industry in NSW which includes aquaculture and oyster farmers² which generates over half a billion dollars of economic activity each year, employing more than 4000 people. Of this, the wild harvest commercial fishing managed under NSW jurisdiction is worth more than \$90 million dollars at first point of sale.

In comparison the recreational fishing sector have injected from \$6-12 million annually, direct from their NSW recreational fishing fee expenditure across a wide range and diverse investment plans since early 2000. The overall investment across this state just from this process is now in excess of \$150million dollars which is generated from only half of the state's recreational fishers.

Its been reported that there was an estimated 1 million recreational fishers across NSW back in 2000³, now in 2014/15 the latest estimate is ~825,000⁴ with those recreational fishers generating an annual expenditure of \$3.4 billion dollars to the NSW economy each year and employs the equivalent of 14000 full time jobs, supporting many local communities throughout NSW. This expenditure comes from the states recreational fishers personal annual income streams, their back pocket, when at home fishing or away on holidays, and also consists of supporting the NSW commercial fishing sector when purchasing local fresh NSW seafood, or commercially caught and prepared bait.

Unfortunately the biggest problem our fishing community are all facing is greatly ignored, it's been happening since white man set foot on this great land. The significant ongoing loss and the degradation of significant swaths of sensitive fish habitats, an ever decreasing range of aquatic food for fish, along with water quantity, quality and suitability in our states waterways,

¹ http://www.austlii.edu.au/au/legis/nsw/consol_act/fma1994193/

² <http://www.dpi.nsw.gov.au/fishing/commercial>

³ http://frdc.com.au/research/Documents/Final_reports/1999-158-DLD.pdf

⁴ http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0009/499302/UOW-statewide-economic-survey-final-report.pdf

RFA Submission Parliamentary Inquiry NSW Commercial Fishing 08-12-2016

Page 1

continues to create a major decline in the states fresh and salt water fish stocks, by not supporting the successful recruitment and rearing of the next generations of many fish species naturally, decreasing the ability for any waterway to maximise its fish holding capacity.

To many it is a pretty simple equation to make more fish naturally, restoring the states aquatic and fish habitats within our coastal nurseries and estuaries, will do just that. This can then be harvested sustainably by the recreational, commercial and indigenous fishers, to feed our states growing fish consuming community, who will continue to enjoy and experience fresh local safe seafood, no matter who catches it, well into the future of this state.

RFA continues to see our states fisheries management regime focussed on economic outcomes, which targets giving commercial fishers the ability to 'grow their businesses with greater certainty', whilst failing to consider and deliver on the 'public benefit' and 'economic return from best use of a publicly owned asset', with the appropriate management of the states remaining natural fish stocks.

Today's language is all about social licence, with an aim for our states fisheries – Recreational, Commercial, Indigenous and wild Aquaculture, to be 'environmentally sustainable', however with failing water quality in many of our coastal estuarine river systems, the ongoing loss and degrading fish habitats, the inability to ascertain past and current levels of fish rearing capabilities (our estuary nurseries) and fish holding capacities for sustainable harvest, and the unknowns associated with climate change and sea level rise. Our minimal Fisheries Research efforts of today are failing to deliver a sound timely understanding into the actual state of our publicly owned fish stocks and the health of our waterways, due to the lack of resourcing and adequate funding to maintain any confidence in the current fish stock assessment science within NSW DPI Fisheries.

The Government is also '**on notice**', to take charge and invest heavily in '**rehabilitating our significantly degraded and changed coastal aquatic environments**', once its Marine Estate Management Authority MEMA delivers its 'state of the marine environment' Threat and Risk Assessment for the state of NSW.

RFA feels that many recreational fishers understand partially the commercial fishing industries frustrations with this latest reform, as they too are becoming more frustrated with the department's ability to act to improve recreational fishing in NSW in a timely manner. There remains a divide camp;

- as to what commercial fishing activities are sustainably viable,
- where these activities should occur,
- what controls should be applied based on either input/output, days on the water, seasonal or spawning closures, or the use of allowable catches and landings.

Yes it is complex and requires a range of best practices to best suit our states fisheries management as recreational or indigenous fishers too would like to catch a fish or two when they go fishing. So what forms of commercial netting should be allowed in our coastal estuary nurseries, what about trapping, when will industry actually control trawl bycatch and discard levels rather than leaving a trail of small/undersize dead fish which are of no use to anyone 'particularly important shared species like mulloway snapper whiting bream and flathead' after sorting the target species from the haul, being mainly large fish and prawns.

