

**UNCORRECTED PROOF
REPORT OF PROCEEDINGS BEFORE**

SELECT COMMITTEE ON RECREATIONAL FISHING

INQUIRY INTO RECREATIONAL FISHING

At Port Stephens on 4 May 2010

The Committee met at 1.00 p.m.

PRESENT

The Hon. R. L. Brown (Chair)

The Hon. A. Catanzariti

Mr I. Cohen

The Hon. R. H. Colless

The Hon. C. M. Robertson

The Hon. L. J. Voltz

CHAIR: Welcome to the fourth public hearing of the Select Committee on Recreational Fishing. This is the second of our six public hearings at regional locations. The Committee will be holding further public hearings at Port Macquarie, Batemans Bay, Griffith and Grafton. Before we commence I shall make some comments about certain aspects of the hearing.

In accordance with the guidelines of the Legislative Council for the broadcast of proceedings, only Committee members or witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee members of the media must take responsibility for what they publish or what interpretation they place on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available at the table by the door. I remind everyone that any messages for Committee members or witnesses must be delivered through secretariat staff.

I emphasise that although this is a public hearing it is not an open forum for comment from the floor. Whilst today the Committee welcomes members of the public, the primary purpose of this hearing is to give individual witnesses an opportunity to give their evidence on oath before the Committee. Only questions from the Committee and the evidence of witnesses are recorded in the transcript. Uninvited interruptions are not recorded and will make it difficult for witnesses to express their views fully.

Committee hearings are not intended to provide a forum for people to make adverse reflections on others. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings. Therefore, I request that witnesses avoid mentioning other individuals unless it is absolutely essential to address the terms of reference. I remind everyone to turn off their mobile phones, as they interfere with the recording of the proceedings. I welcome our first witness, Mr Bob Penfold. All witnesses will be sworn in prior to giving evidence.

ROBERT JOHN PENFOLD, Fisherman, , , , sworn and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents that you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you take any questions on notice today the Committee would appreciate it if the responses to those questions were sent to the Committee secretariat within 21 days of the date on which those questions were forwarded to you. I notice that you have a white board, so obviously you want to make some points to the Committee. Before we commence would you like to make a brief opening statement?

Mr PENFOLD: No, I do not want to make a brief opening statement. I have with me copies of what I want to talk about. I have printed this document in double space so that members have plenty of opportunity to write notes about the issues on which they want to comment. Please feel free to interrupt me at any time. I am happy to answer any questions as we go along. At the end of the presentation I will be quite happy to answer any questions. The white board is simply a small graphic that I will need as I go through the presentation.

CHAIR: You have 45 minutes, including questions.

Mr PENFOLD: I am 67 years old and I have lived in Newcastle all my life. I have a wife—my first one—children and grandchildren, and I am retired. I am proud to call myself a conservationist. I have spent my life participating in the outdoors and communing with nature. In January I was fishing in Florida and in July I will be fishing in Alaska. Last week I fished for four days in Forster and Tuncurry, so I am a keen angler. I understand the use of barbless hooks and I practice fish-safe practices when releasing fish. I have fished for 63 years in all the areas between the Central Coast and Forster. During my travels I have always been a keen observer. I am just an ordinary citizen concerned about the future of the natural environment and our State's resources.

I am not a Green but I have a lot of Green friends. They only look at nature; they do not participate in it. They would lock up the whole of our environment in cottonwool, stop everyone else from participating, and encourage everyone simply to observe nature from afar. They are preservationists, not conservationists. Preservation does not work: it never has and it never will. The word "conservation" means the wise use of a naturally renewable resource. I am a practising conservationist. No self-confessed conservationists want to see fish or wildlife destroyed or abused: we want to see the environment correctly managed to ensure a sustainable future so that our children and grandchildren have the same opportunities to participate in nature as we have.

Preservationists, bushwalkers, scuba divers and photographers contribute not one cent to preserve nature. They pay no licence fees and they do not contribute by way of cash payments to support the conservation of their sport, except by way of GST. They want to look but do not touch but they pay nothing for that privilege. They give only lip service and pay no money. Participating conservationists—call us recreational fishers if you like—happily pay annual licence fees for the right to participate. We contribute cold, hard cash so that the natural environment we want to utilise is well managed by professionals guided by specialist scientists.

What are the current returns on our expenditure? Current estimates range between \$500 million and \$1 billion each year. That is what participating recreational fishermen currently add to the New South Wales economy. To simplify the matter, that means that the New South Wales Government gets \$50 million to a \$100 million a year in GST revenue in its Treasury directly from the recreational fishing fraternity of New South Wales. Recreational fishermen pay for the employment of many thousands of people in New South Wales. Would this inquiry like to increase the Government's GST income to \$200 million a year? What about the thousands of people who are employed in New South Wales as a direct result of the decisions that this Committee will make following its inquiry? Ask yourself how we might achieve this and look after conservation issues at the same time.

I would like to address issues relating to Lake Macquarie. I have lived there and fished there for 60 years. Fifty years ago anybody could catch a feed of fish in Lake Macquarie. Professional net fishermen did not destroy the lake habitat to any major extent; they simply harvested and sold on the markets all the edible fish that they could catch by set net methods. Their statistics show that what they did was sustainable. However, Lake Macquarie fish stocks declined until it was almost impossible to catch a feed of fish. In 2002 the New South Wales Government stepped in and bought out the licences of the Lake Macquarie professional fishermen for three times their taxable income and tore up their permits to operate.

Those former professionals screamed blue murder after the buyout as the payout figure was paid out only on their declared taxable income. There was an opportunity to earn another income from the sale of a portion of their fish on the black market. If they did that they would not have been paid for it in their buyout and those fish would not have been registered in their catch statistics. What does that tell you about professional fishermen's catch statistics? It shows that they can manipulate those statistics to suit themselves, so those statistics are meaningless. They show only what the professional fishermen want people to know. Ten years ago we used to see about 50 boats on Lake Macquarie during summer and holiday weekends.

For five years after the buyout nothing seemed to change on the lake except that more flathead were being caught by fishermen. However, we did not realise that the main target species such as bream do not mature to legal harvest length until they are six years old. It takes six years for a baby bream to grow to 25 centimetres in length. During the sixth and seventh summers fish numbers not only increased; their size also increased. For five years nothing seemed to change but we then started to see more big bream—bigger fish became available. Fish were now maturing in the lake in large numbers. Today there are sharks, dolphins, yellowtail kingfish, masses of jewfish, or mullocky, and tailor. We now have cobia that we never seen in the lake before today. The lake is thriving. An abundance of small fish supply the feed chain—an abundance that has never existed in living memory.

In 2010 during holidays and weekends up to 500 boats fish in Lake Macquarie in the mornings and up to 500 boats fish in the lake in the afternoons. Each fine day there are about 1,000 families on the water. You can hardly drive a boat safely through the anchored fishing boats. Many people are buying fishing licences and they are catching fish. Fishermen are now catching fish from the shoreline and from sandbanks. They are catching fish in all areas of the lake. Today, if you go to any launching ramp in Lake Macquarie you will find that every family has caught a feed of fish, kids are laughing and smiling and everyone is happy. As a family they are all enjoying their outdoor recreation and they are participating in nature. We can now see what the buying out of those professional fishing licences did to fish stocks in Lake Macquarie.

The Lake Macquarie result proves beyond any doubt that New South Wales Government foresight and the New South Wales fishermen's licence income changed fishing in Lake Macquarie forever. All they had to do was to allow the lake to return to nature—and it has. Any environment that is operated outside its natural course can restore itself if it is given an opportunity. What do all the professional enterprises that are currently operating in the lakes, rivers and estuaries of New South Wales produce? All those fishermen produce only 4 per cent of the total fish sold at the markets in New South Wales—a small number—but at what cost to fish stocks and nature conservation? Before 1950 fishing boats almost blocked the Hunter River from the harbour to Maitland, which is 30 kilometres up the river. Families in hundreds of boats were all catching fish.

Prawn trawlers were then introduced to the Hunter River system. At first they produced massive hauls of prawns, while professional fishing boats from all over the coast flocked to the Hunter to participate in the gold rush. Very quickly the authorities noticed that, after the original rush, the number of prawns that were being harvested dropped dramatically. In their wisdom the fishing authorities stopped all the trawlers that were not from Newcastle from fishing the river. The volume of prawns continued to drop. More fishermen dropped out of the market and now only 30 licence holders drag the river. Often these trawlers cannot sell their small and immature Hunter River prawns at the market as they are of poor quality and are almost unsaleable. They are sold mostly to fishermen for bait.

It is interesting to note that a big percentage of the professional licence holders that drag that river are only part-time fishermen and have other jobs. One striking feature of the river is that it is now dead. Over the past 60 years the bottom of that river has been scraped clean. There are now no weed beds, no protected habitat, no structures and no fish. They are all gone from the river. You will now find only an occasional angler fishing the shoreline and it is rare to see a boat at anchor in the river. What a massive difference! The reason is obvious. There are now no fish in the river; they are gone. Do you realise what the words "no fish" means? A river that was once a prolific breeding ground is now a marine desert. We did that to the river. We have allowed one of the best breeding sanctuaries on the coast to be raped and completely destroyed. A few prawns run into the sea to feed the fish, but the river is dead and we killed it.

What will it take to restore the Hunter River to its former glory? The answer is simple: buy all the fishing licences from professional fishermen on the Hunter River system and return it to nature. In time, just like Lake Macquarie, the Hunter River will restore itself and once again become a natural breeding sanctuary feeding the river systems and surrounding ocean with nutrients, natural feed and fish. I am advised by the

Newcastle fisheries officers that if we took the river licences away from the fishermen who are prawn trawling, the resource would simply be moved offshore where the prawns mature and become a highly-prized high-price fresh seafood product. When they go into the ocean they are allowed to mature and they become nice big prawns. However, in the river they are small, soft and pretty useless.

You have to do the right thing and buy the river licences and that is all. Nature will attend to the restoration for you. You have to do nothing other than take the fishermen out of there. Currently all commercial trawlers can trawl right up to the break line on the beaches, and they do so day and night. Many land-based professional fishermen, with their four-wheel drive vehicles and powered surfboats, have permits to dragnet every inch of the beaches. They go down to the beach in their four-wheel drive vehicles and their boats, put their boats in the water, run out the net in a big circle around the breaker line, haul it up on the beach and put all the fish on the beach. You might see them doing that on Stockton Beach. Processions of four-wheel drive vehicles come off the beach loaded with bream that those nets have taken out. The trawlers are dragging right to the surf line and the beach fishermen are dragging out beyond the waves. Not one inch of our beaches is protected from these people. They do this when the fish are all running on their breeding cycle.

Many land-based professional fishermen with their four-wheel drives and surf boats have permits to drag net every inch of the beaches during peak times when the schools are trying to migrate to their natural breeding grounds. Between the onshore and offshore professional fishermen, they completely clean every beach on a regular basis; completely destroying the migrating fish that are trying to travel to their breeding grounds. Is this sustainable conservation? No, just supplying a glut of cheap fish at the market at the cost of conservation and good resource management.

If you are not aware, only last week the nets ran around the bay where we are right here and they pulled in luderick by the tonnes, not by the fish or by the hundreds but by the thousands. They totally clean out the bay. You can go to a fish market and you can buy that fish for \$5 or \$6 a kilo. There is such a glut that nobody wants to buy them anyway but the fish are gone, totally gone from the estuary. They are quite legally entitled to do that: just put a net around the whole of the bay, catch every single fish they want and take the lot. What is left? Nothing!

Have you seen trawlers returning to port with hundreds of seagulls and other seabirds diving into the water following the trawlers? What do you think those birds are eating? They are eating the undersized and unmarketable fish that are thrown over the side dead, fish that are caught up in the massive netting operations. What is the price to conservation? This is called "by-catch" and is not counted as "fish taken", so that is not considered in the equation. They can kill and take millions of small fish, kill them at will, throw them over the side and feed the seagulls and then have the hide to say that the recreational fishermen are destroying the fisheries. If a recreational fisherman takes one undersized fish he is heavily fined. I believe the fine is \$200 for a fish. The professional fishermen are permitted to kill millions of undersized fish every year without fear or penalty.

The Port Stephens area: During the annual mullet run around Easter each year the fishermen haul the mullet schools from the beaches. This is when the mullet are full of roe; they are going on their breeding cycle. They would have you believe that they undertake the mullet and returned the by-catch to the water. This is not true. Last year I watched as the fishermen hauled the mullet onto Shoal Bay Beach, which is just 100 yards outside the door, and they loaded them directly onto a waiting truck. They backed the Toyota down to the waterline and tipped the fish up, thousands and thousands of them. They load the Toyota up and go straight down to the fish co-op. I have personally witnessed both bream and flathead loaded onto the truck with the mullet headed for the fishermen's co-op. Not one fish was returned to the water.

I have run my boat for a full mile down a line of legal nets inside this estuary that we are looking at right here with the nets almost dragging dry land on the other side when the bream run the beaches. The fish have no chance. The legal professional nets catch them all. How can this be called conservation or world's best practice? A few years ago I watched them haul the mullet onto the beach at One Mile Beach—which is just four or five miles down from here—and I noticed a front-end loader on the beach. I wondered what this guy is doing here. He was digging a big trench. The fishermen pulled all the mullet onto the beach, they opened them up, they took the female fish roe out of them, they loaded them, they put them in big plastic drums they had in the back of the Toyota and they dumped all the mullet into the big trench that the big front-end loader had dug and buried them. Tell me that is good conservation practice. What a horrific waste!

During the monthly Myall prawn run—that is October until March generally—every prawn that tries to migrate from all the Myall Lake extensive system has to run the gauntlet of a narrow creek that drains all of the Myall system into Port Stephens. I will give you a brief description on the whiteboard. This area represents Port Stephens basically and here is the ocean and headlands. The Myall Lake and rivers have got a huge river system and estuaries, creeks and rivers running in all over the place. It is a massive breeding sanctuary. It is all shallow water. It is warm water. But, unfortunately, when the prawns try to get out into the ocean they have got to come down this very narrow creek all the way down into Port Stephens.

I have got friends who live there and this is what they do. They are legally allowed to put a set net but the set net is not to cover more than 50 per cent of the creek. So they set the first net here. I can tell you that the professional fishermen draw straws and numbers to see who gets the first net, the second net, third, fourth and fifth. So they rotate. Whoever got the first net gets the first half of the river. Very often those guys get thousands of kilos of prawns in a couple of hours, as the prawns that are just running on the tide are coming out of the river system trying to get down that river into the ocean. As you can see there, no prawns get out of that system.

The licensed professional fishermen are allowed to have set nets that are set in the creek in such a manner that almost no migrating prawns are allowed to get by the set nets. There are often reports of thousands of kilos of prawns being caught up in just the first of these nets night after night, month after month. Certainly the harvest is sustainable. The lake and system breed the prawns naturally and they migrate to the ocean every year with or without professional fishermen catching most of them. There is no destruction of habitat. They simply set their nets and let the prawns come to them riding the out-flowing tide. This is a massive natural feed supply that would normally flush into Port Stephens and the near ocean.

Recreational fishermen are allowed 10 litres of prawns per person maximum limit. The recreational fishermen can buy a licence and have a small haul net—I think it is about 10 or 12 feet long—and you can actually walk along and walk around and drag that. You are not allowed to set a net. You have to physically walk around and drag that net around in circles and catch the prawns, and you do. But your maximum limit is 10 litres of prawns. These guys catch thousands of kilos at a time—you are allowed 10 litres!

Recreational fishermen are allowed 10 litres of prawns per person maximum limit. What recreational fishermen take legally with their small legal haul nets is a drop in the bucket compared to the huge volume of prawns trying to get to the ocean that the professional set nets collect. This is the massive natural feed supply that would normally feed the fish in the bays and ocean. Between denying the fish their natural feed supplier and taking every fish possible during their annual breeding migration, ask yourself: "What chance fishing around Port Stephens?" It is in serious decline and doomed if you do not take action to fix the mess and the problem.

Foster and Tuncurry: I fished the Foster and Tuncurry area just last week for four days. I took the time and opportunity to see what the fishermen returning to the boat ramps had caught. Few had any fish at all and only a few had caught one or two fish. Many were fishless and quite unhappy. Fifty years ago when I started fishing Foster we could catch all the fish that we wanted to eat. What happened? At Foster there are still professional fishermen harvesting the fish resource inside the estuaries. They use miles and miles of set nets every day. Look at the size of the bream that they deliver to the markets. Has anybody been to the fish markets recently? All the bream at the markets are just legal size. Do you know why? That is because there is nothing more mature than that left. They are breeding size and they do breed. But they collect and they net in every estuary up and down the coast all of these legal size bream. That is why you do not see any three pound bream at the fish market.

At Foster there are still professional fishermen harvesting the fish resource inside the estuaries. They use miles of set nets every day. Look at the size of the bream that they deliver to the markets. They are all just legal length. There are no mature or old bream. Ask yourself why? What happened in Lake Macquarie? Visitors to Foster and Tuncurry have been complaining for years that there are no fish worth chasing. What price tourism to the towns on the coast that almost completely rely on fishing tourists? They are dying. You can save them. You can turn them into thriving communities if you simply take the action required to reverse the downward spiral.

Pippies on Stockton Beach: When I was a young man the pippies on the beach were like gravel under your feet when you went surf fishing. You simply picked them up, broke them open, put them on your hook, threw it 20 feet in the water and caught a bream. It was that simple. There were tonnes of fish and tonnes of pippies. They were the best natural feed bait available to catch surf fish. Then they introduced commercial pippie harvesting licences. Now there are no pippies on Stockton Beach. None. I was there two weeks ago trying

to find some pippies and there is not a pippie left on Stockton Beach. They are gone. What price is managed conservation, I ask?

CHAIR: Mr Penfold, as we are going to run out of time I ask you to please pick out the highlights of your speech.

Mr PENFOLD: We are going through it pretty quick now. There are still commercial pippie fishing licences set for Stockton Beach. How can that be when there are no pippies left? None. When are we going to wake up? Many of the fishermen fishing Lake Macquarie are from the Central Coast and Port Stephens areas. Why, you ask? Fishermen will go to fish where the fish are.

Lockout zones: If you lock up fishing areas you are not protecting or breeding more fish. Most of the fish that you hope to protect are simply passing through those areas closed to recreational fishermen. They are not resident fish. Locking out fishermen is simply a feel-good initiative that you think has to work, doesn't it? There is no Australian scientific-based evidence that these lockouts will add anything to the New South Wales fish supplies. You only hope that the lockouts will help; you do not know that they will. Let us hope that you are right. We will only know in 10 years from now. The answer is not to lock out more areas but to return to nature the breeding grounds, the estuaries, the rivers and the coastal lakes systems.

The New South Wales Government made the great fishing available in Lake Macquarie for all the people to share. If you were to buy all the fishing licences from every professional fishermen currently fishing all the lakes, rivers and estuaries in New South Wales you would change fish conservation forever in New South Wales. It just takes the will and the money. I ask you to consider the value of getting New South Wales kids off the streets and out fishing. Have a Government-sponsored free fishing day for kids and invite every fisherman with a boat and a four-wheel drive to participate and take the kids fishing. Television would love the idea. You would be shocked at the response from both the kids who have never had the opportunity and you would be shocked to see just how many fishermen with boats will turn out to participate. You would have no cost. This would be a great State-sponsored initiative. You would take a giant step forward uplifting the social outlook for a huge number of people in New South Wales.

Remember, if you took commercial fishing out of all the rivers and estuaries you only take 4 per cent of the of the total commercial supply that goes to the market. This could easily be replaced if the commercial fishermen use their buyout money to establish fish farms, which currently already supply a huge amount of the fish consumed in New South Wales. If you closed all the waterways under discussion and changed them to conservation areas where only recreational fishermen could take their families to fish, with strict bag limits and size limits, the systems can look after themselves forever. Remember, recreational fishermen only take closely regulated bag limits of mature fish. Many thousands more families would drag their kids from in front of their computers and television games to enjoy the outdoors. Think of the changes you would make to the quality of life of the residents of New South Wales.

I would like to add one more item—money. If you took the steps required to turn the inshore fishing over to recreational fishermen and attend to the requests that I will list at the bottom of this submission what would happen? Apart from the quality of life opportunities that you would provide, within 10 years the New South Wales Government would turn their \$100 million a year GST revenue into \$200 million a year GST income produced from the recreational fishing fraternity. This is fact, not fiction. You would create \$200 million GST a year for New South Wales. You already proved this in Lake Macquarie. It works.

In closing, I ask you to consider the following proposals. First, invest in buying out all the licences currently issued to every professional fishermen in New South Wales who fishes the rivers, lakes and estuaries. Less than 10 per cent of your current GST annual income from recreational fishermen would buy out every commercial operator. Recreational fishermen currently pay \$13 million annually and this income would quickly pay all the costs of the commercial buyout. Second, stop all commercial beach hauling and introduce a three kilometre limit on commercial fishing trawlers fishing the coast.

Third, stop all commercial harvesting of pippies on the beaches and stop all commercial harvesting of prawns from rivers and estuary systems. Fourth, close the Hunter River system and Port Stephens waters west of the ocean headlands to commercial fishing and remove all commercial fishing from the Forster-Tuncurry Wallis Lake system. Fifth, do not close more areas to recreational fishermen. It would be pointless right now. Only after 10 years and having any changes reviewed by scientists should any further sanctuary areas be considered. I

am confident that you will find that all that you have to do right now is to return the coastal system to nature so that the fisheries that you are interested in preserving will thrive.

Consider what the word "conservation" means—a wise use of a naturally renewable resource. Act to return our fabulous waterways to their natural pristine state. Thank you for your time in listening to my submission. Thank you for giving me time to address you. Thank you for considering the future of our State's great natural resources. Our children and grandchildren will thank you in the future. Making the right decisions at this time may be the best opportunity you ever have to make a real difference in New South Wales.

I would like to refer to the back page, if you do not mind. Each of you has a copy. This is an editorial in this month's *New South Wales Fishing Monthly*. It refers to "the millions of juvenile mullet that are trawled up in the prawn trawlers in the lakes and river systems. Right now I understand that the commercial fishermen are saying that the recreational fishermen have more mullet than they do. How can that be true when those guys just kill millions of them every time they run those prawn trawlers up the estuaries? They do not count the bycatch. They just accuse the other fishermen of catching more but they kill millions and they are not there to be caught. I am happy to take questions.

CHAIR: Thank you for your presentation. I will open the inquiry to questions. We will start with Mr Colless.

The Hon. RICK COLLESS: Thank you for your submission and that very comprehensive address. In your address you talked about Lake Macquarie at length and you made the comment that the professional net fishermen did not destroy the lake habitat to any major extent. You said their statistics showed that what they did was sustainable but Lake Macquarie fish stocks still declined. If they did not destroy the lake habitat, why did the fish stocks decline anyway?

Mr PENFOLD: Because they caught all the mature fish. They just simply set the nets. You see, in the Hunter River they actually drag the river with the nets but in Lake Macquarie they simply set nets around all the shallow water and all the fish just swim into those nets. They collect them but they keep all of the fish, so they kept the fish stocks going down and down to such an extent that there were no extensive fish stocks left in the lake. That would actually be sustainable provided that is all they do; just keep taking that excess stock. But as soon as you take the nets out, the stocks of fish were able to mature, become big bodies in numbers.

One thing you did was to take the nets away and it allowed it to return to nature; it allowed all of those small fish to mature in the lake, which now provides a tremendous food source. If you go fishing now, you see sharks every day, you see porpoises and you see the stuff we have never seen in 30 or 40 years. All this stuff is flocking back into the ocean because now it is alive again, and all you did was take out the commercial fishermen.

The Hon. RICK COLLESS: So the bottom structure, the reed beds and all that sort of stuff, remained intact?

Mr PENFOLD: Yes, it was not destroyed at all, the way they fished. In the Hunter River where they actually dragged the net, they destroyed the habitat.

The Hon. RICK COLLESS: In your submission you also made mention of the fact that commercial fishermen produce only 4 per cent of the total fish that is sold at the markets in New South Wales?

Mr PENFOLD: Yes.

The Hon. RICK COLLESS: Can you tell us where that figure comes from and where the rest of the fish that is sold comes from in the markets?

Mr PENFOLD: I retired and I wanted to do something, so I started to go to the research libraries and I use the Internet. I am not quite sure exactly where the figure came from; it is just one of the things I came across and I took a note of it at the time that it was 4 per cent. A larger percentage every year is being provided by fish farms—prawn farms, fish farms and barramundi farms, so a bigger percentage is being provided now, but 4 per cent was the figure that was quoted. You could probably check and make sure that is correct, but that was the figure I came across during my research.

CHAIR: Point of clarification: You say that 4 per cent represent the fish from the estuaries and bays, or the ocean trawlers?

Mr PENFOLD: No, just the estuaries and bays, just the areas that I want closed only provides 4 per cent of the total supply.

The Hon. RICK COLLESS: That clarifies that for sure. The fish farms have been raised at other hearings also. Where do you think those fish farms should be located, particularly if we are to look at farming species like flathead, bream and so on for the commercial market?

Mr PENFOLD: The New South Wales Government have a fish research station up here in Taylors Creek and they were trying to assimilate snapper from saltwater to freshwater to see if they could be farmed in freshwater. They found out that they were so slow growing that it was not viable. You can only do a fast growing fish like barramundi, which grows to 24 inches in a year. They become 12 pounds at the age of three years, so if we are fishing for barramundi, we just let all the ones over 12 pounds go because they are all female. They grow really quickly, so barramundi are quite a good fish to be fished in fish farms because they grow really, really fast. You cannot grow bream or snapper in fish farms because they take six years to get this big so it is not a marketable proposition.

I know on the coast here they have crayfish farms where some people have swampland that they have dug out and fenced up. They put in crayfish, they feed them and market them internationally. I know that a huge amount of the prawn industry is now being provided by prawn farms and that fish farming is the way of the future. I know they have fish farming of tuna in South Australia and that in Norway you buy all your fish straight out of the fish farm that is fish farmed in the ocean. All the salmon is fish farmed in the ocean inside nets. I think there are a lot of possibilities and if you take the licences off these guys to fish these estuaries and they want to stay in the business, they have plenty of money to be able to buy up cheap land or whatever it takes. I am sure that the New South Wales Government Fisheries research can provide them with enough information to put them in the business of fish farming.

The Hon. RICK COLLESS: Do you see any possibility for Port Stephens bay-based fish farms in the bay itself?

Mr PENFOLD: Well, we already have oyster farms around our area and they provide tremendous habitat for fish.

The Hon. RICK COLLESS: But for fish themselves? Is there a way that we can have commercial fish farms in some of these estuaries?

Mr PENFOLD: I would not see that there would be any problem in that at all, provided they did not destroy any of the habitat. If that were researched it would be quite a possibility.

Mr IAN COHEN: What would you say if I said to you that you want your fish and eat it too. You have come down really hard on the commercial fishers here but you have said for the recreational fishers it is all positive? In actual fact, in many instances the take of the recreational fishers collectively is very significant and there is the damage done by overfishing with recreational fishers as well.

Mr PENFOLD: Recreational fishermen are severely restricted by bag limits. You can catch one of some fish, two of some, five of some, 20 of some.

Mr IAN COHEN: Do you think there is any breaking of the bag limit?

Mr PENFOLD: Not that I have seen. I have found that if you give the fishermen a fair go, they will give you a fair go. Come on, 20 bream? Who wants to eat more than 20 bream or 20 tailor? None of the recreational fishermen I know keep a big flathead, none. Firstly, they are no good to eat and, secondly, we all know they are big females. You just catch them and put them back. You will find that recreational fishermen are your best friend, if you make him your best friend, but right now, by just closing and locking them up, you are just making him an enemy.

Mr IAN COHEN: When you describe fishing coming back in certain areas, you are saying it is nothing to do with the marine parks or sanctuary zones, it is only the fact that we have got rid of the commercial fishers?

Mr PENFOLD: There has simply been no time to see whether sanctuaries and closed zones are going to do anything. It will take you 10 years before you know whether there is any improvement or it makes any changes whatsoever, but we do know factually that when you closed Lake Macquarie the difference was absolutely dramatic. It took five years before we saw any difference at all.

Mr IAN COHEN: Closed to commercial fishers, you say?

Mr PENFOLD: Yes, just closed to commercial fishing, that was all; that was the only thing you did. That is all you need to do on the coast. If you look at all the rivers and all the estuaries where all the breeding of fish go—you have sanctuaries that cover this much and you say, "We are going to make an enormous amount of difference", well that is not true. The enormous amount of difference is the massive destruction of the breeding stocks that have been killed before they mature and all of the barely legal-aged fish that are being taken out of the systems, which does not allow the system to expand and become what it should be.

