

REPORT OF PROCEEDINGS BEFORE

UNCORRECTED PROOF

SELECT COMMITTEE ON RECREATIONAL FISHING

INQUIRY INTO RECREATIONAL FISHING

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At Grafton on Tuesday 15 June 2010

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The Committee met at 12.30 p.m.

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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 eighth public hearing of the Select Committee on Recreational Fishing. This is the sixth and final public hearing at a regional location. The Committee will hold further public hearings in Sydney. Before we commence I would like to make some comments about certain aspects of the hearing. Committee hearings are not intended to provide a forum for people to make adverse reflections about other persons. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings and I therefore request that witnesses avoid the mention of other individuals unless it is absolutely essential to address the terms of reference.

DANIEL BERNARD BODE, open water kayak angler, , sworn and examined.

CHAIR: If you 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 the responses to those questions being sent to the secretariat within 21 days of the date on which those questions are forwarded to you. Would you like to make a brief opening statement?

Mr BODE: I would, thank you. I would like to thank this Committee for the opportunity to speak at this inquiry. I am an open water kayak angler and user of Cape Byron Marine Park. When the final zoning plan was declared, the new regulations actively discouraged me from legally extracting seasonally available seafood for at least eight months a year.

When we look at the Act and the regulation, three things discourage my ability to enjoy, appreciate or understand the marine park: a highly restrictive available species list; the 100-metre mean high-water mark habitat protection zones, and a rectangle with its closest accessible fishing reef more than one kilometre from shore. When combining these three factors, I question whether the Act and the associated Marine Parks Regulation actually meet a fundamental object.

By the time the Cape Byron zoning plan was officially declared, species bans on mullet, snapper, whiting, bream and flathead in the rectangle, which is a zone within the embayment, defied the legal stance of the Fisheries Scientific Committee. At the same time, no justification was provided as to why habitat protection zones should be limited to a distance of just 100 metres from the mean high-water mark. All of this coupled with the placement of sanctuary zones within earshot of legal reef systems does not logically encourage vessel-based fishing opportunities within the greater embayment or headland areas. In plain English, the New South Wales Marine Parks Authority is not meeting its obligations under the Act. While they have determined and declared sustainable fishing zones, they fail to provide fair access opportunities and have restricted reasonable access to New South Wales finfish species that are not threatened under law.

When kayak anglers factor in species bans, paddling distances to legal reefs, wave forces, currents, winds and the need to maintain safe distances from sanctuary zone boundaries, the reality is that Cape Byron simply fails to realistically encourage me as a park user. Under the Act, this park does not meet an object and, worse, has misled the people of New South Wales about the allocation of its truly fishable areas. While beach and rock fishers can legally enjoy snapper, mullet, flathead, bream and whiting from large tracts of the greater embayment and a tiny strip of the Cape Byron headland, motor boat anglers, kayakers and spearfishers are restricted to a rectangle that denies all legal access to the species I just mentioned. The contradiction here is that the MPA chose to abide by the species rulings of the Fisheries Scientific Committee within the greater marine park, but completely dismisses their determinations at the rectangle.

Of the limited species that are available to anglers in the wider embayment, some are highly transient pelagics, present only between February and May. From June to December the rectangle houses legally accessible baitfish with species bans covering everything else. When species are not listed by the New South Wales Fisheries Scientific Committee, I question the MPA's motivation to implement species bans in the park when specialist New South Wales marine scientists have not determined any need whatsoever.

With regard to human-powered fishing, this activity has taken place for thousands of years and has been linked to the promotion of good health and wellbeing. Although extractive, it presents obvious arguments toward the issues of broader sustainability. For families and individuals aspiring to reconnect with good health and nature, the Cape Byron embayment lends itself perfectly to greater protection from southerly winds and

swells and boasts prolific reef systems within easy access to shore. Unfortunately, the practical areas are closed to all forms of angling thus closing the door to all but the most experienced kayak anglers.

As a kayak angler, I have directly experienced the darkest side of the zoning and enforcement systems. Where the current regulation is concerned, I believe marine parks have a responsibility to ensure stakeholder needs are adequately met and remain relevant to the social age at all times. This is why I fully support zoning reviews every five years as a bare minimum.

CHAIR: Under the Marine Parks Act regulations your gear is supposed to be stowed, not sitting in rod holders et cetera. In most of the fishing kayaks I have seen the only way to stow rods is to stand them up in the rocket launchers or the rod holders.

Mr BODE: That is correct.

CHAIR: I take it the type of kayak you use is one that you pedal?

Mr BODE: No, it is not. I use a surf-capable fishing ski, but basically it is a human-powered fishing vessel.

CHAIR: So you really do not have anywhere to stow your rods?

Mr BODE: I own two kayaks. In one kayak I am unable to stow my rods internally whereas on my surf-capable fishing ski I am able to store it inside a hatch, but that does not mean it does not present problems when I am approaching park boundaries.

CHAIR: I suppose you have to be a bit careful as regards weather but also rigging and de-rigging your gear in a kayak would not be the easiest thing to do.

Mr BODE: That is correct. I have my rods stored on the side of my kayak in the rod holders and use swivel clips, which is a clip with a swivel attached to it, I clip it onto one of the guides of the fishing rod. When it comes time to rig and de-rig the fishing rods I unclip the swivel clip and attach my pre-made traces or rigs that I use for fishing purposes. At times it can be very difficult when I approach park boundaries or when I get blown towards park boundaries. I often do not have time to de-rig before I approach the corner of a boundary.

CHAIR: Do you have a GPS on your ski or your kayak?

Mr BODE: Yes, I do have a GPS unit. Up to this point it has been the only device that I have been able to use that accurately provides my position within the park. If that fails I cannot rely on physical way points or physical bearings to ascertain my position.

CHAIR: Is that because you are so low in the water?

Mr BODE: Distance to the waterline is a factor and also as you are moving around on the kayak through the water, being able to determine physical way points that are arbitrary is never going to be as accurate as a GPS.

CHAIR: Do you know how many non-power based anglers there are in your area or in New South Wales? Is it a big sport?

Mr BODE: I do not know the direct answer to that, but from people I have spoken to within the kayak industry the estimates are that 30,000 kayaks are sold in Australia per year. Most of the requests they get are for fishing-related vessels. Whether those kayaks that are being sold are being used by every angler on a specific day or by once-a-year anglers are two different stories.

The Hon. RICK COLLESS: I was interested to hear your answer about how you identify where you are in the park. If the GPS goes you really have no idea where you are in relation to the different zone boundaries with the park.

Mr BODE: The idea I have could be skewed by up to or 80 metres, maybe 100 metres. It depends on the sea conditions on the day. I have a general idea but I would not know specifically to five metres or something like that.

The Hon. RICK COLLESS: So, you could be in a situation where you drifted into the park boundary and if the rangers are there you could be fined?

Mr BODE: That is the exact situation that happened to me on 11 February, but as it turned out the rangers were so quick to presume my guilt that I was able to prove I was 50 metres inside the legal boundary when they approached me in their vessel and when my rods were out in the water. I was approached on a presumption of guilt as opposed to a presumption of innocence.

The Hon. RICK COLLESS: How long have you been fishing out of a kayak?

Mr BODE: About five or six years.

The Hon. RICK COLLESS: When was the Byron Marine Park constituted?

Mr BODE: My understanding is the main zoning regulations that we have now came into force in 2007.

The Hon. RICK COLLESS: Had you been fishing that area prior to the zoning?

Mr BODE: Yes, prior to that I had been fishing the general and overall area but not the specific areas that have been allocated.

The Hon. RICK COLLESS: Did you previously fish the areas that are now sanctuary zones?

Mr BODE: Yes I did.

The Hon. RICK COLLESS: What do you estimate is the percentage loss of your good fishing spots that you used to go to that are not within the sanctuary zones?

Mr BODE: I could not give you a percentage but I can say I have lost a significant amount of my kayak fishery, if not all of it, for at least eight months a year.

The Hon. CHRISTINE ROBERTSON: Do you go somewhere else for four months?

Mr BODE: No, for four months the species bans and the permissible fishing species are present within the areas of the marine park that I am permitted to fish in.

The Hon. RICK COLLESS: Do users of human-powered vessels have any representatives on the Marine Park Advisory Committee?

Mr BODE: Not that I am aware of.

The Hon. RICK COLLESS: Do you have any way of having an input into that process?

Mr BODE: Perhaps, but my intention is just to be able to go out and catch a snapper, a mulloway or a mackerel or whatever, go home and enjoy the feed, get some exercise and not have to worry about it. I just want to be a normal New South Wales citizen who can enjoy his fishery.

Mr IAN COHEN: Formal submissions were made about the set-up of the marine park. Did you or anyone from a similar position make formal submissions to the inquiry prior to the setting up of the marine park?

Mr BODE: No. I have been living in the Byron area for maybe five and a half years now. I missed the main build-up and implementation of it. As soon as I found out what the impact of the zonings might mean to me I jumped on board.

Mr IAN COHEN: Have you had any informal discussions with the Marine Parks Authority people in the Byron office, for example?

Mr BODE: Absolutely.

Mr IAN COHEN: Could you describe the response, how you feel you were treated and whether there was any logic in their position regarding your particular style of fishing? Having had an interest in the marine park it seems to me that a lot of concessions in various areas were given to land-based fishers in terms of the sanctuary zone and allowing line fishing off the shore. I am referring to the Broken Head area. It does seem that your style of fishing has been overlooked. Do they concede that?

Mr BODE: I would not know if they concede it but to get back to the beginning of your question. I sat down in I think it was 2008 with the Marine Parks Authority manager and basically the head, I guess it would be the head compliance ranger. I basically opened my book to them of my fishing styles, the techniques, the way I go about my fishing business and how the park affects me as a park user. Also at that meeting I discussed zoning issues I face and gave them ideas about how we might be able to be encouraged to create zoning patterns that might be more relevant to kayak anglers. The outcome of the meeting was that basically no amendments would be taking place at any time whatsoever until the 2012 review process and that in the meantime as a kayak angler I just have to suck it in and deal with the marine park as it is and that there might be areas that in the 2012 review process might be able to be looked at or extended to potentially create some possibilities for kayak anglers. I guess the general consensus was that marine park management at that point was not willing to do a thing to balance the load.

Mr IAN COHEN: In your submission you talk about the trust—I take that to be trusts and advisory committees—performing poorly. Are you talking there about, for example, Cape Byron trust itself?

Mr BODE: No, not the Cape Byron trust. The trust, I guess my angler's trust in Cape Byron but there is one other thing I would like to emphasise. I actually made two submissions to this inquiry. The first submission was effectively denied so basically, with my dogged determination to be able to sit at this hearing, I attempted to construct another one which was a little bit more niche and a little bit more focussed on kayak fishing itself as opposed to the more holistic management debate because that first submission was submitted at a time when it was straight after a negative encounter with marine park rangers related to that GPS issue, and that was a significant day.

CHAIR: Just on a point of clarification, you said that you made a submission to the Committee and it was denied.

Mr BODE: I would not say it was denied. It was not accepted.

CHAIR: Did you speak to the Committee secretariat?

Mr BODE: No, I did not. What happened was I made the submission and then everything just kind of—then the invitations were issued to the people who were attending the hearings. I was not included in that list.

CHAIR: Just for the information of all those here, not all submissions were published. Therefore a lot of people who made submissions felt that they had not been acknowledged, but all submissions were taken on board. It is just that the Committee, because we only have so many hours in the day and so many days in the year, made a selection of those that it published. So I am pleased that you kept on and that you are here today.

Mr BODE: Thank you.

The Hon. LYNDA VOLTZ: Can I just clarify that? Do you mean published? It is not that the submission was not accepted; it is that you were not invited to give evidence.

Mr BODE: Yes, that is correct. It was not until I put in my second submission, which was narrower, more niche and more kayak related—

The Hon. CHRISTINE ROBERTSON: You got excited about it, did you?

Mr BODE: Yes, that is it exactly.

Mr IAN COHEN: You have discussed safety concerns as a kayak angler, and I appreciate if you are locked out of other areas then you are looking at behind the actual break areas for moving along, which has its hazards with your sort of equipment. Are there any other specific safety concerns that you are having to deal with in your style of fishing and how would they be remedied? Are you looking at a specific area that you think it would be reasonable for kayak-based or non-mechanical fishers in boats, row boats I suppose, to be able to access, looking at the Cape Byron Marine Park? Is there a fair compromise that you could present to the Committee?

Mr BODE: Yes there are. In terms of the first part of that question, which was related to safety, there are currently two areas within the embayment section of Cape Byron Marine Park, two general sections within that embayment. First is a habitat protection zone that runs along most of the beach side areas, beach side coastal inter-tidal areas that have a 100-metre mean high water mark ruling. Effectively, that means that any kind of vessel whatsoever, does not matter whether it is a motorised vessel or a kayak, that attempts to run along that particular stretch of waterway faces difficulties with breaking waves, wave washes, wave refractions, all kinds of wave-related stuff. So on the best days of the year when you can get out there and when you can safely fish that area you still have to pay attention to other swimmers in the water or surfers in the water or even being able to maintain turns which are within that safe 100-metre zone so as not to get fined by the Marine Parks Authority.

Also when you look at the embayment section of Cape Byron Marine Park, due to the natural make-up of the environment, the mean high water mark in a lot of cases can extend anywhere up to 80 metres from the mean high water mark. It is just pure sand without even hitting any water line or even getting sort of below above knee height. So realistically, as Mr Cohen pointed out earlier, the coastal strip appears to have been designed exclusively for the use of beach anglers and rock anglers, or beach anglers in that case, without paying any regard to any other park users in an extractive fishing capacity.

Mr IAN COHEN: In your capacity as a boat angler are you looking for reef habitat or are you happy to be angling off the sand?

Mr BODE: Essentially—

Mr IAN COHEN: Because where you are fishing there is a lot of sand.

Mr BODE: There is a lot of sand but in those inter-tidal zones there are also species of fish that inhabit the washy zones and if you are fishing within a safe distance from a breaking zone there is still extended possibilities by which to be able to access those species. Some of those species might be tailor, some of them might be jewfish, there is a whole range. Some of them might be bream, some of them might be flathead. There is a whole range of species that inhabit that safe zone which could, depending on the day, is behind that line or can access behind that back line for surfing.

Mr IAN COHEN: Tell me why it was so funny because I know that area. I know the different species you are talking about.

Mr BODE: I guess that for everybody on any kind of vessel, reef systems are probably among the most known congregation sites for fish species.

Mr IAN COHEN: Sure but you are also fishing whiting and various species off the sand.

Mr BODE: I am not. If I was a beach fisher I would be, but I am a kayak fisher and as a kayak fisher in my current capacity the only place that I can legally fish within Cape Byron Marine Park off a reef is a massive rectangular area which is comprised pretty much 99.9 per cent of sand and 0.111 per cent of reef.

The Hon. LYNDIA VOLTZ: Just going back to your issue about off the coast, with the spearfishing at the top of Cape Byron they have like a 400 metre distance across.

Mr BODE: Yes they do.

The Hon. LYNDA VOLTZ: In the review if they were looking at something such as a special zoning of that nature where you get the kind of hatch area across the thing for kayaking 400 to 500 metres off where the beach fishermen are allowed, would that in some way resolve some of the issues for you?

Mr BODE: Indeed it would. Going to that headland issue, I would just like to clarify a particular point. In 2003 a report known as the Rapid Assessment of Rocky Shore Biodiversity basically prioritised the Cape Byron headland as a low priority due to small assemblages of rocky shore biodiversity for no scientific reason whatsoever where the MPA chose to create a sanctuary zone within that Cape Byron headland.

The Hon. LYNDA VOLTZ: Sorry, who are you quoting there?

Mr BODE: I am quoting Smith—

The Hon. CHRISTINE ROBERTSON: No, the MPA.

The Hon. LYNDA VOLTZ: No, I know that it is.

Mr BODE: The report or the scientist?

The Hon. LYNDA VOLTZ: The one that is saying that there is no science.

Mr BODE: The Rapid Assessment of Rocky Shore Biodiversity in the Byron Bay region. That was a 2003 report by Smith, S. D. A. and James, K. A.

The Hon. LYNDA VOLTZ: Who are Smith, S. D. A. and James, K. A.?

Mr BODE: Scientists, I presume.

The Hon. LYNDA VOLTZ: From where?

Mr BODE: From the National Marine Science Centre to the New South Wales Marine Parks Authority. A B scientist from the National Marine Science Centre submitted a report to Cape Byron Marine Park. I have lost you.

The Hon. LYNDA VOLTZ: You lost me but do not worry about it. That is okay because I will leave it to people like Mr Cohen to argue out those points.

Mr BODE: It might be in the transcript.

The Hon. LYNDA VOLTZ: If, for example, you had the 400 or 500 metres and you have them off Belongil Beach and Main Beach and then round on Little Wategos Beach, would that be an issue with kayaking about the rigging and derigging between the areas if you were kayaking across?

Mr BODE: It is currently an issue at the present time.

The Hon. LYNDA VOLTZ: It is just a matter of unhooking the lure. Is that what you are doing at the time?

Mr BODE: It is a matter of hooking a lure in the general sense of the term, but in the practical sense of the term ensuring that your lines are out of the water should be the significant priority.

The Hon. LYNDA VOLTZ: Have you ever been fined for having your—

Mr BODE: I have not been fined but I have been approached by marine parks when I have had the correct rigging in place but accused of being fishing illegally within the sanctuary zone.

The Hon. LYNDA VOLTZ: Yes, but they did not fine you, did they?

Mr BODE: They had no reason to fine me.

The Hon. LYNDA VOLTZ: What I am saying is that you have never been fined.

Mr BODE: Absolutely not. Yes, I have not been fined.

The Hon. LYNDA VOLTZ: Do you know of any other kayakers who have been fined?

Mr BODE: I have heard reports that—

The Hon. LYNDA VOLTZ: Do you know anybody directly?

Mr BODE: No, not directly.

The Hon. LYNDA VOLTZ: If you had a zone like that, how could you be sure that it was restricted to kayaking? You obviously would not want the other boats—

The Hon. CHRISTINE ROBERTSON: Or non-motorised vessels.

Mr BODE: I have absolutely no qualms about sharing the waterways.