The Alliance believes the commercial fishing industry has also missed many opportunities to proactively restructure itself; unfortunately something must happen now, same old same old will just not cut it anymore! This reform has dragged on to the overall detriment of everyday requirements to manage the states commercial fisheries, as each commercial fishery manager has had to concentrate on delivering the reform for their interest area.

Another fisheries management unknown, which remains well known but poorly understood across NSW, is the level of ongoing '**illegal harvesting and selling of the states publicly owned fish stocks**'.

In 2004 the NSW Minister and Government delivered the Palmer Report on - Illegal Fishing for Commercial Gain or Profit in 2004.

A number of changes followed, such as amendments to the Fisheries Management Act 1994 and a boost to Compliance and Enforcement officer numbers across the state to approx. ~105, however over time things have changed, fisheries officers numbers have not increased proportionally to how our NSW population, particularly along our coastline, enforcement workloads have expanded and increased, and the 'supply and demand for cheap illegal fresh local seafood' continues, along with more public responses surrounding suspicious or possibly illegal fishing in many locations across NSW.

With less than ~100 Fisheries Compliance Officers across this state now, and around 18 fully funded from the NSW recreational fishing fee annually, and even with new technology many officers remain desk bound, something has to change and protect this states important natural fish resources 24/7/365 days a year.

NSW Commercial Fishing Reform CFR or Business Adjustment Program BAP

The Alliance continues to be of the opinion that the structural adjustment program whilst desperately needed decades ago across NSW, is still trying to achieve change for the better.

This has been hampered and will continue the uncertainty in the future management of the states fisheries and its publicly owned fish stocks through an ineffective and inefficient overburdened red tape system which may result in some unsustainable fisheries in the future.

Sound fisheries management principles for any sustainable fishery relies on collaboration, cooperation, confidence, trust, respect, and honesty by all parties involved, which is only achieved through effective and constructive consultation, discussions and decision making processes. It's imperative that within our shared fishing community there is support for those that lead their fishery, the managers, the workers/fishers, who apply these values and processes. However and unfortunately in our fishing communities there remains a small number that do not follow these principles and objectives, seek to gain an advantage through loopholes in regulations, fail to follow all management directions, and are habitual repeat offenders who should be removed from the fishery.

What opportunities that have been offered to the commercial fishing sector since the revised FMA Act in 1994 has been extremely generous some may say, recreational fishers have always support fair compensation, if a right is hand in voluntarily, or compulsory acquired.

- **Closure of the Brunswick River to some commercial fishing activities occurred ~30years ago**, NSW DPI is unable to provide any details on this matter.

- **Freshwater Commercial Fishing Reform ~2000/01** – whilst this is not directly related to the current issue of saltwater commercial fishing reforms. It is relevant to show the historical relationship that when something, or a right is removed then compensation has been payable at an estimated market rate/offer. This reform did not include or impacts on the remaining permitted commercial fishing activities covering the taking of carp and freshwater yabby fishers from inland waterways.

- **Recreational Fishing Haven process originally \$20m actual ~\$18.5m** – creating 30 odd NSW Recreational Fishing Havens was originally a \$20 million project funded by a Treasury approved loan to be repaid from monies raised from the new NSW all waters recreational access fee. The program included ~\$1 million to provide a Statewide public consultation signage and administration managed by NSW DPI, and \$18.5 million was used to purchase fishing business entitlements and associated costs with retraining, relocation and depreciation of fishing gear.

- **Solitary Islands Marine Park** – in 2002 a commercial fishing buyout was part of the introduction of the zoning plans, NSW Government investment \$4.1 million.

- **Jervis Bay Marine Park** – in 2002 a commercial fishing buyout was part of the introduction of the zoning plans, NSW Government investment \$3.3 million.
- **Bryon Bay Marine Park** - in 2005 a commercial fishing buyout was part of the introduction of the zoning plans; the NSW Government invested \$4.4 million.
- **Lord Howe Marine Park** There was no NSW commercial fishing buy out in relation to this Marine Park.
- **Bateman Bay and Port Stephens Marine Parks** – in 2007 a commercial fishing buyout was part of the introduction of the zoning plans in these two Marine Parks; the NSW Government invested \$ 20.7 million. This included a fixed price offer for dual endorsed Commonwealth/State, trawl fishers and trap and line fishers. The fixed price offer was designed to reduce the transfer of fishing effort into State waters including these marine parks as a consequence of the Commonwealth buy out process. There was also \$520,000 spent on removing 23 whole fishing businesses and entitlements from 1 further business, removing 20 trap and line entitlements and 6 ocean trawl entitlements.
- **Sydney Harbour Dioxin** – NSW DPI purchased commercial fishing entitlements as part of a \$5.5 million project related to contamination of sediments in the upper reaches of Sydney Harbour. The project included sampling of sediments, fish, prawns and crabs, along with a public awareness and signage program. \$4.0 million dollars was spent to purchase commercial fishing business entitlements and associated costs with retraining, relocation and depreciation of fishing gear.
- **Commonwealth Government \$220million commercial fishing reform** – NSW DPI were unable to provide any details on this matter as to how much of this funding was related to the NSW commercial fishing industry where fishers were dual endorsed in both the state and commonwealth commercial fishing activities.