Mr IAN COHEN: Maybe we need sanctuary zones in these enclosed waters?

Mr PENFOLD: What would that achieve? What, stop recreational fishers from catching fish to feed their kids?

Mr IAN COHEN: To allow the stock to build up so that you can then downstream fish more sustainably?

Mr PENFOLD: No, I do not think you are correct. I do not think there is any point in closing any more areas to a guy who can catch a fish on a stick and string.

Mr IAN COHEN: You are very positive about fish farming. Are you aware of some of the problems of fish farming, the quality of the fish, the level of antibiotics and the impact on the natural environment of fish farming in many areas?

Mr PENFOLD: I have been to fish farms in Norway and they do have problems with inbreeding fish if they do not change over the breeding stock regularly enough but they do have fabulous and well-researched fish farming in South Australia, which is a billion dollars a year industry for them. They have got that well and truly under control. They have scientists employed full time providing them with really good information to keep their fish stocks healthy.

The Hon. CHRISTINE ROBERTSON: But they are right out to sea.

Mr IAN COHEN: Yes. I was going to say I was on an earlier fishing inquiry and we had a look at those fish farms. They are actually capturing wild stock and bringing it into the farms; they are not breeding in a farm situation to a great extent.

Mr PENFOLD: I just do not know enough about it.

Mr IAN COHEN: I understand what you are saying about overfishing with the commercial sector, but I feel you want the effort changed from the commercial to the recreational. However, we do have a significant situation where many would argue that capturing wild stock, if it were done sustainably, in the commercial sector is still the best type of industry in terms of quality of food and environmental impacts.

CHAIR: I think we will leave it there and we will move on to Ms Voltz so everybody has a chance.

The Hon. LYNDIA VOLTZ: When you are talking about fishermen being locked out, are you talking about sanctuary zones within the Marine Parks Authority?

Mr PENFOLD: Yes.

The Hon. LYNDA VOLTZ: When you are talking about fish, the breeding stock and the way they travel into the lakes and ocean, would it not make sense that areas such as Twelve Mile Creek, the estuaries around the Port Stephens fisheries centre and maybe even the Mambo wetlands are important breeding places and sanctuary zones for getting the stock out into the lakes and bays?

Mr PENFOLD: And then let all the professional net fishermen just net them up and sell them?

The Hon. LYNDA VOLTZ: No, but in terms of what you are talking about with the estuaries, is that not an important zone for those stocks? We have had evidence of places like the Hawkesbury where fish travel up and breed in little creeks and estuaries, particularly up to the freshwater marks?

Mr PENFOLD: So what do you think would happen if a fisherman went up there and caught three mature-sized bream?

The Hon. LYNDA VOLTZ: You do not see efficacy in sanctuary zones?

Mr PENFOLD: I do not know.

The Hon. LYNDA VOLTZ: When you look at some sanctuary zones such as off Red Patch Point near d'Albora Marina and Little Beach jetty, the wheelchair jetty, they have allowed line fishing for recreational fishing, even though it sits within the sanctuary zone, to accommodate recreational fishermen?

Mr PENFOLD: What a recreational fisherman would take out of that zone would mean absolutely nothing. If you have been there, there is a huge tidal flow, backwards and forwards, past there. There are some resident fish but most of the fish are travelling backwards and forwards. What a recreational fisherman would take out of the fishing stream makes absolutely zero impact on the numbers of fish.

The Hon. LYNDA VOLTZ: When the Marine Parks Authority allowed fishing off the beaches around Nelson Head and Red Patch Point, was consideration given to recreational fishermen fishing off the beach within a marine park which would have less impact than commercial fishing or boat fishing in that area?

Mr PENFOLD: If you take the right action and you take these professional fishermen out, your marine parks will be so full of fish flooding out of the estuaries you will wonder where they all came from. They are all coming from the breeding habitat you are talking about. I do not think that half a dozen fish, a dozen or whatever somebody might catch with a handline will make any impact on numbers. It is only the mass destruction that is causing the problems right now. That is what you need to stop. If you do that, you will not have to do anything else. Nature will look after itself.

The Hon. LYNDA VOLTZ: Yes, but the question I am asking is: In those areas where they sit within sanctuary zones, the Marine Parks Authority has obviously allowed recreational fishing to happen there, is that not a consideration of that?

Mr PENFOLD: Yes.

The Hon. LYNDA VOLTZ: Off the beaches?

Mr PENFOLD: Yes.

The Hon. LYNDA VOLTZ: So within the marine park areas there has been some acknowledgement of looking at those zones in a way where recreational fishers still get access, even though looking at a map they sit well within sanctuary zones?

Mr PENFOLD: Yes, but from what I can see of it, a lot of the sanctuary zones just simply exclude all fishermen and that is really why the recreational fishermen are mad at the Government right now for closing all those areas without any research, without any rhyme or reason and without knowing if it is going to make any difference whatsoever, except to lock all those people out of this port.

The Hon. CHRISTINE ROBERTSON: The area that has been locked in as sanctuary zones is very small. I do not have the figure in front of me but I believe it to be only 8 per cent.

CHAIR: It is 6.7 per cent.

The Hon. CHRISTINE ROBERTSON: It is 6.7 per cent.

Mr PENFOLD: I am not saying that we should reverse that. All I am saying is that we should look at it in 10 years time to see whether we have made any difference. There is no point in putting in any more sanctuary zones now as an experiment to see what might happen.

The Hon. LYNDA VOLTZ: I do not think anyone is suggesting that.

The Hon. CHRISTINE ROBERTSON: It was interesting to hear your views. I thought that people in this region objected strongly to marine parks as they operate now. However, as has been pointed out, you are objecting more strongly to commercial fishing and you want habitat zones in this entire region?

Mr PENFOLD: Whether or not you are aware of it, the biggest complaint from recreational fishermen in this area is that you pick the best areas to go fishing, put a line around them and say, "You cannot go there any more." That is why recreational fishermen are mad.

CHAIR: Mr Penfold, thank you for your presentation and for the time that you took to come here today. Along with any questions that you took on notice during your evidence would you agree to receive additional questions that members did not have a chance to ask you?

Mr PENFOLD: Yes.

CHAIR: Would you respond to any of those questions within 21 days?

Mr PENFOLD: No problem.

CHAIR: Thank you very much, Mr Penfold.

Mr PENFOLD: Thank you.

(The witness withdrew)

CHAIR: Before we commence with the next witness I wish to run through a couple of issues, as more people are now present in the audience. I emphasise that although this is a public hearing it is not an open forum for comment from the floor. Whilst today the Committee welcomes members of the public, the primary purpose of this hearing is to give individual witnesses an opportunity to give their evidence on oath before the Committee. Only questions from the Committee and the evidence of witnesses are recorded in the transcript. Uninvited interruptions are not recorded and will make it difficult for witnesses to express their views fully. Committee hearings are not intended to provide a forum for people to make adverse reflections on others. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings. Therefore, I request that witnesses avoid mentioning other individuals unless it is absolutely essential to address the terms of reference. I again ask all those who are present to turn off their mobile phones.

STEPHEN ARNOLD DIAL, Moderator, *NewcastleFishing.com*,
, sworn and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you take any questions on notice today the Committee would appreciate it if the responses to those questions were sent to the Committee secretariat within 21 days of the date on which the questions were forwarded to you.

Mr DIAL: Okay.

CHAIR: Before the Committee commences with questions would you like to make a brief opening statement so that Committee members have some time to ask you questions?

Mr DIAL: *NewcastleFishing.com* has about 10,000 members, 8,000 of whom are voters. I prepared a personalised show bag for every member that I will hand around. I am 58 and I am married with a family of two. I am a professional engineer but I have now retired. My classification was program engineer. I programmed the first industrial computer in Australia and I hold an engineering certificate. I was a manager at BHP for 30 years but I lost my job due to ill health. Since then I have pursued the passion of fishing, mapmaking and electronics.

CHAIR: Thank you. We will proceed with questions from the Committee.

The Hon. CHRISTINE ROBERTSON: As the proprietor of a fishing website based in the Newcastle area, what impact has the creation of the Port Stephens Great Lakes Marine Park had on local recreational fishing opportunities?

Mr DIAL: People are not happy; I can guarantee that.

The Hon. CHRISTINE ROBERTSON: We need to know why.

Mr DIAL: I have evidence here today. I have also brought the electronic maps to which they are referring which, if I am allowed, I can show you on my computer. I have also prepared an electronic map showing these marine parks, through local members and what have you, and it has been distributed. I give those maps away free. I believe that they have been offered to the Government but I have received no reply. Several areas of that marine park cannot be calculated. I have the information here to prove that. I will also prove that the base map to which they are referring is totally inaccurate.

The Hon. CHRISTINE ROBERTSON: Can you describe some of those inaccuracies?

Mr DIAL: The original Australian mapping system was a datum called Australia 66, which I heard about from State Government mappers. A few years ago I brought up issues after I found a coal boat anchored in an historic wreck. It took me two weeks to get a survey vessel down there. They did not believe me. They could not accept that their maps were wrong. Guess what? They are still wrong. The wreck that I am talking about is called the *Advance*, which on the chart is 1.4 kilometres out. A State Government contractor told me that it was a load of garbage; that they did not get their maps wrong. I invited him up to my place and by the time he left there he was convinced. That was the explanation that I received.

All the depths are wrong, which I can prove. Some of the depths are out one or two kilometres. A lot of this marine park stuff is based on this official map that states, "Follow that contour line." Which contour line—the 20-metre contour line, or the 40-metre contour line? I will prove to you today that they are all wrong; it cannot be calculated. Two weeks later the contractor came back to me and said, "Stephen, I owe you an apology, mate. When we changed to WGS84, we did not have the money to fix it. So what did we do? We changed only harbour and river entrances to WGS84." The difference between WGS84 and Australia 66 at our latitude and longitude is 204 metres. In other words, that applies if you are using a government chart, which I have here as proof, with GPS tracks on it.

Take, for example, Lake Macquarie where you are up to 70 metres on dry land. You hear on the news, "These blokes ran aground in Lake Macquarie. They hit a sandbag." They hit a sandbag because the damn map

is wrong. Straight away I am throwing doubt on that and I have the documents here to prove it. At certain times of the year the marine park up here becomes a trolling zone. It just so happens that at that time of the year we have big game fishing competitions up here. Everyone is thinking, "Hey, what is going on here? Do we have a marine park or do we not?" Either it is a marine park or it is not. Why are they allowing people to troll in that area at those times? The answer is big business and revenue. That has got a lot of people offside. For certain months of the year you cannot say for certain, "We have a national park here" because it is not a national park today. Either you have a marine park or you do not, but you have to do it right.

The Hon. CHRISTINE ROBERTSON: Do you have different rules in your marine park? In the sanctuary zones the Marine Parks Authority can give permission for indigenous fishing, hovercraft, airboats and seaplanes, and it can give permission for non-extractive competitions, et cetera. It appears to me as though those sanctuary zone rules are very different.

Mr DIAL: Is everyone present aware that the State Government has power over fishers offshore? It is three nautical miles.

The Hon. CHRISTINE ROBERTSON: That is the Federal Government.

Mr DIAL: Why is Fisheries making laws regarding electric fishing reels and fish that it does not own and why is it putting those laws in front of us? Would you tell me because Fisheries will not tell me?

The Hon. CHRISTINE ROBERTSON: The New South Wales Government cannot police outside that three nautical mile limit.

Mr DIAL: Exactly. This marine park is just over three miles. I have the constitutional agreements relating to everything.

The Hon. CHRISTINE ROBERTSON: I have finished with that question. You state in your submission:

Fair dinkum fishermen should be on your Committee and not just politicians.

What committee are you talking about?

Mr DIAL: I was talking about this Committee.

The Hon. CHRISTINE ROBERTSON: This is a parliamentary committee.

Mr DIAL: It has all been explained to me.

The Hon. CHRISTINE ROBERTSON: So I do not have to continue with that line of questioning?

Mr DIAL: No.

Mr IAN COHEN: Perhaps you should become a politician.

Mr DIAL: I have had that offer made to me.

Mr IAN COHEN: Get yourself on a committee.

Mr DIAL: That offer has been made to me, has it not, Bob?

The Hon. CHRISTINE ROBERTSON: In the beginning of your submission you made a very political statement discrediting politicians. However, I will not ask you any questions about it now.

Mr DIAL: I might get the public out of here when I address that matter at the end of this hearing. However, I will wait until the end to address that issue.

The Hon. LYNDA VOLTZ: Mr Dial, there is no legal limit on the size of leather jackets, is there?

Mr DIAL: That is correct. There is a bag limit of 20.

The Hon. LYNDA VOLTZ: In your submission you ask for the legal size on leather jackets to be removed.

Mr DIAL: Okay.

The Hon. LYNDA VOLTZ: You state:

The bag limit for the legal size on leather jackets needs to be removed.

Would fair dinkum fishermen know that?

Mr DIAL: Fair dinkum fishermen know that, yes. There is no legal size but there is a bag limit of 20.

The Hon. LYNDA VOLTZ: When you talk about fishing in marine parks are you referring to the general use zone? Is that the issue with which you have a problem?

Mr DIAL: I have no problem with commercial fishing in a marine park.

The Hon. LYNDA VOLTZ: Marine parks have different zones—sanctuary zones, habitat protection zones and general use zones. When you are talking about trawling is that within the general zone?

Mr DIAL: I believe it would be.

CHAIR: Point of correction: You were referring to trolling and not to trawling.

Mr DIAL: I was referring to trolling. Trolling is pulling the net.

The Hon. LYNDA VOLTZ: I thought you said trawling. I wondered whether that was in the general zone or whether you were complaining about it happening in other areas.

Mr DIAL: I am talking about leather jackets because in the past three years there has been an absolute plague of leather jackets off the coast.

The Hon. LYNDA VOLTZ: I know. It is great for my kids because they love catching them.

Mr DIAL: Yes, I know. I fish a couple of wrecks. One wreck is 35 kilometres out and one is 17 kilometres off the coast. You cannot even get a line to the bottom out there because of the hundreds of thousands of leather jackets. It has reached a point where I have taken divers out there and they come out of the water and say, "Mate, we cannot take this. Look at the bite holes in my bloody wetsuit." The problem is that they are moving into offshore reefs, et cetera, and they are eating the native species, all the fry and all the eggs. There is a reef out there that they call The Farm.

At certain times of the year you will see thousands of leather jackets out there. The trawlers are just dumping them and thousands of them are floating on the water. The market price for leather jackets in the shops is about \$3.40, so they are in plentiful supply. For every leather jacket that you catch you will probably lose 10 rigs. So straight away there is pollution going on the bottom, you have got lines everywhere, you have got lead on the bottom, sinkers, you have got hooks everywhere. As well as that, there is an environmental aspect.

The Hon. LYNDA VOLTZ: Is that in regard to catching leatherjackets?

Mr DIAL: No, I am saying let us take the bag limits off and get rid of them.

The Hon. LYNDA VOLTZ: No, I am asking you why there is more river loss with a leatherjacket?

Mr DIAL: They are eating other fish like baby snapper and everything. You go to some of them, not some of them but all of them, and you will catch two species of fish only—nanaguy and leatherjacket. We have pulled up nanaguy chopped to bits. You pull up a leatherjacket on the next drop and what is he spitting out? The one you just pulled in chopped to bits. So they are ravenous. They are not only doing that sort of damage, they

are causing environmental damage as well by biting us all off and thousands and thousands of dollars worth of lines. For example, if you drop a line over the continental shelf, it starts at 234 metres. They could be sitting under your boat and straightaway you have done \$100 a line.

The Hon. LYNDA VOLTZ: I can remember being a kid on Toukley lakes—this is back in the early 1970s—and we used to pull up a lot of leatherjackets in those days.

Mr DIAL: That is right. I do not think the professional industry is actually targeting them. It is about time they did.

The Hon. LYNDA VOLTZ: Probably because you have to skin them.

Mr DIAL: Well, what damage do they do to the nets?

The Hon. LYNDA VOLTZ: I want to ask you about electric reels. I go fishing off Kaikoura where you get down to 800 metres. There we just usually wind them up and it can be monotonous.

Mr DIAL: Yes.

The Hon. LYNDA VOLTZ: When you are talking about electric reels are you talking specifically about people with disabilities? There have been views about people with disabilities and electric reels. If you are going down 200 or 300 metres, given the kind of fishing I have done in Kaikoura, I would not see that as a huge physical burden on people unless you had a disability when that is obviously a problem.

Mr DIAL: Speaking from experience, I own three electric reels. I show you my hands. I have got two fused joints there, I have got joint problems all over. That is why I lost my job—rheumatoid arthritis.

The Hon. LYNDA VOLTZ: So for disabilities such as that?

Mr DIAL: Yes, but let's look at it the other way. Someone goes out there with an electric reel. So what, they catch a fish? There is a bag limit on that fish. You are only allowed to catch the two or three bag limit. Do you know how far it is out to the continental shelf here? It is 55 kilometres each way in a straight line. It works out at about 80 kilometres each way plus running around finding your spots. I can tell you from personal experience that I have been out there this year 10 times and I am still waiting to catch one. I still have not caught one. What I have done is been bitten off just about every time by damn leatherjackets.

CHAIR: Point of clarification: What would you be fishing for at those depths—gemfish or something such as that?

Mr DIAL: Yes, gemfish—the supply of fish that was going to feed the world for the rest of time but has been just about wiped out by professional fishing methods. Gemfish, blue eye trevally is the main one, but you have to remember they are not everywhere. They are only on certain months of the year at certain times and maybe you will only get one or two days per year to get out there when the currents are right and the seas are flat. We are talking a four- and six-hour trip either way. We are talking \$200, \$300 or \$400 in fuel and tackle. You have got a bag limit on them. Hey, you catch your two fish. What does it matter if you use an electric reel or a manual reel? You still have got restrictions on the fish you catch. Fair enough, I have got no problem with that, but do not ban electric reels for the sake of banning electric reels.

I have been personally involved through the Maritime Museum in Newcastle with fishing with disabled kids. We got government grants so these kids could fish using electric reels. So what I am saying is there is no advantage in using an electric reel but it does make things easier when you want to retrieve your line. They don't play fish. They have got a drag just like a normal fishing reel. They have also got a handle to wind just like a normal fishing reel. They do not pull fish in any faster. They have a drag system on them, the same as every other fishing reel.

Mr IAN COHEN: My question relates to the plague proportion of leatherjackets. What is the reason for this plague proportion and what did you mean in your submission by the statement that scientific evidence would back it up? What sort of evidence is there?

Mr DIAL: That is what we have to get to the bottom of: Why? Something has happened in the ecosystem out there. The resident fish off these areas have disappeared, for whatever reason. They have been trapped out, netted out, fished out or whatever, I do not know. What I am saying is that there needs to be a study and, if possible, action taken. In other words, if you want to get rid of them, a person like me can go out there and catch four or five. Take a trawler out there with a net and get the lot in one hit. Simple as that, because that is what happens and we get the blame for it.

Mr IAN COHEN: There is nothing living with the leatherjackets?

Mr DIAL: Only nanaguy, and I have got underwater video evidence here to prove that. It is all there is those CDs you have got there.

Mr IAN COHEN: Are you saying that no studies have been made; it is just anecdotal?

Mr DIAL: Not that I am aware of. All I can go on is, like I said, I am representing about 10,000 people and 4,000 of them are active members and they are all complaining about them. Everyone is complaining about them.

Mr IAN COHEN: You suggested also that the legal catch of mahi mahi be decreased to—

Mr DIAL: No, the legal length.

Mr IAN COHEN: My mistake, yes, be decreased to 50 centimetres and that brings it in line with Queensland. Why do you make that suggestion?

Mr DIAL: Why I make that suggestion is for several reasons. State Fisheries have put them out 17 kilometres off Swansea. Whether they have permission to or not I do not know, because it is Federal waters, isn't it, but anyway that is the fact?

Mr IAN COHEN: Are you saying that State Fisheries have got them from nurseries and placed those fish out in the water?

Mr DIAL: No, it is all about fish attracting devices [FADs]. They have got one off Swansea and they have got one off Newcastle. They turn up about three months of the year. I keep a very close view on it because I am the representative up here for informing Fisheries if they go missing. For example, the Newcastle one went missing and I have informed Fisheries this morning. I have got a direct line to Heath Folph and his mates down there. I think he has been promoted out of there, but anyway. They are 17 kilometres out there and mahi mahi are the fastest-growing fish in the sea. They have got a life expectancy, through scientific results, of around five or six years. They are the fastest-growing fish in the sea.

This year they turned up with the first reported catch off Swansea on 18 February. The size of them at that time was roundabout 46 centimetres. They pull the FAD after the June long weekend and that is the end of them. But they have actually disappeared now from out there because of the water temperatures. In actual fact we get a period of maybe seven days in three months that you can actually go out there and fish because of sea conditions, weather conditions, work commitments and things like that. The problem is—

Mr IAN COHEN: When you say you get a certain window of opportunity, what sort of numbers are you talking about that would go out to that position?

Mr DIAL: If you are not at a launching ramp within an hour of daybreak you are not going to get a park at any of them. I am talking 50 or 60 boats all fighting each other. And I mean fighting each other over a little ball this round to catch a fish.

Mr IAN COHEN: Are you self-regulating there? Are people keeping an eye on each other to see who go through the bag limits or things like that?

Mr DIAL: No-one can catch their bag limit because mostly they are undersize. This is what I am saying, let's drop the size. Has anyone here ever caught a dolphin fish? You know they go berserk. They go absolutely ballistic. They are not in real good nick when you have got to throw them back and no-one is going to cut their \$20 and \$30 lure off and throw them back, I can tell you that now.

Average size, I have caught 15 this season—they were keepers. The other 20 or 30 they were all undersize and all returned. So on average there are more caught under the 60-centimetre limit than there are actually over it. There is also a size limit on how many you can have over a certain length. Queensland has got it, so why not come into the same as them? That means anything 50 centimetres and up you do not have to throw back. They are going back injured anyway. They are the fastest-growing fish in the sea.

Mr IAN COHEN: I suppose you are a communicator within the recreational sector of the industry up here?

Mr DIAL: No.

Mr IAN COHEN: You have a website, so you do a fair bit of communicating there?

Mr DIAL: Yes, I do.

Mr IAN COHEN: In what ways could dissemination of information on recreational fishing be improved from your point of view, be it from government or otherwise?

Mr DIAL: I can set up forums on our website and you can say what you want as long as it is not politically based. I will offer that.

Mr IAN COHEN: But what you said was politically based. At the very start you made a political statement?

Mr DIAL: Yes, all right, okay. As long as you are not there pushing your party.

Mr IAN COHEN: Any thoughts on the next election?

Mr DIAL: Yes.

Mr IAN COHEN: Are you going to run with the Shooters or just run your own party?

Mr DIAL: I will say this to all of you now, at the next election I can guarantee, I reckon the Liberals are going to get in. This is just personal between us. But I will tell you that in two or three elections do you know who is going to be running this State? You and Bob, because people are sick and bloody fed up with youse!

Mr IAN COHEN: Are you talking about being fed up with the big parties?

Mr DIAL: Exactly. Now where is our Liberal Party bloke?

The Hon. CHRISTINE ROBERTSON: There is one but he is busy elsewhere.

CHAIR: If we could just keep to the terms of reference. We do not want to run out of time.

Mr DIAL: Yeah.

Mr IAN COHEN: Unfortunately, we did not get enough time to question the previous submission. In terms of fishing effort and the way you have described the recreational fishers, you have suggested that rather than having polities you should have fishermen on the committee. I take your point. Would you not agree that although there are those in the fishing fraternity that are conservationists there are also a significant number of people who just go for it and get what they can, so it does need a degree of regulation? Notwithstanding the fact that you are talking about specific species and changing the bag limit, would you not agree there is anarchy out there if we do not have regulation or degrees of control? How many Fisheries inspectors have been out to those boltholes to see that people are doing the right thing, say, in the last season?

Mr DIAL: Plenty of them.

Mr IAN COHEN: Regularly?

Mr DIAL: Regularly.

Mr IAN COHEN: Would you not agree that there is a need for regulation in the industry?

Mr DIAL: I have no problem with regulation, absolutely no problem, but I am going to prove to you here about Fisheries regulations and how every angler using one of these [held up document] is keeping undersize fish. I have put letters in each of your folders there. A person who got onto our site had been grabbed by Fisheries in Sydney for having a kingfish. According to the legal length chart he was right. Fisheries grabbed him, pulled out their tape measure and fined him. They said, "That fish is undersize" and he said, "No, it is bloody not".

The Hon. LYNDA VOLTZ: They fined him?

Mr DIAL: Yes.

The Hon. LYNDA VOLTZ: That is not what you said in your documentation. You said they gave him a caution and let him go.

Mr DIAL: That is right, yeah. They gave him a caution after he proved these were wrong. I am not talking a millimetre; I am talking over a centimetre, up to 20 millimetres. I have got my tape measure here and I am going to put it in front of you. I sent a letter down to Fisheries in the post saying that there was a problem that had to be sorted out. They never got back to me. The letter I got back was, "Tell us what fishing cycle you moderate before we make an answer". So in the meantime one of our members got on to the *Fishing World* magazine and sent it down to them. They got an answer within a day, didn't they? I have given that to you guys too. Read it. They are blaming these being wrong on the people distributing, the shops, for keeping them in sunlight and making them shrink a centimetre-plus. That is their official response. If that person was working for me they would be flipping bloody burgers at McDonald's now.

Mr IAN COHEN: You did not give me one of those?

Mr DIAL: Look, I have my tape measure here and I will prove to you that it is not shrinkage.

Mr IAN COHEN: I will take your word for it.

CHAIR: Give that one to Mr Cohen.

Mr DIAL: No, he is not having this. This is my evidence when I take it further.

The Hon. CHRISTINE ROBERTSON: We have got some.

Mr DIAL: Do you want to run a ruler over them now?

CHAIR: Returning to the subject matter, do you think there are enough compliance officers in New South Wales?

Mr DIAL: I can give you a perfect example. We have a Fisheries officer out at Swansea. If you go there looking for him, he is never there; you get his wife. We have caught professional fishermen in the lake within the last month, operating in Lake Macquarie. We tried to do a citizens arrest on three of them. It turned into a bloody fistfight at Valentine ramp. We got their names, everything. We rang Fisheries and you know what the official response was? No word of a lie—I can produce these people as witnesses—"Mate, it's 10 to 4. We're knocking off at four o'clock, sorry." That was their official response.

CHAIR: You mentioned before that out on Swansea you regularly see compliance officers?

Mr DIAL: Yes, and they are proper bloody mongrels.

CHAIR: Do you think there are enough compliance officers in New South Wales or do you think there should be more?

Mr DIAL: Well, I do not know how many there are. I think that as long as people are obeying the law—I obey the law. I have recalibrated my stickers.

The Hon. RICK COLLESS: Following on from the commercial operators being in Lake Macquarie in the last month, where do think they were disposing of the fish?

Mr DIAL: Illegally, black market; they are selling them through the shops. We have a fisheries cooperative at Swansea on the lake. There is no professional fishing allowed in the lake. There are signs in the lake saying, "This is a fish sanctuary". I have been trying for 3½ years to get rid of that damn sign. It is less than 10 metres from the Fisheries and the Maritime Services Board boatshed. They will not do anything about it. I have got on to Heath Folpp down at Fisheries, who said, "Mate, I'm going to have to take this further. I'll find out for you", but no answer and 3½ years later it is still sitting there. That photo you have—

The Hon. LYNDA VOLTZ: Whose sign is it?

Mr DIAL: It is on a wharf down there and it says, "This is a fish sanctuary" blah, blah, blah. I personally caught a professional fisherman in Lake Macquarie sitting in front of the launching ramp going about his illegal duties. I sent photos to Fisheries; I got his name, the works but there was no feedback.

The Hon. RICK COLLESS: So what was he doing?

Mr DIAL: He was collecting sea urchins using scuba gear inside Lake Macquarie channel. The first thing I did was to take a photo. The second thing I did was I contacted Fisheries and asked, "Where does this no professional fishing start in the lake?" Right, Swansea Heads and this bloke is half a kilometre inside.

The Hon. RICK COLLESS: When these people take their illegally gained catch and sell it in the pub on the black market or wherever they get rid of it—

Mr DIAL: This bloke is going to the same restaurant that has that sign saying it is a sanctuary.