The Hon. LYNDA VOLTZ: I know you do not, but if we are looking at it from the direction of you wanting to ensure that those who probably should be closer into shore, not further out, for safety reasons—obviously there are kayaks that can go out to sea but your issue is staying close to where it is safer.

Mr BODE: This is an interesting topic because as a kayak angler I still see myself as an angler and there is no reason why any other angler should be mutually excluded from a fishing zone that I am working within.

The Hon. LYNDA VOLTZ: Let us set that aside because at the moment the beach fishermen do have access. They have access from the beach.

Mr BODE: Yes.

The Hon. LYNDA VOLTZ: If you are in a motorised powerboat it is a lot simpler, until you get to the other regions outside the sanctuary zone, than someone who is paddling a kayak.

Mr BODE: It is.

The Hon. LYNDA VOLTZ: Particularly if you are talking about perhaps younger teenagers or whoever in a kayak. If you are looking at it from the kayaking that allowed to have some access for safety, given that marine parks set up different zones and allow different uses across a whole range of things, for example, as we know spearfishing has a zone set aside for it, are you happy that there is a classification of kayak and surf ski?

Mr BODE: I guess, if that was the direction the Marine Parks Authority was thinking about going about it, I would probably be more inclined to support a permit-based system whereby potentially people on human powered craft or whatever might be able to extend into specific areas due to pure function rather than—it is a really tricky question.

The Hon. LYNDA VOLTZ: How would that work with a small catamaran? That is not human powered, it is wind powered.

Mr BODE: I guess.

The Hon. CHRISTINE ROBERTSON: Do you know when Cape Byron Marine Park is in for its full review process?

Mr BODE: Apparently 2012.

The Hon. CHRISTINE ROBERTSON: Do you understand that process?

Mr BODE: I do. After reading significant amounts of information I do now.

The Hon. CHRISTINE ROBERTSON: Do you think participation in that process will be of use for your issues?

Mr BODE: During the meetings that Mr Cohen spoke about earlier with the Marine Parks Authority I was informed that the most practical and viable way I might be able to get representation is if I gather up a huge group of kayak anglers and sit down and do the numbers thing. As I said earlier, I am not sure that is the route I should be going down. A recreational fishery is a recreational fishery. The most important thing is that people have fair access to a recreational fishery.

The Hon. CHRISTINE ROBERTSON: It is the word "access"?

Mr BODE: Absolutely.

The Hon. CHRISTINE ROBERTSON: You talked about artificial reefs.

Mr BODE: Yes. But, again, that was in my first submission. That is a probable solution. Realistically the issue is access. Although I would love to see artificial reefs, that is just one part of a greater environmental marine parks worry.

The Hon. CHRISTINE ROBERTSON: We have a problem with artificial reefs—the greenies do not like them.

Mr BODE: That is correct.

Mr IAN COHEN: Wait until I start saying what Labor does not like. Watch out.

CHAIR: Order!

The Hon. TONY CATANZARITI: There will be a review in 2012.

Mr BODE: Yes.

The Hon. TONY CATANZARITI: If I heard you correctly, there is not much that you can do between now and then.

Mr BODE: That is correct.

The Hon. TONY CATANZARITI: Why is that the case? Is it just that they do not want to do anything?

Mr BODE: I honestly cannot answer the question on the thought processes of the Marine Parks Authority. What I can talk about is how at present I have no available fishing resource within the embayment section of Cape Byron Marine Park on my kayak for eight months a year.

The Hon. TONY CATANZARITI: If I heard you accurately, they have conceded that you were not considered early in the piece when the whole program started.

Mr BODE: That is correct. That is because nobody was there to represent kayak anglers at that time.

The Hon. TONY CATANZARITI: Why are they not going to do anything between now and 2012?

Mr BODE: I asked those questions of the chairman of the Marine Parks Authority in 2007 in a formal letter. That ended up as a formal complaint to the Ombudsman. I also sent letters to the Ministers involved in those marine park environments at the time.

CHAIR: That is a question that the Committee may get to ask the Marine Park Authority representatives this afternoon. Thank you very much for your evidence today. 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 may not have had the opportunity to ask of you today?

Mr BODE: Yes.

CHAIR: If you do, could you get them back to the Committee within 21 days?

Mr BODE: Certainly.

(The witness withdrew)

JOHN CHARLES HARRISON, Executive Officer, Professional Fishermen's Association, ,
sworn and examined:

CHAIR: I remind everybody that mobile phones must be switched off. Any messages for witnesses must be delivered through the secretariat staff. I wish to emphasise that although this is a public hearing it is not an open forum for comment from the floor. While the Committee welcomes members of the public here today, the primary purpose of this hearing is to give individual witnesses an opportunity to provide their evidence on oath before the Committee. Only questions from the Committee and evidence given by the witnesses are recorded in the transcript. Uninvited interruptions are not recorded and would make it difficult for witnesses to fully express their views.

Committee hearings are not intended to provide a forum for people to make adverse reflection about other persons. The protection afforded to committee witnesses under parliamentary privilege should not be abused during these hearings. I therefore request that witnesses avoid the mention of other individuals unless it is absolutely essential to the terms of reference. All witnesses will be sworn prior to giving evidence.

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

Mr HARRISON: I would. Firstly, thank you for the invitation to appear here today. I think it is appropriate to provide the Committee with an update on the Professional Fishermen's Association [PFA] and its membership. When we made our submission to this inquiry we had 165 members comprising the Clarence River and Coffs Harbour Fishermen's Cooperatives. We now have about 350 members and that number is growing as commercial wild harvest fishers realise the extreme risk and threat to their very livelihoods that is evident from the marine park process. Our membership base now stretches from Sydney north to the Queensland border and it is set to continue to increase. We have about 40 per cent to 50 per cent of the active New South Wales commercial fishers as members, and they catch between 60 per cent and 70 per cent of the commercial catch in this State.

In our submission, the PFA recommended selective harvesting by the commercial sector in recreational fishing havens—species such as mullet, eels, catfish, prawns, etc. In other words, those species that are not generally targeted by the recreational sector. There is no better example of this than Lake Macquarie. The evidence is clear why this can be allowed without having any impact on the recreational sector. Table 34 on pages 81 and 82 of the New South Wales Fisheries Report 52 shows that the take of these species by the recreational sector is negligible and allowing a return of commercial fishing for these species will provide a source of income for fishers as well as fresh seafood to the public of New South Wales. The closure of Lake Macquarie to commercial fishing was and remains purely political, as were the other havens. There was no need to remove commercial fishers from Lake Macquarie or, indeed, other havens, because the take of fish by the recreational sector in Lake Macquarie was greater than that of the commercial sector. Astute management would have been a far more sensible approach. This can still be achieved if the Government of the day has the will to do so. Another issue we addressed was the lack of any environmental impact studies for the recreational sector. In a 19 May 2006 letter to the Clarence River Fishermen's Cooperative, the Fisheries Minister said:

Regarding the EIS for the recreational fishery, I can confirm that the recreational and charter boat fishers will be subject to a comprehensive planning and assessment process.

This has not happened. We believe this is wrong and we encourage the Committee to ensure this is one of its key recommendations.

The following are a couple of quotes from the Victorian Minister for Fisheries that were in a recent publication:

Many Victorians enjoy eating seafood and it is important that every Victorian has the opportunity to buy high quality locally sourced seafood. This can only be achieved through a sustainable and profitable seafood industry in Victoria.

Minister Helper further stated that:

The Victorian Government will continue to support industry in delivering the message that Victorians want access to locally caught high quality seafood and that not all Victorians have the opportunity to catch their own.

The PFA totally agrees with what the Victorian Minister said and we would encourage a similar approach by this Committee in its deliberations. Access is the key issue.

Recreational fishing havens have destroyed the viability of some commercial fishing businesses. They have forced aggregation of effort and ensuing conflict between commercial fishers over competition for resources. A good example of that is the Hastings River closure, which forced fishers to travel to the Laurieton area and to compete with other fishers. This effort aggregation could have been avoided with better approaches to how the fisheries were managed.

Interestingly, the 2001 report by the independent facilitator John Malone to the Fisheries Minister regarding the community consultation process for recreational fishing areas in region 3 noted the following:

Key points from the open public meeting at Port Macquarie:

community has a wide range of views, and wants recreational fishing improved but not necessarily a full buyout;

support for partial closure of Hastings River;

fair and equitable treatment of commercial fishers is needed."

That did not happen at Hastings—the entire Hastings River is closed. Anecdotal evidence from experienced and successful recreational fishers indicates that the quality of recreational fishing has in fact declined in the Hastings River since it was declared a haven. It is well known that the professional fishing competitors when fishing the bream tournaments fish in areas where commercial fishing has been active. That is very true for the Clarence River.

The independent review of the marine park science—which I am sure members have seen—has in fact agreed with the criticism of the science, or lack thereof, underpinning the marine parks process in New South Wales. Further, the 2009 paper by the CSIRO and Industry and Investment NSW states that in the shelf waters on New South Wales marine parks decrease biodiversity. The executive summary of the joint report states:

Marine reserves cause a decline in the biodiversity of the groups represented in the model irrespective of whether historical fishing effort is entirely removed or redistributed into neighbouring areas outside the reserve.

The management of the marine parks and the various levels of sanctuary zones are inappropriate. I refer the Committee to Smiths Lakes. I do not know whether members have addressed the issue of skinny fish in the lake, but that is a classic example of poor processes and poor management. The fact that there has been no regular flushing of the lake is an example of how ineffective the Marine Parks Authority has been in delivering good outcomes for the community. There are many other examples of what has happened to the commercial sector in the past 10 years as a result of the establishment of recreational fishing havens and marine parks. Going on what is now in front of us, I believe that more pain will be inflicted, possibly without adequate compensation or appropriate amounts of effort removed from the fishery.

This Committee must look at the long-term issues of seafood security and the benefit the commercial sector provides to local communities. A soon to be released socioeconomic study commissioned by the PFA will show the enormous value of the commercial sector to the local economies through seafood supply, employment and economic benefits. The study covers the Ballina, Clarence and Coffs Harbour Fishing Cooperatives. I will be delighted to provide a copy of the report to the Committee once the final editing work has been completed.

Finally—and this is the most important issue—any government must address the off-stream impacts that are taking a toll on fish stocks. We need a sustained program of rehabilitation and remediation work on wetlands. We also need to change the mindset of landholders and turn around the destructive flood mitigation works that have basically destroyed nursery grounds for juvenile fish. This Committee's recommendations are paramount to achieving this important outcome for generations ahead who will rely on healthy ecosystems to provide seafood and enjoyable recreational fishing. Thank you.

CHAIR: The Committee requests that you provide a copy of that publication when it is finalised.

Mr HARRISON: Yes.

CHAIR: Given the failure of the Clarence prawn season and if the Coffs Harbour prawning effort were to be removed under the current zoning plan, what effect would that have on the supply of prawns to the Sydney market?

Mr HARRISON: The Sydney Fish Markets have come out in the press saying that 22 per cent of its supply of king prawns comes from Coffs Harbour. We are presently trying to ascertain how much of that 22 per cent comes out of the Solitary Islands Marine Park. That is a very difficult process to complete because the data that has been collected and put in logbooks in New South Wales is based on one degree of latitude—that is effectively 120 kilometres of coastline. That is meaningless; it does not tell us anything. We are trying to work that out based upon seasonal issues, where the guys fish and how much product they think comes out of that area.

CHAIR: Does most of the Clarence River prawn fishery product go to Sydney?

Mr HARRISON: There are two fisheries there—the estuary prawn trawl fishery, which has had a shocking season—

CHAIR: That is the one I was referring to.

Mr HARRISON: The majority of that product is used for recreational bait. It is a prized and well sought after food source as well, but its supply is mainly directed to the bait market. If it folded those that rely on bait, of whom I am one, would have to look elsewhere.

The Hon. TONY CATANZARITI: On a point of clarification, you call yourselves the Professional Fishermen's Association, so are you really the commercial side?

Mr HARRISON: Our organisation is there to represent wild harvest commercial fishermen only—the commercial fishermen that go and catch seafood. We have no post-harvest membership. We are simply there to represent the interests of commercial licensed fishermen in New South Wales.

The Hon. TONY CATANZARITI: In your submission on page 3 you state there is a need to establish a mechanism whereby industry representatives from the commercial and recreational sectors can come together and discuss the issues. Can you provide any suggestions as to how such a consultative model could be established, including which body or bodies could best represent the varied recreational sector?

Mr HARRISON: I have been in this role for 16 or 17 years. One of the very first things I put forward was a joint approach by the commercial and recreational sectors because effectively 90 per cent-plus of the issues that face both sectors of the industry are identical. You can distil that down to access and habitat, which are the key ones. There will always be debate over resource allocation and who gets what, but effectively they really should be in the room together all the time. You could create it in any number of ways—by ministerial appointment, by expression of interest and then through a selection committee. The issue with New South Wales recreational fishing, as I understand it, is that there are a number of bodies that represents interest of recreational fishers, through the NSW Recreational Fishing Alliance, NSW Game Fishing Association, NSW Fishing Clubs Association, and EcoFishers. There are a number of different groups that are putting their hands up and saying they are representative. I have made this point in our submission: It is not the person, it is the group that should be represented. How you select it will be up to the people who set it up, but it should have the opportunity to stand alone and be independent and provide frank advice to the Minister of the day.

The Hon. TONY CATANZARITI: You are talking about people who go out on the water and each one does their own thing, but why can we not get them together and make a compromise suggestion as to what can be done to get them to work together?

Mr HARRISON: That issue has probably been one of the most difficult issues facing the fishing industry—trying to get people around the table. Whether it is done by invitation or by the carrot of establishing a peak body representing recreational, commercial and indigenous fishing issues in New South Wales, which has not existed before, we should try something.

The Hon. TONY CATANZARITI: Why has it not been done?

Mr HARRISON: Egos would be one answer and the other would be the belief that there is "us and them"—the recreational sector and the commercial sector—and who gets the biggest slice of the pie and how the pie is cut up. I really do not think that is the answer. The answer is that you grow the pie, hence my reference to wetland rehabilitation. If people sat down and looked at it honestly—and I have worked on both sides of the fence, so I know—the issues that are impacting on fish stocks are not in the water, they are off-stream impacts—what happens off the water.

The Hon. TONY CATANZARITI: It would be a pity if they cannot come together just because of egos.

Mr HARRISON: Yes, it would.

The Hon. CHRISTINE ROBERTSON: I refer to the issue of degradation of waterways. Do you know of any work being done conjointly with Fisheries and the catchment management authorities and perhaps National Parks, and Primary Industries—any joint projects on the North Coast?

Mr HARRISON: Yes, there are a number of them. A couple spring to mind immediately. One is called Little Broadwater, which is about 30 kilometres downstream from here near a little town called Lawrence, where landholders agreed to lock up 170 hectares and fence it off from cattle. They made some floodgate changes to allow tidal exchange and the results have been outstanding, no question about it.

The Hon. CHRISTINE ROBERTSON: Who ran that?

Mr HARRISON: It was run by the Clarence Valley Council, the catchment management authority, WetlandCare Australia, Fisheries, and the landholders obviously. I declare a conflict of interest because my father is one of the landholders. That is how I know about the case. It was a joint effort, funded in part through the NSW Recreational Trust, and I think some Federal money was put in at some stage as well, but I am not certain. There is a shallow channel near Yamba where they put in culverts to allow water exchange, which was completed last year at a cost of \$450,000 to \$500,000. There are examples, but to use the iceberg analogy it is what is under the water that is the concern. There is a huge amount underneath that needs to be done.

The Hon. CHRISTINE ROBERTSON: Do you think that process of many hands joining together to get these things up and running is the appropriate process?

Mr HARRISON: Providing there is support from the Government of the day, because this is not going to happen without funding and it is not going to happen without a paradigm change in the mindset of landholders. I have been advocating for some time now that we should encourage a process whereby landholders who have marginal country—I am talking about wetlands—are remunerated to grow fish rather than grass to feed one or two head of cattle or work marginal cane country or marginal cropping country. Turn it back to what nature meant it to do, but work out a process whereby those landholders can be remunerated to do so.

The Hon. CHRISTINE ROBERTSON: Throughout this inquiry there have been debates about the science involved, particularly in relation to marine park definitions. The other thing that has happened throughout the inquiry is that the scientific information or the data collection on the areas that have been called marine parks has been incredibly extensive once they have been stated. Have you had anything to do with the review processes? There is one at Solitary Island now.

Mr HARRISON: Yes, I put in a submission on behalf of the Clarence and Coffs Harbour commercial fishermen about 18 months ago. None of the suggestions or recommendations in our submission has even been considered.

The Hon. CHRISTINE ROBERTSON: They did not come out in the discussion paper, is that what you are saying? You could not see evidence of your submission in the paper?

Mr HARRISON: Definitely not. Our approach was to open up a bit more country to allow sustainable extractive use, not lock up more. As for the science, I think the independent review by Professor Fairweather, Professor Buxton and Dr Robinson clearly states there is a lack of science supporting the marine park process.

The Hon. CHRISTINE ROBERTSON: I am talking about the review process. Are you saying that is different?

Mr HARRISON: The review of Solitary Islands Marine Park?

The Hon. CHRISTINE ROBERTSON: The science that has gone into the work that has been delivered.

Mr HARRISON: There is very little science. There is a bit about mud crabs, and why would there not be more mud crabs if no-one is catching them? They have done a bit of mapping on the seabed. I do not call that science, it is just drawing a map. Some people might disagree with me, but I do not think there has been any science that underpins the push to lock both recreational and commercial fishing out of more area.

The Hon. CHRISTINE ROBERTSON: Mr Catanzariti raised the issue of representation. You have referred in your submission to joint committees with recreational and commercial fishers and representation of minority groups and said that it should not be allowed to overshadow the real issues. You hit the nail on the head earlier. There are a lot of special interest groups, or egos as you called it. Do you have any ideas about trying to address the issue of representation? People perceive they are not represented.

Mr HARRISON: There are nearly a million recognised recreational fishermen in New South Wales.

The Hon. CHRISTINE ROBERTSON: We have not heard from a lot of them in this inquiry.