Some key points of interest from the recreational fishing community have been as follows;

- 'priority access' to our states publicly owned fish resources to harvest and derive an income without the need to repay any public or community benefit (royalties), has been debated for decades and was included in the FMA 1994 Division 7 and implemented in two, Category 1 single species Share Managed Fisheries i.e. Rock Lobster and Abalone originally, which is now heavily modified, the intent was for all Category 1 share managed fisheries to include such however no other state fishery has been added since 2004, see the original IPART Report 1994 related to cost recovery changes.
- several missed opportunities funded by Government and the states recreational fishers with fair compensation to restructure itself/oneself, in the form of creating Recreational Fishing Havens (*fish have tails and can swim, there are no barrier fences so fish can come and go from these declared waters whenever they please, commercial fishers as a recreational fisher are allowed to fish such waters too!*), establishing the states Marine Park conservation and biodiversity network, removing commercial fishers from Sydney Harbour due to public health reasons ('Just how safe is our states wild caught seafood taken by anyone?'), and the latest \$16million tax payer funded reform announced in 2011 promised to be completed by 2015,
- past and current Ministers and Fisheries have granted on numerous occasions, and deferred or held off implementing cost recovery for commercial fishing, management fees based on a percentage of industry cost recovery, in effect this action has somewhat provided a false economy, removed reality from the states fisheries management, creating increased debt due to the non-payment of fees on 'latent/dormant/unused' fishing effort racking up thousands of dollars in owed to Fisheries by some commercial fishers, which was not the intent of several amendments since made to the FMA 1994,

- NSW has a generally open ended fishery (uncapped daily weekly or annual fish landings) little accountability in relation to discarded or unwanted fish with many outdated, ineffective, unaudited, and unaccountable input controls (after all sound natural and fisheries management is based around the precautionary principle and about getting any fish to a size where it breeds at least once in its life cycle) with complex management rules and red tape,
- the inability of the past and current industry or government to effectively manage the 'latent/dormant/unused' fishing effort which has created a 'fishing rights black hole' for commercial fishers now in this reform process,
- the unfair way for equality, and sharing (recreational commercial and indigenous) our states publicly owned fish stocks, e.g. the last recreational fishing review in 2013 decreased recreational fishing access (daily bag limits for some (6) key species) by 50%, in essence redirecting that uncaught fish capacity back into the water and towards the uncapped commercial fishing sector,
- the setting of commercial catch or individual specie limits continues to be of great concern, we have reviewed the Mud Crab Interim Total Commercial Access Levels ICALS which appear reliant on the level of effort applied to catch the annual mud crab catch, maybe totally flawed due not factually knowing what quantities of legal, or illegal fishing gear/activity was being used to record such catches. We based this on many years of Compliance and Enforcement reports relating to the number of offences and quantities of illegal unmarked commercial mud crabbing traps recovered, the species known predatory and defence behaviour in a confined space, and the relevance to a recent compliance report from the 7 November 2016 which recorded a commercial fisher checking 16 mud crab traps, 6 over and above his allowed commercial fishing gear which recovered 25 crabs in total i.e. 1.5 crabs per trap, providing him with an additional 10 illegally caught but legal size mud crabs on this one occasion. We have also been unable to ascertain how NSW Fisheries actually audit commercial fishers fishing gear effort, either in the water actively fishing, sitting dormant, or located elsewhere not fishing at any time.

So such species calculations remain a significant concern, indicating a need to be investigated and re-evaluated independently maybe, to provide a renewed level of confidence ensuring such calculations are fair and equitable between all stakeholders, and delivers a sustainable stable or increasing stock assessment carried out in a timely manner annually, should there be signs of declining stock then appropriate management arrangements must be applied to the sector most likely responsible for the change.

- and, with an incredibly complex, inefficient, fisheries management arrangements for our states fisheries, has left commercial, recreational and indigenous fishers wondering what will be left for them and this states fishing future.