The Hon. RICK COLLESS: The people who buy the fish must know that it is not legal fish.

Mr DIAL: Well mate, if someone comes up to you and says, "Here, you can have one of these for a dollar"—

The Hon. RICK COLLESS: That is what I am getting at. What is the response of the community to people who offer them black market fish? Do they still buy it?

Mr DIAL: Of course they do.

The Hon. RICK COLLESS: Is there not a movement amongst them—I am sure there would be particularly amongst fishermen but also amongst the general population—that these people are doing a lot of damage to the resource?

Mr DIAL: Damn straight they are, yes. But like I just said to you, we had reported these guys to Fisheries, got their names, addresses, everything, but it is, "Sorry, mate, I knock off at four o'clock. It's 10 to 4. I can't help you." The first thing we have got to do here—and you guys have got to realise this—these people are public servants and we are paying their wages. The ostrich bloody head in the sand over this is allowing every single person who does not know this—and I am talking hundreds of thousands of people, not thousands, keeping illegal fish because Fisheries cannot get this right and they want to pass the buck. All they have to do is admit they are wrong and do it. If they had admitted to this and my local member would have taken this instead of wiping me of it, I would not be here today.

The Hon. RICK COLLESS: You made a comment earlier on—and correct me if I am wrong—but I understood you to say you did not have a concern about commercial operators working within the lakes and Port Stephens. Is that what you were saying?

Mr DIAL: No, I am not talking about commercial operators. As far as I am concerned, the best thing that happened for Fisheries in New South Wales particularly is get them outside the three nautical mile zone and then there would be some fish here.

The Hon. RICK COLLESS: I misunderstood you there.

Mr DIAL: Okay, that is fine.

The Hon. RICK COLLESS: I return now to electric reels. Why do you think Fisheries want to ban them, because they think it makes it too easy?

Mr DIAL: Because some professional has got someone in their pocket who complained that we are catching all their fish when we have a bag limit of one, two or three fish.

The Hon. RICK COLLESS: Do not the professionals use electric gear?

Mr DIAL: Exactly. The way it is portrayed is that they are sitting there and we are using this massive depth thing, pulling up hand over fist. So what. That is not the thing. We have bag limits and we have to abide by the law. What does it matter what you are using?

CHAIR: We have received evidence during the inquiry from recreational fishers that they do not believe the current representational system of trusts and advisory committees has sufficient representation to meet the needs of recreational fishers. Do you think that recreational fishers require a peak advisory group or can you make some suggestions, if you agree with that statement, as to how it could be improved?

Mr DIAL: Yes, absolutely. I have a request in now. I put a request in on 6 January, I think it was, for funding to further my research because it is one of my hobbies—all my work is on those disks there; it is all 100 per cent. I put in for a grant of \$9,078 to get a deepwater camera to drop over the side, connected to a screen on my boat, out of the realm of divers, to firstly identify these wrecks and try and find out what they are, because no-one knows what they are, to actually show fish biting habitat and go over all the reef systems; make a DVD, the whole lot. It says on their site that you can put in a submission any time you want. I am hurrying on, doing all of this, but they only meet once a year in May, so what is the use? It has got to the point where I just went and spent 600 bucks and bought my own, but it will not go as deep as I want it to go.

CHAIR: Were these grants administered by the trust funds that you were trying access?

Mr DIAL: Yes. I have no problem with that whatsoever but what I do have a problem with is Fisheries hiring two officers who are buried in the back blocks of the Department of Primary Industries site and paying their wages. I do have an issue with that.

CHAIR: How do you think that could be fixed?

Mr DIAL: There has to be some sort of auditing on there. The meaning is there; the way to do it is there. For example, it is four months since I put in my submission. I should have had an answer within a week. Why wait for one meeting a year when it says clearly on the site that you can put in a submission at any time you like. The trouble is they only meet once a year. So straightaway the project that I am trying to do is five months out; whether I get to the ground or not, I do not know. I might cause enough trouble here not to.

CHAIR: So you are saying that the process of having to go to Fisheries, the trust, the advisory committee and then the Minister creates too much inefficiency, time and money?

Mr DIAL: No, I have got no problem with it. All I am saying is that if I put in a thing today, I expect an answer in a couple of days; and not just one meeting. There should be more meetings. When they get five or six, yes. Let us make a decision now.

CHAIR: Your recommendation would be to have more regular meetings of those trusts?

Mr DIAL: Absolutely.

CHAIR: Do you have any comment about the people who are selected to be on the trusts and the advisory committee?

Mr DIAL: I have no gripe with them at all.

CHAIR: A previous witness made a very strong point that he felt that recreational fishing havens achieved exactly what is required out of a marine park because the primary difference between a good fishery and a bad fishery or a good ecosystem and a bad ecosystem is the removal of commercial effort. Do you agree with that statement?

Mr DIAL: No, I do not. I will give you an example. I live at Lake Macquarie. The only fish that have actually come back in at Lake Macquarie—and I can prove this with facts, figures and photos—are bream and flathead. However, getting rid of the commercial fishers had a real detrimental effect; one that is sticking out like dogs you know whats. When they pulling in the nets, it has all the weeds and rubbish. That is not happening now; that is all out there. Last weekend I took my video camera to have a look at the bottom of the lake. If you touch it, there is a cloud.

Visibility in Lake Macquarie in six metres of water last weekend, which was a clear day, was less than 18 inches. And that was with 22 lead lights and nine night-vision lights. I took divers down with me and they said, "Mate, we couldn't see our hand". I made a video of it, but I did not bring it with me today because I had nothing to play it with. There is a detrimental effect as well, but the only measurable effect that I can see from taking the professional fishermen out of Lake Macquarie is that flathead have come back and bream have come back, nothing else.

CHAIR: Yet you made this statement a few moments ago that the best thing to do would be to remove all commercial fishing inside the three nautical mile limit?

Mr DIAL: No, I mean trawlers. I have got no problem with trap fishermen, no problem whatsoever.

CHAIR: So it is the trawling that does the damage, in your view?

Mr DIAL: Yes, and I can prove it. I will give you an example. There is a reef off Swansea; they call it the Farm. It is six nautical miles out. Any day of the week you can go out there and there is a trawler. He has got one net out; he has got three—one net on the bottom and one of either side at different depths. A kilometre behind him there is another one, cleaning up. I have been there and I have depth sounder readouts from in front of them. They go over it and two or three hours later, if you run over it, there is not one fish showing there. They are gone.

CHAIR: What are your views on beach haul netters?

Mr DIAL: They are a bit late this year. They only turned up last week at Blacksmiths. You should have been down there seeing what they were catching. My god, it was unbelievable. All they are doing is taking the roe out of them and they are selling it to the Japanese. They have a tractor down there, digging holes and throwing the mullet frames in them. It is an absolute waste. They have a truck, not a Winnebago but something like that, and if you open the door up, they are drinking?

CHAIR: What is your view on commercial set nets on estuaries for prawns?

Mr DIAL: Get rid of them.

CHAIR: When you talk about removing all commercial fishing, you really meant—

Mr DIAL: Trawling. I have no problems with trap fishermen or anything like that. By the way, are you aware that a lot of these trawlers are modern-day now. They are using a modern day system called Piscatus. I know because the bloke I have done this research with, we went and spent \$7,000 and bought one of these systems. These systems have videos on the nets; they have GPS transponders on the nets and forward-looking sonar. This is why I say they have three nets. This Piscatus system tells them where the fish are, they adjust the nets and they do not take half of them, they take the lot. Also, you can go to any supermarket around here, you can probably to Fisheries, take your ruler, and check the snapper lengths. I guarantee that half of them will be under the 300 millimetre legal size. I can absolutely guarantee that. You could put your hand across them.

The Hon. TONY CATANZARITI: I am a little confused with your statements about commercial fishermen and recreational fishers. Is there a balance where recreational fishers and commercial fishers can work together?

Mr DIAL: Absolutely.

The Hon. TONY CATANZARITI: In what way.

Mr DIAL: Like I said, I have no problems with commercial trap fishermen, no problems whatsoever. Everyone is blaming us that the fish disappearing—no way. One trawler along the beach and another one sitting behind him and there is nothing left on that beach. We might take 100 fish but they take the lot, 100,000, 200,000; they take the lot. Twenty years ago there was not that big a problem. They were supplying local industry, the local area, but now it is worldwide. I will give you an example—tailor fish. I think it was last year, there has hardly been a tailor caught on the beach. This area was the most prolific area to catch tailor. Why, because someone has discovered that the Japanese like tailor flesh, so they swap a salmon for tailor and now there is no damn tailor left. It is very hard to catch a tailor these days, and that has only been happening in the last 12 months.

The Hon. TONY CATANZARITI: What balance can be reached to allow both to work in the same areas?

Mr DIAL: If we talking about the same areas, are you aware that 20 or 30 years ago trawlers were not allowed within two nautical miles of the shore? Are you aware of that?

The Hon. TONY CATANZARITI: I am asking you about commercial fishermen. Can we strike a balance?

Mr DIAL: No. They will blame us, the Government goes along with them, and we get a licence and restrictions slapped on us while they go unrestricted. Any by-catch or undersize fish in the nets go straight back into the water. There are our nurseries gone. They are dumping all the undersized fish. The leather jackets come along and think, "You beaut, here is a feed. Let us expand."

The Hon. TONY CATANZARITI: What you are really saying is that you do not want commercial fishers.

Mr DIAL: We do not want commercial trawlers. I have no problem with traps but I have a problem with trawlers.

The Hon. TONY CATANZARITI: Are you happy with commercial fishers fishing in your waters?

Mr DIAL: Yes, as long as they are not using nets.

The Hon. CHRISTINE ROBERTSON: He is saying that he has no problem with traps.

Mr DIAL: I do not care about traps, but we do not want kingfish traps, as they are floating traps. Let me rephrase that and say bottom traps.

The Hon. RICK COLLESS: Kingfish traps are banned now anyway, are they not?

Mr DIAL: Yes, that is what I am saying. I want to ensure that, if something happens, and they say, "Let us bring back traps" kingfish traps are not one of them.

The Hon. TONY CATANZARITI: I am trying to see whether we can strike a balance. Can both of you work together? An earlier witness said that there was no way he could work with commercial fishers in the same area. I am asking you whether or not in your view a balance could be reached.

Mr DIAL: Let me give you an example. Last season professional fishermen were at a place off the Central Coast call Texas. They were using live bait and they were hand fishing, with nine live baits on line. We are not allowed to use that many hooks. They see an amateur down there and immediately they are all over their boats. They are reefing them in. There has to be a bit of respect somewhere.

CHAIR: Mr Dial, thank you very much for providing us today with the documentation that you have provided, and thank you for your evidence. If Committee members wish to ask you questions on notice would you be happy to answer those questions?

Mr DIAL: Absolutely.

CHAIR: Would you return the answers to those questions to the Committee secretariat within 21 days?

Mr DIAL: Absolutely. While I am here I extend an open invitation to you to come out on my boat where I will prove to you that what I am saying here is correct. I can supply you with an underwater video and other things.

CHAIR: Thank you, Mr Dial.

(The witness withdrew)

(Short adjournment)

JOHN ALEXANDER CLARKE, Recreational fisherman,
affirmed and examined:

CHAIR: Mr Clarke, if you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you take any questions on notice today the Committee would appreciate it if the responses to those questions were sent to the Committee secretariat within 21 days of the date on which they were forwarded to you. Is that acceptable to you?

Mr CLARKE: Yes.

CHAIR: Before the Committee commences with questions would you like to make a brief opening statement?

Mr CLARKE: I simply say that I am here for positive reasons. I hope that you can accept my information in that light.

CHAIR: Thank you. We will move to questions.

The Hon. RICK COLLESS: Thank you for coming along today, Mr Clarke. As a regular listener to your program over the years I have enjoyed it very much. It is a pleasure to meet you face to face. What are your thoughts on the Port Stephens Great Lakes Marine Park, the way in which it transpired and the way in which it was set up? How is it operating now that it has had three years in which to settle down?

Mr CLARKE: When the marine park was declared I always felt that it would be inevitable that a marine park would be declared because of the great habitat we have. So it was not surprising to me when it was declared. At that stage I decided to accept that it was coming here and to work within the boundaries—the laws of the game, if you wish—to achieve the best possible outcomes for my stakeholders, who are recreational fishermen. The first thing that I did was to accept it. Did you want me to expand on that?

The Hon. RICK COLLESS: Yes. Could you give us some information, given that there was a lot of controversy about it at the time? How did that transpire? What has happened over the past few years?

Mr CLARKE: Because it takes up such a massive area between Forster and Birubi—three nautical miles to sea, the Myall Lakes and all the feeder streams—Port Stephens is a massive area particularly when you also add the Great Lakes. It impacts on many people. Recreational fishermen are exactly the same as other people: if there is to be so much change there will be a reaction. I think that the initial reaction was one of fear about all the prized fishing spots that would be lost. I went in there with an attitude of protecting those areas as best I possibly could. I feel as though I have been successful in protecting the areas that really needed protecting. It is not perfect—it is far from being perfect—and good areas were lost. But we have to reach a compromise.

I think the best example of that is Broughton Island. Broughton Island is an iconic fishing island and area. The reefs there are fantastic and they have been for a long time. If ever a war were to develop that is where it would be fought. In my capacity I went straight to the Broughton Islanders—a small community out there—and I said to them, "Rather than me carving up Broughton Island I would like you to do it because you know what areas you are prepared to sacrifice." After much consultation they did that and presented their maps to the committee, which pretty much accepted them on the spot, which saved a lot of trouble. But in other areas it has been very difficult because of the size. That is probably the biggest problem.

I cannot speak on behalf of commercial fishers although I am very involved with them. So far as recreational fishers are concerned, I think we have come out of it pretty good. The feeling that I am getting—as I have said I write a weekly article and I have done so for the past 25 years—is that the marine park is becoming more and more acceptable to fishermen and to the community. When a review of this park is conducted in 2012 I suggest that the results will be very similar and probably a reflection of the results for Jarvis Bay and Solitary Islands, which were released only in the past few weeks.

The Hon. RICK COLLESS: One of the criticisms that many recreational fishermen have made about marine parks generally is that authorities go out and put a ring around all the good fishing reefs and fishing

spots, lock them up and leave the rest for recreational fishermen. What is your view on that? What percentage of good reef was made a sanctuary zone compared to the area of reef that fishermen still utilise?

Mr CLARKE: Basically I call that a nonsense. I think there is an incredible area for successful fishing. At the moment the fishing in this town and in this community is as good as it has been for many years. As I said, I have been writing on a weekly basis for 25 years. What is going on here at the moment is quite remarkable. There are fantastic fishing opportunities here. Further north at Seal Rocks another recreational fisherman represents that area and he would be better commenting on that area. Anything north of Broughton Island I do not know enough about to comment on. From Broughton Island south to Birubi I think that the fishing has been excellent.

The Hon. RICK COLLESS: Do you think that is as a result of the park being implemented?

Mr CLARKE: No.

The Hon. RICK COLLESS: Is it as a result of the removal of commercial fishing, or is it a seasonal variation?

Mr CLARKE: It is a seasonal variation. I cannot put any yearly term on it, but anything up to 30 or 40 years. I do not know. Things have been in place for only a couple of years. Interestingly in this community—and it would be worth your while to have a look—there are what we call aquatic reserves. They exist at Halifax Park and, more particularly, at Fly Point. They have not been touched for 30 to 40 years. They have been fishing free for that period. They are now just a boiling mass of fish. I have been subjected to the science from both sides. I pretty much made a decision not to involve that in my decision making because it is contradictory. I spent quite a lot of time with Bob Carney and I respect his points of view. I have also spent a lot of time with the other side of the argument. In my opinion it balances itself out. I do not rely on science; I pretty much rely on what I see and hear. That is about it.

The Hon. RICK COLLESS: The other question I wish to ask relates to commercial fish farming.

Mr CLARKE: Aquaculture.

The Hon. RICK COLLESS: Aquaculture as opposed to commercial fishermen taking wild stock. Is there is a future for that as an industry that would employ many people who missed out on jobs in the commercial industry? If so, where should that work be done? Should it be done in the bays and estuaries or in earth tanks on land?

Mr CLARKE: That is a pretty big question. It has been tried here. There is a snapper farm off Cabbage Tree Island out in the ocean. The trouble is that when we get a six-metre sea it lifts up the whole shebang and drops about 30,000 snapper onto Hawks Nest Beach. I call them escapees.

Mr IAN COHEN: Were the recreational fishers complaining after that about the fishing?

Mr CLARKE: No. Interestingly enough, one of the reasons that that did not succeed is that they did not really look like snapper. Snapper have a beautiful pink and crimson colour. They were selling the local ones for a higher price than they were getting for wild fish from New Zealand. The fish actually looked more like bream than snapper. When you see fish on the shelves that is half the reason you buy them.

The Hon. RICK COLLESS: Was there a difference also in quality? I am sure you can tell the difference between a wild fish and a farm fish.

Mr CLARKE: It is really insignificant. When friends from Dubbo visited me I cooked up those escapees and they thought they were awesome. They had no problem. If you talk about prawns, those things that are coming from overseas are horrible. I think that the prawns from overseas are dreadful.

Mr IAN COHEN: Can you give us a general impression of the overall economy with marine parks? How is it going? Has the recreational fishing industry suffered, shops, bait shops, et cetera? What is the general lie of the land post the establishment of the marine park? How is it going overall with all the support industries and things such as that?

Mr CLARKE: The ones I am mostly concerned with, and probably the best reflection around here, is the tourism industry. I rang them yesterday to ask that very question, because I thought someone would ask me that today and seeing what happened in Coffs Harbour—I think they said there was a 30 per cent increase in visitation. I spoke to the local person in charge of tourism and all he was prepared to say was that there has been absolutely no negative impact by the declaration of the marine park. He would not say we have gone forwards but he said we definitely have not gone backwards. I quoted the 30 per cent from Coffs Harbour and he said, "No, we could not say that." So that is that.

I have a friend in the tackle industry. Shortly after the marine park—there was a lot of fear around that period of time as well as to where it was all going to lead us—he said he had the best December he has ever had. He is not a supporter of the marine park but he runs a tackle shop. Again, I cannot be too accurate but that is just my feeling. Really, I think it could be turned around and used as a marketing tool in the future. I think it may have some attraction—I do not know—maybe to overseas people. If I were in tourism, that is what I would do.

Mr IAN COHEN: When you were referring to those impressions were you including there the other more passive activities, such as snorkelling or scuba diving where you cannot fish and other types of tourism, or were you referring to the equation of recreational fishers and professional fishers using the area?

Mr CLARKE: No, tourism, just visitation basically, the numbers that come into the town. Because we were told—and this is how things can get a bit out of control—that a survey by a very reputable company was conducted and their statistics suggested that 70 per cent of fishers would not return if a marine park were declared. Well, that has not happened, not by a long shot. I am quite comfortable with the way that things are progressing, and the results that have come out of Jervis Bay and Coffs Harbour did not surprise me.

Mr IAN COHEN: I am interested from your point of view and the people you associate with, is there a feeling of being locked out in any circumstances or is there a feeling of a balance being achieved?

Mr CLARKE: There are those who have a feeling of being locked out, definitely, and that will remain as long as there are sanctuary zones. As long as there are places that people cannot go there will always be a feeling of being locked out. That just comes with the territory. But when you think of fishing as the whole visitors to Port Stephens, everyone who brings a fishing line, and that includes dad and a couple of kids who are go and dangle off the jetty here, there is no lockout at all. All jetties are open and all beaches are open inside the port. There is an immense area to be used. That is the reason why I was on the committee in the first place: to ensure that Port Stephens remains the iconic recreational fishing haven that it is. Like I said before, I feel that has been achieved.

There is something I would like to speak about, and that is my involvement with the Advisory Council on Recreational Fishing [ACoRF]. I have been on ACoRF since 2005. I do not believe that ACoRF is providing the best advice that it could. I think it is poorly structured. I think it needs major changes. Really it probably needs some degree of a review to find out how things could be improved. I have a few ideas, which I have already voiced at ACoRF—this is not news to them. I have spoken quite often at ACoRF as to where I feel as though we are letting recreational fishermen down. The major one is that I feel there should be regional representation on ACoRF. Currently there is no delegate on the beach, on the waterfront, between Sydney and the Victorian border.

The Hon. CHRISTINE ROBERTSON: Will you explain what you mean by that?

Mr CLARKE: There is no-one to advise. There is no-one to advise the Minister from that area because there is no-one appointed to ACoRF. There is only one person from Sydney to the Victorian border.

The Hon. CHRISTINE ROBERTSON: South?

Mr CLARKE: South. There is a charter boat operator based at Kiama and that is all. In my opinion you cannot get enough advice from that.

Mr IAN COHEN: What sort of representation, for example, would you have on ACoRF from this immediate area, taking in this immediate marine park region?

Mr CLARKE: I am the only person on ACoRF who lives within the boundaries of a marine park. I am the only one. Some of the statements that are said by people on ACoRF about marine parks are baseless and incorrect. Interestingly enough, the southern problem is between Sydney and the Victorian border. From Sydney

to the Queensland border there is only myself here in Port Stephens and one other up at Tweed Heads and we had to go to the Minister cap in hand. When I was appointed in 2005 there was no-one, not one person between Sydney and the Queensland border. I thought how can a Minister be given any advice on recreational fishing if there is no-one to give that advice. It is only since the Tweed Heads delegate has been appointed that we have been able to confront a few issues with fish that simply do not come here—they are northern species—and people do not know anything about them on ACoRF because they have never had anything to do with them.

Mr IAN COHEN: Thank you for that. We also have the list of points, which you presented to us. We have been given a lot of information about inappropriate bag limits and different species. There was talk earlier about the destructive issues of leatherjackets, for example, and the need for changes. Could you comment on those structural issues in light of whether or not there is sufficient policing by Fisheries officers? Are they needed? How is the recreational sector as a whole behaving itself or are they sneaking in where commercials have been pushed out?

Mr CLARKE: There will always be pirates.

Mr IAN COHEN: Could you give us your impression on how the battle is going?

Mr CLARKE: When I went to Broughton Island the first time back in 1980 there were no leatherjackets. The leatherjackets were dead on the beach and were rotting in the rock pools. I spoke to an old fellow there who had been on Broughton Island for years and years. I asked him, "What's happening?" and he said, "There are no leatherjackets." He said, "This is what happens. They come and they go." At the moment, as the previous speaker said, they are in plague proportions. I really have no answer to fix that, but that is the case. But I have also seen it when there were none.

Mr IAN COHEN: You are saying when they come and go they are migratory. Therefore, you cannot pin a past practice or anything on the disproportion of this one species?

Mr CLARKE: I have no evidence to say that leatherjackets are migratory. They may well be resident fish. They sit on the reef. I do not know. It extends right along the coastline. It is not a problem for Newcastle and Port Stephens. Like I say, I do reports all the time and they will be reporting from south of Sydney right up to the Queensland border of plague proportions of leatherjackets. As far as compliance officers, there are never enough of them either because in this area the compliance officers have to go up as far west, if you like, as the Barrington Tops.

The Hon. CHRISTINE ROBERTSON: That is terrible. That is terribly far west!

Mr CLARKE: Well, if you were a compliance officer and there is a little stream up there and someone is netting trout but you have also got to check out what is going on at Broughton Island. You know, it is a huge area. The lake system alone could probably have a few compliance officers just for the lake system. It is an immense area and the only way you can ever work it out is by flying over the top of it.

CHAIR: As I understand it, the regulations as to bag limit and size are reviewed only every five years?

Mr CLARKE: Yes.

CHAIR: Would you regard the explosion and disappearance of leatherjackets as a case for having reviews based on environmental situations like that rather than on a time basis?

Mr CLARKE: You could put a bag limit on tomorrow and if what happened in 1980 occurs well, you know, I would wait for the five years. The same occurs with salmon. On salmon there is a bag limit of five and we are having one hell of a time with salmon. Yet the professional fishermen are restricted in their take of salmon. The salmon issue really needs reviewing as well. That is a major issue.

CHAIR: Which is it? Should you wait five years or should it be reviewed?

Mr CLARKE: No, wait the five years.

Mr IAN COHEN: What naturally predated on leatherjackets?

Mr CLARKE: I am not real sure. I would not like to be able to swallow one. It would be rough.

The Hon. LYNDA VOLTZ: In terms of Fisheries compliance officers, we have heard from a number of recreational fishers that they are not the ones who do the wrong thing and that regulating them is not what needs to be done. Is there really a need to have an increase in the number of compliance officers? Do you think the recreational fishermen are actually exceeding compliance in marine parks?

Mr CLARKE: Yes. In essence, it is just such a huge area, a massive area, that I would suggest another one or two would not go astray.

The Hon. LYNDA VOLTZ: Surveys have been done on marine parks. They have conducted a few surveys at Jervis Bay and the Solitary Islands. They may have done one here but I have not had a look at it. Of the people who fish at Jervis Bay, 80 per cent supported having sanctuary zones and marine parks and 47 per cent of recreational fishers or people who fish in the Solitary Islands area said there were no drawbacks to having a marine park in the Solitary Islands area. Do you think overall that recreational fishers do understand the benefits of marine parks? Whilst they might have concerns about some of their more favourite spots that they might not get access to, they do understand?

Mr CLARKE: To answer that question I would suggest that they have grown to accept it. I do not think in lots of cases they have grown to accept the philosophy or how they were established, but they have learnt to live with it. I have not bothered to try to quiz people as to their personal feelings. I genuinely feel that more and more recreational fishermen have said, "This is what we have got, let's move on in life."

The Hon. LYNDA VOLTZ: When initially the Government set up these marine park zones, before my time, they were looking at a public resource as a whole that covered a range of areas, such as commercial fishing, recreational fishing, tourism, beach users, boat users, yachties, people that use these zones for a range of different reasons as a public resource. From the maps I have looked at it appears within the sanctuary zones such as Little Beach—which I raised earlier—and down along Nelson Bay that the Marine Park Authority has made allowance for recreational fishermen and fisherwomen and particularly children to gain access to those zones from the land?

Mr CLARKE: Yes.

The Hon. LYNDA VOLTZ: Do you think there is enough understanding that the Marine Park Authority has tried to give this accommodation in what essentially is a public resource?

Mr CLARKE: No, not really. I just think they look at the map to find out where they can and cannot go and what they can do in those areas. Unfortunately, a lot of people—and I have listed it here as well—particularly visitors to the area, have not got to learn what actually happens here. The locals are good. That is reflected by how many people are getting booked. I guess that is the only way you can tell who has accepted it and who has not. I do not think they think that deeply into it. You need to know where you can and cannot go.

The Hon. LYNDA VOLTZ: I am concerned about whether people are accessing information on the map and how available it is to people. Have you had problems with people—locals and visitors—having access to knowledge of the whereabouts of the marine park and sanctuary zones? We have been out on the water to look at the sanctuary zones and the yellow buoys. To my eye, they are reasonably visible from the water but obviously people need the maps.

Mr CLARKE: Yes, I do get that complaint and it is a genuine complaint. When our marine park is reviewed in 2012, I am encouraging as many persons as possible to involve themselves in those changes so that it can be improved because there are a lot of improvements to make. We are a long way from getting it right but hopefully in 2012 we can make the improvements that it needs.

The Hon. LYNDA VOLTZ: There have also been suggestions that recreational fishing at the least should take email addresses when they are issuing fishing licences as a way of keeping people who fish informed of any changes to bag and size limits, particularly when these marine park adjustments are going on, as they are in Jervis Bay at the moment, so people understand. There seems to be a feeling at the moment that the Government is planning more marine parks when there is no suggestion of that. What they are doing is adjusting some of the zones; in fact, in Jervis Bay they are making more spots available for recreational fishermen.

The Hon. CHRISTINE ROBERTSON: They are talking about it.

The Hon. LYNDA VOLTZ: Yes, but so that people can be kept informed. Do you think the lack of information is causing people to gain wrong impressions?

Mr CLARKE: There is never enough information. If there is a channel open, use it. If email is that channel, my word. There is a lot of misinformation peddled. That is one of the hurdles that I have.

The Hon. CHRISTINE ROBERTSON: Using the same channels.

Mr CLARKE: What you try and do is tell people the truth. A lot of them do not want to hear it because it does not fit into what they want. If those channels are available, use them.

The Hon. CHRISTINE ROBERTSON: My question goes to education programs because you have brought that up as an issue. Do you have any other ideas on constructive education programs to dispel misinformation?