Mr HARRISON: You will not hear from most of them most of the time. Probably 1 to 2 per cent of those may be members of a recognised fishing organisation, be it a game fishing club or EcoFishers or the NSW Fishing Clubs Association or whatever. Getting broad representation for those million people is almost impossible. I do not know what the answer is. Sometimes you have to bite the bullet and, say, split it into regions and maybe, as I indicated earlier, have an expression of interest and selection process to establish how someone has the credibility to represent those people. The key thing with any representation is not what you do at the meeting but what you do when you go back and convey to the people you represent what you have done. That is the hard part.

The Hon. LYNDA VOLTZ: Putting aside the idea of jobs in the industry, which are fundamentally important, particularly for smaller country towns—a few jobs can make a huge difference—there has been evidence about the shelf off the coast of New South Wales and the comparison between our fishing grounds and those in places such as Western Australia and New Zealand, which have larger fishing grounds and much larger fish stocks. Do you have any evidence with regard to the comparison between our fishing grounds and those regions?

Mr HARRISON: If I understand your question correctly, it is very difficult to compare us to New Zealand because they have very rich waters with Antarctic upwelling providing huge volumes of fish. We are a very ancient country and the nutrients that run off are almost all gone, so the fish stocks we have are nowhere near as extensive as they are in other parts of the world.

The Hon. LYNDA VOLTZ: And as with agriculture there are obviously good places to farm and not so good places to farm. I am interested in the concept of the Victorian Minister that residents are entitled to locally caught produce. If you are talking about a sustainable industry is it not better to have fish catches from the most sustainable areas?

Mr HARRISON: Yes, and if you look back at the management of New South Wales fisheries I think you will find they are one of the most sustainable stocks in the world.

The Hon. LYNDA VOLTZ: I understand that, but it is obviously best to catch fish in the place where it can be a sustainable industry, setting aside employment, which is another factor that should be put into the mix.

Mr HARRISON: From an industry efficiency point of view, yes, if you can catch X amount of fish with only so much effort rather than having to make a greater effort to catch fish it is much more efficient, viable and profitable than if you have to chase fish, as is the case in some areas, by steaming into the ocean for three or four hours. That puts viability out the door; the product does not come.

The Hon. LYNDA VOLTZ: We have had a lot of evidence—a lot of it hearsay—about recreational fishermen who talk about commercial fishermen denuding stocks and beach dumping and a whole range of issues. There is conflict between the two. There was an article in the *Sun-Herald* by a fishing writer about commercial fishermen turning up at the Committee hearings and saying it is the recreational fishermen who are acting like professionals. Is there a way to get around these differing views? Little of them seem to be based on evidence. There is a lot of hearsay that goes on in the industry.

Mr HARRISON: Communication is probably the key issue. Your comment about dumping needs to be corrected or clarified because it does not happen today. It may have happened 30 or 40 years ago but it does not happen today. The fish are used, every one of them. As far as black marketing is concerned, that is what that article, I think it was in the *Sydney Morning Herald*. Graham Turk from Sydney Fish Market was quoted. It is an issue. When a retail fishmonger comes to me when the rezoning of the Solitary Island Marine Park was announced to increase it from 12 to 20 per cent, his comment was, "I'll have to source my reef fish from the black market". So it is there. If he is saying that he knows it is there, it is an issue. How you prove it and how you stop it, it is a compliance issue.

The Hon. LYNDA VOLTZ: Putting aside agriculture and the impact it has on the waterways, how much do you think urban development is playing into this whole change of view about management of the waterways off the coast of New South Wales? Obviously on the North Coast of New South Wales there has been a huge explosion in population over the past two decades, and that is obviously having an impact on commercial and recreational fishing and also in relation to silt build-up. What happens on the coastline?

Mr HARRISON: That is a tripe whammy. There are many issues there.

The Hon. LYNDA VOLTZ: Sorry.

Mr HARRISON: That is all right.

The Hon. LYNDA VOLTZ: Nothing is uninterconnected in this.

Mr HARRISON: No, it is not. They all go hand in hand and each is probably contributing, whether it be clearing of land upriver for whatever, for grazing, whatever does have an impact on downstream with siltation and the Clarence is a good example of that. There are a number of water holes that were once 90 feet deep when I was young and they are now 60 feet deep. So you combine that to the demand from—I had a person on the phone this morning wanting to build a pontoon and jetty on a waterfront block that they bought. It is smack bang in the middle of a commercial haul grounds and I said no. They are all impacting on the supply and the viability.

The Hon. LYNDA VOLTZ: Where there used to be a sleepy town with 10 or four houses there is now a big town and the growth is where a fisherman used to have his favourite spot and he was the only guy there and now there are 10 or 15 people. Do you think these issues are having an impact?

Mr HARRISON: Do you mean 10 or 15 commercial fishermen or recreational?

The Hon. LYNDA VOLTZ: No, recreational fishermen.

Mr HARRISON: Undoubtedly. The days of the sleepy little coastal village where someone used to have their secret spots and there were not many people there, that is changing. Everybody will know that we have an aging population that has fairly extensive resources and likes to travel and there are not many towns you can go to these days where you will not find visitors there at some stage of the year, whereas previously a sleepy little village would be a sleepy little village other than in the school holidays. So, yes, it has to have an impact. It has to stop people going there, people who have lifestyles, they have plenty of time on their hands. So the days of having a water course to yourself are gone.

Mr IAN COHEN: You said that the days of dumping are well and truly over. I guess you are referring to commercial fishers and fish by catch wastage and what not. There was brought up in Parliament, what I consider dumping. It was about two years ago; it was the issue of shark finning and then bringing the whole carcass in. Quite a significant number of sharks were found or investigated on a farming property where they were brought in legally, the fins were removed and the actual carcasses were not utilised, other than for compost

on the farmer's land. Can you comment on that? Is that type of thing still happening in the commercial sector in the shark fishery?

Mr HARRISON: Not that I am aware of but I am not saying it is not—

Mr IAN COHEN: Are you aware of that particular event that happened a couple of years ago?

Mr HARRISON: No.

Mr IAN COHEN: It did happen and the Minister at the time, Ian Macdonald, did say that they abided by the law in that they were not just finning and dumping the product, but we have that sort of circumventing of what might be seen as reasonable sustainable fishery.

Mr HARRISON: You make the laws.

Mr IAN COHEN: No, I do not, unfortunately.

The Hon. LYNDA VOLTZ: You are a member of Parliament.

Mr IAN COHEN: You mentioned before that there is a lot of pressure on commercial fishers with the river closures and fishery closures. Is the pressure between the commercial and the recreational fishers apparent at this point in time? Is that a major issue in areas where you have oversight?

Mr HARRISON: Not that I have seen personally, but I know of them.

Mr IAN COHEN: Can you give an example of the sort of fishery where there is that clash? There have been other places, for example, on a previous inquiry there was commercial kingfishing effort on the South Coast. That was stopped by the Government but the recreational effort then just basically replaced it so it was more a political decision rather than a conservation decision. Can you comment on that?

Mr HARRISON: My opening comment, surprise, surprise, it being a political decision. Maybe that is the cynic in me coming out. There is a recent example at Hat Head, where there was a request or a call by the recreational sector to ban beach haul for Luderick or blackfish but that has been nipped in the bud because both the Opposition and the present Government have said that they are not going to do it. Maybe if you wanted an exact example that is one that springs to mind. There will always be conflict between those extreme elements of any group if they want someone locked out completely because they want the resource for themselves, or the other group that says, "Don't let them fish. What we are doing is fine." If you look at the extreme elements, yes, you will always get some conflict.

Mr IAN COHEN: I appreciate that. So you do have understandable pressure. Population growth has been mentioned, as have commercial and recreational fishery competition and a lot of land degradation. In particular you mentioned wetland reparation needed and such like. Does that make marine parks zonings and such like small bickies compared to the really big issues that confront both professional and recreational fishers, that is, habitat degradation and particularly nursery degradation up and down the coast, loss of wetlands, sugar cane farming and such like?

Mr HARRISON: I would not describe it as small bickies. Commercial fishing utilises a vast array of techniques, including gear, but also rotation. They might fish a particular area this year and may not fish it for another two or three years. So it is a bit like a farmer spelling the paddock, if you like. They will not go there because, first, the fish or prawns are not there but, secondly, they also will want to spell it and they will fish somewhere else. So minimising the area that is available to them takes away the options of spelling or rotating effort in different areas. Once you do that and you aggregate the effort, then you have the problem of increased effort in a smaller geographic area. If you look at what has happened along the coast, there are industry-initiated juvenile king prawn closures right along the North Coast of New South Wales. That was driven and done by the commercial prawn trawl industry to protect the grounds for juvenile king prawns.

Mr IAN COHEN: On the Clarence, for example, the closures which were voluntarily done by the professional prawn trawlers in the Clarence, was that not actually a result of just a drop in catch at that particular time and was that not, to some extent, due to environmental weather, flooding, other factors?

Mr HARRISON: I was not around when it was introduced so I cannot comment but it is not just the one out off the Clarence. There is one up off Evans Head, there is one at north Ballina. There is another one down, well, it is not official but there is an unofficial one down off the Bellingen River as well. They were introduced because the ocean trawl fishermen prefer to catch the king prawn that is bigger than the one that is smaller. So these juvenile king prawn grounds were protected to enable them to grow and when they are time to move on they are a bigger size.

The Hon. RICK COLLESS: The paper you quoted from a few minutes ago, I think it was from Robinson and others.

The Hon. CHRISTINE ROBERTSON: It is the one he has tabled.

Mr HARRISON: Yes.

The Hon. RICK COLLESS: Are you prepared to table that?

Mr HARRISON: It has got my scrawl all over it. It is available on the—

The Hon. RICK COLLESS: We are prepared to take an original.

Mr HARRISON: I can get a copy of it for the Committee or provide the link. That is fine.

The Hon. RICK COLLESS: Thank you. We would appreciate it if you could make that available to us. In relation to the 20 per cent proposed closure in the Solitary Islands Marine Park, what impact will that have on the prawning industry, given that it is proposed to ban prawn trawling in that area as well? What cumulative effect will it have if the proposed three nautical mile Federal parks come into existence? What will be the cumulative effect of all of those things together on your industry?

Mr HARRISON: Are we talking about the Solitary Islands and the Commonwealth waters from there?

The Hon. RICK COLLESS: Yes.

Mr HARRISON: If banning prawn trawling is upheld, the impact is unknown. As I said, we are trying to work out what take of king prawns comes out of the Solitary Islands Marine Park. It is seasonal. It is usually during the warmer months when the prawns are in closer but it is not just prawns because there are other products that are caught in the trawl fishery such as cuttlefish, octopus, trawled flathead, whiting, to name a few. On top of that you have got this—I have had discussions with some lobster fishermen in Coffs Harbour and there are very small areas that are being adjusted around the current no-take zones that only look very narrow on the zones. In fact two or three lobster fishermen say that it is going to devastate them because they take a lot of lobster out of there each year. You have also got the yellow tailed kingfish that are caught down around the islands and there will be an increase in the no-take sanctuary zones there.

So a whole raft of different fisheries will be impacted by the increase from 12 to 20 per cent but in small steps. When you put it all together the potential viability of the likes of the Coffs Harbour fishermen's cooperative is in question should these all be approved and go through, that is when you start to add up the impact. If a coop does not have enough throughput it will not survive. If it falls over, then the 35 or so active commercial fishermen utilising the Coffs Harbour cooperative would have to look at alternatives as far as how they get rid of their product and that is the challenge. A coop is there for that very purpose: to channel that product into certain markets. So I cannot give you a precise answer as to the volume of catch because it is nearly impossible to ascertain.

The Hon. RICK COLLESS: Of the 350 odd members that you said earlier you have now, what proportion of them work on a regular basis outside the three nautical mile zone?

Mr HARRISON: Most of the ocean trawl fleet, which is about 65 or 70 active fishermen. There is ocean trap and line, a little bit of long line activity and some lobster stuff that happens a little bit outside three nautical miles. I would be guessing at this figure from the 350 but I would say probably around 150, 180 would at some stage work in Commonwealth waters but under the OCS as the New South Wales Fisheries, with the exception of the long line.

The Hon. RICK COLLESS: So the cumulative effect would be quite severe on your members if those two park proposals come together?

Mr HARRISON: Yes, and of course it is not just Solitary Islands. You have the proposed Hunter area off Port Stephens and the one at the Tweed, which—I have been talking to some members today and a lot of product gets caught in that three nautical miles and beyond up there.

The Hon. CHRISTINE ROBERTSON: This is the Commonwealth stuff. That is outside our terms of reference.

Mr HARRISON: I am sorry; that was the question put to me.

The Hon. CHRISTINE ROBERTSON: I know. I was not having a go at you; I was having a go at the Hon. Rick Colless.

The Hon. RICK COLLESS: Who is asking the questions here?

The Hon. CHRISTINE ROBERTSON: You asked a question outside the terms of reference.

CHAIR: Order!

The Hon. CHRISTINE ROBERTSON: Do you want me to take a point of order?

CHAIR: We are not going to put on an act for the audience.

The Hon. RICK COLLESS: Do many of your 350 members fish in more than one zone in New South Wales?

Mr HARRISON: Yes, many of them fish in more than one fishery. They could be involved in the estuary general, the estuary prawn trawl or ocean haul. Within the estuary general there is up to nine different endorsements from eeling to mud-crabbing, meshing, hand gathering, hand line and so on. Many are multi-endorsed and quite a number are multiregional. They might fish in region one, which is to the north of here, and Clarence is region two, and then region three is down the coast to about 200 kilometres and then there is region four.

The Hon. RICK COLLESS: Are any licensed to fish in Queensland waters?

Mr HARRISON: Yes, in varying areas—eeling, meshing and trawling. I know of three or four off the top of my head who work up there.

The Hon. RICK COLLESS: I refer you to the issue of what we might call the carrying capacity of the fishery. Is there an optimum number of fish that will live on a reef and will they tend to build up their numbers to get to that number again when fish are taken?

Mr HARRISON: Most fish chased or caught by both the commercial and recreational fishers are not resident fish—they are highly migratory. A few species stay in the one spot. They have a cave that they call their own and that is where they stay. However, in general, most are migratory and they will move in and off reefs depending on the time of the year, the spawning aggregations, where the feed is that they are chasing and a range of other factors. You cannot equate a reef carrying capacity to a paddock carrying capacity. When there is no food the fish will move to find it.

The Hon. RICK COLLESS: So making a reef a no-take zone will not necessarily have a great impact on whether the fish are there. Is that a fair comment?

Mr HARRISON: That would be correct.

The Hon. RICK COLLESS: You recommend that an environmental impact statement should be completed for recreational fishing. Do you think that is feasible given that there is no requirement for recreational fishers to report their catches and many recreational fishers are not required to be licensed; for example, people over 65 and under 18—and there are a lot of fishers in those categories?

Mr HARRISON: If we do not do it, how are we going to know the take of that sector? If you do not know the take of one of the major sectors in the fishery, how is it possible to manage it? You must have that information at your fingertips to be able to manage the resource in a sustainable way. I will provide an example. We think that about 80 per cent of the catch of mulloway is taken by the recreational sector. Let us find out; let us quantify that. It is going to cost the Government to put the resources up to find out what the catch is and how much is being released. If that is married with the commercial catch, then we will have a figure that we can start with and manage that take.

CHAIR: Unfortunately we have run out of time. Thank you for your evidence, it has been illuminating to say the least. Along with any questions that you took on notice during your evidence or any documents you agreed to provide, would you agree to receive additional written questions that members of the Committee may not have had the opportunity to ask of you today?

Mr HARRISON: Certainly.

CHAIR: If you do, could you get them back to the Committee within 21 days?

Mr HARRISON: Yes.

(The witness withdrew)

SCOTT MATTHEW FLYNN, Committee Member, Big River Bass Fly Fishing Club Incorporated, ,
and

MARK GORDON THOMPSON, Treasurer, Big River Bass Fly Fishing Club Incorporated, ,
sworn and examined:

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

Mr FLYNN: I would like to express my gratitude that you have come to Grafton and for the opportunity to speak to you. Ours is a small club of amateur fishermen. We believe there is a conflict between the current rules governing amateur fishing in respect of bass in the river and those governing commercial fishing. We would like to see parity and the bass be offered greater protection during their spawning season. That is the essence of our submission. We do have knowledge of other areas of fishing in the valley, but we have come to talk about bass fishing.

CHAIR: Mr Thompson, do you wish to add anything?

Mr THOMPSON: No, Scott said it all.

CHAIR: Is your club associated with any larger fishing organisation such as the Council of Freshwater Anglers or any group like that?

Mr FLYNN: Yes, the club is affiliated with the council.

CHAIR: Roughly how many members do you have?

Mr FLYNN: We have 45 members.

CHAIR: Your submission suggests that allowing commercial fishers to use set diver nets in the Clarence River throughout the year undermines the seasonal closure for recreational bass fishing in the river. Can you please explain your argument and offer suggestions as to how this issue could be overcome?

Mr FLYNN: As we have said, the commercial fishermen are not permitted to take bass. However, they are permitted to use nets in the river. The use of those nets is during the period when bass are migrating. As I understand it, bass will migrate from the headwaters of the Clarence River to the brackish water. My submission says that is in May, June and July. We think it might be as early as May. It is during that period—when the fish are travelling downstream before they have commenced spawning—that they are caught by these nets. We understand that there are fishing rules that prohibit the setting of nets for periods. From 1 June to 31 August the nets can be set overnight, which is about 12 hours. However, outside that period, they can be set for only three hours.

We believe that the length of the set is the reason for the high mortality rate during that time. Even when nets are set for, say, three hours, bass are still dying. The regulations say that in many cases the use of nets is by means of a throw and retrieve, which is a continuous action. However, the regulations also say that during certain periods you can set the nets for longer periods. We believe that the longer periods for set nets are the main problem. We also believe that the way to reconcile that issue is to shorten the sets to splashing, which is throw and retrieve, or at least minimise the overnight set to three hours or less.

CHAIR: What evidence do you have that there is bass mortality as a result of the set nets?

Mr FLYNN: I personally have no evidence, but my friend here does.

Mr THOMPSON: I have seen bass that have been given to the friend of mine by a professional fishermen who caught them in nets. They have been very good bass, but also very dead.

CHAIR: So the fish cannot be returned to the river alive?

Mr THOMPSON: I could not say what condition they were in when they came out the nets, but they were certainly dead in the fridge.

CHAIR: Are you aware of any compliance evidence that suggests that that is widespread?