(a) the history of commercial fishing in New South Wales, including reforms to the industry since 1994,

I personally have been involved since the early 1990's dabbling as a recreational fisher with a keen interest and shared passion in the area of our States Fisheries Management, with the objective to improve our states shared fisheries and my fishing interests.

Commercial Fishing and Fisheries Management

I have spent many days sitting in various paid and many more unpaid management and committee meetings relating directly to NSW Commercial Fisheries i.e. Estuary General MAC, Estuary Prawn Trawl MAC and others to a lesser extent filling in for the recreational representative on the Ocean Trawl MAC.

Management advisory committees were disbanded back in 2009/10 with an altered Fisheries approach of establishing Working Groups subject or species specific. I am appointed to the Bait Fish Working Group as a recreational fisher representative, which has met twice, and has not met since 2014 due to the ongoing reform process. We have also raised a relevant issue regarding commercial fisher representatives to influence change whilst being honest and freely admitting to illegally fishing in state waters regularly to gather baitfish to earn a living in the commonwealth Eastern Tuna and Billfish Fishery ETBF, which has drawn on the duties of NSW Fisheries managers to effectively report and act on such information.

Such committees and stakeholder consultation mechanisms have to function, however how do you consult and achieve sound proper effective decisions and changes in fisheries management policies, procedures, rules and operational practices with fairness and equity to all stakeholders, if there is no stakeholder participation or consultation? The example above indicates changes are needed, however with industry knowingly illegally fishing, then requesting changes is this right or ignoring those actions or impacts does this make things right?

I was deeply involved as the recreational fisher representative on the MAC's throughout the Fisheries Management Strategies and Environmental Impact Assessments for several fisheries. This was brought about by the actions of a small dedicated interest group on NSW mid north coast to take action in the Land and Environment Court in January 2000. The Court decided that the issue of an individual commercial fishing licence had to meet the requirements of the Environmental Planning and Assessment Act 1979 (the EP&A Act). This meant that the environmental impacts of any authorised activities had to be assessed at the time the licence was issued or renewed. After several years all NSW Commercial Fisheries completed their FMS's and EIS's, the task was then to implement the management the goals, objectives, and strategies for achieving the objectives (including the fishing or activity controls), performance indicators and the monitoring programs that apply to a fishery or activity which would result in improving those fisheries.

Whilst a number of goal elements have been achieved to date and improved each fishery, other important goals and elements remain slow works in progress or unachieved to date, (note due to the lack of ongoing stakeholder involvement, and no FMS Annual Performance Reports since 2004 some of the examples below will need to be verified) such as;

- penalty points scheme linked to endorsement suspension and share forfeiture provisions,
- a resource sharing structure for the states publicly owned fish stocks,
- industry funded observer programs to independently validate commercial fishing activities,
- improve the size of prawns being taken in estuaries and offshore for processing, sale or bait,
- to maintain fish populations harvested by the Estuary General Fishery at biologically sustainable levels,
- reduce bycatch/discard in areas and at times of high abundances, of juvenile fish and other marine life.

One issue I have noted in recent times more so, is how various Government Agencies and NSW DPI Fisheries have modified their approach to committee members ethical behaviour, their ability to keep issues confidential, address any actual/perceived or future potential conflicts of interest do exist with your representation from any related topic/agenda item to be discussed, and how to deal with that matter and the vast possibilities any future action on your part may result in personal gain/benefit from knowing firsthand what is possibly going to happen and when, which could be an actual or eventual financial advantage or even a perceived benefit before any other stakeholders.

How this has played out over the past few decades is interesting, especially when one considers the old hindsight principle, what impact those actions has created in today's Fisheries market remains to be discussed, challenged, tested and proven.

Prior to the 2011 state election several interested parties from around the Pittwater electorate approached the local member with a view to follow Fisheries Ministerial decision that community consultation was required to increase the number of Recreational Fishing Havens across NSW. The 2011 election meant that the member for Pittwater the Hon Rob Stokes committed to such a process, however after all the community discussions and meetings etc. NSW Fisheries then decided to add this issue to the Commercial Reform process and now to the Hawkesbury Bioregion (Newcastle to Wollongong) discussions, with no result either way to date.

Recreational Fishing

I have also sat on the recreational fishing side of fisheries management, since the early 1990's, appointed to the Recreational Fishing Advisory Committee RFAC, involved in the original and ongoing reviews of the state's Fisheries Management Act 1994, Expenditure Committees associated with the implementation and overseeing of the recreational fishing fee for the Saltwater Trust, the Recreational Fishing Haven process, and discussion groups related to fish stock assessments, fish habitat and rehabilitation, marine parks and conservation management, threatened endangered and protected species management, fisheries rules and regulations just to name a few.