Mr CLARKE: Yes. I would like to see it more concentrated in schools. You start with the next generation so that they actually understand what the whole thing is about. It is happening but not to the degree that I think it should. It is happening in primary schools but I would like to see it happen on a greater scale and even be introduced into the school curriculum like history or any other subject, so that they have a basic understanding of what is trying to be achieved. If you start from the bottom up—and still work from the top as well—it would be a really great place to start, inside the schoolroom.

The Hon. CHRISTINE ROBERTSON: The interesting curriculum question would be who gets it. You have been part of the advisory committee process, which is interesting and good. I understand it is the advisory group that makes recommendations on things like electric reels?

Mr CLARKE: That is ACoRF?

The Hon. CHRISTINE ROBERTSON: Yes?

Mr CLARKE: Yes.

The Hon. CHRISTINE ROBERTSON: Do not use electric reels as an example because that involves considerable emotive issues at the moment, but could you explain how advice is sent out from the organisation?

Mr CLARKE: Generally from correspondence, but you will remember that we are only an advisory panel.

The Hon. CHRISTINE ROBERTSON: That is right. You do not have a decision-making power.

Mr CLARKE: There is no decision-making done. I do not mind talking about electric reels. The last I have heard on electric reels is that it will be reviewed during the bag and size limit issue; that is the last I have heard. I am quite happy for that to occur. I think that is a pretty wise decision.

The Hon. CHRISTINE ROBERTSON: So it is out there for discussion at the moment?

Mr CLARKE: It is not done and dusted by a long shot.

The Hon. CHRISTINE ROBERTSON: The information comes to you via correspondence containing a suggestion for you to perhaps consider, is that the process?

Mr CLARKE: Yes. That is the way it normally occurs. Other stuff does filter down from Fisheries, but normally we respond to what people ask and what Fisheries would like to have advice on. As I said before, I think we are a bit short on advice.

The Hon. CHRISTINE ROBERTSON: We have taken on board issues about your representational processes. Part of the misinformation process through the cultural change of how we all have the right to fish,

where we should grow our fish and the environment has been "It is the Government that has done it". It has been a very difficult education program that you have been very much involved in—I mean everyone involved in fishing—to register how much input has actually occurred. The consultation for the setting up of this particular marine park was phenomenal. There were thousands of submissions but when we are outside of your geographical area all we hear is that there was no consultation.

Mr CLARKE: That is not true.

The Hon. CHRISTINE ROBERTSON: I understand that, I believe it and I have read it. It is "The Government did it" psychology. Even though there is representation on these groups and organisations, it is still difficult for people to understand they are being represented?

Mr CLARKE: Whether people feel like they are being represented or they are, some people may feel disillusioned by the whole thing and they feel as though they have not been represented, and that is probably a natural feeling as well. However, an amount of work went into involving as many people who wanted to be involved—some people just stood back and complained and then came up with the suggestion that they were not included. They had every opportunity to be included. Whether they took full advantage of it or not was a personal decision.

The Hon. CHRISTINE ROBERTSON: This is a personal observation from me but it would appear that there was a lot of political motivation around at the time?

Mr CLARKE: Most certainly.

The Hon. CHRISTINE ROBERTSON: We have just been to Jervis Bay and saw this enjoyment. You have talked about the review process and change. Can you give us some examples of the sorts of issues that might come up during that process?

Mr CLARKE: The borders of zones would probably be my major concern. I know that there is no need to take any extra percentage. The percentage issue is a non-issue as far as I am concerned. It is what you have got and what you lose regardless of the percentage that is the most meaningful distribution. What we have got set up now, I feel, is adequate, although the boundaries need adjusting, but there is no case whatsoever for taking any further ground. There is no case. All the habitats are covered and now I think what we do is sit back and find out whether what we have done is of value, but do not go handing out another 5 per cent just for the sake of it.

The Hon. LYNDA VOLTZ: Is anyone proposing to do that?

Mr CLARKE: No, but that is a general feeling within the minds of recreational fishermen. No, not to my knowledge.

CHAIR: You are aware that the Marine Parks Authority at Solitary Islands is recommending an increase from 12 per cent to 20 per cent?

Mr CLARKE: Well actually, yes, I noticed that and of all the six marine parks in this State, including Lord Howe Island, I do not know how it ever happened but Solitary ended up with 12 per cent, which is the least by a long shot, so I do not know, but I would say they are trying to bring them all up to the same. I cannot see any great value in that. If they have got what they need now, there is no necessity to take more.

The Hon. LYNDA VOLTZ: Point of clarification: The 12 per cent to 20 per cent is on the sanctuary zones not on the marine parks themselves?

Mr CLARKE: It is 12 per cent sanctuary zone.

The Hon. LYNDA VOLTZ: So it is not an increase in the marine park; it is a change in the sanctuary zone?

Mr CLARKE: The marine park stays the same size. It is the no-take zone that is under review.

The Hon. TONY CATANZARITI: A number of submissions have made recommendations and suggestions for improving recreational fishing, including the need for greater restrictions on bag and size limits. Others have provided information on the observed status of fish stocks. How would you suggest this type of useful local information be collected and incorporated into policy?

Mr CLARKE: If you asked me about the fish stocks here at the moment, they are excellent. It is probably the best flathead season we have had for the 30 years that I have been involved—that is dusky flathead inside the port. The bream here are always in excellent numbers. Snapper come and go pretty much over a 12-month period but they are here nearly all the time. The fishing here in Port Stephens is excellent. If anyone asks me my opinion of bag and size limit, there are a few that I would like to change, most certainly. I think we have got probably problems further down the track with particularly snapper and mullet that could easily be overfished.

They are the two species that are really targeted by recreational fishermen. Snapper is an iconic fish that everybody wants to catch. I would look after the snapper stocks before it gets to the stage of south-east Queensland where they have really been cleaned up in a big way because of overfishing. I would like to confront the issue before problems emerge.

The Hon. TONY CATANZARITI: My other question dealing with commercial fishers and recreational fishers is a bit more controversial. There seems to be quite a bit of animosity among the groups, where they fish, whether they should be fishing there and where they should go. I am trying to find a balance between the two. Do you have a view on that?

Mr CLARKE: I have a very strong view on that. As a member of this community for 35 years and coming originally from Tweed Heads where professional fishing is a very big part of the community; they are pioneers of the community—I am currently writing a book on the history of commercial fishing in this community—I think it is essential for recreational fishers to get rid of all that animosity towards conservationists and commercial fishers so that we can comfortably sit down around a table and confront issues that are the same issues for all of us; issues that we share.

We are all using the same puddle; we are all conservationists concerned about that puddle. Let us sit down and work it out together. That animosity exists in certain recreational fishermen, conservationists and commercial fishermen. That has got to dissipate if we are going to move forward. We have got to come to terms with that. I have purposely in this town started up an organisation called Professional and Amateur Fishers [ProAm]. Up until last year we met up to four times a year. We have round-the-table-conversation and an opportunity to get together and share information. We will have another meeting this year. It is invaluable for us to sit at the same table and talk about issues that involve all of us. We do not vote. There is no voting; it is just an information passing session. I think we are the only place in New South Wales that does that and I encourage it in other areas.

I think the relationship here between commercial and recreational fishing is better than you are probably aware of. I work very closely with them. There is something else that I want to mention. Earlier two speakers referred to big hauls of mullet being dug into the beach and buried. I have been here for a long time and I am on the beach all the time. I have heard rumours but I have never been given one scrap of evidence. I ask those people who gave that evidence to you today to present it to me and it will be on the front page of the local paper next week.

The Hon. TONY CATANZARITI: Who should lead the way in trying to reach the position about which you were talking?

Mr CLARKE: I believe that we need a body in New South Wales to represent recreational fishermen. One does not exist now that has the respect of recreational fishers.

The Hon. CHRISTINE ROBERTSON: How would you get that representative?

Mr CLARKE: That is a tough question.

The Hon. CHRISTINE ROBERTSON: Recreational fishermen do not like one another.

Mr CLARKE: That is also a problem. The organisations that exist today do not like one another, but none of them represent the fishermen. We have to get someone. That group would represent recreational fishermen. You would get a similar group to represent commercial fishermen, which is happening at the moment. Conservationists have their organisation in place, so that is when you would start to be able to talk turkey.

CHAIR: Do you regard yourself as a conservationist?

Mr CLARKE: My word! I think most recreational fishermen are conservationists.

CHAIR: To whom were you referring when you used the term "Conservation"? Do you mean the non-government organisations, or NGOs, who call themselves conservationists? Are those the bodies to whom you were referring?

Mr CLARKE: Those who sit on fishing boards and those who care about the future of recreational fishing.

CHAIR: Thank you very much for your evidence, Mr Clarke. Along with any questions that you took on notice during your evidence, would you agree to receive additional written questions that members of the Committee might not have had an opportunity to ask today?

Mr CLARKE: Certainly, yes.

CHAIR: If so, could you return the answers to those questions within 21 days?

Mr CLARKE: Most certainly.

CHAIR: Thank you for your evidence.

(The witness withdrew)

MAX HASTE, Manager, Port Stephens Great Lakes Marine Park, Department of Environment, Climate Change and Water, Locked Bag 800, Nelson Bay, New South Wales, and

ROBERT ELLISON QUIRK, Hunter Regional Manager, National Parks and Wildlife Service, Department of Environment, Climate Change and Water, Locked Bag 99, Nelson Bay, New South Wales, affirmed and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you take any questions on notice today, the Committee would appreciate it if the responses to those questions were sent to the Committee secretariat within 21 days of the date on which they were forwarded to you. Before the Committee commences with questions I will repeat a comment that I made at the commencement of the hearing relating to audience comment. I emphasise that although this is a public hearing it is not an open forum for comment from the floor.

Whilst today the Committee welcomes members of the public, the primary purpose of this hearing is to give individual witnesses an opportunity to give their evidence on oath before the Committee. Only questions from the Committee and the evidence of witnesses are recorded in the transcript. Uninvited interruptions are not recorded and will make it difficult for witnesses to express their views fully. Before Committee members ask questions would either or both of you like to make a brief opening statement?

Mr HASTE: Yes, I would. I thank the Committee for giving me an opportunity to make an opening statement and for enabling both of us to address the Committee today. I understand that you have already been presented with some information on marine parks as part of a whole-of-government submission. You have also addressed issues relating to marine park matters raised by my colleagues in Jarvis Bay. Today we would like to limit our responses specifically to Port Stephens. Any broader issues that you have with marine parks we will be happy to take on notice. I have tabled two maps that, basically, are the same map but in different forms. One is what we called the user guide—the big foldout map that presents the whole marine park in one picture—and the second is a smaller recreational fishing guide, or the dumb-down version: the one with fewer words and more pictures specifically pertaining to recreational fishing. We make those two documents available to recreational fishers.

We have talked before about the marine park boundaries extending from Forster in the north to Stockton Beach in the south—a fairly large area out to the three nautical mile limit and extending up the tidal waterways to the extent of tidal influence, including the Myall Lakes, Myall River and Karuah River. As indicated in appendix 3 of the New South Wales Government's submission, the park was zoned around information from both habitats and user information. When the park was first declared in December 2005 I think we circulated 50,000 surveys and from that we received approximately 2,200 returns. That was our user information, which was combined with our habitat information. Sixty-two other meetings were held with stakeholders, and six meetings were held with the advisory committee to come up with the draft zoning plan with which we went out. Following that we advertised the existence of the zoning plan, as required by legislation, and commenced consultation.

Basically, we were provided with a case study of Port Stephens in appendix 3 to the Government's submission, so I will not delve too deeply into that today. Suffice it to say that we held 75 other meetings with the public and we received roughly 4,400 submissions in return. Those submissions were considered by the Minister and by the advisory committee and they went towards the final make-up of the zoning plan. That is the document that you have today in pictorial form. It is worth pointing out that the zoning plan, as it is in legislation, is somewhat different from those maps. Those maps are just a diagram or a picture of what is law. The law is actually written in text. We do our best to then reinterpret the law into pictures. When people say there is some issue with our maps that is not correct, or whatever, the law is correct and the maps are our attempt to reinterpret it in pictures. I am happy to accept any mistakes there but we do our best.

This 98,000-hectare marine park comprises roughly 17.5 per cent of sanctuary zones, 38 per cent of habitat protection zones, 44 per cent of general use zones, and roughly 0.5 per cent of special purpose zones. The purpose of these zones has been advised, so I will not go back over them today. We consider tourism in Port Stephens to be a major player, and one of our major stakeholders. We host what would be considered to be the largest dolphin-watch industry in Australia, and possibly the world, and a host of other activities—kayak hire, boat hire, houseboat hire, scuba diving, charter fishing, jet ski hire and parasailing.

We also host quite a few fishing tournaments throughout the year—almost one every weekend. Sometimes we have several on the same weekend. The best known are the trailer boat tournament when over 500 vessels compete every year with two to four people in each vessel; the interclub game fishing tournament which involves roughly 200 game fishing vessels each year; plus a host of other fishing tournaments right down in scale to 10 people from the local pub going out. We have a role in managing those tournaments. Currently, we are sitting on a statewide advisory group that is looking at making recommendations to both the Marine Parks Authority and to Industry and Investment NSW on how best to manage tournament fishing in New South Wales. We are not looking at doing anything specific for Port Stephens, but we are addressing issues across the whole State. Port Stephens has specific issues but we are addressing them in a whole-of-state context.

Sailing is also an important player in Port Stephens. Sail Port Stephens, which has gone out for its third year, is rapidly becoming one of Australia's best events on the calendar. I will touch briefly on what is involved in managing Port Stephens Great Lakes Marine Park. It is not dissimilar to Jarvis Bay, just five times bigger, and roughly the same activities are covered. We place a premium on each location and we attempt to do our best with the resources that we have. We do ranger talks and walks, and we have scuba diving and snorkelling courses. Discovery rangers in national parks are employed on those activities during major tourism times. We also lecture school groups and community groups, and at times university courses.

Of late we have been active in developing a school kit that will be released shortly. It is a statewide initiative that will have application to each marine park area. So the same format applies and we plug into local information. That has taken a couple of years to pull together but, as an earlier speaker said, we recognise the need to get to school kids. We have advisory material such as the booklet that you now have, and we have stickers for school kids, different posters, and the like. We go around some of the major shows and other open days around this area. We also support local tourism operators and members of fishing tournaments to supply information. No doubt you would be aware from the submissions that compliance is one of our big issues in this area. Obviously our aim is to maximise voluntary compliance.

Achieving that is sometimes difficult, but we focus on education and advice with penalty notices and/or prosecution undertaken only when an offender deliberately did the wrong thing or had the knowledge and/or opportunity to avoid committing the offence but chose not to do so. Let me give an example of that compliance. Since the introduction of the zoning plan on 21 April 2007, we have issued 799 caution notices to people for fishing in sanctuary zones and approximately 130 penalty notices for the same offence. It is roughly a ratio of eight to one. We are also authorised under the Fisheries Management Act, the National Parks and Wildlife Act, the Protection of the Environment Operations Act, and the Historic Shipwrecks Act.

Signage is an important activity in which we become involved. We spend quite a deal of money signposting internal waters—areas where we can practically install and maintain signage. A variety of different signs are used throughout the park, which I hope you get an opportunity to see. A quick drive to Little Beach will reveal just about every style of sign from every government agency that ever existed. There is a bit of sign pollution that we are also trying to address in this process. I also circulated a couple of pictures to try to demonstrate that signage is not the panacea for all ills; it will not fix everything. People tend to become immune to signage. You can do all you like with signage.

We have a couple of photographs of incidents that are not isolated; we can get those sorts of pictures just about every weekend of people fishing within metres of a sanctuary zone sign. Either they are oblivious or they just do not care. Generally, they did not see the sign when they were standing next to it. One chap launched a boat next to a sign and went crabbing in a creek that was closed to that use. He still said that he did not see the sign. We also become involved in incident response such as compliance callouts, marine wildlife pollution, and even acid sulfate soils, which is somewhat of an issue around this part of the world. Environmental impact assessment probably takes up 0.5 per cent of a full-time person's role.

We have a lot of development applications in and around the port, so we spend a lot of time on those activities. We provide maintenance to marine park infrastructure, such as moorings and buoys, et cetera. We become involved in our own research programs. In addition, I liaise with research institutions and the like. I would like to touch briefly on one project—the seagrass friendly moorings project—that we kicked off here in Port Stephens. We replaced 13 courtesy moorings that were originally installed by NSW Maritime and we obtained funding from the Catchment Management Authority, for which we were grateful, to upgrade these moorings and to demonstrate best practice.

So basically it removed what is traditionally scarring of seagrass around these moorings with a type that does not provide any scarring and allows seagrass to grow right up to the base. That was then rolled out to roughly 40 private moorings through additional CMA funding in this area. The program has since flowed on to Pittwater, Lake Macquarie and other areas of this State. We see the marine park as having the benefit of being able to demonstrate best practice for the whole of New South Wales—demonstrate it here and then let flow out to other areas.

Black cod surveys: Once again a bit of money off CMA. Where this endangered species was very little studied throughout New South Wales, we kicked off a pilot program in Port Stephens and identified 24 individuals here. That program has since rolled on to the remaining New South Wales marine parks with CMA funding and we are getting a good picture of that endangered species across the State. We have got baited underwater video monitoring sites throughout the park. We are monitoring up to roughly 100 sites here. You may have heard of that in the other parks as well. It is a statewide program to allow us to compare inside sanctuary zones to outside sanctuary zones over time and see what changes are occurring.

CHAIR: Point of clarification: Does Fisheries have any of those scientific data-gathering sites inside recreational fishing havens as opposed to marine parks?

Mr HASTE: Not to my knowledge. We do not have any recreational fishing havens here. I can take it on notice.

CHAIR: We will ask it of Fisheries, but thank you.

Mr HASTE: Another great project that we were closely involved in was called the Great Lakes Coastal Catchments Initiative [CCI]. If you have not heard of it before, I implore you to try and chase up some information. It is run by the Great Lakes Council with a \$1.8 million grant from the Federal Government. It really looks at addressing those catchment issues that result in the water quality that we end up with in marine parks. They have gone so far as to identify that if you have \$10,000 is it best to invest in this catchment or that catchment and what will be the effect on nitrogen-phosphorous flow onto the marine park? It is a tremendous project and one it would be great to see replicated elsewhere in the State. There is a foreshore management plan for Port Stephens that looks to address local issues associated with development on the foreshore, which is probably the biggest interface between the public and us as marine park managers. We hear a lot about recreational fishing but actually a lot of our issues are at that foreshore interface. We have done a lot of work on that and you will find that plan at the Port Stephens Council website.

Just some general comments to address issues raised in some of the submissions. This will not take a moment. We have incorporated a number of measures to try and facilitate fishing in areas that would have otherwise been sanctuary zones. We cannot technically allow fishing in a sanctuary zone, as that is against the Marine Parks Act. But what we did in zoning this park was we created special classes of habitat protection zones. They are the ones on the maps that are crosshatched. It was an attempt to reach a compromise between the aims of what a sanctuary zone would achieve with the desires of recreational fishers. There are a few of those. Cabbage Tree Island on the back there, the western side, allows for the take of three species of bait, and bait for those three species only. That was probably the prime site in the park where people wanted to gather bait.

CHAIR: Is it primarily for live baiting?

Mr HASTE: Yes, they are also taken for dead bait but primarily live baits as you head out. Broughton Island, Edith Breakers and Sawtooth Rocks allow for fishing with lures and what they call plastics as well, but no bait. That was a means of appeasing the conservation aims for grey nurse sharks and their critical habitats with the desire to still fish in these areas. They are a couple of examples there. The third one would be offshore Broughton you will see a large crosshatched area that allows for trolling from December to the end of April each year, that is, trolling for marlin species and the like. Little Beach boat ramp we discussed earlier. I heard about the little habitat zone there that allows fishing from the two jetties there and the beach between.

A couple of other points I would like to make about possession of fishing gear in sanctuary zones. Yes, you can launch at Little Beach with your gear on the rod holders all rigged up and steam through the sanctuary zone. That is not an offence. You can also anchor, moor or be aground in a sanctuary zone and have fishing gear, it is just that the rods have to be unrigged, no tackle on the lines.

The Hon. CHRISTINE ROBERTSON: Once you have anchored?

Mr HASTE: Yes. There is an explanatory leaflet that I handed out, which went on our website today, to try and raise the profile of this issue. There is a lot of misinformation. In a practical sense, it is just what you need to run the park.

CHAIR: You react very quickly, and that is good.

Mr HASTE: It is an issue that has been around for over 12 months but it is not a compliance issue for us. We do not get confused about it. That thing about possession is purely to allow us to take action against an offender whom we strongly suspect as having committed the offence of having fished in a sanctuary zone but pulled their line in because they saw us approaching. We see all the evidence there, such as very fresh fish, bait, tackle, all the rest, but he has suddenly pulled it in and we are not 99.9 per cent sure. We cannot say to the magistrate he had a line in the water. We can say that everything else looked as if he was fishing, okay, so we went possession.

I refer to a couple of other points. In Port Stephens we do have a representative of the Underwater Skindivers and Fishermen's Association on our advisory committee. I note that a previous speaker to the committee said there was none. We have a representative and we have had since July last year. Fisheries legislation has extraterritorial affect. That means it applies beyond the three nautical mile limit. If you have further questions we will take that on notice but it is not dissimilar to the offence of murder. There is no Federal statute for murder but you cannot murder someone at the four nautical mile limit. State laws still apply beyond those limits.

I mentioned the maps versus the meets and bounds issue and the legal descriptions. Someone who addressed the committee earlier mentioned the contoured zone. We use contours quite extensively throughout the park—the yellow and blue zones. We work on the 40 metre contour. They are saying you cannot draw a line on the map to exactly say that it is there. That is true, you cannot. But what you can do when you are on the water is look on your sounder and if it is 40 metres you are right on the line. If you are fishing in 45 metres with a trawler you are okay. If you are fishing at 35 metres we will most likely be taking you to court.

The Hon. RICK COLLESS: What if it is 42 metres and it is high tide?

Mr HASTE: You will not have any trouble with us. We might just want to talk to you and say, "Are you aware that you are close to the boundary here?"

The Hon. RICK COLLESS: But the tide could affect that, could it not?

Mr HASTE: Absolutely.

The Hon. RICK COLLESS: Is it median tide of 40 metres or high tide, low tide or what?

Mr HASTE: Low tide. It is legally very tight but the practical application is intentionally very loose. The thing is to allow trawlers to work but not work close in amongst the reefs and the juvenile fish, but to have them pushed out a little bit. In a practical sense it works. People get a bit agitated but they have had no grief from us on that issue. I am happy to take questions, thank you.

CHAIR: You mentioned in the original proposal you received over 2,200 submissions from the public?

Mr HASTE: Yes.

CHAIR: And on the zoning plan 4,400?

Mr HASTE: That is correct.

CHAIR: I know that those figures are broken down in the documents but I cannot remember the percentage. Do you have the figure in your head as to what percentage of the 2,200 and 4,400 were form letters?

Mr HASTE: No, I do not, and I deliberately did not categorise those when we were receiving them. I did not want people that were in a club to have their submission discounted or hold less weight because they

sent in a form letter. So I deliberately counted each of those what we call signatories to the form letter as a separate submission to get rid of the bias of "You did not count us".

CHAIR: In this question when I refer to sanctuary zones I am particularly referring to onshore, rocky shorelines. We were told in the Jervis Bay Marine Park that they are going to make a change to push the sanctuary zone 100 metres offshore, I think it was, to where the land-based anglers fish. Do you have any of those areas in your marine park?

Mr HASTE: We have a lot of shore-based angling and probably had enough to be able to zone it in and around those issues to start with?

CHAIR: I am not referring to beach fishing. I am talking about land-based angling for pelagics, so typically off rocky headlands?

Mr HASTE: The main area for our park was Tomaree Head. We left it open for all fishing off there and a couple of other areas such as Seal Rocks and up at Cape Hawk. We amended the bounds as we were drawing them up to cater for those activities where we could.

CHAIR: From our discussions with the Marine Parks Authority and the National Parks person at Jervis Bay Marine Park, they are looking to shift entirely one sanctuary zone in their zoning plan—they are virtually going to flip it over to the north—as a result of the detailed floor mapping analysis that has been done since the marine park was declared. Have you had the same technique of digital floor mapping applied to your marine park?

Mr HASTE: We have had a small percentage of the park mapped as part of the initial process. We will be doing a lot more before the rezoning in two years' time.

CHAIR: So before the rezoning would you hope to have the majority of the park mapped?

Mr HASTE: Yes.

CHAIR: That may avoid the errors they had down there.

Mr HASTE: We did our mapping around the key areas we needed information on to start with. We always want to improve and get more information.

CHAIR: So did they. I will hand over to Mr Colless on my left.

The Hon. RICK COLLESS: I would like to refer again to the gear being rigged because we have received a lot of comments about that. In this document you say, "a fishing rod fully rigged, provided no part of the line is immersed in water and no hook is baited". What about lures and plastics and things such as that?

Mr HASTE: It is not a problem. We are talking about transiting a sanctuary zone there. You can steam out through that sanctuary zone with the rods in the rod holders rigged up and ready to go once you get out there but just do not stop in a sanctuary zone with them like that.

The Hon. RICK COLLESS: If you do stop the lures and things have all got to be unrigged?

Mr HASTE: Correct.

The Hon. RICK COLLESS: I have to say I have a bit of difficulty with that. As any fisherman would know, when you go fishing you like to have all your gear rigged and ready to go before you go out. If you were to stop for any reason in that sanctuary zone, then you would be committing an offence by having that gear rigged?

Mr HASTE: It is not an absolute offence. It is an element that we would be asking you about if we saw you stopped in a sanctuary zone. Clearly if the rods are still up in the rod holders and you do not appear to be fishing—you may be broken down for instance or you may be getting a drink out of your esky, we do not know—you will attract our attention and we will come and have a talk. If you appear to have been fishing then you might attract more than our attention, you might attract a fine.

The Hon. RICK COLLESS: Another question that was raised with us, and you do explain it a bit further on, relates to gear being stowed. That is the first definition I have seen of "stowing" and you relate it there to nets and spear guns. So a spear gun can be still fully rigged with rubbers and spears so long as it is wrapped in a blanket and placed under a seat somewhere?

Mr HASTE: It is important to view those elements in the handout to look at what is legislation and what is policy. The stowed issue is a policy issue and, once again, it is about giving guidance to our officers and to the public. Obviously if you are in an open tinnie you cannot keep your spear gun up under the bow—there is no bow. In that case we will just take a practical viewpoint. If it is obvious you are not intending to use that gear, then once again there is no problem.

The Hon. RICK COLLESS: If it is stowed in the forward deck it is okay but if it is lying on the deck three feet away it is not okay?

Mr HASTE: It is okay, as I said, if you are in an open tinnie because you have got nowhere to stow it.

The Hon. RICK COLLESS: If you are in a half-cabin cruiser then?

Mr HASTE: We would expect you to take measures to make it obvious to us that you are not intending to use it either right away or that you have used it right away. Once again, that legislation is not designed to catch people out. It is simply designed to assist us to do our job.

The Hon. RICK COLLESS: You referred to the 130 penalties you have issued since the park came into existence?

Mr HASTE: That is correct.

The Hon. RICK COLLESS: Can you give us an idea of how those penalties are applied? If I am the skipper of a boat and I am caught fishing in a sanctuary zone, and the three people fishing with me are also fishing in a sanctuary zone, do all four people get an equal fine?

Mr HASTE: Good question. At law all four people are equally guilty or equally liable to be charged. The issue is: Is that reasonable? We have just come out with a statewide policy to try and address that. We have been applying what we consider to be a reasonable approach for the last 2½ or 3 years in that we consider the skipper to have prime responsibility because he navigated there and presumably told those people where they could fish. If that is what the evidence stacks up—yes, those people were fishing because they had cause to believe the skipper took them to a legal place to fish—then the skipper will be the only one in trouble. If they were all complicit in that they all discussed where they were going to go and all contributed to the location, then they will all be addressed.

The Hon. RICK COLLESS: Does the skipper then get one fine or does he incur the four fines?

Mr HASTE: Only the one fine, and it is not automatic. We still then investigate the circumstances surrounding that person being there. If he is bona fide in his ignorance and made reasonable attempts to obtain information, if he made a genuine mistake or if he misinterpreted our information, he can expect to receive a caution and some education. He will not expect to get that the second time round.

The Hon. RICK COLLESS: Following on from that is identifying where you are in the park?

Mr HASTE: That is correct.

The Hon. RICK COLLESS: I think you mentioned earlier that the zone boundaries are actually on written data rather than the graphical data that is on these maps. How is the skipper of the boat supposed to interpret that?