Mr THOMPSON: There is often hearsay, but it is hearsay. There is no evidence. There was a case before the courts last year. A local professional fisherman was caught in possession of bass in his boat. He was found guilty and fined. An incident occurred a couple of months prior to that. A hip of bass frames and skins were found on the riverbank. Fisheries NSW was notified and got involved. A couple of months later a fellow was caught and appeared in court. I do not know whether he was the same person who disposed of the frames. It can and does happen.

CHAIR: That would suggest that bass fillets can be sold as something else.

Mr THOMPSON: That is the suggestion, yes.

The Hon. RICK COLLESS: How far down do the bass come to spawn? Do they come down as far as Grafton?

Mr THOMPSON: Yes. They come down as far as Lawrence and Maclean, depending on the salinity of the river at the time.

The Hon. RICK COLLESS: What sort of bait will they take? Will people fishing for bream catch them?

Mr THOMPSON: They can.

The Hon. RICK COLLESS: I have never caught a bass so I would not know what they look like. Would the average amateur fisherman be able to distinguish between a bass and a bream?

Mr THOMPSON: Certainly.

The Hon. RICK COLLESS: You talk about trawling in Lake Wooloweyah in your submission. Are there bass in that fishery?

Mr THOMPSON: Their closely related cousin the estuary perch would be in that water.

The Hon. RICK COLLESS: Would trawling in Lake Wooloweyah upset the breeding grounds for estuary perch?

Mr THOMPSON: I do not know a great deal about them—but possibly.

The Hon. RICK COLLESS: You also say in your submission that you do not feel that your club has been represented. Can you expand on that?

Mr FLYNN: One of our former members—unfortunately he passed on this year—was involved in the recreational fishing committee at one stage. His issue was that he had to travel a fair bit to get to the city to talk.

The Hon. CHRISTINE ROBERTSON: Do you mean the State recreational fishing organisation?

Mr FLYNN: Yes. He felt that some of his views were heard. But he did not believe that he was having a lot of input. I do not know whether it was because of the way it was structured or whether it was looked at from a regional perspective. The impression I got was that he felt he was representative of an area, but that the area view was not being considered in the submissions.

He also said there was a fair bit of paperwork to go through in making submissions for funding and it was heavily bureaucratic.

The Hon. RICK COLLESS: What sort of structure do you feel needs to be put in place to overcome that?

Mr FLYNN: It would be good if there were regional meetings, preferably catchment based and held locally, and widespread community involvement within the region would be better, Presumably there would be allocation of funding from licences accordingly so fisher folk could see their funds spent directly on the area where they were mainly operating. More local representation and more local feedback.

The Hon. RICK COLLESS: My last question is to do with catchment management issues with the bass fishery. What impact have some agricultural pursuits had on the upper reaches of the bass fishery?

Mr FLYNN: Bass is a species that uses snags as a method of catching their prey. The removal of snags from the river affects the ability of bass to carry out their business. Over a period of time agriculture has seen the removal of these snags as a great idea. I think there has been a turnaround since then and putting them back into the river and leaving them there is important. Obviously bank stabilisation is needed to enable the snags to stay. Banks need to be revegetated where cattle come to the river. Returning grasses to the edge of the river enables fish to protect themselves and fish there because that is where the food will be.

Agricultural practices naturally have had an impact and slowly there is a general understanding that that should be reversed. I do not think it has any particular impact on the agricultural practices themselves. Obviously chemicals and run-off are a problem. In May last year we had a significant flood and there were some issues relating to acid sulphate soils. We understood there was some red spot in the bream, which we believe was caused by acid sulphate. That is indirectly related to the farming practices in the lower river section down here.

Mr IAN COHEN: Are you referring to the Clarence on all those aspects such as red spot?

Mr FLYNN: Yes, absolutely.

Mr IAN COHEN: Would it be reasonable to say that agricultural practices in the sugarcane industry are likely to be a factor in that issue?

Mr FLYNN: Yes, the acid sulphate soils arise as a result of exposure of the soils to oxygen, which seems to be happening as a result of farming practices. It is not just farming practices but clearing of land generally for other purposes. Drains that have been installed to drain farmland have had an adverse effect on the river.

Mr IAN COHEN: You mentioned that further upstream there have been quite a few adaptations by the farming industry generally. Does the same apply further downstream? Obviously there is urban development, land clearing and sugarcane farming, all of which raise acid sulphate issues.

Mr FLYNN: Sugarcane farming stops at Grafton Bridge or thereabouts on the floodplains. As the river turns and goes upstream there is more cattle grazing. I do not suppose the impact of those is as significant but obviously there is still some chemical run-off and the issue I raised about bank stability. I recall that some years ago there was significant clearing of land in the upper Orara catchment. As a result, huge holes that used to exist in the river filled with sand that ran off Kremnos mountain because the mountain was illegally cleared.

Mr IAN COHEN: Is that having a localised impact or are you seeing an overall impact along the river when those sorts of habitats are lost?

Mr FLYNN: There are protected eastern freshwater cod in the upper reaches of the Orara, which you cannot target or catch. That is fine, that is a protected fish. Its habitat was significantly damaged because they like to live in spots where they are protected. I recall that the Orara suffered some significant issues when the large holes that used to exist in the Orara were filled with sediment from land clearing. I think that answers your question.

Mr IAN COHEN: You mentioned earlier about continuing professional fishing in areas of the river estuarine fishery. Have there been professional buy-outs in those areas similar to what we have seen on the marine side of things and has that improved the quality of the fishery?

Mr THOMPSON: I think that around 2002 recreational fishing havens were introduced along the New South Wales coast and there were three recreational fishing havens announced for the Clarence around Yamba. I cannot tell you exactly where they are, but one was at Romiaka channel, another was at Middle Wall and another at Iluka Bay.

The Hon. CHRISTINE ROBERTSON: Are these recreational fishing havens?

Mr THOMPSON: Yes. There was a buy-out then of the licences that were affected by the havens being put in place. Basically they were designed to safeguard blackfish and mullet for their final spawning run out of the river. I do not target blackfish so I do not know whether the numbers are up as a result of that but it gave them a sporting chance, I suppose. Mullet is not a recreational fish.

Mr FLYNN: I understand there are fishermen who would be willing to be bought out. The question is what the price should be and how you assess that compensation. I do not believe the funds are available for that purpose.

Mr IAN COHEN: When you say they are willing to be bought out, have they been there for a long time generationally and they have had enough and the catch is down? What is the general feeling in the community about that? Are they being forced out?

Mr FLYNN: I think it is because the catch is down and the cost of what they do versus its value.

Mr IAN COHEN: You mentioned earlier, perhaps in answer to Mr Colless, about city-centric Fisheries decisions and the need to have more communication. In your submission you state there needs to be greater public access to Fisheries research and better consultation between Fisheries and recreational groups. Can you indicate some processes and how you see that as being effective?

Mr FLYNN: We are aware through conversation with Fisheries officers that funded research is being carried out with respect to the migratory habits of bass. That is how we know they are moving down the river in May as opposed to June. That data does not appear on the website yet, I believe, and that information would be very handy. It would be interesting to know the results of that research. Occasionally we get asked by Fisheries to catch bass and bring them in. The relationship seems to be more at a local level with the local Fisheries officers, with whom we get on well, but there does not seem to be any formal liaison between Fisheries and amateur clubs where we can get together with Fisheries on a formal basis and put our position and ask for feedback from Fisheries on their issues, and information. Correct me if I am wrong but I do not think the bass research is publicly available at the moment.

Mr IAN COHEN: At least we have that on the record and perhaps we can investigate it.

The Hon. CHRISTINE ROBERTSON: Apart from Wooloweyah, which I know has a long-term issue in relation to prawning, where is the netting happening on the river that you say is causing troubles with the bass?

Mr FLYNN: I believe it happens from around Palmers Island through to Koolkhan, which is a 50-kilometre stretch. Koolkhan is upstream from Grafton and Palmers Island is about five kilometres upstream of the mouth. Nets are permitted to be 1.4 kilometres long, as far as I know.

The Hon. CHRISTINE ROBERTSON: These are fixed nets?

Mr FLYNN: Yes. These are the ones that can be put out for three hours or overnight. That is going to catch some fish. It is their size and the fact you can stretch them across a large section of the river during those periods of time up as far as Koolkhan. The fishermen who would be using them obviously are operating from a local base. Any fishermen who work in particular areas will net those areas. You could have a succession of nets or curtains up and down the river, perceptually.

The Hon. CHRISTINE ROBERTSON: Do you have any indication of a decrease in the bass numbers? Is this netting process new or has it always been there but you perceive it is causing more trouble now?

Mr FLYNN: No, the netting process is not new. I do not perceive it is causing any more trouble than it has in the past.

The Hon. CHRISTINE ROBERTSON: You just want it looked at as far as regulation and policing are concerned.

Mr FLYNN: Yes. As the club's submission says, it does not seem terribly sensible, with all due respect, to be catching them before they spawn. I know they are not targeting them but they are definitely by-product. If the fish go down river before they spawn and are caught, they cannot spawn. That is a significant issue from the club's perspective.

The Hon. CHRISTINE ROBERTSON: Do you perceive a decrease in numbers and size?

Mr FLYNN: Size is usually reasonable; it ranges. But numbers definitely are down.

The Hon. RICK COLLESS: Are the professionals using gill nets?

Mr FLYNN: I do not know how you would describe them. They are called meshing nets, which are basically a curtain of a certain size, around 80 to 90 millimetres.

The Hon. CHRISTINE ROBERTSON: They are supposed to let by-catch through but these fish are too big.

Mr FLYNN: Bass are 30 to 60 centimetres. They are a sizeable fish. They just will not get through a net like that. They have hooks on their gills so if they try to move backwards they will get caught.

Mr THOMPSON: I think the main target for the nets are mullet.

The Hon. CHRISTINE ROBERTSON: So it is the mullet fishermen?

Mr THOMPSON: Generally—most commonly. Juvenile bream and bass would generally be caught in a mesh net of 95 millimetres. Other species would be caught in the nets but our submission is about the fact that we were not permitted to take bass during the spawning season, and that is something the club recognised way back in 1995, before we incorporated, that we should leave the bass alone, and we do. We would just like to give them a sporting chance.

The Hon. CHRISTINE ROBERTSON: If there was a bit of policing and definite policies about releasing the bass, apart from the ones that are stuck in there all night—that is a different issue—would that resolve some of the issue to ensure that the fish survived.

Mr FLYNN: Yes. It is the length of time the nets are out. The longer they are out, the higher the mortality. It is as simple as that.

The Hon. CHRISTINE ROBERTSON: We had to deal with that down on the Murray with fixed lines.

Mr FLYNN: It could be as much as an hour or two and the fish are dead. It is too late to release them. If you come back in the morning there is a pile of dead bass.

The Hon. CHRISTINE ROBERTSON: Yes, so it is regulation and releasing quickly.

Mr FLYNN: If you splash—throw out and pull back in—and you net a bunch of fish, there will be bass among them.

The Hon. CHRISTINE ROBERTSON: Most mullet fishermen do that, don't they?

Mr FLYNN: They are allowed to do it. If you just throw out and pull back in, those fish that are caught will be returned to the river quite healthy because you have just caught them.

The Hon. CHRISTINE ROBERTSON: Can you describe the snag areas the fish use for feeding?

Mr FLYNN: It is any tree, head of a tree, that falls into the river.

The Hon. CHRISTINE ROBERTSON: So people are cleaning the rivers with some bizarre idea that it is good or works.

Mr FLYNN: Yes, they worked years ago pulling the snags out and cleaning up the riverbanks and taking logs out and such.

The Hon. CHRISTINE ROBERTSON: Not leaving it normal.

Mr FLYNN: Yes, you just leave it whatever.

CHAIR: We have only a couple of minutes left.

Mr FLYNN: If I might interrupt, I did have some additional information that relates to the terms of reference that clarify—I will just hand it out, if that is all right.

CHAIR: If you could table it, we would appreciate it.

Mr FLYNN: It relates to a submission that considered the May closure of the river and there is also some information there on some fisheries research which related to the value of recreational fishing.

The Hon. CHRISTINE ROBERTSON: What closure of the river?

Mr FLYNN: The May closure, the month of May. We do have access to some VR fish research on the value of recreational fishing. I have given the web address in the paper.

CHAIR: I was just about to ask you that question. You made mention of that on page two of your submission. You state that "recreational angling is a commercially valuable business"—we have heard various estimates of how much it is worth to the State and to the nation—"whereas commercial fishing is not commercially viable". Can you explain what you mean by that?

Mr FLYNN: The understanding I have from the club's perspective is that a number of commercial fishermen find it hard to make a living out of their licence.

CHAIR: Because there are too many fishermen being pushed into too small an area?

Mr FLYNN: Could be. It could be the value of what they catch. I do not think mullet has a huge value. I think Mr Thompson has told me that mullets' main value is its roe.

CHAIR: It used to be. I do not think it is anymore. They use the whole fish these days.

Mr FLYNN: The whole fish gets used but in terms of the value of the roe it is more valuable than the fish itself. That is the impression the club has that the fishermen are not out all the time, not always using the licence and therefore not deriving an income.

CHAIR: Would most of your members be catch-and-release fishermen or catch-and-keep?

Mr FLYNN: All of them are catch-and-release. I have never kept a bass, never eaten one. With respect to other species which we might go fishing for, like flathead or bream, it is just exercise fairness, return some, keep some. It depends on the bag limit. There is only a bag limit of two for bass and we always throw them back. As soon as you get them to the boat, unhook them and let them go.

CHAIR: Would most of your members be stream bank fishermen or boat fishermen or a combination?

Mr FLYNN: Mainly boat, kayak, paddle—depends on what section of the river you are in. Bank fishing for bass you can do but you tend not to do it because you get your fly line caught in the branches. You have to have clear space behind you so you can cast.

CHAIR: So you would not have a problem with access across private land? You do not see that as being a problem to the upper areas of the river?

Mr FLYNN: Certainly. I have made submissions to the Department of Lands about retaining Crown road access points, especially on the Nymboida River. I believe they have been heard. You know how you can close public roads.

CHAIR: Yes.

Mr FLYNN: Some we do not want closed because that is how you get to the river.

CHAIR: And you have made a submission?

Mr FLYNN: Definitely, and we know of some and we want those kept open for public use. You cannot get a tinny in there. You would get in there with a kayak and that is just wilderness up there. It is fantastic.

The Hon. CHRISTINE ROBERTSON: And it is beautiful.

Mr FLYNN: It is. It is just great. You just want the public to get in on that low key, go in by foot. There are spots like at Nymboida, you could put in halfway between Nymboida and upstream. It is that access point we want retained so you can do a day trip down to Nymboida, just beautiful.

Mr IAN COHEN: What are you mainly catching way upstream?

Mr FLYNN: You will catch cod, which you are not allowed to target and certainly not allowed to keep. They will go back immediately. You can also catch bass because they are up there as well. So bass and cod are the main fish in those areas. We go fishing for bass. There are other fish you can get. They are the ones that are mainly there.

CHAIR: So you mostly lure fishermen in?

Mr FLYNN: Yes, up there it is lure fishing. Bait is cheating.

CHAIR: They reckon that lures catch more fishermen than fish.

Mr IAN COHEN: Just on bait, in the local area how significant is the bait industry in terms of the professional fishing industry?

Mr THOMPSON: Most of the prawn that is trawled is sold for bait.

The Hon. RICK COLLESS: River prawn.

Mr THOMPSON: Yes, sorry, estuary prawn. It is the bait industry for the prawn trawler men; it is significant for them. As far as fishermen go, I do not know. I might buy one or two bags of prawns a year so it is not significant for me.

Mr FLYNN: Garfish.

Mr THOMPSON: I have an issue with garfish. As I understand the rules, there is the long nose gar and a recreational fishermen is allowed 20 in possession. Then there is the snub nosed gar, which are a river gar. They are upstream and you are allowed 50 of those. Now the long nose gar or the beakies are a saltwater gar. They are a bait fish generally used to target jewfish or mulloway and tailor. You would go through 20 gar fairly quickly when you are targeting mulloway and tailor. However, you are only permitted to take 20 at a time. But if you have a commercial licence to catch gar, it is as many as you can catch. I think that that rule is in to help support the commercial industry and not to help the numbers of gar.

The Hon. RICK COLLESS: Are they plentiful in the river?

Mr THOMPSON: Depends on if they have been rounded up by nets before or after you go fishing. They are a bit lean from time to time but they can be plentiful, yes.

The Hon. RICK COLLESS: How do the recreational fishermen catch garfish?

Mr THOMPSON: With one very small hook. You are allowed two very small hooks. I go fishing with one.

The Hon. RICK COLLESS: With bait?

Mr THOMPSON: With bait, yes.

CHAIR: Dough?

Mr THOMPSON: Yes, as a kid, dough and a net colour rod.

CHAIR: We have just about exhausted our questions because there is a fairly narrow scope to your submission. So I might call a halt to proceedings.

The Hon. CHRISTINE ROBERTSON: And a good submission.

CHAIR: A very good submission. I was not meaning to say that it was not.

(The witness withdrew)

(Short adjournment)

PETER GARTH CORLIS, Catchment Coordinator, Northern Rivers Catchment Management Authority, and

NICOLE STREHLING, Catchment Officer (Coastal and Marine), Northern Rivers Catchment Management Authority, sworn and examined:

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider that request. If you do take any questions on notice today, 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 the questions were forwarded to you. Before the Committee commences with questions, would you like to make a brief opening statement?

Mr CORLIS: Northern Rivers Catchment Management Authority has a catchment action plan, which is our strategic document. It was developed with regional standards and targets from statewide standards and targets, so it fits in with the whole statewide perspective. We have a number of catchment themes: community; water; coastal; marine; land-use planning; biodiversity; and soil and land resources. We receive funding from the New South Wales and Australian Governments. When considering your request to represent the catchment management authority, we looked at the terms of reference and we focused on the opportunity to talk about river health, estuary health and marine health. From a river health perspective, the authority undertakes planning and community engagement in the form of river health plans that deal with channel structure, riparian vegetation, weed control, stock management, fish passage, environmental flows and environmental monitoring.

I have some local examples of channel rehabilitation works on the Orara River. The structures stabilise the channel for riverbed and bank stability and also form aquatic habitat for organisms such as fish. With regard to riparian vegetation, we deal with replanting and weed control. I have a couple of examples of cat's claw creeper control and revegetation. There is also a picture of camphor laurel control and dead spars in the remnant vegetation.