Trying to maintain balance and reduce conflict has been a major task within an environment where some stakeholders under the FMA 1994 have a documented given right of access, and other important stakeholder do not. For over ten years the recreational fishing community have been engaging NSW Ministers and Fisheries at seeking such recognition fairness, equality, and equity within the state's legislative framework without success to date.

Yes more needs to be done by NSW Fishers who should be collaborating with all stakeholders to ensure each part of our fishing community are engaged and recognised for the benefits they provide to this state.

(b) the value of the commercial fishing industry to the New South Wales economy,

As noted in this submissions preamble there is an intrinsic value applied to the states commercial scale fish fishery, as well as the oyster industry, and the recreational fishing community, leaving several unknowns for other user groups and indigenous fishing. However the actual comparative methodology which should be used to determine each stakeholder's interests, investment, net worth and return to the state and local communities by the commercial, recreational, indigenous and other stakeholders has not been conquered yet.

Thus the 'apples and oranges' comparisons remain.

(c) the scientific research underpinning fisheries management,

The Alliance is off the belief that fisheries research has suffered significantly for decades, recreational fishers do invest in a research platform under its NSW Recreational Fishing Trust Investment Plans⁵.

Some success of such investment have led to changes in species size legal limits changes, new ways to understand fish behaviour, investigate recreational fishing effort and catch, assess the value of recreational fishing within NSW, research round marine stocking strategies and enhancing recreational fishing opportunities. Many of these research projects recommendations are implemented and actioned and provide a benefit towards improved fisheries management and benefit generally across most stakeholders.

One major issue affecting our states fisheries is the manner of implementing management change, and stakeholders sharing that pain impact for the longer term benefits from such research recommendations. Some examples follow

- Mulloway – in brief has been in decline for over 30 years, recreational fishers invested in excess of \$2million dollars over several years through a controlled mulloway fingerling stockings program in coastal estuaries, finally several changes in 2011

⁵ <http://www.dpi.nsw.gov.au/fishing/recreational/recreational-fishing-fee/licence-fees-at-work>
RFA Submission Parliamentary Inquiry NSW Commercial Fishing 08-12-2016

occurred due to the delayed Mulloway Recovery Plan, where recreational and commercial fishers seen an increased legal size from 45cm to 70cm, approx. biological breeding size, however the new rules allowed the retention of 10 mulloway in the possession of a commercial fisher between 45-70cm to minimise dead fish being returned to the water and research purposes. Once again the issue of illegal fishing is known to be happening, recreational fishers are continually reminded of this change, whilst commercial fishers have freely mentioned in public forums how they continue to ignore and exploit the management regulation loopholes in relation to the max of 10 fish allowed to be presented for sale/disposal.

- Snapper – a research study indicated that increasing the size of snapper could provide a significant number of fishery benefits, a decision was made to increase the legal size of snapper from 28cm to 30cm, with the view of further increases to 32cm and then maybe to 35cm to maintain fish stocks in NSW, and remove cross jurisdictional issues with other states like Qld and Vic, however to date this has still not happened even after over a decade of deliberations and procrastination.
- Ocean Trawl – a research report by the Fisheries Research and Development Corporation FRDC back in 1998-99 looked at the benefits of consistent and increasing cod end mesh sizes across east coast ocean trawl fisheries, it noted and assessed the short term pain and overall fishery gains by standardising them at 90mm mesh sizes, then increasing to 102mm, then 110mm over a period of time, this would inflict some short term pain on industry which could be managed, and significantly increase long term gains with less discards been caught and killed, improved on board efficiencies when sorting product landing size and sale returns, reduce companion species impacts when trawling target species.
- Estuary Trawling – in the mid 1990's the impacts of estuary prawning on the marine ecology was researched, providing an in depth insight into the significant impacts which occurred at sometimes and in some locations, ongoing research and gear modifications were then researched with improved results, lessening the average level of discarded dead fish and cleaner catches to an agreed acceptable level. Management and the trawl fishery then took over a decade to implement those first changes across all trawlers, some further changes have occurred since, however 'permit red tape' still impedes commercial fishers to explore further innovative ideas and change to gain a cleaner catch.

The Alliance is on a wait and watch, and what will happen next announcement, with the discovery of Whit Spot Disease being detected on a South East Queensland Aquaculture Prawn Farm, which was this afternoon detected in the upper reaches of the Logan River which has led to a number of localised biosecurity protocols being implemented by Qld Fisheries.