Mr HASTE: That is funny because they all ask that question yet they can find a rock in the middle of the ocean if they want to go fishing.

The Hon. RICK COLLESS: That is because they have got it marked and they know where it is.

Mr HASTE: That is right.

The Hon. RICK COLLESS: It is marked on their GPS?

Mr HASTE: And they can very easily import the waypoints off our maps to mark the corners of them.

The Hon. RICK COLLESS: Can they?

Mr HASTE: Absolutely.

The Hon. RICK COLLESS: I was not aware of that and other park people we have spoken to were not aware of that either.

Mr HASTE: Absolutely. We have done it on our own and a number of private ones. Go back a step: in Queensland since 1985 you were expected to know where you were out on the Great Barrier Reef some 50-odd miles out to sea at times; you were just expected to know. As an ocean-going vessel skipper you were expected to have rudimentary navigation skills. That being said, we like to assist as much as we can. You would be aware that we do not generally install moorings or marker buoys offshore; they just will not survive the weather conditions, but we do have poles on islands that line up to give you a line of sight. There are examples on the back of the foldout map there at Broughton Island. You also have line of sight. Broughton Island is a classic example where although the lines are not north-south, they do line up with total graphical features, which are easy to find.

The Hon. RICK COLLESS: Which is fine if you are a local and know where they are but it is not if you are a visiting fisherman—and I presume you get a lot of visiting fishermen from inland and other parts of the coast. It can be very difficult for people visiting for the first time to understand where those markers are, would you agree with that?

Mr HASTE: And that is why we have a ratio of 8:1 cautions versus penalty notices. If they have obtained the information and made a genuine mistake, we will make every effort to educate them. If they just did not care or did not exercise reasonable care in their navigation—

The Hon. RICK COLLESS: But it can be difficult to navigate on landmarks. I am a great believer that there should be that layer available for GPS systems. If you have that, I would be very interested to look further at that—whether it can be downloaded onto individual units, whether it comes as a disk or is a slot card that is put in a GPS; that puts that layer into it. Is that how it works?

Mr HASTE: Absolutely. I bought a card the other day for my own private vessel. It has all the zonings for the Great Barrier Reef on the card. It is a Navionics card. We have been to Navionics personally. I have been around the last two boat shows in Sydney. I have spoken to every charter company there and offered our data. We have met with the Australian manager of C-map offering our data. Navionics had a problem with our licensing agreement and we are still working with them and are going to offer it to them, but that is the answer. If we can get that data onto the charts—

The Hon. RICK COLLESS: Then there is no excuse, is there?

Mr HASTE: You know where you are. I am sure there will be excuses.

Mr IAN COHEN: You mentioned earlier the eight times cautions compared to the penalties. Can you recall anything that cops a penalty first time round?

Mr HASTE: Yes, a couple of things. More generally at Flypoint, Halifax, an area that has been closed for 28 years under a previous aquatic reserve, we are less liable to issue a caution there because it is such a longstanding reserve and so easy to catch fish there. It does not mean it is absolute but more likely than not you will receive a ping there. If you are a participant in a fishing tournament, the fishing tournament organisers are required under the permit to brief you and explain the restrictions applying. We also supply them with as many maps as they need to provide them to every competitor and we attend the briefings when invited and we also ensure that information is supplied. If they have been provided information and they simply have not bothered

to look at it, they can expect to receive some harsh treatment. If they have been provided with it, they have looked at it and they have made a genuine mistake, we will help them with cautions.

Mr IAN COHEN: Can you describe to the Committee the number of compliance officers working in this region? I see the number of cautions and infringements is quite significant. How are they managing it? Are you getting reasonable coverage? Is it having an impact, understanding of course that they are there for education? It is easy to say that we need more but how are they managing this area and the tourist numbers in particular during peak times?

Mr HASTE: Probably one of the biggest criticisms in the draft zonings stage for consultation was that we would not be able to police the park so why are we putting these restrictions in place? We are not receiving that criticism so much anymore. We only have two dedicated compliance officers for that entire area. We also enforce Fisheries legislation as we come about it in the normal course of our duties.

CHAIR: Point of clarification: Are Fisheries officers co-warranted for the marine park?

Mr HASTE: Correct. Those two officers cover the entire area but in peak periods it is all hands on deck, so one or two other staff plus me also go out and help with the policing. We have a massive catchment of people who use this marine park—4.5 million people in Sydney are on our doorstep. It is very difficult to reach them with education information so we try to cover that as they get to Port Stephens as much as we can. We also have statewide campaigns on education and media involvement, and then we are out and about on the water doing that.

We do a reasonable job; we do not catch everyone. I think we are covering enough people to at least demonstrate a deterrent factor but also acknowledging that there is a lot more education to do. That is never-ending. Over time I do not think as yet we have seen a huge change other than right from the outset local compliance; I mean compliance people who live in the local area, has been tremendous. Far fewer than 5 per cent of those infringements have been from locals. Whether they agree or disagree with the zoning, their voluntary compliance has been great. Visitors have difficulty.

Mr IAN COHEN: If I heard you correctly, you said that you want to avoid moorings in certain areas and work in other ways. In Jervis Bay we saw on the map that commercial fishers in the marine park structure had a turnaround that encroached on a habitat protection zone, I think—I could be wrong there. I understand that in marine parks you have put moorings on the hauling grounds at Shoal Bay after the park was declared. That impacted on commercial fishers. Could you comment on that?

Mr HASTE: We put four moorings that they are concerned with. We did consult with them in the process. We put them in seasonally and removed them seasonally, if you like. They are low impact moorings that protrude no more than a few inches above the bottom. When they are disconnected we consider that hauling can continue unabated. In discussions with them at the time, they could do the hauling inside those moorings with very little impact—I am not saying zero impact on their activities but very little. They are spaced about 600 metres offshore, so they could run a net in there. We did not think that would have such an impact to eliminate the activity that they wanted to do there. More importantly, our first charter of protecting biodiversity was that we needed to protect the seagrass that was being anchored on so heavily by large vessels during the summer months.

The Hon. LYNDIA VOLTZ: With respect to outside the three-kilometre zone and the Commonwealth law, the Commonwealth Crimes Act includes the criteria that if no Commonwealth offence applies, a person can be prosecuted under the appropriate State offence?

Mr HASTE: Absolutely.

The Hon. LYNDIA VOLTZ: That applies equally to marine restrictions?

Mr HASTE: Absolutely.

The Hon. LYNDIA VOLTZ: What is the reason for the four-kilometre zone just off Little Bay and Nelson Bay?

Mr HASTE: You mean the middle ground?

The Hon. LYNDA VOLTZ: Yes?

Mr HASTE: That is somewhat of a trial. It is primarily to stop vessels steaming across there and running into dolphin. The problem is the dolphin do not know it is there. We put it in there to demonstrate that it was possible to implement it and we can monitor it. We have had scientific monitoring of how effective that has been and the level of voluntary compliance with that. It will inform future zoning arrangements of course, but primarily it is for dolphin. As I said, the port's dolphin industry is very large, it is very important economically and that has been one mechanism. We have also implemented a 25-knot speed limit on commercial craft in the port. That extends across the entire port, primarily to protect dolphins, little penguin and the like. We have prosecuted a jet boat operator in the last couple of weeks for breaching that permit.

The Hon. RICK COLLESS: Does that apply to recreational boats as well?

Mr HASTE: No.

Mr QUIRK: The four-knot area is the shallowest part of the port—it is very shallow water—the argument about speed relates to the dolphin's ability to get away. It also has seagrass populations on it. The dolphins do use it and in fact the research has shown that the dolphins are retreating to that shallow water because they can get away from vessels, so it was really an attempt to slow down vessel speed where the dolphins were most vulnerable.

CHAIR: Point of clarification: Do you have any limitations on the use of private watercraft [PWCs] in those areas?

Mr HASTE: Only commercially and not for private water craft other than through that four-knot zone, yes, but elsewhere, no.

The Hon. LYNDA VOLTZ: Little Beach is the only boat ramp that comes out into a sanctuary zone?

Mr HASTE: Yes, I think so.

The Hon. LYNDA VOLTZ: And it would have perhaps 500 metres on one side and one kilometre on the other before you kick back into a yellow habitat zone or a general use zone?

Mr HASTE: Yes. The actual ramp is in a yellow zone but it only extends about 50 metres east and about 50 metres out from it.

The Hon. LYNDA VOLTZ: So if you have your boat in there and you went 500 metres to the east and one kilometre to the west, you would probably end up in a yellow or blue zone?

Mr HASTE: That is right. Once again there is no problem with having your gear rigged on your rod, on your boat and launching there. You just have to go that 500 metres either way to fish.

The Hon. LYNDA VOLTZ: People would not have to carry a rigged line three kilometres before they hit a zone; 500 metres is 10 swimming pool lengths, so you could usually work out how far you are going. I assume there is a marker at the end of the sanctuary zone to the east?

Mr HASTE: Absolutely. There is a chap standing next to it in one of the photos.

The Hon. LYNDA VOLTZ: That is the mark on the rocks. There is not one in the water?

Mr HASTE: There are markers all around that zone. We tied into the New South Wales Maritime navigational markers, so rather than install our own separate system, wherever possible we have used existing navigational aids.

Mr QUIRK: The zone is actually built around a whole series of permanent markers.

The Hon. LYNDA VOLTZ: I can see the green ones to the west but to the east I can only see one black one?

Mr HASTE: We installed a yellow one in the middle of that long stretch as well, plus a marker over on Corrie Island—a big pole that can be lined up.

The Hon. CHRISTINE ROBERTSON: In Jervis Bay I was interested in how much work had gone into further information gathering. One of the benefits included tertiary institution interests where they did extra studies of fishers. Are any tertiary institutions interested in your work?

Mr HASTE: Absolutely. There are myriad studies going on all the time. We have two professors on our advisory committee who work at different tertiary institutions. I also understand we have been approached this morning to prepare a submission on turtle monitoring for one of the universities and for funding, so that is happening as we speak. There is dolphin monitoring through tertiary institutions and ongoing programs on that.

The Hon. CHRISTINE ROBERTSON: Has that improved information gathering for this review?

Mr HASTE: Certainly. You can never have too much information. We have full-time scientific officers on board in the marine park to assist.

The Hon. CHRISTINE ROBERTSON: The only other question I have relates to acid sulfate soils that, as we know, are an issue up and down the coast. What agricultural industries are affecting you?

Mr HASTE: It is more so the private landholdings that have been around for probably 100 years or so. The drainage unions go back a long time. These are low-lying small hobby farms or large residential home sites that were drained to provide liveable space, but when it floods they are not very liveable. So they created drainage systems that dig down into the acid sulfate soil. During dry periods they oxidise and when it floods again it flushes out into the marine park. That is a legacy that we have to address, not only here but also statewide.

The Hon. CHRISTINE ROBERTSON: It is difficult to address, is it not?

Mr HASTE: It is. In a week's time we will be having a meeting with the drainage union to try to address that issue. We have taken a united front with Industry and Investment NSW and council to encourage the unions to do the right thing. It is not what we consider to be a compliance issue, although there is legislation to address it; it is more a cooperative working relationship where we can improve the lot for everyone.

Mr IAN COHEN: The drainage areas further north are very complex as they reinundate and change the land tenure. Is any method used to resolve that acid sulfate runoff other than reinundating? I have heard about liming and all sorts of things, but are you currently using anything?

Mr HASTE: Liming and those approaches are more a short-term fix to an immediate problem, whereas in the long term you have to look at what is causing it. Largely, there are floodgates involved. The floodgates are trying to keep the water out and what have you. It is about redesigning the floodgates and also redesigning the depths of these dug-down drains. We have to ensure that these drains are maintained, which is usually the worst thing. We also have to ensure that excavators do not dig up the soil profile once again and expose more of these oxidising soils.

The Hon. TONY CATANZARITI: What about the Catchment Management Authority? Can it assist you in that regard?

Mr HASTE: Absolutely. The intergovernmental relationships around here are tremendous. We work together closely. Tomorrow I am attending an estuary management committee in Forster.

The Hon. TONY CATANZARITI: On that issue?

Mr HASTE: Yes. As I said, we have a joint agency meeting next week with the drainage unions, Industry and Investment NSW and council.

CHAIR: Gentlemen, thank you very much for giving evidence today; it was very elucidating. Along with any questions that you took on notice during your evidence, would you agree to receive additional written questions that Committee members might not have had on opportunity to ask you today?

Mr HASTE: Sure.

CHAIR: Could you supply the answers to those questions within 21 days?

Mr HASTE: Yes.

CHAIR: Thank you for your evidence.

Mr HASTE: Thank you.

(The witnesses withdrew)

LESLIE JAMES CHEERS, Recreational fisher, and

KATHLEEN JOY CHEERS, sworn and examined:

Mr CHEERS: I have been a recreational fisher since I was five years old, so I have been fishing for a period of 60 years. I have also been a commercial fisherman for 50 years.

Mrs CHEERS: I am the wife of Leslie James Cheers, and I represent all the mothers, wives, girlfriends and partners of the commercial fishermen in region 4.

CHAIR: Before we begin would either or both of you like to make a brief opening statement to the Committee?

Mr CHEERS: I did not realise that there would be a hell of a lot of crap at this meeting today. I am here to be honest and truthful about the real issues. Some of the real issues relate to recreational fishermen and to the commercial industry and what the marine park and the closure of recreational fishing havens has done to the lives of those people involved in the commercial industry. I believe that the public own the fish and that the commercial fishermen were put there so that the public could buy those fish. A few recreational fishers should not have a hold of the world's harvest. The everyday housewife has to go to a fish shop and pay \$50 just for a feed of fish and prawns, whereas a recreational fisher can do that every day for a whole year and take \$200 worth in one day for the price of a recreational fishing licence. I believe that members of the public are missing out.

You keep closing down the commercial industry. There was a lot of rubbish here today about nets and fish getting buried in the sand. That is completely wrong. That kind of thing does not happen in this day and age. I have never heard so much bull in my lifetime. For 20 years I have sat on committees with the Minister and with recreational fishermen. I was there for the duration of the environmental impact study. I represented New South Wales on the Minister's Seafood Industry Council and I was also there when Eddie Obeid implemented recreational fishing licences. On top of that, the commercial industry is now faced with a marine park that has meant more closures—not so much closures for recreational fishermen. In most areas fishermen are also exempt from habitat protection zones. Recreational fishermen and everything else have destroyed a perfect industry.

I speak for the estuary fishermen. I have been in every fishery. I am still a beach-hauling man and I have been a trawling man in the ocean. Never in my lifetime have I seen or caught a leather jacket in a fish trawl. The net trawls that were mentioned earlier, which related to prawn nets and not to fish nets, do not scoop up all the leather jackets. Actually, a fish trawler does not catch leather jackets; leather jackets are caught in fish packs. Most of the evidence that I heard today was wrong; it was all rubbish and it nearly made me sick listening to it. I do not see the point of all this if people do not tell the truth—not the rubbish that I heard about fish getting buried. I believe that an issue such as that could be taken to court once the fishermen heard that they had been accused of burying fish, which has never happened. I am open to answering all your questions.

CHAIR: Mrs Cheers, would you like to make an opening statement?

Mrs CHEERS: In region 4 Les and I are well respected in the professional fishing and amateur fishing community, as we are involved in both. At the moment I am involved with a lady called Stacey at Great Lakes Council. I am working with Stacey to secure a better relationship with members of the public and to inform them that we are not rapers and pillagers; we are conscientious conservationists. Our livelihood depends on the lake system being healthy, so we ensure that the lake system is healthy. We work behind the scenes to ensure that that happens. You have your rogues in the industry but there are definitely a great many conscientious and professional fishermen who are ready to make a difference to the industry.

At the moment the recreational fishing havens have bought out professional fishermen in region 5. As you know, New South Wales has seven regions. We are in region 4, which covers the area from Crowdy Head to just past Lake Macquarie. Money from the recreational fishing havens bought out fishermen in region 5. The next day people in region 4 were allowed to buy back into the industry and to compete with my family, which has been fishing in region 4 for 120 years. My son is a sixth-generation fisherman. Our income has gone from \$100,000 a year to \$30,000 or \$35,000. We are trying to compete with fishermen who have come from region 5, who have new boats and new motors, and who have paid off their homes. They have been able to keep all their

fishing gear and here we are in region 4 still working our old boats and our old motors and trying to compete with people who have been bought out. One family from region 5, which received \$1 million, came back into region 4 just after it had been bought out. How does that work?

Mr CHEERS: These are some of the things that have happened.

Mrs CHEERS: Professional fishermen in region 4 are very depressed. There is so much depression that one fisherman tried to commit suicide because he cannot go on. He cannot understand why all this is happening. The Government is not listening to us. For instance, our family has lived on Smiths Lake for 140 years. Every day we have kept a diary relating to Smiths Lake. My great grandfather used to refer to Smiths Lake as his paddock. He would go out every day and write everything down in his diary. My father, who is now 83 years old, has continued that tradition. He is still fishing in Smiths Lake because it keeps him alive.

We have a problem in Smiths Lake since the Marine Parks Authority made it a park—we have dying fish. When our family looked after that lake we did not have a problem. We used our own money to employ research scientists. If there was a problem we said, "We need you. Come down and have a look to see what is going on." They would say, "This is happening", or, "That is happening", and the commercial fishermen would rectify it. We spent 10 years conducting a survey on that lake for the professional fishing industry so that we could look after the weed beds, the mangrove swamps and the fish population. The authorities have now made it into a marine park.

Now we have a problem as we have dying fish. Massive numbers of fish are dying in Smiths Lake. I had to spend \$1,300 of my own money to employ Ben Diplock to conduct a survey to find out what was wrong with the fish. I could not get anyone to listen to me. Nobody would listen. We had to pay \$1,300 to get a report done to find out why these fish were dying. Now why didn't the Fisheries department say, "What can we do to help?" Why didn't the Marine Park Authority? Although the Marine Park now is trying to help us but they have got their hands tied because the Fisheries Department is saying, "You only want to go in there to catch the fish. That is the reason why you are making a noise." This is the pathological assessment by Dr Ben Diggles that we got. I can pass it around if you like?

CHAIR: Do you have a spare copy of that?

Mrs CHEERS: No, but you can have that one.

CHAIR: Are you tabling that copy?

Mrs CHEERS: I am tabling that copy. I just want somebody to take notice of the problem in the Smiths Lake.

CHAIR: If we can photocopy it here today, we will return the original to you.

Mrs CHEERS: I have got other copies. You can keep that copy.

Document tabled.

Mr CHEERS: We really need now the Government to have a serious look at the fish in Smiths Lake. If it can ever happen, we really need help. Whether the Marine Park wants to step in and do it? I cannot see anything ever happening but they are dying. The report will tell the whole story.

Mr IAN COHEN: For the record, could you briefly say from your point of view why they are now dying when they were not dying before?

Mrs CHEERS: Well, my husband can answer that.

Mr CHEERS: We believe starvation; there are too many fish in Smiths Lake. We haven't taken a tonne of fish out of there for two years, where we would take one tonne a week before it was a marine park. Fish are still in the lake but fish are in the closures where we are not allowed to work, in the habitat protection zone and the sanctuary zone. We will get hung if we go there. But that is where we told the Marine Park, when we had all the consultation, that is where the fish go. So that is the area they closed. Therefore, we really have no

access to the fish. The recreational fishers are doing all right. They can't even get a fillet off a fish, they are that poor. They have lost 60 per cent of their body weight.

Mrs CHEERS: I have photographs if you would like to see them.

CHAIR: Thank you. We will move on to questions.

The Hon. CHRISTINE ROBERTSON: I am very concerned about your story, which I had already read in your submission, as to the buyout and people moving to another zone. Can you explain to us who licenses the commercial fishing? Who gives the licences to the persons who are paid in the buyout and move to your zone?

Mr CHEERS: Those licences were bought from another fisherman. It was latent effort.

The Hon. CHRISTINE ROBERTSON: They bought them from another fisherman?

Mrs CHEERS: Yes, very cheaply, very cheap licences.

CHAIR: Licences that had been issued but for which there was no actual effort being made?

Mrs CHEERS: That is right. Now these licences have come alive.

CHAIR: How did you describe that—latent effort?

Mr CHEERS: The Minister or the Government, the department, called it latent effort. It was a licence their grandfather had and never used for 20 years maybe.

Mr IAN COHEN: Sleeper licences.

The Hon. CHRISTINE ROBERTSON: Like our water licences.

Mr IAN COHEN: Same thing.

Mr CHEERS: When they bought the fishermen out of Lake Macquarie, they only bought out the fishermen that meted up to around \$200,000, not the fellow that only earned \$20,000—they did not buy them. One family sold for \$250,000 each and bought back in for \$20,000, it was that easy. We should have jumped on the bandwagon; we didn't do it. The Minister said he wanted to keep the industry going as a sustainable, viable, commercial fishing industry. So that is what we did, we tried to. The Minister told us that no-one will be out of pocket. Eddie Obeid told us at the summit meeting in Sydney, "No man will be out of pocket." I see families every day crying. They still come to me—20 fishermen, women crying because they can't pay their house payments and they can't feed their kids. That is how bad it is now. They have gone from earning their \$100,000 a year to earning \$30,000 a year, and it was done to them by the recreational fishing closures and the promise that they were going to be bought out and we were going to have this beautiful, sustainable industry. This Government did it.

CHAIR: If those other fishing licences had not been bought up would you still have been able to make a living in your zone without those other people moving in?

Mrs CHEERS: Yes.

Mr CHEERS: It doubled the effort in, say, Wallis Lake.

CHAIR: How many active licensed fishermen are now operating in zone 4?

Mr CHEERS: I could not tell you the number but—

Mrs CHEERS: They are coming from all over. Can I give you an example? We have what we call the Tamboi prawn draw, which is run by Fisheries. It is a sort of ballot. You are very lucky if you get—say you have "Les Cheers" name in this barrel and you have a number in that barrel. They pick out "Les Cheers" there and he is on shot number three on the Tamboi River. That is the shot he must do and that is the only shot for that

night. There are usually probably 10 men. Do you know how many were there for the last prawn draw, which was only a week ago? There were 96.

CHAIR: Actively competing in the draw?

Mrs CHEERS: Active fishermen from Laurieton. They are travelling from Laurieton way down to Tuggerah Lakes.

Mr CHEERS: One came from Wollongong for the prawn ballot.

Mrs CHEERS: That is how desperate it is.

Mr CHEERS: Can I go on to the Kruell report? Does anybody know about it?

The Hon. CHRISTINE ROBERTSON: We read about it in your submission.

Mr CHEERS: The Kruell report was done by the Government before they closed Lake Macquarie. It was a report done on the recreational fishing.

Mrs CHEERS: Daytime fishing.

Mr CHEERS: This report here was on the Internet and just before this inquiry it has been taken off the Internet for some reason. Even Ian Macdonald did not have a copy. It was done for Eddie Obeid but it was never produced until after Lake Macquarie was closed. If you read this you will find that the recreational fishermen were already taking more than the commercial fishermen before they threw the commercial industry out. That recreational fishing would have doubled and tripled by now. You see the recreational fishing now when you drive along Stockton Beach and there is standing room only with fishing rods. They say, "We can't catch a tailor." Do you wonder why? There are a thousand fishing rods sticking up there.

The Hon. LYNDA VOLTZ: Point of clarification: When I was a youngster and my grandmother lived opposite the Gorokan cooperative there was a fishing family called the Foleys. A couple of the boys, Ronnie and Scott Foley, used to fish on the lake there. When I was about 15—and I know 30 years is a fair time ago—Ronnie and Scott moved north at that point from Toukley lakes because of the lack of fish.

Mrs CHEERS: Can I say something to that?

The Hon. LYNDA VOLTZ: There has been a progression over the years of this kind of movement, and we have had this report before about particularly prawners coming into other people's areas. Has this been a long-term situation that people have been coming off the lakes and shifting up?

Mr CHEERS: Before the regulations were regulated you could move anywhere you liked in the State as long as you had a fishing licence. You could go to Wollongong and fish today and up to Ballina tomorrow, but then zoning regulated you. But they were just a family that moved in there because they always had family up that way.

Mrs CHEERS: They had family up there.

The Hon. LYNDA VOLTZ: But originally they had the house next to the cooperative and they had always lived there. There has been some evidence presented—and I know this does not help at all—as to our New South Wales undersea topography and how our fish breeding grounds have limited fish stocks, which does not exist in places such as New Zealand and Western Australia. We probably have the poorest fishing stocks in the whole of Australia because of the nature of the topography and how far our plateaus go out. The increase in population particularly around the lakes up here, as you would have seen over 30 years, would have put a lot more pressure on fish stocks in New South Wales. Whilst recreational fishing goes hand-in-hand with that, the population increase is adding a lot more stress than we have not had before. That is what I am trying to grasp. Given what I saw as a child and the shifts that were happening then, has this been an ongoing process for some time?

Mrs CHEERS: No.

Mr CHEERS: We believe that some of the species in the Tuggerah Lakes were taken out by the power stations.

The Hon. LYNDA VOLTZ: It is at that time the power stations were established.

Mr CHEERS: Some of the species that breed in the lake, laid their eggs in the lake—there are not many species that do that—were consumed by the powerhouses, such as the greasy-back prawns. But most of the good fish travel out to sea to spawn. Almost all of our estuary species travel up the coast to lay their eggs, not in the lake. When they say the fish are coming back into Lake Macquarie and another fellow said the fishermen caught all the big ones, it is all rubbish to me because at this time of the year the fish all leave the lake. There is no fish in Wallis Lake in the middle of winter when the water is only 12 degrees.

The Hon. LYNDA VOLTZ: It is too cold.

Mr CHEERS: They are all down on the surf, along the beach and around the headlands where it is 20 degrees. They do not come back into the estuary until spring.

The Hon. LYNDA VOLTZ: Was the issue of fish stock within New South Wales ever discussed when you were on the government committees looking into fishing?

Mr CHEERS: The fish stocks? The fishermen always asked that question to the Fisheries but there was never enough research done on anything. We wanted more research done on everything. I was involved in lots of research. I have a letter on some of the best research in the world that was done through a Federal Government-funded thing, and we have also done work with a lot of scientists. The by-catch reduction devices in prawn nets that allow little fish to escape and all that type of thing that are used all around the world now we designed.

The Hon. LYNDA VOLTZ: It is more an investment to building a sustainable fishing industry, given the changes and the pressures that are coming on stocks and the impact of fishermen on marine parks?

Mr CHEERS: They are trying to get the nets so they are all very sustainable with less by-catch. That has all been done.

The Hon. CHRISTINE ROBERTSON: We have heard a lot about by-catch and we have heard about how the prawn trawlers are screwing this up. I am hoping that during this inquiry we get some solid information on the massive work that has been done by the fishing industry and the prawning industry about by-catch and the destruction of beds because we certainly have not had it so far.

Mrs CHEERS: That is right.

The Hon. CHRISTINE ROBERTSON: You can relax that we are not only looking at one question.

Mr CHEERS: I can tell you truckloads of research and stuff that has been done.

The Hon. CHRISTINE ROBERTSON: I know. We will get it. I am very interested in that part of your submission where you say there is not much point in setting recreational fishing against commercial fishing. There has been quite a strong theme about a healthy marine and fish environment process that everybody should work through together, rather than the constant set-off about who is doing this and who is doing that.

Mrs CHEERS: In region 4 all the commercial fishermen now have joined together. We are working together because have not got much water to fish in now, so we have desperately joined together and we are working with Great Lakes Council to do as much as we can to keep Wallis Lake rivers and estuaries as healthy as we can. We have a very good rapport with amateur fishermen too in that area. We work together in that area. We have got to because there is not much ground left to work with.

Mr IAN COHEN: You recommend that the issue of fish caught by recreational fishers and then sold on the black market be investigated. Could you suggest who should do that, how they should go about it and what would be effective? You can take that question on notice, if you like and get back to the Committee?

Mr CHEERS: You do not want a Fisheries officer sitting on every beach and every post. There is no way that compliance officers are going to find these fish in a fish shop and pub. They are sold around the caravan parks and what have you. We had people come to our shop and offer us to buy these fish, but we do not buy it—like a box of the fish. A recreational fisherman can catch a lot of fish.

Mrs CHEERS: This is everyday.