From a stock management perspective, we try to coordinate stock access to streams by fencing and we also provide alternative off-stream water for stock to minimise the access and need for stock to impact on streams. From a structural perspective, we undertake riverbed and bank erosion control works. The riverbed works also function as a fish ladder or aquatic connection within the channel. We work in partnership with Fisheries and Agriculture NSW to ensure that aquatic connectivity is maintained. From an ecosystem monitoring perspective, we try to identify the resource condition changes related to our activities. We identify indicators that help us to focus our investment, to improve our communication with the community and to improve monitoring and reporting on rivers and estuaries. We are engaged in a pilot program within the Bellingen-Kalang catchment with the Bellingen Shire Council.

Over the past couple of years we have been undertaking a major monitoring program—the Clarence River Fish Track project. That is designed to determine the impact of flows and barriers on seasonal fish movements and breeding to improve the understanding of flow requirements for different fish species. There is a similar program underway in the Shoalhaven to broaden the project outcomes. Most importantly, this project will provide information on environmental flow requirements for rivers and help to protect and link in with coastal water supply schemes.

CHAIR: Who is the project manager, the catchment management authority, Fisheries and Agriculture NSW or someone else?

Mr CORLIS: It is a partnership project. I have a handout about it.

Ms STREHLING: Our investment in the coastal environmental has revolved around the development and implementation of coastline and estuary management plans. That is consistent with the New South Wales Government's coastal and estuary management program. That process is usually driven by coastal and estuary management committees, which often have a recreational fishing representative as well as other state agency, local government and community representatives. Some of the activities that we have supported through the implementation of these plans include: wetland rehabilitation, including weed control; erosion management and revegetation; stormwater management, including installation of gross pollutant traps—reducing litter that

reaches our estuaries; removal of barriers to fish passage and tidal exchange; and management of vehicle, pedestrian and stock access.

We have a case study for Lake Wooloweyah. This was a recommendation in the Lake Wooloweyah Estuary Management Plan. The priority action was for the rehabilitation of the shoreline. We supported installation of rock fillets to allow sediment to accrete behind the fillets and mangroves to eventually regenerate. There were 1.4 kilometres of foreshore stabilised and 1.4 hectares of fish habitat enhanced. We also supported the modification with a number of partners of the shallow channel causeway at Wooloweyah. That involved the installation of a double-box culvert to promote fish passage and tidal exchange. That opened up 30 hectares of fish habitat and improved tidal exchange to 7 kilometres of estuary.

CHAIR: Was that a tidal area before that?

Ms STREHLING: It was, but through a very long back channel.

Mr CORLIS: I now turn to drains and floodplain management. The catchment management authority is involved in a number of ways in drain and floodplain management through our land resource theme. There is an active floodplain partnership with Clarence Valley Council and a floodplain network, which involves the Northern Rivers Catchment Management Authority and council staff from throughout the Northern Rivers region. Through those two mechanisms we are involved in acid sulfate soil rehabilitation. We have produced an acid sulfate soils rehabilitation guideline as part of one of the earlier projects. As a result of those guidelines a large number of landholders have adopted best management practice and undertaken drain modification and installed water retention devices.

Ms STREHLING: Our marine theme in the catchment action plan acknowledges that one of the greatest issues facing our marine environment is a lack of knowledge to support sustainable marine resource management. Many of our activities in the marine environment support filling knowledge gaps. This initially involved a review of knowledge of the marine environment in the Northern Rivers region. That examined all the existing data sets, identified gaps and set priorities for future research in the marine environment. Our projects since then have been supporting fulfilling the priorities identified in this document.

CHAIR: Can that document be made available to the Committee?

Ms STREHLING: It can, but probably electronically because it is very large. We have undertaken a number of research projects, including marine habitat mapping in certain areas of the region. We have implemented a long-term marine monitoring program in partnership with the National Marine Science Centre. We are also undertaking or supporting a number of other marine research projects to fill priority knowledge gaps. Some of those are directly linked to sustainable commercial fishing.

CHAIR: How long has the long-term marine monitoring program been in place?

Ms STREHLING: I think it was developed three or four years ago so we are now in about our third year of implementation. We are also supporting best practice marine resource use by estuarine and marine resources users. In our early years we worked initially with commercial fishers. We were not aware what sorts of activities were happening with best practice marine resource in the region so until we developed a better understanding we worked with commercial fishers initially. We have 465 commercial fishers in our region so they are significant marine stakeholders. We supported them to implement various best practice fishing gear, including ocean prawn trawler square mesh cod ends, estuary prawn trawler square mesh cod ends, estuary prawning square mesh cod ends and estuary fish and ocean fish trap escape panels.

We are also supporting implementation of best practice by other resource users. We have recently undertaken a collation and analysis of best practice guidelines for the full range of marine resource uses and we will be working with different groups from this year forward. We are currently working with the Coffs Marina and a number of oyster growers on the Hastings and Camden Haven rivers to develop environmental management systems.

Mr CORLIS: Our last slide shows our key achievements. The Northern Rivers CMA has published its annual report every year for the past three years. Some of the key achievements relate to aquatic health. There has been about \$15 million of investment from 2003 to 2009; 1,170 hectares of riparian rehabilitation have been undertaken; 229 alternative stock watering points have been installed; 790 hectares of coastal weed control; 33

hectares of coastal wetland have been enhanced; 316 hectares of coastal revegetation; removal of over 43 aquatic barriers; over 13,400 hectares of marine habitat mapped; and 161 commercial fishers have been engaged to implement best practice fishing gear. All those outcomes and more are included in our annual reports. If you want any more information on our products it is all in our annual reports and you can refer to our website.

CHAIR: You can either table those documents or we will get electronic documents for the Committee's purposes.

The Hon. RICK COLLESS: I understand your area of jurisdiction includes the Byron, Solitary Islands and Lord Howe marine parks. Is that correct?

Mr CORLIS: Yes.

The Hon. RICK COLLESS: What is your relationship is with the Marine Parks Authority with regard to improving some of the things you have described to us? What connectivity do you have with the Marine Parks Authority in that regard?

Ms STREHLING: The Marine Parks Authority was involved in developing our catchment action plan and setting those targets. We keep a close relationship with those three marine parks in development and implementation of our marine projects and research activities. We have implemented a number of projects directly especially with Cape Byron and Solitary Islands marine parks. A couple of those have involved coastal education. The Solitary Islands Marine Park implemented a schools excursion education program and Cape Byron Marine Park implemented a shore bird protection program in partnership with some local community groups. We also supported Solitary Islands Marine Park to install a number of moorings and some temperature data loggers.

The Hon. RICK COLLESS: Are the marine parks people interested in what happens in the upper catchments?

Ms STREHLING: I think they certainly are. Both the marine parks have relatively small coastal catchments that feed into them. They are certainly interested in the activities and the coastal development that is occurring in those catchments.

The Hon. RICK COLLESS: We have had some evidence given by your counterparts from the southern rivers, who expressed the view that there was a much greater impact on the marine park than most people would think. In relation to some of the upper catchment issues that you described in your presentation, in particular the stock watering points and things like that, what impact are they going to have further down the catchment areas? Whether it is marine park or not I guess it is important for the fish stocks.

Mr CORLIS: If we had had more time the presentation would probably have covered those things. We deal with a number of things in the upper catchment that have an impact on fisheries, such as sediment from agricultural run-off, sediment generated from stock access and nutrients from stock access that impact on water quality. They also impact on the structure of the riparian zone, the type of overhanging vegetation, the shading of the water and the temperature profile within the stream. Many fish species utilise freshwater reaches for breeding and for part of their life cycle so the activities we are involved with in the upper catchment have a direct impact on the down-river reaches and marine environment through the input of pollutants and sediment, and also the temperature profile in the streams. Access is probably the key thing when talking about barriers. Quite often those barriers, such as barrages and weirs, can have quite a massive impact. We have been quite active in partnering with Primary Industries and now Industry and Investment in projects such as Bring Back the Fish and the fish-monitoring program.

The Hon. RICK COLLESS: With regard to issues such as weirs and siltation of holes in the upper catchment, the Big River Bass Fly Fishing Club just gave us some information about deep holes in the Orara River, for example, that had become silted up as a result of an inappropriate clearing operation. What impact, in any, do those sorts of events have further down in the estuary and ultimately out to sea?

Mr CORLIS: My understanding is that sediment transfer in a river is like a conveyor belt and if there is available energy within a flood flow to move the sediment in a stream it will do so. Eventually it makes its way from the freshwater reaches through the estuary and out into the marine environment. You get a plume of sediment, especially in flood periods. I think we have all stood on a headland and looked at the ocean and seen a

big muddy plume come out of our coastal rivers and estuaries. It takes time for sediment to move through a system so you will get pulses of sediment running depending on the events that take place. You might find that clearing will take many years to impact on the marine environment but eventually it will.

The Hon. RICK COLLESS: Have you done any work on trying to identify how much sediment is in the system? If we looked back 300 years we would probably find many of these coastal rivers had many more deep holes than they do now. Has there been any monitoring or have you ever tried to estimate the amount of sediment in the system in those cases?

Mr CORLIS: Studies on sediment transport in rivers are quite complex. There have been a number of studies to try to quantify the available sediment, especially relating to sand and gravel extraction from a commercial perspective. It has been very difficult to quantify. I know of a study in the Bellinger River by Dr Tim Cohen who, as part of his PhD undertook a study on the pre-European or early European settlement structure of the river and its cross-sectional and long-sectional characteristics. He showed there was quite a remarkable increase in the channel cross-section and hence related the cross-section to the volume of water that the river can carry. That also related to the holes and water ponded within the stream. That is the study I am most familiar with. I cannot tell you much more about that.

The Hon. RICK COLLESS: You mentioned sand extraction and I am aware of some of that work. Is it feasible to improve the environmental quality of some rivers by extracting some of that sand from the system, if it has a commercial value, and obviously sand does in many areas in commercial quantities?

Mr CORLIS: That is an interesting question. In general, sand and gravel extraction from streams has not been shown to be a positive activity. There are rivers in the Northern Rivers, our catchments, where sand and gravel extraction has been stopped because of environmental problems. Generally you are harvesting the sediment from the bed and the banks of the stream. Generally it is released from the banks of the stream and replenishes the holes that people dig. Nambucca catchment is a classic example of that where sand and gravel extraction was very common until the last five years.

The Hon. RICK COLLESS: Where in the system was that—in the lower reaches of the river?

Mr CORLIS: Middle and lower reaches. There are some sections, probably the Orara section that you might be referring to, where if there is disturbance in the upper catchment the middle part of the catchment is not disturbed but in a remnant of a high conservation value reach there may be merit, if the structure of the river is right and the right design survey controls are put in, and there could be the opportunity to extract material in an appropriate manner, such as dredging or something like that. The trouble with sand and gravel extraction is it is quite interruptive. Most often the activities to remove the material can be so disruptive that the channel vegetation and the structure—

The Hon. CHRISTINE ROBERTSON: Predicting the outcome.

Mr CORLIS: The sediments flow through. There are other ways of trapping sediment within streams, such as by re-establishing riparian vegetation along the banks and on the bars within the stream. You will get natural sediment redistribution within the channel in re-establishment of pools by just changing the roughness profile across the cross-section of the channel, compared to an extraction component. That is pretty much the way our catchment management authorities looked at trying to track sediment in streams, by creating depositional environments rather than extraction.

Mr IAN COHEN: You mentioned in the slide presentation some 33 hectares of coastal wetland revegetation. How much does that represent of a particular area and what is the ownership of that land? Is it under a department or is it public or private land or a mix of both?

Ms STREHLING: By the nature of the coastal zone most of our coastal vegetation work occurs on public land.

Mr IAN COHEN: Crown land?

Ms STREHLING: Vacant Crown land or land managed under trust by local government or by community reserve trusts. I am not sure exactly which area that figure related to. We generally have output figures for the work we undertake across the region in any one year.

Mr IAN COHEN: What area of coast? Are we talking about from Byron down to this area?

Ms STREHLING: It is probably across our region, from the border down to Camden Haven catchment.

Mr IAN COHEN: Are you talking about the same area with the 316 hectares of coastal vegetation? I am interested to know how big an impact you can have on something like that.

Mr CORLIS: We report in standard outputs and without looking at the individual projects and those individual outputs they are aggregated outputs for the whole region. We find that different investment cycles also attract different projects that produce different outcomes. That is classic revegetation through outputs. I just had a skim through our annual reports and there were some other things that I thought were relevant to fish habitat protection and hence the wetland.

Ms STREHLING: We might be undertaking other activities over a much greater area.

Mr IAN COHEN: Perhaps you could take it on notice and get a reply back to the Committee.

Mr CORLIS: We could probably do that for you.

Mr IAN COHEN: That would be fantastic. In terms of the barriers, we have huge issues just north of here with barriers in the flood plains, Tabbimobile, and those sorts of areas. What number of barriers would we have in those areas? I thought they counted in the hundreds, if not thousands.

Mr CORLIS: That is up in the Richmond.

Mr IAN COHEN: Yes. Does that include you?

Mr CORLIS: Yes, indeed. One of the handouts we have give out has a map, I understand. That green one at the front. We go from the Queensland border right down to classically the Hunter, down to just past Kempsey, almost to Taree, south of Port Macquarie.

Mr IAN COHEN: At this stage, as the catchment management authority and as the people who are almost in the middle between the fisheries industry and improving the habitat, compared with the agricultural industry, what is the relationship like these days? Is there an openness to recommendation or is there absolute resistance in the farming sector to that type of rehabilitation of wetlands or juvenile fish habitat?

Mr CORLIS: We work quite directly with the community in partnership with land care organisations to try to make sure that—one of our themes is community, to try to build those partnerships and also educate and empower the community to be able to have a greater understanding of environmental management and do their own thing, with or without funding. But there has been quite a shift, I think, with people who are willing to work with us. There are always people who do not want to and that is life. That is the community we work with. There are all sorts of people. We are finding that we have formal agreements with landholders to undertake any on-ground works, including modification, removal, reflooding of wetlands and modification of drains, et cetera. So we have formal agreements and people have been happy to sign those things and we have got hundreds and hundreds of agreements across all our areas of activity. I could not tell you off the top of my head how many we have with people in the flood plain but it is something again we could find out if you would like to know.

Mr IAN COHEN: If you have any figures easily accessible you could give that would be appreciated. There is a lot of antagonism in certain sectors to the concept of marine parks—waste of time, should be looking at other ways of improving fish stocks, et cetera. Is there any impact on your works in terms of regeneration of nursery habitat, wetlands, mangroves, et cetera in the areas of the marine parks? Does it give them a boost or hold them back? From your point of view working on these projects, has it been of an assistance?

Ms STREHLING: Good question. I do not think so. I think perhaps in those areas it perhaps increases the profile of those issues with the community and perhaps does increase the community's interest in those issues and desire to protect those areas. Perhaps they perceive those areas as more precious and deserving protection. But generally as far as it has impacted on our work, I think we are pretty much working in a number

of areas throughout the region, both inside and outside a marine park, pretty much in the same way. So I do not think it has had a big impact.

Mr CORLIS: Can I add something? I do know, in the Solitary Islands Marine Park, they are very active with their signage and along to Coffs Creek, which is one of the tributaries into the marine park. I recently went to a day where they had some new interpretive material and marine parks have been active in putting all that material together about the value of mangroves and estuarine habitat. I think they are very active. They have been and they are good with their publicity and materials, from that perspective.

Mr IAN COHEN: They have surveys regularly about the condition of fish stocks and assessing that. Has there been any assessment or is it just too big, impossible, to look at the impacts of the works in those areas in terms of improving fish stocks?

Mr CORLIS: The works of the CMA?

Mr IAN COHEN: Yes, in terms of rehabilitation of wetland areas, et cetera.

Mr CORLIS: One of the points of our presentation was ecohealth, which is like a monitoring program to try to produce report cards for coastal catchments as a replication of the south-east Queensland model. As part of that process monitoring of fish abundance and species richness in areas is a component of that.

Mr IAN COHEN: Are you seeing those results yet in terms of the work?

Mr CORLIS: It is early days. The fish track project, there is a little handout on that, which is concentrating on the Clarence. Like I said, there is a sort of sister project happening in the Shoalhaven. A lot of those projects are very intensive and hence they are not done everywhere. If you have a quick look at the handout it identified things like magnetic tags within the fish and there are different types of tagging for different sizes of fish and dealing with all the different barriers but understand as part of that project there has been what they call community sampling, which is effectively identifying the species richness or the number of species within an area, within parts of the Clarence catchment, and that has been undertaken for the past probably five years. So there is a good picture of the different species that are utilising different parts of the Clarence catchment within the area that is being surveyed. That has not been done everywhere because it takes a lot of time and effort and resources to be able to undertake that fish sampling but it has been done in partnership with Industry and Investment New South Wales.

I think with the investment from the Northern Rivers CMA it has driven that issue along to the point where it has been continuous over a number of years where Industry and Investment was struggling to get the resources to do it. So it has filled a knowledge gap from our perspective. We would like to try to incorporate that into the ecohealth monitoring program that is basically a partnership with local government. So to be able to try to get, whether it is every second year, a fish sampling component and then a report card product from that that shows the trend over time, it might identify the community sampling as one component and then fish movement or something as part of it, but it is early days. It is something we have been working on to try to basically revolutionise the way resource condition monitoring is undertaken in New South Wales, in conjunction with local government.

The Hon. CHRISTINE ROBERTSON: A bit further on from Mr Cohen's issues, you are using the fish sampling as the indicator of the ecohealth of the marine environment, is that right?

Mr CORLIS: It is an indicator of river health.

The Hon. CHRISTINE ROBERTSON: What other sorts of indicators do you use? The reason we are a bit hooked on this is that lots of our evidence throughout this inquiry has been that the Government is doing nothing about water health, and the things you are telling us are very important. Are there indicators that you use to see if—they are really baseline indicators now, because it is too soon.

Mr CORLIS: Yes. What has been done in the northern rivers, first, we did a study on whether it was feasible, a feasibility study on whether it could roll out some sort of what they call ecosystem health monitoring program. We have labelled it as ecohealth. We have basically put together a set of indicators for water quality and they might be things like turbidity, dissolved oxygen, things like PH—I am probably not the expert—

The Hon. CHRISTINE ROBERTSON: You are not an expert but these are the sorts of examples. They are chemical testing processes.