Another issue that remains a general concern is just how safe is our seafood to eat, with the continual thought that 'out of sight out of mind' is not a major problem, it just maybe.

RFA has reviewed a number of publicly available documents during the Hawkesbury Bioregion (Newcastle to Wollongong) discussions influenced by several decades of news article about ongoing sewage and water pollution problems in the likes of Lake Illawarra, Port Hacking, Georges River and Botany Bay, Sydney Harbour, Hawkesbury River and Brisbane Waters, the Tuggerah Lakes system, Lake Macquarie and the Hunter River recent scare. One will know that the majority of these water ways are recreational fishing havens or closed to commercial fishing, however how do we know that the fish in these waterways is safe to eat?

A recent Grey Nurse Shark Symposium presentation analysed specimens for lead content in a wild adult and a still born aquaria foetus, and noted significant and similar levels which may be having an impact of the breeding results of GNS in captivity. One only has to review other papers to see the daily/annual loads sampled of many other heavy metals entering our waterways and wonder what the impact of those are let alone trying to understand the impacts of birth control or other medications, or untreated polluted and littered stormwater allowed too enter our coastal waterways.

So How Safe Is Our Seafood To Eat?

The scientific research underpinning fisheries management in terms of seafood safety has been somewhat ignored and has often delivered a reactive or belated response from the NSW Government. The question of seafood safety requires proactive responses to ensure our seafood is safe to eat, and the major threats to food safety are addressed.

In January 2005/06 the New South Wales Government said many fish from Sydney Harbour contained high levels of the dangerous chemical compound dioxin and banned commercial fishing in the harbour and advised recreational anglers not to eat what they catch.

The NSW Government was aware four years before it banned commercial fishing in Sydney Harbour that dioxin levels were likely to exceed international safety standards and that fishing should be banned. Three separate reports between 2002 and 2004 indicated the need for testing of fish outside Homebush Bay for dioxin, but government departments could not agree on who should fund and co-ordinate the program. Even after a Federal Government survey in May 2004 found substantially elevated dioxin levels in sediment taken from Port Jackson and the Parramatta River, all areas outside Homebush Bay, it took 18 months for prawning licences to be suspended. Scientists have said they were shocked to find commercial fishing licences still being issued at the time.

That was one estuary, Sydney Harbour where commercial and recreational fishing occurred in 2006. That is one estuary that went under the microscope to flush out the truth and deliver the testing of important recreational and commercial fish species throughout NSW. How many estuaries and rivers have been overlooked in the years since? Commercial and recreational fishing is still occurring in areas like the Hunter River, Lake Illawarra and the Shoalhaven River where industry has had a huge historical presence and pollution is likely to have occurred.

The Recreational Fishing Alliance of NSW continues to raise concerns about these matters.

Benthic invertebrates accumulate contaminants in a variety of ways (Morrison *et al.* 1996) and can achieve concentrations in their tissues several orders of magnitude higher than in the surrounding sediment (Rainbow 1997). In addition to lethal effects, many contaminants affect the animals directly by interfering with growth, feeding, respiration and reproduction (Bryan *et al.* 1987; Batley *et al.* 1989; Weiss and Weiss 1994). For example, tributyltin (used in anti-fouling paints) causes partial sex-change (imposex) in gastropod molluscs (Ellis and Pattisina 1990). Polycyclic aromatic hydrocarbons (PAHs) do not accumulate in tissues but their breakdown products are known to cause liver cancer in fish (Johnson *et al.* 2002).

There is also evidence that juvenile animals are more sensitive to contaminants than adults (King *et al.* 2006). Contaminants may also have impacts on animal communities by, for example, causing reductions in biodiversity (Rygg 1985). Because many invertebrates are prey for other invertebrates (such as crabs) and fish, the contaminants can be transferred up the food chain, often increasing in concentration at each step. Contamination in shellfish and fish also has the potential to cause toxic and carcinogenic effects in humans (Kurland *et al.* 1960; Friberg 1988).

The public needs to know what tests and testing occur for shellfish and fin fish, where do you find any or all such results, and how do such agencies ensure everyone (the public) gets the same food safety message (i.e. in English and other languages), particularly with the number of sewage outfalls, heavy industry and the amount of mainly treated sewage that flows back into our watery aquatic environment.

Most importantly, who is responsible for ensuring our seafood regardless of who collects it, is safe and at its best to eat fresh or cooked?