Mr CHEERS: As a recreational fisherman, I went out with a friend from Sydney and we got a few tubs full of fish, some nice pearl perches and snapper, and we still had not reached our bag limit, the two of us. It was roughly \$300 worth of fish on the handline. Recreational fishermen can do that every day for the price of a fishing licence, and some of them are doing it. They are not eating all those fish. The Minister now wants us to buy another endorsement, double up mine to buy another fisherman out so that I can go and handline those fish, which will cost me \$30,000 to buy another 20 shares to go out and handline snapper. Why would I want to pay that when I can go and get a recreational fishing licence?

Mr IAN COHEN: I am just interested to know whether you have any suggestions on an effective way to alleviate what a number of inquiries have shown was a major problem, including a fishing inquiry I was on 10 years ago in the commercial fishing industry, that apparently still has not been addressed. If you do not have an immediate answer the Committee would appreciate a written answer.

Mr CHEERS: I do not think anybody is entitled to go every day—

Mr IAN COHEN: We understand that. I am just asking for a suggestion of any solution or a way of dealing with what is a pernicious problem in an industry where a lot of people are suffering?

Mr CHEERS: The only way to stop that is to stop the fish from being caught. Fishermen have to put in a fish return and put down every fish they catch. How are you going to know in 20 years time how much recreational fishermen catch? How are you going to know when to stop giving out recreational fishing licences?

Mr IAN COHEN: I appreciate that. You might like to take the question on notice and get back to the Committee at a later stage as we have limited time now. Your submission contains the statement that "the real threat to fish and fishing comes from other sources, including water quality and fish passage restoration". On what basis do you make this claim, particularly in light of your other comments regarding the significant impact of recreational fishing on fishing stocks? Could you add to what you have already said in terms of other problems?

Mr CHEERS: I do not know what you mean.

Mrs CHEERS: We have an example at the moment in Wallis Lake where our greasyback prawn population is gone in the southern end of Wallis Lake. A greasyback prawn lives, breeds and eats in a lake system; it does not go out to sea to spawn. It lives there and it lives and breathes on the weed bed. We have a situation in Wallis Lake at the moment where the greasyback prawn on the southern end of the lake is gone. We cannot catch greasyback lawns anymore. You might catch 20 kilos or whatever but the population is gone because we have had a certain person dig canals in a bay. That happened overnight; I do not know how it happened but it just happened. The consequence of that is that we now have lost our greasyback prawn population and it is not going to come back until that weed returns, which will probably be seven years, so that is another form of income lost to us.

Mr IAN COHEN: I understand that under Eddie Obeid a lot of restoration or reinundation work was done of the Hexham swamp. Do you have any information to give to the inquiry as to how that is going? Is it having any impact on fish breeding?

Mr CHEERS: That actually was one of the best seasons. The minute they opened those floodgates, the next seasons was one of the biggest ever in the Hunter River for the school prawns. We believe it had a lot to do with reopening all that habitat. They found little spawn up in the long grass before the grass died as soon as they did that. The habitat is very important.

Mr IAN COHEN: Is that reinundation currently proceeding?

Mr CHEERS: Yes, it is all the way up the coast, that type of thing. Something like 300 have reopened. There were 150 illegal floodgates up the coast and I think they have reopened about 300 altogether. There is a lot of work being done there.

Mr IAN COHEN: In your submission you told us there was an urgent need for environmental impact assessment to be undertaken into recreational fishing in New South Wales. What should the scope of this assessment be? What is your point there?

Mr CHEERS: It means the catch rate. We need to know how much fish they are taking. How can you control the fishery if we do not know how many fish they are taking? And you will never know because they only tell you the bag limit. They are not going to tell you above the bag limit. There has got to be a way of them filling out a logbook too, the same as we have to do every day we go fishing. Why cannot the recreational fisherman do that before he comes ashore with his fish? Why do they not fill in a book? If we have to have the lobster book, tagged and the amount written there before we hit the bank—in other words they are deemed to be illegal lobsters—why cannot the recreational fishermen do that? It is so easy; write down how many fish are caught, but it would have to be policed if you did have a logbook.

The Hon. RICK COLLESS: You made a statement about recreational fishers and the amount of fish they take; that they take more than commercial fishers in some circumstances. Are you referring there to net fishermen, prawn trawler men, traps, line fishermen or all of the above?

Mr CHEERS: I am referring to the recreational line fishermen when I say that. It is Government research that proves it.

The Hon. RICK COLLESS: In terms of commercial fishermen, are you referring to all across-the-board commercial fishermen there?

Mr CHEERS: We are down to one lake; most of the Myall Lake—

The Hon. RICK COLLESS: Are we talking about prawning now?

The Hon. LYNDA VOLTZ: He was talking about Lake Macquarie.

Mr CHEERS: I am talking about my area, if you like.

The Hon. CHRISTINE ROBERTSON: What kind of fishing happens in your area? He wants a description of the commercial fishing in your area?

The Hon. RICK COLLESS: Were you referring to prawn trawling?

Mr CHEERS: No, I am referring to the estuary fishery. The prawn trawling is involved in the Hunter River where somebody says that should be closed down, but I am more involved in the estuary general fishery, which is netting, prawning but not trawling.

The Hon. RICK COLLESS: In relation to the prawn trawling that occurs in Smiths Lake, do the figures you gave of recreational fishermen taking more than commercial fishing include just the figures that you delivered to the cooperative or does it include the bycatch? A lot of statements have been made about bycatch. I am trying to get to the bottom of how much it is. You have said the nets have been changed substantially over the years, and I was aware of that. Can you explain what the changes have meant in terms of reducing the bycatch?

Mr CHEERS: We do not catch any bycatch. We return bycatch to the water if there is a fish caught in the net. The species we catch all go to the cooperative. There is no bycatch. We do not get salmon in the estuary.

The Hon. RICK COLLESS: I actually worked on a prawn trawler on the Great Barrier Reef many years ago. This was before the new nets came in. At that stage there was more bycatch going out the back of the boat when we sorted the prawns on the tray than there were prawns. I understand that the nets have changed substantially since then. For the prawn operation now, how much has that bycatch reduced since the new nets came in?

Mr CHEERS: I will not speak for the ocean trawl fishery because I have never represented it but they have done a lot. You need to talk to an ocean trawl representative about that. I am sure they have it all under control. Fisheries have been out there doing a lot of research on that, but I am not sure of the outcome of that because I am just estuary general these days; I am not out there. Somebody up the coast will surely report to you.

The Hon. RICK COLLESS: Can you tell us how your operation works? When you say you do not take in any bycatch, it all goes back in the water, what condition is the bycatch when it is returned to the water?

Mr CHEERS: You haul the net in and then you are in the cod end, and you are standing in water this deep. You let the little ones out and put the big ones in the boat and that is the way it works. You do not kill any. Some nets will catch an undersized bream in the flathead net but you let it go. You put it down a pelican pipe and let it swim away. There is very little dead fish. You do not see dead fish floating around anymore these days. You only see them in Smiths Lake marine park now or big fish kills up the coast.

CHAIR: If I read your submission correctly you have two problems: One is you believe there is not enough information about what recreational fishers take and, second, the buyout was poorly handled, allowing people who had been paid out to come back into your fishery?

Mrs CHEERS: Yes.

CHAIR: If we put the recreational fishing issue aside for the moment, do you have any suggestions as to what the Government might do to rectify the problem of that latent effort going back into your zone?

Mr CHEERS: That is easy. Reopen Lake Macquarie to commercial fishing. Did they buy the water or did they buy out the fishermen? It was closed for five years. What does that mean? Why did they say that it was closed for five years? Those five years are already up, just like in some of the other rivers. There is more than one recreational fishing haven; they are located all the way up the coast. Either they give the commercial industry some more water or they buy them all out. Do not let us die of starvation and do not starve us out. Let the Government step in here and do something.

Mrs CHEERS: Do not let us starve; we are starving now.

Mr CHEERS: The other day I said to the Minister that this has to be done quickly. We have already had two years of starvation.

CHAIR: As an industry representative do you have a rough idea as to how many licences would need to be bought, or how much such an investment would involve?

Mr CHEERS: No. I am no longer on the Seafood Industry Council, but it is talking along the lines of some kind of buyout where we buy out each other. We no longer have any money to do that.

CHAIR: I am talking about a government buyout of certain parts of that effort.

Mr CHEERS: That would fix the problem.

Mrs CHEERS: Seventy-five per cent of the fishermen in region 4 want to be bought out because they are so depressed that they cannot handle it. They have had 15 years of being trodden on.

CHAIR: How many fishermen would that involve?

Mrs CHEERS: That would probably involve 20, 25, or 30.

CHAIR: Of that order?

Mrs CHEERS: Thirty at the most.

Mr CHEERS: This is happening not only in our area.

Mrs CHEERS: I am speaking on behalf of every mother. I cannot stress enough that it is really bad.

CHAIR: The same comments were made when professional fishing was displaced from Sydney Harbour, not because of the recreational fishery but because of the dioxins. Most of them were relocated to the Hawkesbury River, so now you have double the amount of active fishing licences and double the amount of effort in the Hawkesbury River. Maybe the Government needs to have a hard think about how it does this. Your recommendation is that if it does that it should do it quickly?

Mrs CHEERS: Very quickly. At the moment three families are in desperate straits. One has just had his home taken away and two more families that are desperate approached Les to try to get some help. I do not know what we can do. The members of one family have just been told that their baby has muscular dystrophy and the husband has to stop work. There is a great deal of desperation at the moment.

CHAIR: We are out of time but I assure you that the Committee has listened to every word that you have said. We will definitely take it up with the Government to try to see what we can do. As Committee members might not have a chance to ask you all the questions that they needed to ask would you be happy to take some questions on notice? In other words, we will send some questions to you.

Mr CHEERS: Yes.

CHAIR: Would you return the answers to those questions within 21 days?

Mr CHEERS: Yes.

CHAIR: Thank you very much for coming all the way here to talk to us.

Mr CHEERS: Thank you for the opportunity.

(The witnesses withdrew)

(Short adjournment)

KELVIN JOHN WYNN, Commercial fisherman,
affirmed and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents that you may wish to tender should be heard or seen only by the Committee, please indicate that fact to the Committee and it will consider your request. If you take any questions on notice today the Committee would appreciate it if the responses to those questions were sent to the Committee secretariat within 21 days of the date on which they were forwarded to you. Before the Committee commences with questions would you like to make a brief opening statement?

Mr WYNN: Yes. I am here to speak to my submission. I am a commercial fisherman. With the advent of recreational fishing havens and marine parks, I felt it was not good management practice because of the area involved and the effort by the commercial sector and the general estuary sector. I tried to think of a way of increasing the area available to commercial fishers that would not impact on the recreational sector. Having said that, I realised that the marine park areas were probably off limit, so the only areas that we could go back to and that were available were the recreational fishing havens. It was my idea to purchase days or nights of work to target non-recreational species, mainly mullet.

I have worked, as have my father and my grandfather, in Lake Macquarie. At this time of the year I am sitting out on Blacksmiths Beach catching travelling mullet that are leaving that late. I have not yet had a pay check, but I will probably receive something in the vicinity of 50¢ to \$1.20 or \$1.30 a kilo for those mullet. If those same fish were targeted at other times of the year within the lake the return would be much greater—\$3, \$4, or \$5. You would go to work on nights when you thought that the return would be worthwhile.

CHAIR: Could you explain why?

Mr WYNN: Because most of the fish that are caught on the beaches at this time of the year go to the processors, whereas at other times of the year I would be working to supply the Sydney Fish Market. It is simply a question of supply and demand.

CHAIR: For the fish or the roe?

Mr WYNN: These days the whole fish is used; the roe is not just cut out as has occurred in the past. When fish are now targeted on the beach the whole fish is used. I think that is pretty straightforward. If we go back to targeting those fish at other times of the year it would be for the whole fish. There is no roe at that stage; they are just normal bully mullet and not travelling mullet. It is their habit to come into the estuaries and to go into the bays. Basically, that is what we used to do before it was made into a fishing haven. Mullet is not a targeted species by the recreational fishers movement.

I know that there would be a bit of by-catch in trying to catch only mullet, but I think the overall effect on other fishing grounds would be insignificant. Basically, we now look at Tuggerah Lakes, at Myall Lakes—the little part that is left over from the marine park—and at Wallis Lake. In my opinion commercial fishermen are overfishing them simply because not enough of them were taken out in the buyouts, and the fishermen have nowhere else to go.

CHAIR: Earlier the comment that was made was that one of the problems with commercial fishers remaining in zone 4 was the influx of fishers that were bought out from zone 5 and who relocated their effort by buying latent effort in zone 4, therefore, overloading the number of fishers in zone 4. Do you agree with that contention?

Mr WYNN: To a certain extent yes. I was bought out when Lake Macquarie was made into a recreational fishing haven. I was probably one of the biggest recipients of a buyout. To buy back in probably cost me three-quarters of what I was paid to get out. In many ways I was probably one of them. Some of the effort went back in straightaway. I waited a couple of years before buying back in, but in the first lot of recreational fishing havens there was no five-year limit, which I think was included in the last lot of marine park buyouts—a five-year moratorium that fishermen could not come back in. I certainly believe that many licences are still lying around that were not taken out or bought up.

CHAIR: We will proceed with questions and we will begin with Mr Colless.

The Hon. RICK COLLESS: Can you tell us of the change between what you did before fishing havens came into being—and you alluded to that a moment ago—and how you operate now?

Mr WYNN: My methods have not changed at all. I used to haul in the estuary general, prawn, mesh—that is like a gill net. I still do those. When I bought a licence I still had those three endorsements. The only extra thing I do now is that I have a beach endorsement and don't go on the beach, which made me think, "This is silly, I am sitting out here on Blacksmiths Beach catching mullet coming out of Lake Macquarie when I used to target those fish within the lake before." My main activity is probably hauling, although at different times of year we do the other types of methods.

The Hon. RICK COLLESS: In your submission you state that with the establishment of marine parks and fishing havens the commercial sector has been squeezed into a very limited area now. To what extent is that degrading the resource that is in those limited areas?

Mr WYNN: Without firm figures, I think at different times of the year greatly. Last winter we came up to an area that is still left open in the Myall Lakes, which we use to come up and mesh mullet. Before you would be lucky to see anyone else up there working. This year up there would be five or six other fishermen—fishermen that have come down from Wallis, from Taree, local fishermen and, of course, I am situated down the Central Coast at Tuggerah Lakes. What has happened is that with the better travelling conditions, better roads, you are making it a lot easier for fishermen to travel and that puts pressure on every estuary. For me it is 2½ hours up to Myall Lakes and it is something you have to do now. When Lake Macquarie was open to fishing I hardly moved out of the lake. That is the difference. Fishermen will and have to travel now to make a living.

The Hon. RICK COLLESS: Do you just work within region 4?

Mr WYNN: Yes.

The Hon. RICK COLLESS: Have you run into other fishermen from other regions in region 4?

Mr WYNN: I have run into other fishermen from other regions but they also have region 4 endorsements. If I wish to I could buy an endorsement for region 5 or region 3 and work those as well as region 4. There is quite a few come from Sydney, region 5, and a couple from the South Coast, regions 6 and 7, but not so much from the northern regions.

The Hon. RICK COLLESS: Do you think the fact that those fishermen are coming in from the other regions is putting extra and unwarranted stress on your limited resources in region 4 or are there enough fishermen going the other way as well to balance it out?

Mr WYNN: I do not think there are too many fishermen leaving to go elsewhere. I think fishermen coming to region 4 do put stress on it, but I would also say that not enough fishermen were taken out in the buyouts in region 4 itself and we are putting the stress on the numbers ourselves. In the last marine park buyout a lot of the effort that was bought out was latent effort and blokes who had not worked for quite a while. It did not take a lot of the workingmen out of it, and a lot of the workingmen probably did not apply for it either.

The Hon. RICK COLLESS: What about commercial fishermen such as yourself who have been in the industry for a long time going into a fish farming-type operation? Have you ever given that any consideration?

Mr WYNN: When I was the chairman of Mannering Park Fishermen's Cooperative and I was negotiating with the then Minister—when Lake Macquarie was bought out the Minister was Mr Obeid—Mr Obeid wanted me to give him the money I was going to be bought out with for him to invest in a fish farm. He told me on numerous occasions, "Give me your buyout money and I will put it into a fish farm".

The Hon. RICK COLLESS: I guess that is your answer.

Mr WYNN: I have yet to come across, except for silver perch, a fish farm that is really viable. With the snapper farm out here there was a good expectations. No, I have never considered going into a fish farm but I was given the opportunity to.

Mr IAN COHEN: We have already gone over the issue of commercial fish buyouts increasing pressure within the limits of available areas. You have given some information and we have also got some information from earlier witnesses. In asking for more buyouts to address the problem, in your opinion how many more need to happen and could you give some indication of geographical areas?

Mr WYNN: I do not know that I was really asking for more buyouts. I think I said I did not think there was money available for more buyouts. I think probably Fisheries could answer that question better than I could. I would not like to point around and say, "You need to go. I need to go." The main crux of this submission was that if there is not going to be any more buyouts, basically for commercial fishermen to try and come to some arrangement with the recreational groups and the recreational havens and try and get some nights in there. Actually buy nights. I think I said buy nights to go to work and target non-recreational fish, mainly mullet.

Mr IAN COHEN: Target a special recreational fishing licence that would ideally go towards environmental or fish stock exercises?

Mr WYNN: Yes, I think I said it should go to the local recreational fishing committees and how they spend it. I know down our way they have put some reefs in and they have done some work around the boat ramps and stuff like that. It is up to them as to how they spend the money because we are actually asking them to take some of that resource in terms of non-recreational fish.

Mr IAN COHEN: What other species other than mullet? You are clear about mullet and recreational fishermen are not catching them on line, I take it. Is it reasonable to say they are a net fish only?

Mr WYNN: That is right, yes.

Mr IAN COHEN: Having acknowledged that, what other species are we talking about that would be of use to commercial fishermen that are not going to impact on the activities of recreational fishermen?

Mr WYNN: There is probably not too many other than mullet. If you looked at other than netting, eel trapping would be one. I do not think that recreational fishermen target too many eels. Crabbing is a recreational fish. The only other fish that is commercially viable, and which I caught a lot of, are silver biddies but you need to be hauling for that variety and you would have too much other by-catch to even consider hauling—too much other by-catch in terms of recreational species. So basically it would be mullet.

Mr IAN COHEN: Would you see this as impacting on recreational fishing havens? Would we then have the need for additional monitoring by compliance officers to ensure that it would not be abused? Would that approach then only serve to continue the pressures from commercial fishing that buyouts are aimed to alleviate? Can you see a vicious cycle happening there? What do you think?

Mr WYNN: Yes, basically it would probably be mullet. I am not naive enough to think that some fishermen would not try and rot the system and try and target other species other than mullet. There would be a need for compliance to be made aware. I think I put it in the submission that with mobile phones and that today, the sort of thing I would envisage is that I would ring my local inspector or Fisheries officer and say I would like to activate one of the nights I had bought and that I intended to fish here. It is not like when I first started fishing, when you would be hiding behind a tree and jumping out and doing it. There is properly more net in Lake Macquarie now than what there ever was when the commercials were active there. I think with modern technology you could get around that point with compliance.

Mr IAN COHEN: When you say there is more net what are you talking about?

Mr WYNN: Just illegal little bits of net, you know.

Mr IAN COHEN: In terms of catch what are we talking about?

Mr WYNN: I have no idea what sorts of catches illegally come out of Lake Macquarie now. It is just hearsay.

Mr IAN COHEN: We hear a lot of hearsay in fishing stories. Have compliance officers been made aware of that?

Mr WYNN: I think compliance officers will tell you that most of their time is now spent pulling little bits of net out.

Mr IAN COHEN: Is that right? Because people have just left it and come back in the middle of the night to see what is there and to hell with the amount of fish that is destroyed in the process.

Mr WYNN: Yes.

Mr IAN COHEN: Does your idea of going back and looking at mullet fishing, for example, have any support from the recreational fishing sector?

Mr WYNN: I have not even talked to the recreational sector about it. I saw this Committee inquiry advertised and thought I would write a submission to it.

Mr IAN COHEN: I appreciate that.

Mr WYNN: I do not think the recreational sector would have too big a problem with it. The recreational fellows around home do not seem to have a problem, but I have not talked to any official groups, no.

Mr IAN COHEN: You may have answered this question. You have provided information on the cost of sea mullet from Lake Macquarie in April and May and suggest higher return on the species during the year. Are you talking there about market price?

Mr WYNN: Yes.

Mr IAN COHEN: You are not talking about roe extraction or anything like that at that point in time?

Mr WYNN: When we sell fish from the beach—and I call the beach a travelling season, which is now—you sell the whole fish and you are paid on the percentage of roe. So your processors will buy a tub of fish. They will weigh the fish and they will weigh how much roe comes out of the fish. You are paid 10 per cent or 12 per cent; it depends on the ratio of weight to the whole fish. If you looked at the Sydney Fish Market today I think large roe mullet—that is how they would be marketed—would be something around 80 cents a kilo. If I catch large mullet, not roe, in October, November, I would be getting something around \$4 or \$5 per kilo—that is in the Sydney market, not to a processor.

Mr IAN COHEN: That is containing roe at that point?

Mr WYNN: They would not be roe; large mullet in October-November. They do not start to roe up until about January-February. We just call them a large mullet. If I was sending mullet to market today, if I was bypassing the processor and sending them to the Sydney Fish Market, I would work out and send the fish as roe mullet and on my ticket to the market it would be roe mullet, and then I would have another box with large mullet, et cetera.

Mr IAN COHEN: In terms of the commercial beach-hauling mullet industry, which is pretty much up and down the coast, professionals go along the beaches and run their nets. How sustainable was that? How were the numbers? Do you have any information on that at all? Were they overfishing the resource? What impact does that have purely on environmental grounds?

Mr WYNN: I think the management advisory committees will probably answer you better, but the mullet fishery is one of the most sustainable fisheries that there is. It has been beach fished and targeted for a long time and there have not been any significant changes in the catches except for a seasonal variation. I think that is on the New South Wales Fisheries website too. You catch a lot of mullet on the beach but you miss a lot too.

The Hon. LYNDIA VOLTZ: Are mullet important to the ecosystem of the lake? Are they a food source?

Mr WYNN: The bigger mullet are a food source for bigger fish, for sharks and jewfish. The smaller poddy mullet are food again for jewfish and anything that is chasing them. The biggest thing we have seen in Lake Macquarie is the increase in sharks since we have stopped fishing in the lake.

The Hon. LYNDA VOLTZ: It is like Jervis Bay with the increase in dolphins because dolphins eat large amounts of fish. The increase in dolphins is indicative of an increase in fish. Do you think the presence of shark is indicative of an increase in fish stock in Lake Macquarie?

Mr WYNN: No doubt.

The Hon. LYNDA VOLTZ: When you said you have been limited to certain areas in Myall Lakes and it has been really cut, most of the key areas you have been excluded from down near Mayers Bay, Russel Bay and Corrigans Bay are sanctuary zones, so no-one is fishing there anyway?

Mr WYNN: That is right.

The Hon. LYNDA VOLTZ: So you are not seeing an increase in fish stock because of the sanctuary zones in terms of spill over into the lake?

Mr WYNN: No, not last year.

The Hon. LYNDA VOLTZ: Are there as many or fewer commercial fishermen there now?

Mr WYNN: More.

The Hon. LYNDA VOLTZ: There are more commercial fishermen but they are taking decreased stock, are they?

Mr WYNN: Yes.

The Hon. LYNDA VOLTZ: Why are they going there then if they are taking a decreased stock? Why are they travelling outside the zone areas? It is said that you are getting blokes travelling to Myall Lakes from Wallis Lake?

Mr WYNN: Which they are entitled to do because they are still in zone 4.

The Hon. LYNDA VOLTZ: You are coming up from Tuggerah Lakes?

Mr WYNN: Yes, zone 4 goes from Tuggerah up to Forster.

The Hon. LYNDA VOLTZ: But if the sanctuary zones are having an impact on fish stocks, why are we seeing an increase in commercial fishing in those areas?

Mr WYNN: Mullet is not going to go into a sanctuary zone and stay there. It will swim out and in. As soon as it swims out you will find it has a net around it.

The Hon. LYNDA VOLTZ: I am trying to find out whether sanctuary zones are having an impact?

Mr WYNN: On the smaller fish and fish that are settled in one spot they probably are.

The Hon. LYNDA VOLTZ: Likewise, what is the commercial restriction down near the mouth of the Myall River? What is the season it is closed for, the area next to the Bombah broadwater?

Mr WYNN: I would not be sure.

The Hon. LYNDA VOLTZ: It is next to the Bombah broadwater?

Mr WYNN: Is it for Australian bass? I am not sure.

The Hon. LYNDA VOLTZ: It would be closed because of bass migration, would it?

Mr WYNN: Yes.

The Hon. LYNDA VOLTZ: So they closed the fishery for that reason. Likewise in Port Stephens, with the exception where you cross in front of Nelson Bay where they have the four-knot zone and Soldiers Point into Little Swan, do you guys go into there as well?

Mr WYNN: No, I do not.

The Hon. LYNDA VOLTZ: Do you know if people fish that one commercially?

Mr WYNN: If it is open it will be fished.

The Hon. LYNDA VOLTZ: There are some restrictions in Port Stephens but most of it is general use?

Mr WYNN: In Port Stephens?

The Hon. LYNDA VOLTZ: Yes?

Mr WYNN: I am not really familiar with Port Stephens. I do not fish Port Stephens too much.

The Hon. LYNDA VOLTZ: But there are no restrictions in Wallis Lake?

Mr WYNN: No restrictions in Wallis Lake and no restrictions in Tuggerah Lakes either.

The Hon. LYNDA VOLTZ: Do you travel to Wallis Lake?

Mr WYNN: No.

The Hon. LYNDA VOLTZ: What do you mainly take out of Tuggerah Lakes?

Mr WYNN: All the estuary species. I haul bream, whiting, silver biddies mainly, mullet, prawns if prawns are around in the summer months, and crabs. That is pretty much it.

The Hon. LYNDA VOLTZ: Is there an increase in fishermen in Tuggerah Lakes as well?

Mr WYNN: There is not an increase in numbers but there is an increase in effort because fishermen are coming from different areas who normally do not reside there and who never traditionally have worked in those areas.

CHAIR: There are too many fishermen for the amount of fish on the coast?

Mr WYNN: There are too many fishermen and not enough area, in my opinion.

The Hon. LYNDA VOLTZ: Have you only ever fished in New South Wales? You have never fished anywhere else?

Mr WYNN: No, only New South Wales.

CHAIR: In your submission you touched on the resentment and disengagement between the two groups, the commercial and recreational fishing communities. On page 2 of your submission you suggested a mechanism where recreational fishers and commercial fishers could trade. What other mechanisms could be employed to try to break down the barriers and get them together?

Mr WYNN: I do not think there is a great barrier between the two groups.

CHAIR: You were not here earlier tonight.

Mr WYNN: Most recreational guys that I come across are out there having a bit of recreation. I think where it does come into a problem is where they see commercial fishers going to the same place time and time again and there is a bit of resentment and areas do not get a chance to recover.

CHAIR: As a commercial fisherman, are you aware of any formal processes by which recreational fishing interests and commercial fishing interests can sort out their problems? Do you know of any formal processes?

Mr WYNN: There was a group in Newcastle, a professional and amateur fishers group, probably 10 or 12 years back. In Sydney I think there is the Fishing Council where both groups are represented but I am not that familiar with that organisation.

CHAIR: Do you think it is probably better that the two groups organise themselves or do you think the Government should formalise the process whereby, for want of a better word, they are forced to talk to each other?

Mr WYNN: I probably think that they should be forced to talk to each other, yes. I know you hear some problems if you listen to some of the radio shows that only promote different fishing spots on Saturday morning on high tides. Some guys have a bit of a whinge about the commercial fellows but I do not think it is really widespread. I also think that fishing education of the general populace has been pretty poor over the years from government. We only have to look at some of the damage we have done to our estuaries in terms of development on the foreshores and how fishing has taken a backward step with environmental controls and what not.

CHAIR: Other commercial fishing witnesses have suggested that there should be an environmental impact statement carried out on the recreational fishery. Do you feel that would be of benefit to recreational fishers and to the overall management of fisheries?

Mr WYNN: Certainly on some species, yes. There are some concerns about the mulloway fishery now and that is a big recreational fish, and again, going back to Mannering Park where they have had some success in the release of fingerlings and their growth; that could be another area better explored in terms of actual fish stocking and fish enhancement.

CHAIR: Of mulloway?

Mr WYNN: And other species.

CHAIR: It appears to me that you know a fair bit about mulloway. Mullet generally grow in the estuaries and in the lakes, is that correct?