Mr CORLIS: There is chemical and physical—physical things like temperature. The sorts of things that we saw that local government, for instance, and other State Government organisations could be sampling routinely already without creating a new big scheme.

The Hon. CHRISTINE ROBERTSON: Okay, but it is just a place to collect the data together.

Mr CORLIS: Yes, coordinate it. There is also a link to the Bureau of Meteorology because they have been given the task of being the data manager for water quality data within Australia so there is a link to that organisation as well at the Federal level. Then there are other indicators of river health, riparian vegetation condition, barriers to fish passage and things like numbers of fish, fish assemblages.

The Hon. CHRISTINE ROBERTSON: Issues like the red spot from the acid sulphates, is there any way of monitoring that or you just hear that anecdotally? Does anyone check on that? Maybe I am asking the wrong person.

Mr CORLIS: We have not had a project that I know of that has dealt with that as a by-product, but it is something I can find out but I do not know.

The Hon. CHRISTINE ROBERTSON: It might be Fisheries.

Mr CORLIS: I think you will find they might be the right people. Industry and Investment and NSW Fisheries.

The Hon. CHRISTINE ROBERTSON: What sort of uptake have you had for the project to stop the cattle on the riverbanks?

Mr CORLIS: It has been very successful in that every time we advertise for a funding program—

The Hon. CHRISTINE ROBERTSON: You suck in a few more.

Mr CORLIS: —we get a massive demand. As an indicator, last year we ran an incentive program and we had like 10 times the demand than the available money. The river health component was only one component of that, but that is a pretty simple indicator.

Ms STREHLING: We are limited by dollars rather than capacity, I guess. There is more interest out there than we had funding to support.

Mr CORLIS: We try to establish a plan at a property level for people. Our first stage in river rehabilitation is that they get a river health plan and they identify the different zones on their property, where they should look at alternative stock watering or revegetation or weeding. Some people will apply for funding; some people will actually go away and undertake the work themselves just with a bit of information and knowledge.

The Hon. CHRISTINE ROBERTSON: And support.

Mr CORLIS: And support, exactly.

The Hon. CHRISTINE ROBERTSON: Is the issue of the flood plain drainage more complex and difficult for cane farmers?

Mr CORLIS: I understand it is complicated. However, there has been a lot of good work done on flood plain management and understanding the Clarence with the—

The Hon. CHRISTINE ROBERTSON: The Tweed, I understand, is done.

Mr CORLIS: And the Tweed, yes. I am probably more familiar with the Clarence but with partnerships between industry and local government and the State Government there has been the capacity to

put together the acid sulphate soils remediation guidelines, for instance. That sort of encompasses our whole region.

The Hon. CHRISTINE ROBERTSON: Who are the guidelines for specifically?

Mr CORLIS: It is a guideline for landholders on what they should do to improve management of their drains and flood plain wetlands. It might be complicated but then some of the activities that are undertaken to rehabilitate are quite simple and there were a couple of slides on some flooding structures, structures to change the water flow within flood gates and to modify barrages and so forth. The difficulty is that because the environment has changed from something that was open to estuarine activity—

The Hon. CHRISTINE ROBERTSON: Slather.

Mr CORLIS: Saline, exactly. To tidal water and it has gone to a freshwater environment so we have seen projects like how many wetlands where it is a staged approach.

You have to do an environmental impact statement because you are changing an environment that can be listed as a SEPP 14 wetland. You are changing something that is still valuable, even a freshwater ecosystem, back to something that has that estuarine influence. It can take time for the community to adapt and change their values.

The Hon. CHRISTINE ROBERTSON: Thank you very much.

The Hon. TONY CATANZARITI: Has the authority sought to engage and forge partnerships with the local commercial and/or recreational fishing groups?

Mr CORLIS: We have. The fish track project is an example of a very active partnership that includes funds from the Recreational Fishing Trust and the catchment management authority. We also applied for funding from the State and Federal governments and local government. We have seen the value in having the Recreational Fishing Trust as part of that partnership. It is all related to access of fish to habitat and the barriers and limitations within our catchments to that access. It helps to paint a picture of what species use what habitat and when they move in flood periods and also the impact of natural barriers, such as the Clarence River gorge or a large water supply weir such as the Nymboida weir. That is a really good example. I understand that there has been some rehabilitation works at a local level through Industry and Investment NSW when it has advertised for fish habitat restoration projects. Some of the components of the river health plans that we help to develop can be applied for through the Recreational Fishing Trust.

Ms STREHLING: We also have a number of projects that we discussed in our presentation that involve working directly with commercial fishers. The shallow channel causeway project was identified as a priority by the Clarence Professional Fishermen's Association.

The Hon. TONY CATANZARITI: So there has been good input from those groups?

Ms STREHLING: Yes. It is difficult for us to deal with those groups at a regional level because they do not have a formalised structure. We really need to deal with them at a local level for each project. But I think we are making good progress.

The Hon. RICK COLLESS: Have you installed fish ladders in structures like the Nymboida weir?

Mr CORLIS: Because it is very expensive to put in a fish ladder we have to work out whether or not it forms a barrier. That project has identified from the sampling that that structure was causing a change in the population makeup of the fish communities upstream and downstream. That monitoring project demonstrated that it is having an effect. So we have proper evidence to show that it is forming a barrier. Some things do not.

CHAIR: It is extremely important to get evidence before you start doing anything.

Mr CORLIS: Yes.

CHAIR: Thank you very much for your evidence. Would you agree to receive additional written questions that members of the Committee may not have had the opportunity to ask of you today?

Mr CORLIS: Yes.

CHAIR: If you do, could you get them back to the Committee within 21 days? Please forward any material that you believe would be of assistance to the Committee. That would be appreciated in electronic form or you could provide references so that we can access it.

(The witnesses withdrew)

DAVID PETER ANDERSON, Chairman, Clarence River Fishermen's Cooperative,
and examined.

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

Mr ANDERSON: From a professional fisher's and the Clarence River Fishermen's Cooperative point of view, one of our major concerns is with the catchment management authority. They were talking about water quality. It is a huge issue facing not only us but also the recreational fishers. It affects us all. As fourth-generation fisher I have seen the effects since I was a young boy on what we fish, what we can access and the water quality. It is getting to the stage where it is not good for anyone. We can make decisions about closing an area to try to encourage stocks, but we must address loss of habitat and the other major issues. We are taking small steps, but much more must be done to turn things around. That is what will determine the sustainability of recreational or commercial fishing. We must bring back a lot of our systems. That is what we would like to see governments focus on and they should provide more funding to address those issues. They are the greatest issues for us.

The Hon. TONY CATANZARITI: Do you believe it is more a money issue than the actual work that people are doing at the moment?

Mr ANDERSON: The catchment management authority has touched on it. They have put out submissions for people to do stuff, but there is more demand than the money allows. It is not only the sector we are talking about today; it involves many other sectors in the country itself. If the funds were available a lot of stuff could be done.

The Hon. TONY CATANZARITI: Your cooperative has 130 members.

Mr ANDERSON: Yes.

The Hon. TONY CATANZARITI: Can you describe the types of fishing activities and species targeted by your members?

Mr ANDERSON: That is probably where the Clarence is unique. We have a broad base of estuary fishermen. They range from river trawlers to mesh netters, trappers who do crabs, eels and so on. We also have the ocean fishery, which is predominantly the ocean prawn trawl fishery, and we have a small segment of trap, line and that type of fishery. The Clarence is probably one of the biggest multi-effort fisheries in the State for estuary and offshore.

The Hon. TONY CATANZARITI: Your submission also notes that your retail outlets provide the local and tourism market with fresh seafood all year around. What is the size and percentage of your commercial take that is sold locally?

Mr ANDERSON: I cannot tell you off the top of my head. It is something we are trying to develop. When deregulation occurred a fair few years ago, the cooperatives and fish markets were the central places to buy product. We did not need retail then because everybody came to us as the point of sale. However, because of deregulation we now have fish receivers. We have had to develop retail strategies. It is not only about getting our product out there but also getting the best return for our members. I could not say what percentage of our catch is going through our shops, but we are trying to increase that to develop that part of our business.

The Hon. TONY CATANZARITI: Do you supply any other markets?

Mr ANDERSON: Our operation is probably unique because we have trucks that run up and down the coast. We supply all the way to Sydney and into Brisbane. We supply a lot to Woolworths.

The Hon. CHRISTINE ROBERTSON: Do not forget the trucks that go over the mountains.

Mr ANDERSON: They are not our trucks. They belong to fish merchants who come here, buy our product and then sell out there. We trade from Sydney to Brisbane. In fact, we go north of Brisbane as well. We have a diverse range of marketing avenues for our products. Our operation is probably one of the largest on the east coast of New South Wales.

The Hon. TONY CATANZARITI: Is it improving all the time?

Mr ANDERSON: Demand is starting. Everyone knows that Woolworths are price driven. That is why we are trying to develop retail strategies to get as much for our product as we can for our members. That is the main thing. We have had imported products coming in and they have suppressed the price for our members. That has been a great detriment to us. That is why we have gone to a retail strategy. All the imported stuff has put downward pressure on the price we can get for our wild-caught products.

The Hon. CHRISTINE ROBERTSON: In your submission you suggest that we consider the effects of recreational fishing havens on seafood security. Can you put some meat on that suggestion?

Mr ANDERSON: Fishing havens are established where there are really good fishing spots. They are not going to pick a hopeless spot and make that a haven; they are going to pick the good spots. That is the concern for our security. Getting back to the water quality issues, we have seen a retraction in the areas we now work. In years gone by when we had better water quality in the river, our fishers would work the majority of the river. We do not work as much of the river because of the water quality issues. The fish do not seem to go there. That is a big concern. Establishing havens just reduces access to the area.

The Hon. CHRISTINE ROBERTSON: This river has three or four havens.

Mr ANDERSON: I believe so.

The Hon. CHRISTINE ROBERTSON: Are they in geographic areas that commercial fishers used for netting?

Mr ANDERSON: Netting and trapping and things like that.

The Hon. CHRISTINE ROBERTSON: How many were bought out?

Mr ANDERSON: Not many.

The Hon. CHRISTINE ROBERTSON: Was that because they do not want to be bought out?

Mr ANDERSON: No. Quite a few would like to be bought out. Again, it was probably the way things were done. I think even Fisheries and Agriculture NSW has learnt. It was poorly done even in the marine parks. They paid some fishers a vast amount to buy them out, but within two weeks they were back in the industry working as hard as ever.

The Hon. CHRISTINE ROBERTSON: We have found that up and down the coast.

Mr ANDERSON: Had they gone to a tender process, they could probably have bought out two or three times the effort. They would have seen a net benefit instead of getting people who wanted to get back into the industry. After a couple of buyouts they have seen their mistakes.

The Hon. CHRISTINE ROBERTSON: It is a problem with the sleeper licences.

Mr ANDERSON: Yes. Because of the buyout, guys were taking their endorsement. They had their fishing vessels and they were paid out \$350,000 and then bought a licence for \$60,000 and were back at work two weeks later with \$290,000 in the bank. You cannot blame them; the opportunity was there. From an industry perspective, I would rather x amount.

The Hon. CHRISTINE ROBERTSON: I think we have quiet bit of New South Wales history in sleepers. Do you have any ideas about how you could collect information from recreational fishers? Commercial

fishers are required to report their catch and it is all structured. Do you have any ideas? Even though we are hearing mostly from professional recreational fishers, the recreational fisher still catches most of the fish.

Mr ANDERSON: I think that is why you have people in the New South Wales Department of Primary Industries. They are the people being paid the money. It is not up to the commercial sector to come up with an answer.

The Hon. CHRISTINE ROBERTSON: No, I just thought you might have an idea.

Mr ANDERSON: It is a hard one. How do you get people to fund that?

The Hon. CHRISTINE ROBERTSON: What do you perceive to be the major problems with water quality in the Clarence?

Mr ANDERSON: It is the drainage. All the wetlands have been closed up over the years.

The Hon. CHRISTINE ROBERTSON: Floodplain drainage?

Mr ANDERSON: Yes. A lot of prime habitat has been degraded every severely over the years and there are a few irrigators who think that if they allow these to be opened they will not have fresh water, but if you tested the salinity levels to see how often they would get so high the water could not be used for irrigation it would probably not be very often. The net benefits to the whole ecosystem, whether those areas are open for 90 per cent of the time or 100 per cent and you compensate people for the times when they cannot irrigate, would far outweigh the loss of a couple of irrigators.

The Hon. CHRISTINE ROBERTSON: It is a problem with two major industries of the valley competing.

Mr ANDERSON: Yes, but there are fewer irrigators than there used to be with the dairying and that type of thing.

Mr IAN COHEN: Your organisation has closed the estuarine prawn trawling this season.

Mr ANDERSON: This season, yes.

Mr IAN COHEN: Did you do it a few years back?

Mr ANDERSON: Yes, but not like what happened this year.

Mr IAN COHEN: What prompted it, what are the reasons, and how healthy or otherwise is the Clarence fishery, using the prawn fishery as an indicator of how things are looking?

Mr ANDERSON: You always hear people say stocks are being depleted but if you go back three or four years, although the last two seasons fell back a bit the previous two seasons were nearly record prawn seasons. We had floods in May last year and the school prawn season started off well and we looked like we were going to have a bumper season. Then we got a fresh in November. We were concerned about what we were going to do with all the prawns we would get when the river opened in December, but whatever happened with that fresh that came down the river, basically the stocks just left the river and when they came back the size was very small. They just would not grow this year.

We undertook studies with the Professional Fishermen's Association to check out water quality by taking water samples and sediment samples, and we also sampled the product to see if we could find anything, but to no avail. It happened all season. We got a few freshes. In the past if you got a small prawn, within two weeks of getting a decent nutrient-rich fresh in the river they would grow in size to what we class as a cookable prawn, but it just did not happen this year even though we had freshes and the water seemed to be good. It had come from the upper reaches of the Clarence, which we say are good freshes. My dad has been fishing since the year dot and he has never seen the likes of it.

Mr IAN COHEN: Apart from the testing you have done, which has been inconclusive, you have no idea at all? No theories from historical records?

Mr ANDERSON: No, that is what I mean. Historically we have had juvenile prawns in an area and the fishers will not work it. The Broadwater is an example. Years ago it was an open trawl fishery where all the shallows were trawled. Fishers realised the problems started upriver with water quality issues. The Broadwater was noted as being a juvenile prawn area and they probably caught too many small prawns in there so the professional sector made the decision to voluntarily close it to trawling. That has benefited our industry for many years. This year is one season where we have been saying, "Next month the prawns will travel out of Broadwater", but it did not happen. I believe at the back of the Broadwater there are a lot of hardwood tree plantations going in, so there are a lot of unknowns. I am not going to point the finger at anyone because I cannot. Something happened this year—

Mr IAN COHEN: There was a change in the upstream or inland habitat in some way, whether through development or clearing.

Mr ANDERSON: I cannot point the finger to say it was this or that, but something happened.

Mr IAN COHEN: Was any chemical testing done?

Mr ANDERSON: Yes, but there was nothing outside the parameters. I spoke to a person about this matter but he said the time to do the testing was when the fresh came down, not a month later, but we did not know anything was going to happen. We had never seen it before.

Mr IAN COHEN: Your organisation undertook some testing but has Fisheries been up to the mark on this to attempt to investigate the state of play? Can you comment on that?

Mr ANDERSON: Not really. Australian fisheries try to be as sustainable as we can be. We are probably one of the heaviest regulated fisheries in the world. It was an unknown quantity; we had not seen this occur before, so I am not going to point the finger at DPI on this occasion.

Mr IAN COHEN: No, I was just wondering whether they had done various tests.

Mr ANDERSON: We just kept saying each month, "The prawns are going to come", because we got a few freshes, but it did not happen.

Mr IAN COHEN: Could you describe the relationship between the local commercial and recreational fishing sectors?

Mr ANDERSON: I think it is probably a lot better than previously because everyone has found common ground to work together. We are all trying to get our share of the pie and if we do not do things so that there is a sustainable fishery, whether commercial or recreational, we will all miss out.

Mr IAN COHEN: From your professional fishing co-op's point of view, what is the value of bait supply for the recreational sector? Is that a big factor in your industry or is it a bit of a side issue?

Mr ANDERSON: It is in the Clarence. For us the school prawn is probably about 20 per cent of our turnover, but that does not mean 20 per cent is going to the bait market because we are getting more acceptance of our green school prawn for human consumption. Tweed Bait is a major buyer from us and they will usually take anywhere from 200,000 to 250,000 kilos a year from us alone, which is probably 50 per cent to 70 per cent of our average school prawn catch. It is a big part of our business.

Mr IAN COHEN: It is often not recognised that the recreational sector is relying on the professional sector to supply their recreational absorption in bait.

The Hon. RICK COLLESS: Following on from that, what is the average tonnage of prawns you receive each year from the river and from offshore?

Mr ANDERSON: As a board of directors we get monthly catch figures to see how the business is going and included in that is 10-year data for comparison. This year was pretty bad but again after a flood in 2001 we had two of our worst years. In one year we had 179,000 kilos in total throughput. This year was different because when we had the floods in May all our prawns got washed out to sea and there are voluntary

trawl closures in place over a large area of ground at sea. When the flood happened all those prawns went out to sea and our fishers had a really good return. The number we caught from the estuary this year was very limited.

The Hon. RICK COLLESS: What would the 10-year average be?

Mr ANDERSON: About 300,000 kilos to 350,000 kilos.

The Hon. RICK COLLESS: And for offshore prawns?

Mr ANDERSON: That is the king prawn basically, and it can be from 200,000 to 300,000 kilos as well.

The Hon. RICK COLLESS: On page 1 of your submission you say there needs to be a shift in thinking that the imposition of marine parks or marine protected areas and recreational fishing havens will automatically alleviate, increase or maintain fish stocks and that studies have shown this not to be the case. Do you have access to any of those studies that caused that statement to be made?

Mr ANDERSON: That information was passed on to us from what John Harrison of the PFA did.

The Hon. RICK COLLESS: We will talk to him about it. You recommend that fishing havens be made accessible to commercial fishermen to catch species that are not targeted by recreational fishermen. Can you give us any examples of where that might happen in the Clarence?