The NSW Environment Minister Mark Speakman and the NSW Fisheries Minister Niall Blair need to look at working with the public, recreational fishers, commercial fishers, seafood producers, retailers and others who, catch, sell or consume locally caught wild seafood and consider how to improve public transparency of the monitoring, reporting and triggers imposed, advising of any disease or pathogens lurking in our waterways effecting our locally caught fish in NSW.

Access to information about the Deepwater Ocean Outfalls has indicated that "Fish are not a targeted indicator of the Ocean Sediment Monitoring Program or Sewage Treatment System Impact Monitoring Program" and as such these "programs are not designed to assess impacts on fish communities".

The Hawkesbury Bioregion (Newcastle to Wollongong) has a sewage input that exceeds 1.3 billion litres/day, primarily from the Sydney Deep Ocean Outfalls. Both recreational and commercial fishers believe there is significant "detrimental influence on all stages of fish populations, and on reef habitat within the plume area from the Deep Ocean Outfalls for significant distances. Particular concern is the development of pools of poorly diluted effluent during conditions of low oceanic current flow at depth.

It is of even greater concern is that Sydney Water states "Less than one per cent" of Sydney's wastewater is discharged untreated to the ocean at Vaucluse, Diamond Bay and Diamond Bay South. That equates to 14 million liters of raw sewage dumped on the coast at South Head. The impacts to our fish communities have been ignored and remain untested whilst recreational and commercial anglers catch and consume or sell fish for consumption.

This is unacceptable under this current Commercial Fishing Reform Process and has largely been overlooked by Minister Speakman, Minister Blair and subsequent governments over the years. Fish have and are continuing to accumulate dangerous levels of organochlorines, benzene hexachloride, heptachlor epoxide and dieldrin that can and will impact human health. "Industrial waste going to the sea via the sewers poses a major threat both to the marine environment and to the health of people who eat fish. Organic chemicals such as those in the organochlorine group are very stable and often persist in the environment for long periods. Fish can accumulate these compounds even when there are very low concentrations in the water. The toxins can be concentrated as each organism is in turn eaten by another"

What guarantees will recreational fishers, commercial fishers and the seafood consumers who live and fish in NSW receive under this Reform Process that NSW Government will tackle water pollution and clean up our waterways to make our fish 100% safe to eat as the number one priority?

Out of site out of mind is not an effective way of dealing with this issue and the Ministers need a plan on paper to tackle the legal and illegal dumping of waste into our rivers, estuaries, bays and coastal waters. If the best they can do under this current Reform Process is to target latent effort and buy back unproductive commercial licences without tackling the massive issue of pollution then they have failed dismally.

Fish have and are continuing to accumulate dangerous levels of organochlorines, benzene hexachloride, heptachlor epoxide and dieldrin that can and will impact human health. "Industrial waste going to the sea via the sewers poses a major threat both to the marine environment and to the health of people who eat fish. Organic chemicals such as those in the organochlorine group are very stable and often persist in the environment for long periods. Fish can accumulate these compounds even when there are very low concentrations in the water. The toxins can be concentrated as each organism is in turn eaten by another".

The scientific research underpinning fisheries management in terms of seafood safety has been ignored and has delivered a reactive response from the NSW Government. The question of seafood safety requires proactive response to ensure our seafood is safe to eat and the major threats to biodiversity are addressed.

What guarantees can the NSW Government under this Commercial Reform give recreational fisher, commercial fishers and the seafood consumers who live and fish in the Hawkesbury Bioregion that our fish are safe to eat?

Can the NSW Government tell us what level of testing being done to our fish stocks around the outfalls and in our commercially fished estuaries to ensure they have a clean bill of health before being sold through the markets?

Can the NSW Government advise if the NSW Food Authority has given our fish stocks a clean bill of health in our State waters?

Under this Commercial reform process can the NSW Government advise what fish are safe to eat in NSW, especially those for sale to consumers that are commercially caught?

Can the NSW Government advise how allowing legal and sanctioned dumping of industrial pollutants and untreated sewage in NSW is good for our commercial fishing industry?

(d) current arrangements for the assessment of fisheries by the NSW Department of Primary Industries Fisheries Resource Assessment Unit,

The Alliance has provided two submissions which have some relevance to this subject matter for the committee to review, which raise a number of points and ongoing concerns, along with noting our comments above the confidence the states fish stock assessments is reducing year by year and nearing an all-time low, questions have to be asked just how accurate each species stock assessment is or should be, less and less catches are being recorded by all stakeholders, and we do not believe this is due to over fishing, but involves several environmental factors.