Mr WYNN: Yes.

CHAIR: Some of the submissions have commented on the impact of development, population, whatever you like to call it—residential development, industrial development—of marine works, dredging, those sorts of things on the health of the waterways and the health of the biosystem. What is your view on the impacts of land-based activities on some of these fisheries where you have traditionally fished and where you now fish, such as the lakes?

Mr WYNN: I do not think anyone would argue against the fact that if you have good quality water and good habitat your fish populations will be good. It is where you have habitat problems—and I speak from experience on Lake Macquarie when we always would know when EnergyAustralia or Delta Power would put chlorine through to clean the tubes; you would not catch a fish for a month where they discharge the water. As far as fish kills, eventually after a while those fish would come back, after a month or so. It is an old argument: if you have good quality water and good habitat, your fish populations will be fine. Certainly mullet and the areas I was thinking about, you could go back and work Lake Macquarie. There is still a lot of native bush around the heads of bays and you still see fish of an afternoon jump up and they would feed on those weed beds of a night. That still occurs.

CHAIR: How many commercial fishers other than yourself specialise in mullet or do they all have to do it?

Mr WYNN: If you are a general purpose estuary fisherman—

CHAIR: You have to fish for everything?

Mr WYNN: Yes. Mullet would probably be one of the major species you would target.

CHAIR: Looking at the number of fishermen who are fishing in zone 4, what percentage of them do you think would need to be taken out of the system to take off pressure? If you did not get any extra recreational fishing, although that sounds like a brilliant idea to me—the recreational fishermen might not agree—what percentage of the current effort needs to be removed to allow the rest of you to make a living?

Mr WYNN: I think you could still take out another 25 per cent.

CHAIR: Mr Wynn, thank you very much for giving evidence today; we really appreciate it. Your evidence was nice and clear, and concise and quiet. Along with any questions that you may have taken on notice during your evidence would you agree to receive additional written questions that members of the Committee might not have had an opportunity to ask you today?

Mr WYNN: No problem.

CHAIR: Would you undertake to return the answers to those questions within 21 days?

Mr WYNN: Yes.

CHAIR: Thank you for your time.

(The witness withdrew)

important things that is highly regarded by recreational fishers. However, that money could go into a great many other things.

CHAIR: Could you expand on your last point? What are the sorts of things that you would like to see done?

Mr HUGHES: Environmental programs would be important. Many environmental programs have been implemented—fish ladders, research into seagrass areas, breeding grounds for fish, and the impact of commercial fishing. I would have liked a lot more research into the creation of sanctuary zones in the marine park. Our group feels that there was a lot more political involvement in the selection of those areas than there was scientific research. For 20 years I have been involved in assisting NSW Fisheries with research programs. In fact, this year is the twentieth anniversary of an event in which I have been involved called Bass Catch. I know how long it takes to gather proper scientific data. I have not seen sufficient scientific data for the implementation of sanctuary zones in the Port Stephens marine park. It was rushed through and there is definitely not enough science in it. That is all I will say at the moment about angling structure, unless you ask me more questions.

I will refer, next, to rules and regulations. I believe that there is far too much complexity in the rules and regulations in our recreational fishing laws and there is far too much disparity between New South Wales and the other States. I have some figures here to which you are more than welcome if you want to grill me on them a bit later. They refer to things such as bag limits, size limits and gear restrictions. They are different in every State for the same species of fish, which I cannot understand. It makes things far too complicated, in particular, for the travelling angler and for people who are living near the borders of different States. When they travel 20 or 30 kilometres down the road the rules change completely.

I know that different governments and different bodies administer the fisheries in different States, but the same could be said for sports such as cricket and football, which are administered by State bodies. You do not find rugby league players in New South Wales working on a six-tackle rule and rugby league players in Queensland working on a four-tackle rule. When they play Sheffield Shield in Queensland they do not bowl a five-bowl over, or in New South Wales bowl a six-bowl over. The rules are the same Australia-wide for all those sports, but when it comes to fishing the rules are completely different from State to State.

The other thing I would like to see is an Australia-wide fishing licence. New South Wales has a fishing licence that covers us for saltwater and freshwater fishing. In other States they might have a freshwater licence and no saltwater licence. In Western Australia they have licences for freshwater, saltwater, net fishing, marron fishing, lobster fishing, and fishing from boats. They have at least five or six different licences each costing \$40. I hope that I am not giving the New South Wales Government too many ideas, as it might want to follow the same path.

CHAIR: Do not tell it, whatever you do.

Mr HUGHES: What I am getting at is that when anglers travel from one State to another they usually do not check out those rules and regulations. You will see people travelling down the road with rods on their cars. They will pull up across the border, start to fish and will probably be breaking the rules. I have some specific examples of those things if people want to ask me about that later. Access is becoming increasingly difficult for our anglers and in Port Stephens the marine parks have increased that problem. Different bodies such as national parks, marine parks and local councils administer access. State governments have various rules—access points, beach driving fees, access fees and national parks fees. As you go up and down the coast you find that there are different rules and regulations for each beach. I could expand on that and give you specific examples later if you would like.

It is an increasing frustration for anglers to find that they have to be on top of a multitude of rules, regulations, fees, and licences. The other day a friend of mine said that he has so many different beach permits on the windscreen of his car that he is lucky to see out of his windscreen. He is sure that he will soon receive a fine from the police because his windscreen is obstructed. That might have been stretching the whole truth and nothing but the truth, but it is just another example. I think I might have mentioned habitat before. That is one of the things that the groups with which I have been involved in the past have been very strong on. I totally agree. I do not agree with everything that the previous speaker said, but one of the things with which I wholeheartedly agree is that if we have good habitat for our fish, the fish in that habitat will thrive and sustain very heavy pressure.

I could give you examples of waterways where the habitat is not good and the fish are struggling even though they can be restocked. It is akin to having a fish tank or an aquarium at home. If all the fish in your aquarium at home die and go belly up, you do not go down to your pet shop and buy another plastic bag full of fish, take it back home and dump it into your fish tank. You test the water and you find out what has gone wrong with it because fish die for a reason. If your water quality is good the fish in that tank will last a long time. It is the same with our environment. If our environment is good we will have good populations of fish. Basically, that is my opening statement, which I hope was not too long. Fire away with some questions.

CHAIR: When we read your comments we might be able to get back to you and ask you questions on notice about some examples that you might be able to give us.

Mr HUGHES: Sure.

The Hon. TONY CATANZARITI: Mr Hughes, on the first page of your submission you note that most anglers are not competitive and do not see the need for organised representation. The evidence that we have received is that many recreational fishers feel disenfranchised from the process surrounding the creation and review of marine parks. How could that large number of non-competitive, unaligned recreational fishers be involved in future consultations?

Mr HUGHES: That is a good question. When people purchase their fishing licences, or after they have purchased them and their contact details are obtained, we all know in this day and age that we have many forms of communication. We have email, mobile phones, faxes and all sorts of things. If people are approached for their contact details they could be sent survey forms or feedback forms at some later date. If they are sufficiently interested in it they can provide some feedback, and if they are not interested they do not have to do so. It would be an important step in gaining feedback from non-organised anglers. I am talking off the top of my head, but I think the figure for anglers that are represented by clubs and associations is less than 10 per cent of the angling public.

The Hon. TONY CATANZARITI: On the first page of your submission you state that the anglers need a peak body. Would you explain what effect a peak body would have as opposed to the current representation system?

Mr HUGHES: A peak body I think would be able to give better feedback to the Government on the feelings of recreational anglers, and they would also be able to lobby a little bit more effectively for various issues. Also I think there may be a better representation to things like Professional and Amateur Fishers committees and negotiating with the professional sector or the commercial fishing sector and also the environmental sector. There have been times in the past where angling groups I have been associated with have come into conflict with, for example, green groups. You get extremists on one side, you get extremists on the other and somewhere the best solution lies in between those extremes. I would like to see all those groups get together and work together for our fisheries and for our environment.

When everyone is at loggerheads and arguing and stating extreme cases, then there usually is not a good result. I think there should be a peak body that represents anglers and is elected by anglers. That election process could be part of the feedback that I just spoke about before. If you have a feedback form, people might like to nominate to be on that peak committee. Somehow or other there is an election and people can be emailed out an election form and asked, "These are the nominees for the peak committee. Who do you vote for?" Similar to what happens with the NRMA board, or something like that, where people nominate for it and they are elected.

The Hon. TONY CATANZARITI: Is there a similar group that you could become affiliated with?

Mr HUGHES: There is no group that I know of, apart from maybe Recfish in the national scene, could be a model. In the freshwater scene, which I have been strongly associated with in the past, we have the Confederation of Freshwater Anglers. That group represents dozens and dozens of angling associations. They have got, I think, 4,000 or 5,000 registered members. That would be the type of model maybe that could be used.

CHAIR: Is your club a member of the Fishing Clubs Association or the Australian National Sportfishing Association or any of those bodies?

Mr HUGHES: The club that I am representing tonight is not.

CHAIR: So it is not a member of the Council of Freshwater Anglers or any other group?

Mr HUGHES: No.

CHAIR: Why is that?

Mr HUGHES: Probably because we do not have enough good fishermen to be competitive in the events they organise.

The Hon. CHRISTINE ROBERTSON: So it has to be about competition?

Mr HUGHES: Most of the larger structured groups are heavily involved in interclub competitions. The group that I am representing tonight is pretty much a social group that is just out there to have fun and have a bit of an organisational structure to organise events for the community in Raymond Terrace, which is where I live.

CHAIR: A lot of the freshwater clubs have evolved from the acclimatisation societies and it appears to me that the Council of Freshwater Anglers you have mentioned are not so much competition fishers but they get themselves involved in things like stocking and environmental programs?

Mr HUGHES: Exactly, yes.

CHAIR: Are you aware of an organisation called the Recreational Fishing Alliance? Have you ever heard of that?

Mr HUGHES: I have but I am not—

CHAIR: That is a body that puts together the Australian National Sportfishing Association, the New South Wales Council of Freshwater Anglers, the Fishing Clubs Association and a couple of others. I am not sure whether EcoFishers is a member of it or not but a lot of those clubs are.

Mr HUGHES: Yes.

CHAIR: Are you aware of the model that they use in New Zealand? Under their Minister for the Environment they have Fish and Game New Zealand. Their islands are broken up into 12 regions and each region elects 12 representatives to be on the local council and then each of those local councils elects one councillor to go to a national council. Do you think that sort of thing could work for New South Wales?

Mr HUGHES: Yes, that could possibly work.

CHAIR: New South Wales is currently broken up into eight saltwater zones and eight freshwater zones, is that correct?

Mr HUGHES: I do not know the answer to that, sorry.

CHAIR: But you do not feel that the current system whereby the Minister nominates people is representative?

Mr HUGHES: No, I don't.

The Hon. CHRISTINE ROBERTSON: I have not got a speech to deliver but I am interested in the ideas of setting up representative structures. Most of us on this Committee are from the country so we really understand how hard it is to get representation sometimes.

Mr HUGHES: Yes.

The Hon. CHRISTINE ROBERTSON: I am certainly not questioning your issue because there is always a feeling that you are not being represented somewhere. But the structure to set up a truly representative body in such a diverse organisation as yours is very difficult in my head.

Mr HUGHES: It is very difficult. There has been a lot of infighting amongst recreational fishing groups because everyone has a vested interest. Even in the freshwater scene you have a lot of suspicion and differences of opinion from the native fish lobby and the trout lobby—that is just one example. But in the saltwater scene there is a very similar thing. You might have the blue water game fishers maybe not always agreeing with the estuary fishers as far as the allocation of funding, et cetera, but all of that has to be overcome. I think we could do a lot better than having everything dictated to us by the Government. I just want a little bit more—

The Hon. CHRISTINE ROBERTSON: Say in what the Government does?

Mr HUGHES: Yes, thanks.

The Hon. CHRISTINE ROBERTSON: I am a fisher person but certainly do not belong to any organisation. As an outsider watching what happens with fishing and its issues, it would appear there is easy prey for politicians who want to point score. So, often discussions and resolutions often do not happen because it suits one side or the other to do you in.

Mr HUGHES: Yes, I think so. I also think in the past there has been a little bit of playing Peter against Paul in the fact that the Minister represents agriculture and fisheries but sometimes it is industry and fisheries. To me you cannot be lobbying against things like fish kills caused from toxic run-off or from oxygen reduction in high farming areas and expecting to get maybe a true and honest representation from your Minister when he also has to go and talk to a whole group of dairy farmers whose land the run-off occurred from.

The Hon. CHRISTINE ROBERTSON: That is an interesting issue because you have to balance out whether it is good to have different industries working together on an issue so that you can hit everyone. I understand that. In the old days we had a Minister for Fisheries, did we not?

Mr HUGHES: Yes.

The Hon. LYNDA VOLTZ: I speak as a representative from the city, although I have asked the department to provide the number of city folk who have recreational fishing licences. You would be in the school of thought that fishing is a sport?

Mr HUGHES: Definitely.

The Hon. LYNDA VOLTZ: So possibly a more appropriate lobbyist on behalf of recreational fishing might be the Minister for Sport as opposed to this Minister?

Mr HUGHES: Yes, certainly.

The Hon. LYNDA VOLTZ: In regard to sport, for example, I have played a bit of rugby union in my time. I was greatly surprised when I got to far North Queensland to play rugby union and found out that mouthguards were not compulsory. Obviously there are differences across State borders.

Mr HUGHES: You did have the same number of tackles though, I guarantee. No, you do not have tackles in rugby union—

The Hon. LYNDA VOLTZ: You do have tackles in rugby union.

Mr HUGHES: Sorry, a restricted number of tackles.

The Hon. LYNDA VOLTZ: I would appreciate it when people bite me if they had their mouthguard in. If you live near a State border you know you are going to cross the State border and the rules on fishing do not change every day—

Mr HUGHES: They change every year.

The Hon. LYNDA VOLTZ: Every five years in New South Wales?

Mr HUGHES: Well, a new rulebook comes out every year. It has mistakes in it too, by the way.

The Hon. LYNDA VOLTZ: Not too many people would be prosecuted on that basis though, would there?

Mr HUGHES: There is a lot of controversy at the moment about the number of rigged rods that are allowed in a boat, put it that way.

The Hon. LYNDA VOLTZ: If you are travelling on the water across the border?

The Hon. CHRISTINE ROBERTSON: No, it is in the book.

The Hon. LYNDA VOLTZ: I know it is in the book but that is not it.

Mr HUGHES: The book says in freshwater you are allowed to have two rigged rods with two hooks attached to each line per fisherman. But it is a modern trend these days in tournament fishing, which has become extremely popular, for anglers to have up to six rods stowed away in a lockup in their boat. They like to pick up one rod, select one and start fishing with it, because it is so much quicker to do that than to re-rig their rod. Even though they are technically in breach of the law, those anglers only ever use one rod at a time and it just seems a little bit pedantic. Some of our members went to a tournament recently and a fishing inspector came up. He was very much over the top and forthright. He said, "If I catch any angler here with more than two rigged rods in the boat you are going to get fined." It was just a bit ridiculous because these people are out there trying to do the right thing. They are trying to promote fishing as a sport.

The Hon. LYNDA VOLTZ: But this is not a cross-border issue?

Mr HUGHES: No, this is in New South Wales.

The Hon. LYNDA VOLTZ: The question I was asking related to cross-border issues.

Mr HUGHES: Sorry.

The Hon. LYNDA VOLTZ: I understand that some recreational fishermen and women are angry about access to some of their more favourite fishing spots. Jervis Bay is looking at changing some of their zones. They are looking at spots that have been very popular and as to how they can increase the area a little bit. When I look at the maps for this area, the beach off Snapper Island, Little Beach and areas such as that, they are obviously sitting well within sanctuary zones. However, there seems to have been consideration given to recreational fishing at least off the beaches in those areas, perhaps in response to concerns raised by recreational fishermen at the time?

Mr HUGHES: That would certainly be welcome.

The Hon. LYNDA VOLTZ: They are in the current plan.

Mr HUGHES: They are?

The Hon. LYNDA VOLTZ: Yes.

Mr HUGHES: Okay.

The Hon. LYNDA VOLTZ: Just off Little Swan Bay, for example, you will see on the beach that the yellow is the recreational fishing line and this is all a sanctuary zone.

Mr HUGHES: Yes.

The Hon. LYNDA VOLTZ: So obviously some consideration has been given even within sanctuary zones to accommodate recreational fishing?

Mr HUGHES: Yes, that is fine. I would have liked to see a little bit more consideration given because a lot of the zones offshore were aimed at protecting grey nurse shark aggregation zones.

The Hon. LYNDA VOLTZ: Is that the island off Broughton Island?

Mr HUGHES: I think there are several in the Port Stephens Marine Park that were identified as grey nurse shark aggregation zones. I mean these things were brought up at the time. I was involved in the consultation process. Grey nurse sharks aggregate near the bottom of the sea. Different anglers asked to be able to, say, troll surface lures or use lures that were only operating in the surface zone, which would come no where near the sharks, but that was ruled out. I saw that as something that could have been a compromise.

The Hon. LYNDA VOLTZ: Which area in particular is causing concern?

Mr HUGHES: I would have to have a look at the map and look into it a bit deeper but there are grey nurse shark zones or offshore zones—

The Hon. RICK COLLESS: Seal Rocks is one of them and Little Broughton Island another.

The Hon. LYNDA VOLTZ: In relation to Broughton Island an earlier witness said they had gone to the local recreational fishermen and said to them, "We will put your suggestion forward in regards to what would be the best outcome for you here." They were also looking at issues of allowing certain types of lures to be used even on the other side of those protection zones.

Mr HUGHES: Yes.

The Hon. LYNDA VOLTZ: Is that the kind of consultation process you want for those types of sanctuaries?

Mr HUGHES: That is the kind of compromise that I think can be achieved if anglers, green groups, government and commercial fishermen get together and start to talk.

The Hon. TONY CATANZARITI: How are you going to get them together?

Mr HUGHES: That could be up to you guys.

The Hon. LYNDA VOLTZ: Given to some extent that has happened and there is going to be a review—obviously there is an issue on how people are notified—there have been suggestions with the fishing licence to at least take email addresses so that people can be notified easily and cheaply. We must remember that it costs a lot of money when more glossy brochures are produced and that means less money for everything else?

Mr HUGHES: Yes.

The Hon. LYNDA VOLTZ: There are ways of getting more information to people so that they can be kept in the loop. That concern has been raised. If that is being done and the process is going on, that is the direction that you want to go, is that so?

Mr HUGHES: Yes. Can I give one example of cross-border lines and rods?

The Hon. LYNDA VOLTZ: Yes.

Mr HUGHES: There is a discrepancy in New South Wales for a start because you are allowed four lines per angler in the marine areas in saltwater. You are only allowed two lines rigged in what is classed as inland waters or freshwater. If you go over the border into Queensland you are allowed three lines with six hooks in all waters. That is Queensland rugby mouthguard versus New South Wales no mouthguard.

The Hon. LYNDA VOLTZ: One thing that has fascinated me in this whole inquiry is that no female recreational fisher people have given evidence. Is there some reason for that?

Mr HUGHES: That is a good question. I do have three daughters who fish. I will ask them when I get home.

The Hon. LYNDIA VOLTZ: You guys need to get a few of the girls in the organisation.

Mr HUGHES: Yes, we do.

Mr IAN COHEN: You explained well the representation of anglers in peak bodies. Ms Voltz suggested email addresses as a way to communicate more appropriately. Do you feel that many anglers are kept out of the debate? Are there appropriate mechanisms to increase the level of communication between government agencies, licensing bodies and recreational fishers? I am happy for you to take the question on notice, if you wish?

Mr HUGHES: Yes, it is a difficult one. If you provide me with a dictaphone, I could record a lot of the whingeing I hear and send it in, but apart from that I do not really know.

Mr IAN COHEN: Perhaps you could take the question on notice. Every member of the Committee would be interested to hear anything specific that could assist in the level of communication?

Mr HUGHES: Sure.

Mr IAN COHEN: Because there are a lot of tall stories and complaints among fisher circles generally but we want substance; we do not just want accusations. I am particularly concerned to hear stories of commercial fishers catching mullet; for example, illegally taking the roe and dumping the fish. These are pretty serious accusations—and there are plenty of others—and I am wondering whether they can be substantiated?

Mr HUGHES: I am aware of a lot of overexaggeration and, like I said, there are extremists on all sides of the argument who probably overstate their position a little bit.

Mr IAN COHEN: You made a recommendation for consistency of beach driving permit systems so that one permit is needed for all beaches. You made the point about stickers covering windscreens and matters of that nature. Have you considered the different types of impacts on beaches of vehicular access and why the authorities deem some beaches to be inappropriate for environmental reasons, nesting species of birds and such like? Could you comment on that?

Mr HUGHES: Yes. I have taken all that into consideration. There are not a lot of beaches that are sanctuary zones. There is quite a large beach north of the Big Gibber that is a sanctuary zone. It has had no driving allowed on it for quite a few years but now it has also been designated as a sanctuary zone. That is Yagon Beach north of the Big Gibber. I am after a little bit of compromise here. For example, a lot of the anglers in the group that I am representing fish the beach from Mungo Brush north to the Big Gibber. We used to do a lot of fishing from Sandy Point, which is south of Mungo Brush when you were allowed to drive on that part of the beach.

We sort of got a bit conned and the wool pulled over eyes, we believe, when the marine park process went through. It seemed to coincide with a closure of driving on the beach from Mungo Brush south to Sandy Point and the Little Gibber. That section of beach is the most protected part from southerly swells because it sits in a lee of Broughton Island and also it faces slightly to the north. The area that we are sometimes allowed to drive on is the area from Mungo north to the Big Gibber, which is the top end of the beach, which faces east-south-east, so it is more exposed to southerly swells that occur very regularly in New South Wales.

That part of the beach is very prone to erosion from large swells. The sand gets scoured away from the beach. There is not enough room left to drive, so the National Parks go along, they put up a sign saying, "No driving until the beach sand has built back up". They locked the gate and you are not allowed to go on it. People drive up there from Newcastle, Raymond Terrace, Maitland or somewhere else that is an hour's drive. They get there and find a locked gate and a sign that they are not allowed to drive on the beach. Maybe they should make some effort to find out whether there has been bad weather or contact National Parks to see if the beach is open, but some people just do not think like that. They think, "I am going to go fishing this weekend. I have got the beer, the esky, the bait, my rods and off I go". That is how a lot of people enjoy their fishing. They do not like too much permission and administration and that is one of the things making fishing a little bit frustrating.

Mr IAN COHEN: Fair enough, it is frustrating, but you cannot have it both ways. I put it to you that a lot, not all, of the beaches are being driven on and that there is quite significant environmental impact. You turn around and say that you are sensitive about the environment but would you not agree that beach access or four-wheel drives on beaches has a significant impact on the benthic community and the food chain?

Mr HUGHES: It can be if people do the wrong thing. If people drive over the designated access point and they drive along the intertidal zone, there is minimal impact on the environment. It is only when they start charging through sand dunes, which I have not seen on that part of the beach, that there is a problem. I do not know whether I have put this in the submission but the sort of compromise I would like to see and I think would make the Government a little less unpopular is to have a bit of compromise where if the beach is being eroded north of Mungo Brush and we are not allowed to drive on that, have a sign on the beach like a bushfire sign or the flood warning sign—you cover half of it up and you say, "You are only allowed to drive in that direction", depending on how much erosion has occurred.

The Hon. LYNDA VOLTZ: Where is Mungo Brush in relation to Big Gibber?

Mr HUGHES: It is halfway between the Big Gibber and the Little Gibber.

The Hon. LYNDA VOLTZ: All that part you can fish in?

Mr HUGHES: Yes.

Mr IAN COHEN: I put it to you that driving on the hard pack is environmentally very destructive?

Mr HUGHES: What is it doing?

Mr IAN COHEN: It is killing the benthic community, which is part of the food chain, stuff that is living in the hard-packed sand?

Mr HUGHES: Such as?

Mr IAN COHEN: Such as worms, various shellfish and food for various birdlife and sea life.

Mr HUGHES: That is how a lot of the commercial fishers get the pippies up. They drive up and down at 100 miles an hour—sorry, I am exaggerating—they drive up and down the beach numerous times to force the pippies to form a little lump in the sand and they go along and flip them out. Then they put them in a holding tank for a couple of days where those pippies live and feed. It is not killing a lot of pippies; it is not killing a lot of worms.

Mr IAN COHEN: In short, you are saying that driving up and down on the hard pack of the beach is not an environmental problem at all as far as you are concerned?

Mr HUGHES: It is not a significant environmental problem.

Mr IAN COHEN: It is not impacting on the environment?

Mr HUGHES: I could take you up to that area of the beach tomorrow if I was not working and I could catch a lot of worms and you would be amazed at how many worms there are on that beach. I was there two weeks ago and I swear on this *Bible* in the area I was worming that in the size of that table, if I swung my berley bag, there would have been 20 or 30 worms in the area of this table. Now considering the many kilometres of beach—the worms were not that thick all the way along the beach, but there were a lot of worms on that beach.

Mr IAN COHEN: That is above the low tide line, is it?

Mr HUGHES: Yes.

Mr IAN COHEN: Where you would normally drive?

Mr HUGHES: Well no, actually.

Mr IAN COHEN: Because I would have thought you would be further in the water.

Mr HUGHES: Very rarely you would find worms in the area that you drive on. I am normally up to thigh deep in water when the waves come up and I get a couple of seconds of just wet sand when the waves go back. That is where the worms are. That is at half tide out to low tide.

Mr IAN COHEN: If we could prove it to you, you would stop beach driving, if it was environmentally destructive?

CHAIR: We will move on.

The Hon. LYNDA VOLTZ: Point of clarification: From the Sugarloaf Point-Treachery Head end, can you get up there in the four-wheel drives? That is on the other side of Yagon Gibber.

Mr HUGHES: You are not allowed to drive on Yagon Beach.

The Hon. LYNDA VOLTZ: No, but can you come in from the other end, from between Smiths Lake and Myall Lakes?

Mr HUGHES: I think you are allowed to drive on part of the beach at Treachery.

Mr IAN COHEN: Why not Yagon? I am not familiar with the beach from a driving point of view?

The Hon. LYNDA VOLTZ: Yagon is one long stretch of beach.

Mr IAN COHEN: So why are you not allowed to drive on that beach?

Mr HUGHES: As far as I know, it is policy that some beaches you are allowed to drive on and some you are not. If people in the public do not want to be on a beach where there are vehicles going up and down, they can go where there are no vehicles, and that is fair enough.

Mr IAN COHEN: It is competitive beach use rather than some specific ecological reason?

Mr HUGHES: Yes.

The Hon. RICK COLLESS: In your submission you make the point that Australia has the largest ratio of coastline to population yet it was subject to massive no-take zones in the parks, which have been pushed through based on politics. What do you mean by that?

Mr HUGHES: I mean that there has not been, to my satisfaction, enough scientific research to show the benefits of having just big areas of no-take zones. Like I said before, if habitat remains good, then large numbers of fish and marine creatures can be sustained. I will give you an example of that. Quite some years ago the numbers of blue groper were declining rapidly to a point where people thought they were threatened and it was actually recreational anglers who asked for blue groper to be protected and to have a no take on blue groper for a certain amount of time.

Within a short space of time blue groper boomed back in numbers to a point where they were numerous. So then a bag limit was placed on them and they have remained in good numbers ever since. The fish have an enormous capacity to reproduce. The previous speaker stated before—and I agree—that mullet, for example, have an enormous capacity. It never ceases to amaze me. I think to myself every year when I see beach haulers in operation, "How do these fish survive that type of take?" But the next year there is the same number back there again. It is just incredible because each fish lays hundreds of thousands of eggs.

The Hon. RICK COLLESS: On this issue of access I refer to those beaches that are closed to access, in particular, the four-wheel drive access that we were talking about a minute ago. Is there a need to review that closure process? Should it be regarded as a work in progress rather than a question of shutting the beach and forgetting about it?

Mr HUGHES: I think a review would be good. I think there is a need to have some beaches where there are no four-wheel drive vehicles, more so for members of the community who like to have the serenity of

walking on a beach with no four-wheel drive vehicles bearing down on them. Those people ought be able to enjoy that type of beach. I also think there is a need for members of the community such as me, with arthritis ever increasing in my hips, who finds it difficult walking over the sand dunes with fishing tackle. Ever since I was a boy I have loved beach fishing and I want to continue beach fishing into my later years. The only way I can do that on the nice beaches that I like to go to in order to get away from it all is to go there in my four-wheel drive vehicle.