Mr ANDERSON: There are some crossovers, such as mullet, which is the main one. Recreational fishers will catch mulloway, flathead and all those species so mullet would be one of the main ones. Not many recreational fishermen will target mullet.

The Hon. RICK COLLESS: As I understand it there is a good mullet run in the Clarence. Is that correct?

Mr ANDERSON: Yes, that is correct.

The Hon. RICK COLLESS: What sort of tonnage would be taken out?

Mr ANDERSON: It varies too. Like other species it depends on the seasonal changes, but it would be 200,000 to 300,000 kilos a year. However, we have had an exceptional mullet run this year and we had about 200,000 kilos in the sea mullet run. This year is a little bit high probably because of the basic failure of our prawn fishery and the fact a lot more fishers targeted mullet. That had an adverse effect on our business as well because once we got an oversupply the price dropped and we had to stop receiving fish because we processed a certain amount for export. It was so bad at one stage basically none of our fishermen were working. One fishery problem turned into another fishery problem because of oversupply.

The Hon. RICK COLLESS: Is there much by-catch associated with the mullet catch?

Mr ANDERSON: No, not to my knowledge. There has been something in the local papers about set nets and things. There probably is a certain by-catch and again that is something that has to be resolved in the future.

The Hon. RICK COLLESS: Do mullet fishermen use mainly set nets?

Mr ANDERSON: No, it is mostly in the winter months. You are only allowed to set for three months of the year, in winter. Usually they run around and "steam the fish out" as they call it and make the fish go into the mesh and in 45 minutes at the most they have to get the net back out of the water.

The Hon. RICK COLLESS: Are you aware of any aquaculture developments that have occurred in the Clarence, other than oysters of course? Have there been any proposals to develop an aquaculture industry?

Mr ANDERSON: We have prawns and mulloway. Mulloway is starting to get a foothold.

The Hon. RICK COLLESS: Prawns are off-river, aren't they?

Mr ANDERSON: No, they are down around Palmers Island and places like that. We had three or four prawn farms but most of them have basically just about fallen over.

The Hon. RICK COLLESS: For what reasons have they fallen over?

Mr ANDERSON: I think again it comes back to the imported product and the high Australian dollar. A lot of product used to be exported. It is probably not the imported stuff so much as the high Aussie dollar. We used to export a lot of product but when the dollar went too high a lot of our domestic product flooded the markets.

The Hon. RICK COLLESS: What about the mulloway aquaculture proposal?

Mr ANDERSON: That seems to be okay. There was something in the local newspaper a couple of weeks ago.

The Hon. RICK COLLESS: Is that in the river or off the river?

Mr ANDERSON: It is on land but basically adjacent to the lower reaches of the Clarence. It is looking very promising.

CHAIR: They pump in and then pump out.

Mr ANDERSON: Yes.

CHAIR: We had some representation from a commercial fisher who described to us how he beach hauls mullet after they have come out of Lake Macquarie. In other words, he is not allowed to fish in Lake Macquarie. The difference is that once the mullet get out and start running along the beaches the fish have lost condition and although he might be catching the same amount of fish he is not going to get quite as much out of the product. He suggested to us that there should be some sort of mechanism whereby an arrangement could be made by the commercial fishers with the recreational fishers to target those particular species. We heard from recreational fishers that their worry is not so much the mullet catch; it is the by-catch.

Mr ANDERSON: Yes.

CHAIR: Can you describe with, say, beach haul netting, if they are going to put a shot out for mullet is there much by-catch?

Mr ANDERSON: Not I believe like on an ocean beach—limited, I would say, because what they are doing, there is a big school of mullet. It is not mullet; it is bream and blackfish and so forth. They will see that patch is running and usually those fish run in the school together so, yes, like it would be very minor. So I think probably from the local people here, I believe the main issue is probably, the majority would be the bass like with the set nets. Honestly, there could be some area to work together with the recreational fishers to find out a thing because we do not want to, like, if we are affecting a certain species and we can get away from that, well there are areas we can say, "Hey, we have identified that could be closed in the future". That is what I mean. Our commercial sector is not privy to saying, "We don't want anywhere closed". You have got to have a net benefit for everyone, I believe.

CHAIR: We took some evidence in the South Coast hearing from some indigenous fellows—it is a family affair. They are beach haulers. They were complaining that their impression was that because either the act of or the look of a beach haul operation impinges upon recreational users of the beach, not just fishers, but they were prevented from fishing on the weekends and long weekends. Of course, for beach haul guys, they have to go where the fish are at any particular time. Do you have similar restrictions up here on the North Coast?

Mr ANDERSON: No. That is an anomaly. In our estuary, like our prawn trawlers, they are not allowed to work public holidays, weekends and that now. But haulers below a certain point, through the sea mullet season, are allowed to work seven days a week and the beach haulers are the same.

CHAIR: Just for sea mullet?

Mr ANDERSON: Yes. That is an arrangement that was made with Fisheries over the years.

CHAIR: At a local level here, have the recreational fishers and you fellows ever had any formal coming together to discuss these issues?

Mr ANDERSON: Not really, no. Not in that sense, no, I would not say. In the future I believe it is like everything. Everyone has perceived animosities towards each other but we have all got to try to work together because if we do not resolve these issues of habitat and water quality and all that we will just have less and less fish for us all to catch, which is no good.

CHAIR: We have heard from other commercial fishers, particularly those who are fishing in the Hawkesbury River, that the buyouts were poorly handled when they were bought out. You have alluded to blokes going back in and what that has resulted in is there are too many fishermen fishing for a limited amount of fish. Would you agree with that hypothesis?

Mr ANDERSON: No, I would sort of disagree a little bit now because if you look at the number of commercial fishers in the State of New South Wales our members, we may have 130 now but our peak number was 300 members. Like there is a Clarence's point of view, you only have to drive down past the Yamba boat harbour and see it was only 10 years ago that boat harbour was full of ocean prawn trawlers. I believe we are only not many more than 1,000 commercial fishers in the State of New South Wales now so our numbers have fallen by more than half so we have got a major decrease in numbers of fishers.

CHAIR: Has the area contracted by more than half?

Mr ANDERSON: Honestly, if you look at, to me, external pressures, like if you look at what we have closed off for prawning, there is all these talks of marine parks. I would like to say some of the areas that we have closed up along the east coast are de facto marine parks anyway because we basically do not trawl them anymore.

The Hon. CHRISTINE ROBERTSON: But you have made the decision to close.

Mr ANDERSON: As industry, yes. That is what I mean. From Woody Head to Sandon and from one to three miles and once you get past Tengarry from the sugar line to three mile that has not been trawled for probably seven or eight years now.

CHAIR: I do not know whether you were here when Mr Harrison was giving his evidence but he indicated that his association has grown, it has doubled.

Mr ANDERSON: That is correct.

CHAIR: That is not because the number of fishermen has increased; it is simply because a number of fishermen have decided that they better get themselves organised.

Mr ANDERSON: Have a united voice. Because the PFA, there used to be a Clarence River professional fishermen's association. It was always under our banner but now because our numbers are reduced and to be able to afford to have a person on that with that representation, you have got to have more numbers, otherwise our group of members will pay X amount more to have that voice there for us.

The Hon. CHRISTINE ROBERTSON: I know that particularly in this area there has been a lot of work done on net improvements—

Mr ANDERSON: That is correct.

The Hon. CHRISTINE ROBERTSON: —to reduce by-catch. Can you go through a bit of that and talk about who worked with you on those?

Mr ANDERSON: A lot through DPI and the Catchment Management Authority. They actually were giving grants to fishers with a square mesh cod end. They were funding the purchase of that material for fishers

to get it on their boats and trial it and that sort of thing. Also in the river we are moving to a stage where we are going to have mandatory BRDs within our trawl nets.

The Hon. CHRISTINE ROBERTSON: I do not know what that is.

Mr ANDERSON: By-catch reduction devices, whether it is a net shoot or what they call a Nordmore grid, which is an aluminium grid with slits and bars on it.

The Hon. CHRISTINE ROBERTSON: We have a picture here.

Mr ANDERSON: That will be mandatory soon.

The Hon. CHRISTINE ROBERTSON: And the prawns in Wooloweyah, the nets—

Mr ANDERSON: Wooloweyah basically always has devices because it is a saltwater area where we have blubber, jellyfish and you basically got to have those exclusion devices there all the time. You will get some fish but most of the time it is basically your small herring and that sort. Like the other commercial viable things it is very limited.

The Hon. CHRISTINE ROBERTSON: So you think that is pretty effective?

Mr ANDERSON: It is, yes.

The Hon. CHRISTINE ROBERTSON: It is a big political push to get them out of the waterway.

Mr ANDERSON: True, yes. That is what I mean. If there is a big push for them, if people—

The Hon. CHRISTINE ROBERTSON: It has been going on for years.

Mr ANDERSON: That is what I mean. It may come to a stage where government does come up with the money because it adjoins national parks. It may become one day part of the Solitary marine reserve. Who knows? But as long as the fishers are bought out of whatever it is, but then as long as it is done properly so that effort does not get pushed somewhere else because that is just a detriment to everything else.

The Hon. CHRISTINE ROBERTSON: What sort of prawns come out of Wooloweyah?

Mr ANDERSON: Basically just the school prawn.

CHAIR: In discussion with some of the recreational fishers and commercial fishers, again on the Hawkesbury, there was some argy-bargy about who was responsible for driving the mullock stocks down. The recreational fishers were saying that they felt that what was required was an increase in the mesh square size to limit the take of juvenile mullock. Has your organisation been involved in any of those discussions with Fisheries about changes to the mesh size?

Mr ANDERSON: I think there has been some initial consultation about that.

CHAIR: About 120 mesh or something like that.

Mr ANDERSON: Yes but that is where they have got to find the ramification once they do, the guys who are catching bream and those type of things. Again, it is like everything. There is probably no real easy answer because even as a commercial fisher if they catch incidental catch they do not like that. But there is no easy answer how you get away from it, I suppose.

CHAIR: I guess in the end you have got to have an easy answer, otherwise if you load that much restriction onto the commercial fisher in terms of time to ensure that he does not get by-catch, then he is only spending half the time fishing.

Mr ANDERSON: Yes.

CHAIR: Can any questions that may not have been able to be asked by the Committee be sent to you?

Mr ANDERSON: Yes, that is fine.

CHAIR: And if you would undertake to reply within 21 days?

Mr ANDERSON: Yes.

(The witness withdrew)

(Short adjournment)

ALAN FRANCIS JEFFERY, Regional Manager, Department of Environment, Climate Change and Water,

ANDREW JAMES PAGE, Marine Park Manager, Department of Environment, Climate Change and Water,
and

HAMISH ALEXANDER MALCOLM, Research Officer, Solitary Islands Marine Park, Department of Environment, Climate Change and Water, affirmed and examined:

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

Mr PAGE: I would like to thank the Committee for the opportunity to provide detailed information about the Cape Byron Marine Park. As the Marine Park Authority has already previously contributed to the whole-of-government submission, I would like to focus on the local matters pertaining to the Cape Byron Marine Park. I will start by providing a brief description of the park.

Following public consultation on a discussion paper proposing the declaration of a marine park in the Byron Bay region, the New South Wales Government established the Cape Byron Marine Park on 1 November 2002. The marine park is approximately 22,000 hectares in size and encompasses coastal waters up to three nautical miles seaward from Lennox Head in the south up to and including the Brunswick River in the north. The Cape Byron Marine Park contains a diverse range of habitats, including estuarine communities, sandy beaches, rocky shores, sub-tidal reefs, island fringing reefs and soft substrate sediments. Particular sites within the marine park that support habitats or populations of plants and animals of high conservation significance include Julian Rocks, which supports a rich diversity of marine life including over 500 species of fish, 114 species of molluscs, 100 species of marine algae and 30 species of corals, as well as a number of threatened and protected species including grey nurse sharks, three species of sea turtles, black cod, giant Queensland groper and the elegant wrasse.

The Bream Hole or Moat at Lennox Head is noted for its rich species diversity due to the presence of shallow clear water and a variety of microhabitats such as crevices, holes, ledges, pools and overhangs. Over 200 plant and animal species have been recorded in the area. The Brunswick River estuary includes breeding and nursery areas for many commercially and recreationally targeted fish species such as mulloway, bream, flathead, whiting, mullet, luderick and mangrove jack, and invertebrates such as prawns, mud crabs and oysters. Cape Byron Marine Park also includes many significant Aboriginal sites and places that are sacred to the Bundjalung Arakwal people of Byron Bay, including Julian Rocks, Broken Head, Tallow Lake and Belongil Creek.

As indicated above, the outer boundaries of Cape Byron Marine Park were declared in 2002. The Cape Byron Marine Park Zoning Plan commenced on 1 May 2006 following three years and two rounds of public consultation. I will now provide a brief outline of the major features of the public consultation process. In August 2003, the Cape Byron Marine Park Issues and Options for Management Discussion Paper was released for public consideration. During the consultation period Marine Parks Authority staff attended over 30 meetings with focus groups and held three public information days within the region. Over 3,000 submissions on the discussion paper were received, which together with consultations during focus group meetings and input from members of the Cape Byron Marine Park Advisory Committee during a two-day planning workshop, greatly assisted in the preparation of a draft zoning plan.

In August 2004, the Cape Byron Marine Park Draft Planning Scheme, including a draft zoning plan, which I will table, was released for public comment. Notices were placed in local, regional and national newspapers announcing that the draft plan was available for review. The draft zoning plan was also placed on the website of the Marine Parks Authority. During the consultation period Marine Parks Authority staff attended 34 meetings and held four public information days within the region. Over 6,000 submissions were received on

the draft planning scheme. Following detailed consideration of submissions, a number of changes were made to the draft zoning plan, but the overall proportion of the marine park included within sanctuary zones—that is, 27.5 per cent of the marine park—in the final zoning plan remained the same as in the draft zoning plan. Members of the Cape Byron Marine Park Advisory Committee were closely involved in the consideration of submissions and in the finalisation of the draft zoning plan.

Marine Parks in New South Wales are managed for multiple use. Under the Cape Byron Marine Park Zoning Plan, recreational fishing and collecting is prohibited in nearly 28 per cent of the marine park, which is zoned "sanctuary" or "special purpose". Most of the remainder of the marine park, which is zoned either "habitat protection" or "general use", is open for recreational fishing. Prior to the commencement of the Cape Byron Marine Park Zoning Plan the New South Wales Government spent \$4.3 million buying back 22 commercial fishing licences from commercial fishers who were significantly impacted upon by the zoning plan in order to offset the potential for effort transfer into neighbouring areas. Under the zoning plan, beach haulers were prohibited on all but one of the beaches in the marine park. Consequently, most of the beach haulers operating in the area received a buyout. Other commercial fishers who were bought out included prawn trawlers, spanner crabbers and worm and pipi hand gathers.

Tourism is the biggest industry in the region and in surveys conducted prior to the commencement of the Cape Byron Marine Park Zoning Plan the most popular activities undertaken in the marine park by residents and visitors to the region were swimming, beach going, whale and dolphin watching and surfing. Following commencement of the Cape Byron Marine Park Zoning Plan programs that marine parks staff work to implement include: education and enforcement; environmental impact assessment; research; Aboriginal training and development; and incident response. The principal resource used to educate the public about the marine park zoning plan is the zoning plan users guide, which I will table. It is freely available locally from places of accommodation, visitor information centres, bait and tackle shops, marine and national park offices, fisheries and maritime offices, and it is available on the Marine Parks Authority website. In addition, the Marine Parks Authority has installed signs at over 50 locations on the land as well as zone marker buoys to indicate the boundaries of the zones and permissible activities in different zones. Marine parks officers also regularly deliver presentations on the marine park and the zoning plan to various audiences, including schoolchildren, university students and a community groups.

An interesting development over the past couple of years which indicates to me general acceptance of and support for the marine park and the zoning plan has been a growing number of reports from the public of illegal activities in the marine park. These days the majority of successful prosecutions of wrongdoers in the marine park result from tip-offs from the public. Marine parks staff become involved in environmental impact assessments through the requirements of provisions of the Marine Parks Act that any developments in or adjacent to a marine park have to take the objects of the Marine Parks Act into consideration and the development authority must refer such developments to the authority and take the views of the authority into consideration. Also, under the marine parks regulations, activities such as commercial operations, research and events in a marine park require permission from the authority in the form of a marine parks permit. In addition, marine parks staff are involved in a number of environmental planning activities with staff from other government agencies, such as local government authorities, and are able to provide marine environmental expertise that benefits the outcomes of such planning activities.

The Marine Parks Authority has been actively engaged in research in Cape Byron Marine Park since declaration of the park in 2002. Prior to the commencement of the zoning plan, research programs that the authority has supported include the mapping and characterisation of sub-tidal marine habitats throughout the marine park, and the assessment of the biodiversity of rocky shores in the marine park. Following the commencement of the Cape Byron Marine Park Zoning Plan, the authority initiated a program to monitor populations of deepwater reef fish fauna in relation to the zoning plan. The authority has also supported projects undertaken by other researchers in the marine park to assess the biodiversity of soft sediment communities in relation to the zoning plan and to monitor the impacts of activities such as four-wheel drive vehicles, scuba diving and vessel operations on the communities that these activities interact with.

The Marine Parks Authority has worked closely with the Bundjalung Arakwal people of Byron Bay since the marine park was declared in 2002 to provide training and development opportunities for local Aboriginal people in marine park management and activities such as vessel operations and scuba diving. Some members of the Arakwal community have subsequently used this training and experience gained while working for the authority to gain employment with local scuba diving companies. In 2006, the first Aboriginal cadet marine ranger in the State commenced work at Cape Byron Marine Park. Three years later, after successfully

completing his cadetship, which included tertiary studies, he is employed on a permanent basis as a marine ranger at Cape Byron Marine Park. In 2007, after several years of negotiations, the Marine Parks Authority entered into a memorandum of understanding over the management of Cape Byron Marine Park with the Bundjalung Arakwal people of Byron Bay. Marine Parks Authority staff are also trained and experienced in responding to marine incidents such as marine mammal entanglements and strandings and oil and chemical spills. I have just come here from our annual whale disentanglement training session at Byron Bay this morning.

CHAIR: Rather than have Mr Jeffery and Mr Malcolm read extensive opening statements perhaps they could be tabled.