One issue that is in need of addressing is the timely manner stock assessments are carried, advice received and the trending noted so managements arrangements can occur in a timely manner if required, as can be seen some of the Stock Assessment tables presented in Appendices years old, and there is no ability to see cumulative change over time without viewing several documents.

(e) the New South Wales Government's Commercial Fisheries Business Adjustment Program and its aims, including:

(i) the relevance of the Draft Productivity Commission Report into Marine Fisheries and Aquaculture,

The Alliance has support for some aspect raised in the Productivity Commission Report, such as attempting to better understand more about recreational fishing across Australia, as indicated in NSW there is and estimated ~825,000 recreational fishers, half pay a recreational fishing fee in NSW and the other half are exempt. So at what level of information do we need such, and at what time intervals do we need the information to capture such effort?

We do agree that we need to better understand the socio-economic profile use and health benefits recreational fishing provides across our fishing community from having healthy state and commonwealth fisheries and outdoor adventures.

However there are somethings the Alliance is not in agreement with and feel the report authors should have allowed more time to consult on those report points, improving the overall worth of the rushed report.

On the matter of the Commercial Reform and Business Adjustment Program, the Alliance has reviewed a number of these published documents over the commercial reform process and finds understanding such quite difficult, without having a suitable level of other stakeholder consultation which we have requested on many occasions during the past 5 years.

(ii) the implementation of the restructure to date,

As we have noted above, simply it has taken too long the result is over complex and will possibly result in significant increases in additional management arrangements for NSW Fisheries, compliance and enforcement, and the commercial fishing industry overall. As to will recreational ever understand what the final changes will actually be and the overall impacts to recreational fishing is a myth.

Like the Commercial Reform announced timeframe, which may have been realistic at one time, is now simply a joke to reform the states commercial fishing industry, simply put it is taking too long, why, again we are unsure but we do sympathies with the commercial fishing industry as the recreational fishing community face the same or similar delays based around change with NSW DPI - Fisheries Management!

(iii) the impact on industry and regional communities to date, including economic, social and cultural impacts,

As noted for e) (i), the recreational fishery just has been token consultation opportunities.

(iv) the economic modelling underpinning the restructure and any independent analysis of that modelling,

As noted above.

(v) the approach of other jurisdictions.

Conclusion

The Alliance thanks the NSW Government and NSW DPI – Fisheries for this Commercial Fishing Reform process, it must be noted that whilst parts of the commercial fishing industry have been fully involved throughout this process, others have not for a variety of financial, family or educational reasons.

One concern that RFA has continually raised with NSW DPI – Fisheries and the Minister has been the engagement and involvement of other stakeholders and the public in the overarching process. This was highlight with the announcement on the 11th April 2014 that all parties had to, access and download the documents (commercial fishers were sent documents relevant to their fishing entitlements), establish a means to review and read some 26 documents consisting of some 500 pages and then submit their responses by the 19th May 2014.

We do note that three documents remain outstanding that are critical, or form part of the CFR process and without knowing the complete story and potential impacts across the state at a local and regional levels it is significantly difficult to appreciate the overall impacts any such change may bring or the potential fishery improvements.

RFA notes in the recreational fishing area, it still remains a personal choice as to what fishers do with their catch; release it by law or choice, or retain it and take it home for personal use. More and more recreational fishers are moving towards the 'take only what you need now position', and conserving our shared fish stocks for the future approach.

We still do not have the actual research to see what this take what you need, or the catch and release fisher attitude, means overall or results in overall value adding to the states publicly owned fish stocks, but one could easily assume the mathematical equation and result of allowing a female or maybe a male fish to live on and continue breeding until it natural death would be an exponential equation of enormous proportions.

The recreational fishing sector like the commercial fishing sector has a significantly complex set of input and output fisheries rules, which must be reviewed and assessed in a similar structured manner with full consultation between all stakeholders and the public. To date there has been no Government announcement of any proposed changes to the recreational fishing sector from the 2013 NSW DPI – Bag and Size Limit public discussion paper.

Once this is known then maybe NSW DPI – Fisheries will offer the opportunity to implement a Recreational Fishing Review which has been discussed and requested on many different

occasions, including the NSW Parliamentary Inquiry into Recreational Fishing in 2010⁶ Chapter 7 which documents a number of issues.

As we have noted whilst overall the Commercial Fishing Reform is welcomed, the next several months will be very interesting as we enter the next and hopefully the final stages.

Should there be a need to clarify any of the comments or positions within this submission as noted then please contact the undersigned.

Kind regards

Malcolm Poole
Committee Member
Recreational Fishing Alliance of NSW