The Hon. RICK COLLESS: My last question relates to freshwater dams. I note that you said in your submission that you would like to see more access to them. You are also concerned about closing some of these drinking water dams to angling.

Mr HUGHES: Yes.

The Hon. RICK COLLESS: What do you think is the threat to drinking water from angling?

Mr HUGHES: The Water Services Association of Australia, or WSAA, which comprises basically all the water authorities in Australia, recently released a paper. I think there are about 20 or more water authorities in Australia. They commissioned some consultants to conduct a survey that is called Occasional Paper No. 23—I can get the details for you—or something like that. It outlines all the risks associated with anglers getting access to freshwater dams. Those risks include everything from translocating exotic species to leaving four-wheel drive tracks which may cause erosion, starting bushfires, leaving rubbish behind, defecating on the shoreline, et cetera. I think it is about 40-odd pages of waffle. It contains some good points in it but there are a lot of dams in Australia. It states in this paper that they draw their water from non-pristine catchments.

The Hon. CHRISTINE ROBERTSON: Catchments with cows on the side.

Mr HUGHES: Catchments with cows on the side, such as in our own Hunter Valley. The main water storage in the Hunter Valley is Grahamstown Dam. This paper describes that dam as an "open and polluted catchment". So it recognises that it is an open and polluted catchment. It has cows, animals and people with septic systems, and the water drains from that catchment into the river. The water is pumped out of that river and into Grahamstown Dam and it is then treated and sent to the public. Because the water is treated heavily, these types of waterways should be opened up more for recreational use. There is some limited access for angling in Grahamstown Lake, but it is so restricted that it is hardly even used.

The Hon. RICK COLLESS: All the inland dams are open to angling and they also supply water to towns.

Mr HUGHES: Yes, they do.

CHAIR: We will conclude this session, Mr Hughes. Thank you for coming in and giving evidence. There are a number of questions on notice that members might like to ask you. Along with any questions that you took own notice—I think there was only one—would you agree to receive additional written questions if Committee members did not have an opportunity to ask them, and could you respond to those questions within 21 days?

Mr HUGHES: Yes, I can.

CHAIR: The questions that have been asked on notice will be in the transcript, so you do not have to write things down yourself. Thank you very much for your effort.

Mr HUGHES: Thank you.

(The witness withdrew)

BRUCE ANDREW MACKAY, President, Port Stephens Ecofishers Inc., affirmed and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you take any questions on notice the Committee would appreciate it if the responses to those questions could be sent to the Committee secretariat within 21 days of the date on which they were forwarded to you. Before the Committee commences with questions would you like to make a brief opening statement?

Mr MACKAY: Yes, I will. Thank you for this opportunity, and thank you to the Committee for venturing to Shoal Bay. I congratulate whoever chose the venue, as it is my local venue. Our fishing club holds its presentation in this room. In our submission we referred mainly to local issues that we thought had relevance to your terms of reference. We went into some detail about the Little Beach sanctuary zone and we criticised the process that attempted to change what I referred to as a workable and fully surveyed marine reserve, which was supported by the community. Having heard and read all the evidence that has been put to this inquiry, I would like to add that it is a world-class marine reserve. The evidence of the Department of Environment, Climate Change and Water, which nominated this reserve, referred to as Fly Point Reserve, is the best example available of marine protected areas enhancing fish abundance and recreational fishing opportunities.

Out in the public bar of this hotel you will see a notice board with the name of the Shoal Bay Fishing Club. Some of the things that are on that notice board include the club records. When I was checking it out earlier, I discovered the club record for dusky flathead, which was caught fairly recently in that marine reserve—a six-kilogram fish, or something like that. Obviously it was caught legally because fishing has always been an integral part of that marine reserve and it is still an integral part of the new marine park sanctuary zone. Another issue that we raised was that this area got nothing out of the recreational fishing area process and very little out of our fishing licence fees. However, we stopped short of recommending recreational fishing areas.

As an alternative we would like this inquiry to support an alteration to the zoning of the Port Stephens Great Lakes Marine Park, to remove reference to at least one sanctuary zone for a start, and possibly progressively more, and instead implement a marine protected area in that zone modelled more closely on the original Fly Point Marine Reserve which, as I said earlier, allowed recreational fishing. We are talking about access for recreational fishing. In the case of the Fly Point Marine Reserve recreational fishing does not occur in some areas because of the importance of the sponge gardens to the scuba diving industry and its important dive sites, which is accepted.

CHAIR: Point of clarification: This issue was probably dealt with earlier in evidence, but how long has that Fly Point Marine Reserve been in place?

Mr MACKAY: Since at least the early 1980s.

CHAIR: So we are talking about almost 30 years?

Mr MACKAY: Yes. The type of approach that I am talking about, in other words, using an existing sanctuary zone to provide access as opposed to a recreational fishing area, would not have any effect on the commercial fishing industry within the marine park.

CHAIR: In making that statement are you aware of the management techniques that are used in that sanctuary zone—management techniques that are now applied in the fished area of Fly Point Marine Reserve? What sorts of management techniques are used?

Mr MACKAY: There are areas where fishing is allowed and there are areas where fishing is not allowed.

CHAIR: What about restrictions on the types of fishing, anchoring or gear? Are any of those conditions used?

Mr MACKAY: The fishing restrictions in Fly Point Marine Reserve apply only to beaches and jetties. There is no bay fishing. However, there used to be.

CHAIR: So there are restrictions on methodology?

Mr MACKAY: Yes. The original marine reserve was similar in that it allowed recreational fishing off the beaches and jetties. It also allowed recreational fishing off the moorings and out of boats. But you were not allowed to anchor anywhere in the fishing reserve.

CHAIR: That sort of concept would work only where the sanctuary zones had some land-based connection?

Mr MACKAY: Not necessarily. I am not suggesting that it needs to be limited to beach fishing.

The Hon. LYNDA VOLTZ: You are not saying that the point between Little Beach, where you have areas in which you can fish, and the point between D'Albora Marina, which is where Fly Point Marine Reserve is located, extends land-based fishing at that point. Do you just want to move the zone?

Mr MACKAY: No, I do not want to do that. Other than the comments I made in my submission about the shortcomings of that particular sanctuary zone, at this stage I do not want to change that at all, other than the few shortcomings I mentioned. I am talking about another sanctuary zone somewhere.

The Hon. LYNDA VOLTZ: So you are not talking about this one?

Mr MACKAY: I am not talking about this one; I am using it as an example.

Mr IAN COHEN: Fly Point Marine Reserve, which is an older reserve, deals with smaller sanctuary zones. There are areas off the beach and off the jetty where there is no fishing. There is no fishing in certain areas of that reserve. Is that correct?

Mr MACKAY: Yes, that is correct.

Mr IAN COHEN: Effectively, they are sanctuary zones?

Mr MACKAY: The whole area was a marine reserve and a fairly large section of it was available to recreational fishing. Recreational fishermen had access to all the recreational species that occurred within that marine reserve, as is evidenced by the club records on the notice board relating to the flathead.

Mr IAN COHEN: Where was that flathead taken?

Mr MACKAY: It was taken off the beach.

CHAIR: Please continue.

Mr MACKAY: One of the points I wanted to make was that that sort of approach could lead to involving recreational fishing organisations in the management of that zone and providing research opportunities which, to date, we have not been able to get off the ground. On another note, we question the representational nature of the current structure of committees and indicate that fishers lack confidence in the situation. I have noted that quite a number of satisfaction survey percentages have been aired during this inquiry. Quite a number of them have been bandied around. I would like to add a couple more percentages from recently conducted surveys.

The simple question that was asked was whether anglers were satisfied with the current arrangements for recreational fishing in the Port Stephens area. I was fortunate enough to be able to address a weigh-in for the Tomaree Peninsula interclub challenge, which is a fairly social competition between all the clubs on the peninsula out at Soldiers Point. I was able to address the crowd there last Sunday, 2 May. I put that question to them. The result was that for those that were satisfied the yes vote was zero and for those that were not satisfied the no vote was 54, of the 54 people that were there.

CHAIR: That was out of a 100 per cent recreational fishing sample?

Mr MACKAY: Yes.

The Hon. LYNDA VOLTZ: At a competition?

Mr MACKAY: It was a social gathering after a competition. At the members' night at the Newcastle and Port Stephens GameFish Club last night, 3 May, a similar number were present—again not a competition—and it was again a unanimous no vote. I also asked if anyone knew the two Marine Park Advisory Committee recreational fishing representatives. They all knew one of them but no-one knew the other. I do not know the other one either, which leads me to believe that there may well be someone from another area within the marine park, say from Forster or somewhere like that. It means there is only one recreational fishing person on the Marine Park Advisory Committee here that is supposedly representing recreational anglers.

CHAIR: But the marine park does go for a long way up and down the coast, does it not?

Mr MACKAY: That is right, but in my submission I cast some doubt about the representational nature of what is happening there. At both those gatherings I did brief them on this inquiry. I gave details of this hearing and also the website so they could follow the progress of it, et cetera. Finally, I would like to add that I have spoken with the executive of the Fingal Bay Fishing Club, based at the Fingal Bay Sport and Recreation Club, which as the crow flies is two kilometres that way; the executive of the Shoal Bay Fishing Club, which is based here; and the Newcastle and Port Stephens GameFish Club, which is about 100 yards up the road there. All support our approach, including a representative local committee that I have mentioned in my submission, the enhancement of Recfishing opportunities within marine protected areas and associated research opportunity. They all indicated that they would like answers as to why Port Stephens continually gets the raw end of the deal. I note especially in the game fishing scene that Peter Garrett is about to have his go as well. Thank you.

CHAIR: In relation to the comments you have made here, how would you suggest the representational issue, as you see it, should be solved? In other words, how should fishermen have representation to government? How should it be done?

Mr MACKAY: I have addressed the local side of it here—

CHAIR: I was referring more to ACoRF, the trust fund and those sorts of issues?

Mr MACKAY: As I said, I addressed the local side of it here, which is the first part of the representational side of things and where it would go. There is certainly a need for a body of some description between the local representational body and government. The situation regarding ACoRF at the moment, I do not believe it is representational in any way shape or form, and I do not know that it was meant to be. I think it might have meant to be originally when some of these Professional and Amateur Fishers committees sprung up, but it obviously did not work that way. ECOfishers NSW has got some proposals out for the restructure of ACoRF. So I would prefer to leave that side of it to ECOfishers NSW.

CHAIR: I think we will be hearing from Mr Thurlow at Grafton.

Mr MACKAY: There was some conjecture as to whether he was available or not. I am not sure whether that has been resolved. I would prefer to leave the ACoRF side of things.

CHAIR: That is fine.

The Hon. RICK COLLESS: Going back to the survey you did, an opinion was thrown across the table by my colleagues on the other side that it was all fishermen, therefore you should have expected that result.

The Hon. CHRISTINE ROBERTSON: It was not a survey. It was two meetings.

CHAIR: Order! Please allow Mr Colless to ask his question.

The Hon. RICK COLLESS: Would you remind us about the question that was asked on that occasion? Did it have to do with satisfaction as to the structure of the marine park, or something along those lines?

Mr MACKAY: No, it was to do with the current situation. The question was, "Are you satisfied with the current arrangements for recreational fishing in the Port Stephens area?"

The Hon. RICK COLLESS: That would be a simple question to ask of a group of recreational fishermen if you wanted to get feedback on whether or not they were satisfied with the current arrangements, would it not?

Mr MACKAY: That is correct. What I was trying to point out by doing that was that there might be a lot of percentages around that the population is satisfied or dissatisfied with the current situation, but I wanted to see whether the same response applied to these particular groups of anglers, who are club anglers. Obviously it does not.

The Hon. RICK COLLESS: They are the people who use the marine park on a regular basis for recreational fishing, are they not?

Mr MACKAY: They are, yes.

The Hon. RICK COLLESS: If things are not quite right, they would be the people most affected by it, rather than people who are not recreational fishers?

Mr MACKAY: Yes, I certainly would agree with that. The recreational fishers and commercial fishers are really the only people affected by it. But I would also add there was a fairly wide cross-section of people, especially at the social barbecue situation. In all fishing clubs there is a spectrum of people. The good anglers, the top 10 per cent, you are sure they are there, but you have also got the bottom 10 per cent as well.

The Hon. RICK COLLESS: Who never catch a fish.

Mr MACKAY: That is right. So it is a wide cross-section.

The Hon. RICK COLLESS: Interestingly, in that sample you had on those two occasions nobody was satisfied with the way marine parks are structured at the moment?

Mr MACKAY: That is correct. There are other things to do with recreational fishing other than marine parks as well, such as the issue of the fishing licences and where that money is going and the lack of outcomes for this area in the original process. I might add in the original process, and after hearing some of the submissions and seeing some of the evidence from the commercial sector, the basic wish of most or a lot of the recreational anglers in the recreational fishing area process was actually to do with our bait ground, which really would not have had a great effect on any other form of commercial fishing other than the commercial long liners.

Mr IAN COHEN: Mr Mackay, your submission contained a view that some of the restoration and rehabilitation projects to date should not have been funded by recreational fishing trusts. Why not? Are they not related to fisheries, fish stocks and keeping the general fishing environment healthy?

Mr MACKAY: There are a couple of issues there in my submission. One was that a particular project that I mentioned—I did not mention what the project was but I could if you want to know, but it is probably not relevant.

Mr IAN COHEN: Go ahead.

Mr MACKAY: It is in this document titled "Fixing Fish Habitat in the Clarence Estuary". The project was called—and I better get the name right—Theo Tulk Reserve salt marsh rehabilitation. It was pointed out to me by a couple of recreational anglers. That is where it arose. I am not familiar with the name Theo Tulk Reserve, although I am familiar with the area because I grew up on the Clarence River.

Mr IAN COHEN: Is it a salt marsh?

Mr MACKAY: Yes. Their main beef with that one was the four-wheel-drive barriers. I am not quite sure why green groups have to put up Koppers log barriers all the time but nevertheless that is what was done. They must have shares in Koppers logs or something. As far as rehabilitation of the salt marsh reserve, I do not have a problem with that being done per se, but this fish habitat issue is a huge issue.

Mr IAN COHEN: In this particular circumstance we have had very pro-recreational fisher witnesses saying that in certain circumstances it is ecologically appropriate to keep four-wheel-drives off an area. You are saying that you want to protect the ecology for fishing and then you talk about salt marshes, which are sensitive areas. Those wetland areas, I would imagine, would tend to be important fish breeding grounds. Why say that is a misuse of rehabilitation project funds from the recreational fishing trust?

Mr MACKAY: It was from the recreational trust and it was denying recreational anglers access.

Mr IAN COHEN: We are talking an environmental ecological win on this one, are we not?

Mr MACKAY: There is an argument for community funding. There are three levels of government in this country and a lot of money is being bandied around. I do not know that there is justification for all of these types of projects to be funded by recreational fishing licence fees.

Mr IAN COHEN: You do not know, but if it is in a fish rehabilitation area, if you like, a fish nursery, surely it would be reasonable to regulate? What the Government is doing here is regulating that area to preserve it.

Mr MACKAY: It was indicated to me that the damage that the four-wheel-drives were doing was nothing to do with the actual salt marsh and the area that was actually fish habitat. That was the main issue there. Without dwelling on this particular project, I think that the issue of fish habitat restoration is a huge issue and it is going to become a much huger issue as the population increases I guess.

Mr IAN COHEN: What concerns me is that your organisation puts itself forward as ECOfishers. It might be okay to say recreational support fishers, but does not that vote indicate that you are saying that the Government in its marine park organisation is wrong on every count. You got a vote where not one person in those organisations can concede that important work is being done in the protection of fish stocks for the benefit of recreational fishers amongst other things.

Mr MACKAY: It would depend on what question you asked. If you want to run a full survey on a whole heap of different issues you are going to get different responses for different particular issues.

Mr IAN COHEN: But is this not part of the "political" campaign of recreational fishers such as your organisation to discredit what is in some ways, would you not admit, of benefit to fish stocks and recreational fishing?

Mr MACKAY: Recreational fishermen did not bring politics into this, you did.

Mr IAN COHEN: You had the meeting and you made the vote. I suggest that is a political statement. You made a political statement to this inquiry saying that no-one supports it. I am not part of the Government but I have to say that your group calls themselves ECOfishers, or represents ecofishers, yet you do not acknowledge any of the good works that are being done—even though you might disagree with other aspects, which I can appreciate.

Mr MACKAY: As I said, if you wanted to run a full-on survey with a whole heap of different issues, that can be done.

Mr IAN COHEN: It was convenient for you to use that example.

Mr MACKAY: It may well be. It has been convenient for a lot of people to use examples. I have been open about what that survey was. There are a lot of surveys going around that are not statistically valid. I recall, just as an example, a survey that was right here where the council spent, from memory, \$60,000 on a consultant running it. It was around the time when funding was being sought by the tourism industry associated with dolphin watching, et cetera. The survey was run here and cost a lot of money. I think they got to either 11 or 15 activities that people came to Port Stephens to do and none of them were fishing. So you can run a survey however you like. What I did was I asked a simple question of a group of people and I have told you what the answer was.

Mr IAN COHEN: Fair enough. Can you give me an example of what projects your organisation EcoFishers has supported or initiated?

Mr MACKAY: The main basis of our organisation is that it is a fishing organisation.

Mr IAN COHEN: I understand that but I am interested in the ecoside of it.

Mr MACKAY: And we are interested in sustainability.

Mr IAN COHEN: Could you give the Committee some examples of projects that your organisation has undertaken?

Mr MACKAY: We have not undertaken any projects in Port Stephens EcoFishers.

Mr IAN COHEN: You call yourself EcoFishers. What are you representing?

The Hon. RICK COLLESS: Point of order—

CHAIR: We have gone far enough down this line of questioning. Ms Voltz?

The Hon. LYNDA VOLTZ: I return to the original points you made about Flypoint because I am still not quite clear on that. I do not know if you can see this map but this is d'Albora Marina and the yellow is Little Beach.

Mr MACKAY: That is correct.

The Hon. LYNDA VOLTZ: The pink area is the sanctuary zone.

Mr MACKAY: That is the new sanctuary zone, yes. The original reserve was on the Little Beach area.

The Hon. LYNDA VOLTZ: I understand that. Fishing has been allowed between the jetties and obviously fishing is allowed in this area. If the Marine Parks Authority were to look at the concerns in Flypoint and extend the fishing zone, which it has done on other beaches in sanctuary zones around Flypoint—

Mr MACKAY: No, that would interfere with one of the important scuba diving sites.

The Hon. LYNDA VOLTZ: You actually do not want fishing off the land on that point; you want it further out?

Mr MACKAY: No, we do not want any changes made to it, effectively.

The Hon. LYNDA VOLTZ: You are happy with the way it is?

Mr MACKAY: We are generally happy with the way it is. There are some shortcomings. I would love to take you on a guided tour of Little Beach because there are some things you need to see.

The Hon. LYNDA VOLTZ: They are reviewing the Jervis Bay plan. Some spots have worked very well and we received positive feedback from recreational fishermen on some areas, particularly about extending those areas of tuna and marlin from the rocky points to accommodate recreational fishermen. I want to be clear that that is the area you were talking about. When I visit places like Bundeena and people come through on their personal watercraft, commonly known as jet skis, while I have the kids in the water, nothing annoys me more. Quite often there is conflict within recreational zones that include fishing, spear fishing, personal water craft, and commercial fishing. In developing a marine park there will be restrictions on a range of people across the area, not just recreational fishing. However, one seeks as much as possible to reach a balance to accommodate the needs of all users, along with the needs of a sustainable public resource.

Mr MACKAY: Is that a question?

The Hon. LYNDA VOLTZ: Yes, it is. When you are talking to a recreational fishing group, obviously they have concerns when they have restricted access to some of their favourite fishing spots, but at the end of the day a marine park is more than that.

Mr MACKAY: That is right but I refer to the information from Max Haste earlier that the penalties imposed in marine parks are all recreational fishing penalties; there would be commercial fishing penalties as well but they are all fishing penalties. There was one speeding offence for a commercial vessel, which was a \$8,000 fine, if I remember rightly, which sort of confused me a little bit.

The Hon. LYNDA VOLTZ: But in a regulated system, for example, people coming to the bay might be fined for parking illegally in certain areas or fined for a whole range of reasons. That is part of the flotsam and jetsam of a three-tiered system of government, is it not? Fines for fishing are not new; they have been around for a long time.

Mr MACKAY: Fines for fishing in sanctuary zones have not been around for a long time.

The Hon. LYNDA VOLTZ: No, but fines for fishing have.

Mr MACKAY: They certainly have, yes, but the point we need to make is that the only changes that have been really made in the marine park process are to fishing.

The Hon. LYNDA VOLTZ: How many of your members will be getting fined per year?

Mr MACKAY: I would hope none of them.

The Hon. CHRISTINE ROBERTSON: Because they know the rules?

Mr MACKAY: That is correct.

The Hon. LYNDA VOLTZ: There are 400,000 people holding recreational fishing licences in New South Wales. That does not really reflect the number of people. It might be closer to 500,000. What would be the breakdown between those holding a recreational fishing licence? Obviously pensioners and young people are exempt? Would you have a breakdown on the figure because it is hard to get an indication? Some people say there is a median and the fishing licences indicate there are 500,000.

Mr MACKAY: Yes, I could give you a bit of an idea. The Shoal Bay Fishing Club would have approximately 130 members. They are not all active fishers and about 30 of those would be juniors. There would probably be only two or three that are over—I am not sure what the maximum age is.

The Hon. LYNDA VOLTZ: I assume it would be 65.

Mr MACKAY: You have to be a pensioner, so 65. There is only one angler over 65 who regularly fishes and we have juniors under 18.

The Hon. LYNDA VOLTZ: How many female adult members are there?

Mr MACKAY: There are quite a number of female adult members but not many of them fish. We have one good lady angler but, as much as we try, we cannot seem to get much interest.

CHAIR: I do not know whether you were here when some of the commercial fishermen were giving evidence but do you know of any mechanisms locally, in this area, where recreational fishers and commercial fishers discuss problems with each other?

Mr MACKAY: No, mainly the front bar of the pub.

CHAIR: As long as it is not out the back of the pub?

Mr MACKAY: No. It is not quite like that around here normally. There used to be a professional and amateur fishers committee at one stage, and I have referred to that.

CHAIR: We have heard that from a couple of areas actually and it is always preceded by "There used to be".

Mr MACKAY: I think John Clarke's evidence mentioned the professional and amateur fishers committee. He was the chairperson of it at the time.

CHAIR: You said you have lived and fished in the area a long time, so you would have gone through the ambit of fishing regulations when there were no marine parks. Who do you think is best qualified to run marine biodiversity protection—Fisheries or the National Parks and Wildlife Service?

Mr MACKAY: My opinion with this marine park is that it is all a Fisheries issue. People have said to me that we cannot confuse marine park management with Fisheries management but things other than Fisheries management should be done everywhere else in the State as well. They are normal processes. It is really Fisheries management.

CHAIR: You might have heard earlier evidence that Marine Parks Authority compliance officers share duties with Fisheries officers. What is your opinion on the number of compliance officers for this area? Do you think there are enough or should there be more?

Mr MACKAY: It seems to vary. I am not sure whether there are funding issues but certainly there needs to be compliance people. My comment with the marine park people, the Fisheries people and the like is that they are all doing the same thing anyway. I am not quite sure why the two organisations exist but I think I made a comment in my submission that at one stage we were besieged by public servants and in the last month or so I have not seen one. I am not sure where the gaps in that process are.

CHAIR: Do you know of any active compliance by the Department of Ports and Waterways in this area? Are there Waterways people on Port Stephens?

Mr MACKAY: Maritime?

CHAIR: Yes?

Mr MACKAY: Yes, they have a regular presence.

CHAIR: So there are three groups in, on and around the waters here?

Mr MACKAY: Police as well.

CHAIR: Water Police?

Mr MACKAY: Yes.

CHAIR: So there are four groups that are doing slightly different jobs obviously—Water Police do a lot of rescue and things like that?

The Hon. LYNDIA VOLTZ: They would not be checking fishing licences.

CHAIR: No. Is there a volunteer rescue organisation in the port?

Mr MACKAY: Yes, there is a fairly strong one here.

CHAIR: Are you aware of any work done in this area by fish volunteers?

Mr MACKAY: No, not really. I have an idea that some of the people talking to us about tournaments may have been volunteers but I could not really confirm that.

CHAIR: It seems to me that there are an awful lot of people concerned with aspects of pretty much a similar geographic area—I am talking about the water here—in Port Stephens. Do you think there is a way that those resources could be better utilised by more cross-warranting of these officers?

Mr MACKAY: There could be. It is probably something that I do not think I would like to go there. The training of Water Police, for instance, is a whole different ballgame.

CHAIR: They carry blocks too, do they not?

Mr MACKAY: Yes. It would be a training issue with the others too. There is duplication there but, as I said, the marine parks and Fisheries, I guess, is where the duplication is and it depends on whether the correct numbers are there anyway. Whether they work for the Marine Parks Authority or Fisheries is probably irrelevant. It is a matter of whether the numbers are correct.

CHAIR: I do not know whether you heard the earlier evidence but this marine park and the area outside it has not been digitally mapped yet but they are going to start or have started the process. Do you believe that sort of data should be verified before any changes to zoning or further planning goes on in the park?

Mr MACKAY: Yes. I was surprised it was not.

CHAIR: It is only new technology—seafloor mapping. They have done part of Jervis Bay. There is new technology where they could digitally map the seafloor, and they are doing that now, starting with marine parks up and down the coast. Do you believe that sort of technology should be thoroughly utilised before any further planning or changes take place?

Mr MACKAY: I think the more information you have, the better. One of the things we complained about was the lack of information that these zoning plans are based on. The more information that is available, the more chance you have of actually achieving the objectives. My problem is the objectives.

CHAIR: Generally speaking, one of your problems is that recreational fishers seem to feel there is a lack of research prior to making zonings or areas. Surely that would help to allay those sorts of fears?

Mr MACKAY: It certainly would. My comments about research in my submission relate to the lack of information surrounding the impact of recreational fishing. I mentioned some problems that we had with attacks on tournaments—attacks coming from the Marine Park Advisory Committee. We set out to get some sort of a handle on research projects to try to determine these impacts so that we had information on which to work. No information was available other than hearsay, and all the actions that were being taken were based on community concern, which I think were the words that were used all the time.

CHAIR: That is a good one.

Mr MACKAY: I think I went through that in my submission in which I mentioned some opportunities that we thought we had to try to get something up and running because there is a total lack of information on the impact of recreational fishing. One of my concerns is that we will get to a five-year review in this marine park and the recreational fishing sector will have nothing to offer. We will not have anything more to offer than what we had originally.

CHAIR: Would you support an environmental impact statement being done on recreational fishing in New South Wales?

Mr MACKAY: Yes and no. I am not quite sure about the technical term "environmental impact". I would certainly support having more information on recreational fishing. I think scientists are trying out for it. We saw the mulloway and snapper species mentioned in many submissions including, I think, the submission of ECOfishers NSW. There were some strange facts. The Fisheries scientists' reports that I read said that the recreational catch was four times that of the commercial sector. I think Bob Carney's evidence suggested that it was 9 or 10 times that of the commercial sector.

Obviously there is a hiatus in the knowledge of that particular species. At least anecdotal evidence here suggests that something must be done about that species more than anything else. On the EIS question, I think it would be a difficult EIS to do. Like many environmental impact statements, the impression I get is that a lot of words could well pay consultants right. Maybe the information in the recreational fishing EIS would not be based on very sound data, unless something happened about collecting information—

CHAIR: Beforehand?

Mr MACKAY: Yes, that is correct. I mentioned that, as a matter of course, fishing clubs and fishing tournament organisers are writing down bits of information all the time. That information is not being used by

anyone and it might well be that it is not being collected properly. That was what we were trying to do when we set out to start up some research projects locally. We wanted to see whether it was feasible to harness that information. But, as I said, we had trouble getting that off the ground.

CHAIR: Mr Mackay, thank you very much for your evidence tonight. Along with any questions that you took on notice during your evidence would you agree to receive additional written questions that members of the Committee might not have had an opportunity to ask you?

Mr MACKAY: Yes.

CHAIR: Would you consider getting the answers to those questions back to us within 21 days of receiving them?

Mr MACKAY: Yes.

CHAIR: That brings proceedings at Port Stephens to a close. I thank members of the public for their interest, forbearance and politeness.

Committee adjourned at 7.49 p.m.