Mr JEFFERY: Mine is a little different from Andrew's statement.

CHAIR: Could you try to summarise it and table it afterwards and I ask Mr Malcolm to do the same thing otherwise we are going to run out of time.

Mr JEFFERY: Mine will be shorter and Hamish's statement is a bit different too. Thank you for the opportunity to present to the Committee. I would like to table a map on the Solitary Islands Marine Park and give you an overview of that marine park. Hamish will then provide information on research and monitoring in the marine park undertaken over the past eight to 10 years, which should be of interest to the Committee as well. The Solitary Islands Marine Park was declared in 1998, like Jervis Bay, one of the early ones in New South Wales. It built on protection that was provided in May 1991 when the area was established as a marine reserve under the Fisheries and Oyster Farms Act. It covers approximately 72,000 hectares of estuarine and marine habitats, extending north from Coffs Harbour to the Sandon River, east of Grafton. The park covers about 75 kilometres of coastline, and goes east to the three-nautical-mile limit of State waters.

Similar to other marine reserves it has significant recognised natural values, which, uniquely, are strongly influenced by a convergence of tropical and temperate waters. It has outstanding marine biodiversity, including threatened, protected, and endemic flora and fauna. The Solitary Islands Marine Park and the nearby terrestrial areas are culturally important to local Aboriginal communities. The Gumbaynggirr people are the traditional owners of the land and sea in and adjacent to most of the marine park, with some overlap with the Yaegl people in the northern section of the park. It is also important for its European cultural heritage.

For approximately 60 per cent of its length the marine park shares a boundary with terrestrial protected areas in Yuraygir National Park, Moonee Beach Nature Reserve and Coffs Coast Regional Park. These reserves, particularly Yuraygir National Park, provide extensive protection to the catchments of four important estuaries, and assist in limiting land-based impacts to estuarine, shore and ocean habitats. There is a Commonwealth marine protected area, the Solitary Islands Marine Reserve, which was declared in 1993 and shares the same northern and southern boundaries as the marine park and occasionally is confused with the Solitary Islands Marine Park. It extends seaward from the three-nautical-mile limit of State jurisdiction to the 50-metre depth contour. The Marine Parks Authority manages the reserve on a day-to-day basis on behalf of the Australian Government.

Solitary Islands Marine Park has a complex geology that supports a wide range of habitats, including the furthest offshore continental islands in New South Wales. These habitats include extensive reef systems with diverse macroalgal-dominated communities near the shore, coral-dominated communities further offshore, and sponge-dominated communities in deeper waters. The Committee would already be aware that protection of marine biodiversity and habitats and maintenance of ecological processes are key objects of the Marine Parks Act. Where consistent with these objects the Solitary Islands Marine Park also caters for various recreational and commercial activities very similar to those Andrew described, so I will not go through them. The local fishing and tourism industries benefit the region economically and are important to the community.

The current zoning plan, of which I have given you a copy, came into effect in August 2002. It followed extensive consultation during the preceding four years, with over 7,000 submissions received during this time. The final zoning plan included changes arising from that consultation, including with recreational fishing interests, to the publicly exhibited draft plans. Under the current zoning plan 12 per cent of the marine park is protected in sanctuary zones, 54 per cent in habitat protection zones, 34 per cent in general use zones and 0.1 per cent in special purpose zones. Currently 88 per cent of the Solitary Islands Marine Park is available for recreational fishing.

Community consultation indicates that the zoning plan has generally been very well accepted over the last five years. During the establishment of the marine park in the late 1990s and finalisation of the zoning plan

in 2002 some in the community were concerned about possible negative impacts on tourism and recreational fishing. It is fair to say it was a very contentious time for user groups. Between 2002 and 2007 an increase of 28 per cent in accommodation takings and 29 per cent in employment in the accommodation sector occurred in Coffs Harbour. A survey of small business adjacent to the marine park in 2006 found no evidence of negative impacts on small businesses following the introduction of the zoning plan. Business reported an increase in the number of peak season part-time staff and their estimated annual turnover increased by about 20 per cent. Most of this growth came from increased visitation. According to local businesses the user group that had grown the most during this period was visiting recreational fishers.

Recreational line fishing competitions are a regular feature in the marine park. They consist mainly of monthly outings run by recreational fishing clubs. Some clubs hold larger annual competitions, including the Easter Fishing Classic held by the Coffs Harbour Deep Sea Fishing Club, and the Dave Irvine Classic, which was held over the past long weekend. Spearfishing competitions are held regularly by the Coffs Harbour Bluewater Freedivers Club. These competitions limit the species that can be taken, and competitors may only weigh in one fish per species.

The Marine Parks Authority works closely with the community, local government, other government agencies and research and other institutions on a wide range of environmental, social and economic issues associated with the management of the marine park. In March 2008 the Marine Parks Authority initiated a review of the Solitary Islands Marine Park zoning plan, with a period of public consultation undertaken from March to June 2008. Forty-seven meetings and information sessions were held and 1,079 submissions were received. The recent review has shown that the zoning plan is largely meeting its objectives. However, opportunities were identified to finetune and improve the effectiveness of the zoning plan, in response to submissions from the community, new information obtained from state-of-the-art seabed mapping not available at the time of the original zoning, results and trends from research and monitoring and experience in managing the marine park over the period.

I think the Committee is aware that the Ministers have directed the preparation of draft amendments to be made to the zoning plan. I will also table a copy of the overview draft zoning plan submission. Proposed changes of relevance to recreational fishing are the removal of commercial trawling from the marine park, improved access at Minnie Water Back Beach, Bare Bluff and at Groper Island, and straightening of many of the rounded boundaries to improve manageability and minimise effects on park users where possible.

Under the key proposed changes sanctuary zones would increase from 12 per cent to 20 per cent, the habitat protection zones and the general use zones would decrease and the special purpose zones would not change. Under the proposals 80 per cent of the marine park would still be available for recreational fishing. There is detailed information and supporting documentation on the zoning plan review and the proposed draft zoning plan on the Marine Parks Authority website. Like other marine parks in New South Wales the activities of the Marine Parks Authority in the Solitary Islands Marine Park are focused on delivering the objects of the Marine Parks Act.

Mr MALCOLM: I would like to thank the Committee for the opportunity to contribute to this inquiry. I am the research officer at the Solitary Islands Marine Park [SIMP] and have been for the past nine years. I am based in Coffs Harbour. Alan referred to the conservation of biological diversity and marine habitats and maintenance of ecological processes being some of the core objectives of the New South Wales marine parks. Underpinning these objectives is representation within highly protected areas. Effectively, this requires sanctuary zones to spatially represent the habitats, ecosystems and biotic diversity within that marine park. The zoning plan within each marine park is a primary mechanism to try to achieve this.

The 2002 rezoning of the Solitary Islands Marine Park was guided by this and used a representative habitat approach as a surrogate for biotic diversity. Examples of each habitat type were included in sanctuary zone. However, since 2002, the collective scientific knowledge within the Solitary Islands Marine Park has advanced considerably. Research has been undertaken by many different research providers including researchers from many universities; for example, the University of New England, Southern Cross University, University of Technology Sydney, University of Sydney, University of Queensland, Griffith University, University of Melbourne, University of Adelaide, James Cook University, Australian Maritime College, and the University of Tasmania. They have all done work in the Solitary Islands Marine Park. There is also a university facility based in Coffs Harbour, the National Marine Science Centre, which has a range of postgraduate students conducting research in the marine park. Various government agencies have also conducted extensive research in

the Solitary Islands Marine Park, including the NSW Marine Parks Authority, other parts of the Department of Environment, Climate Change and Water, especially the habitat mapping group, and Industry and Investment. Research has also been conducted by the Solitary Islands Underwater Research Group, a community group that has been running for more than 30 years.

There have also been advances in scientific techniques, technology and software and capacity within New South Wales since the rezoning in 2002, which has greatly increased our ability to examine some of the management questions of interest, including habitats and biodiversity in the deeper parts of the marine park. A summary of some of this research from 2002 to 2009 is now published as a report, which is available on the MPA website, and I would like to table this report today. Various claims have been made in the local media recently that there is no research underpinning the review of zoning in the marine park or the draft zoning plan currently out for public consultation. These claims are completely wrong.

Marine Parks Authority research is directed by five-year strategic research plans and annual marine park research plans. An independent review of marine park science has recently been completed and has made a number of recommendations that will be adopted in the next five-year strategic research plan 2010-2015. Ongoing and future research in the Solitary Islands Marine Park by the MPA will continue to be conducted in accordance with these strategic directions.

Given the time constraints, I will very briefly describe some of the research that has been conducted in the Solitary Islands Marine Park since 2002 with findings that have informed the review of zoning. We have an extensive habitat mapping program. Detailed habitat mapping using sophisticated swath acoustic sonar has identified extensive areas of deeper reef habitats in the marine park. These were unknown to the MPA when the current zone plan was developed. Deeper reefs occur down to the deepest sections of park, which are about 75 metres. Swath mapping has enabled detailed examination of seafloor features and bathymetry and better understanding of their three dimensional structure. About 25 per cent of the Solitary Islands Marine Park has now been swath mapped.

Swath mapping has conclusively demonstrated that inter-reef areas and soft-bottom seafloor habitats are not comprised of featureless barren sand. Complexity in the structure of unconsolidated seafloor habitats has been identified with swales, dunes, gravel mounds, and flat bottom features, as well as inter-reef gravel flats and rubble bottoms. Reefs also vary from high profile, highly complex structures, to low and flat consolidated reef, and highly broken patch reefs. Towed video, baited video, and diver surveys have been used to ground-truth swath mapping features and examine biological communities on the sea floor. There are strong patterns of dominant immobile benthic communities on reef with depth and with distance from shore. These patterns reflect those observed for reef fish.

We have an extensive reef fish biodiversity program. Reef fish are often a species-rich, high biomass, highly visible component of biodiversity in marine systems. They are an important group to consider in marine park planning, not only to conserve the diversity of reef fish in their own right, but because of their importance to ecological function, and their social, cultural and economic value, including recreational fishing. They have also been found in a number of studies to be useful and reliable surrogates for other taxa, including developing habitat classifications and biophysical maps used in conservation planning.

Extensive surveys of reef fish throughout the marine park have shown very strong patterns in diversity and biogeography associated with distance from the mainland coast and with depth. We have identified three very distinct assemblages of fish from inshore to offshore on shallow reef in less than 25 metres depth. Three very different fish assemblages were found to occur above 25 metres depth, from 25 metres to 50 metres and below 50 metres. We have used a range of methods to do that, including diver surveys and baited remote video.

The inshore category supported more temperate species and the highest proportion of endemic species. The offshore category had the strongest tropical Indo-Pacific influence and the highest species richness, particularly adjacent to islands. Many east coast subtropical endemics were only recorded on mid-shelf reefs. This corresponds with strong cross-shelf variation in the East Australian Current [EAC] demonstrated by monitoring of sea temperature patterns, with the warmer EAC more frequently influencing the Solitary Islands Marine Park in offshore waters and colder counter-currents and cold water intrusions more frequently inshore. Deep reefs included a number of species that were only recorded below 50 metres.

These findings have been published in three journal papers in the scientific literature. Another journal paper on these findings has just been accepted for publication with minor edits. A fifth journal paper has been

submitted and is currently being peer reviewed. A journal paper describing sea temperature patterns and the East Australian Current has also just been accepted for publication.

The habitat mapping and reef fish programs have been used in combination for planning and informing the review. The strong patterns of reef fish and benthic assemblages were used to refine the habitat classification system used in the SIMP for representative planning.

From this research it is apparent that the initial habitat classification system, used in the 2002 rezoning of the Solitary Islands Marine Park, did not effectively represent biological patterns, at least not for reef fish or dominant benthic communities. There is now a tested relationship between the classification system and biotic pattern. All the reef categories in the refined habitat classification system have some unique biodiversity values in terms of representing assemblages of species, individual species, abundance of species and biogeographic influences. Inclusion of all categories in sanctuary zones would achieve a more representative zoning system for biodiversity.

The refined habitat classification system, in combination with improved mapping of deep habitats, was used to evaluate representation in sanctuary zones during the current review of the zoning plan. This was done by examining per cent representation, as well as more systematically using Marxan. I have the program used for marine park planning worldwide to identify the effective placement of sanctuary zones. Under the refined habitat classification system, deep reef and deep sediments are unrepresented and intermediate offshore reef is almost unrepresented in current sanctuary zones.

We also have two programs examining benefits of no-take sanctuary zones. Many studies worldwide, peer reviewed and published in the scientific literature, have demonstrated the value and efficacy of fully protected marine reserves, and there is a review of that on the marine parks website, along with a sample list of published papers. Dr Brendan Kelaher talked a bit about that previously to this inquiry so I will just talk about the scientific programs we have in the Solitary Islands Marine Park to examine the influence of sanctuary zones on abundance of various taxa and some of the results.

CHAIR: Is there much more?

Mr IAN COHEN: We are going to run out of time for questions.

The Hon. CHRISTINE ROBERTSON: You can table it.

Mr IAN COHEN: If you table it, we will read it.

The Hon. CHRISTINE ROBERTSON: And then it turns into evidence.

Mr MALCOLM: All right. I was about to tell you about the results. The results have shown a positive influence of sanctuary zones on pretty much the taxa we have looked it.

CHAIR: Thank you. If you could table your opening statements, we would appreciate it. Mr Malcolm, when was all the research work completed that allowed you to determine that you needed to include the intermediate reefs that seem to make up the largest part of the 66 per cent increase in the no-take zones? When was the research completed that allowed you to do that?

Mr MALCOLM: Probably over the last couple of years we started to publish this information in the scientific literature.

CHAIR: In the all-of-government submission that was made at the first inquiry hearing by the Department of Environment, Climate Change and Water, Marine Parks, and DII, part of the documents they tabled was a document called "Marine Park Science in NSW: An Independent Review", which was completed in 2009 but not tabled until the first day of our inquiry. Are you aware of it?

Mr MALCOLM: Sorry, which one?

CHAIR: "Marine Park Science in NSW: An independent Review"—I think you referred to it.

Mr MALCOLM: Yes.

CHAIR: I am curious as to how the Marine Parks Authority on the Solitary Islands Marine Park determined that they needed to include those intermediate reefs, including some very excellent survey work you did—so you mapped them—but if you look—

Mr MALCOLM: We have also looked at the biodiversity on the actual patterns of reef fish and benthic communities so it is not just mapping them. It is looking at the biotic communities on them.

CHAIR: So would you say you are satisfied that you have tested the key assumptions involved in using ecosystem and habitat features as a surrogate for biodiversity per se as a priority over the next five years on that reef system?

Mr MALCOLM: We have tested that pretty strongly, yes. We have looked at relating habitat patterns to biotic patterns, and that is published in the scientific literature

CHAIR: My next question is: What research or data did you collect that demonstrated to you that those areas had been degraded by either commercial or recreational fishing activity?

Mr MALCOLM: You are asking a different question there slightly.

CHAIR: The question is: Having established the biodiversity in those areas, what research have you done on those areas, what observations have you made, that allowed you to determine that they needed to be protected under a sanctuary zone?

Mr MALCOLM: The strategic direction of New South Wales marine parks is to take a representative approach within the sanctuary zones in the marine parks.

CHAIR: No, that is separate; that is the CAR requirement.

Mr MALCOLM: Yes, that is right.

CHAIR: I will ask the question in another way. Did you do any research or take any observations that led you to believe that either commercial or recreational fishing was damaging those intermediate reefs and their habitat and biodiversity?

Mr MALCOLM: We have done monitoring surveys on reefs that have compared sanctuary zones with non-sanctuary zones, and the sanctuary zones have shown a more positive benefit to reef fish than non-sanctuary zones.

CHAIR: Here in Australia?

Mr MALCOLM: Here in the Solitary Islands.

CHAIR: Is that research available?

Mr MALCOLM: It is not published yet, no, but—

CHAIR: Abstracts perhaps or something?

Mr MALCOLM: Early stuff was presented at the international marine areas conference.

CHAIR: Could that perhaps be provided in abstract format to the Committee?

Mr MALCOLM: Yes.

The Hon. RICK COLLESS: The increase from 12 to 20 per cent, which I understand is in the revised zoning, the papers and the science that you used to arrive at that figure are not yet published. Is that what you are saying?

Mr MALCOLM: No—

The Hon. RICK COLLESS: Let me ask it another way. Can you provide copies of the peer reviewed science, the papers that you used to justify increasing the marine park sanctuary zones from 12 to 20 per cent?

Mr MALCOLM: I have never put a figure on things.

The Hon. RICK COLLESS: Put a figure on what?

Mr MALCOLM: You said 20 per cent.

The Hon. RICK COLLESS: That is what is in the revised zoning plan, is it not?

Mr MALCOLM: That is the—

The Hon. RICK COLLESS: Is that not your recommendation?

Mr MALCOLM: To bring it to 20 per cent?

The Hon. RICK COLLESS: Yes.

Mr MALCOLM: No, that is not my recommendation.

The Hon. RICK COLLESS: Whose recommendation is it?

Mr MALCOLM: My recommendation—

Mr JEFFERY: The Marine Parks Authority, after considering submissions that were put in from the community, new information that arose from sea bed mapping, existing experience based on management of the marine park, made recommendations in the review report that there were opportunities to finetune the zoning plan, including the opportunity that there are under-represented habitats in the marine park, including deep reef, regardless of whether they were damaged or otherwise by other activities. There are under-represented habitats. It is new information since the original zoning plan was put in place. That is the reason largely why those intermediate and deep reef habitats have been included in the proposal for the draft zoning plan.

The Hon. RICK COLLESS: New information you say which is peer reviewed science?

Mr JEFFERY: The new information, the peer reviewed science would not be the swath acoustic mapping. That is information from research and monitoring the marine park to discover; so that is basically discovering information we did not have. Other than that, Mr Malcolm has already referred to and he has tabled his document that has extensive scientific documents in there that include peer reviewed science. That sort of information has been used to support the proposals that are out at the moment.

The Hon. RICK COLLESS: The sea floor mapping that you have done, are those maps available to the community?

Mr MALCOLM: Yes.

The Hon. RICK COLLESS: Have they been made available?

Mr MALCOLM: Yes. They are on the Marine Parks Authority website, as I recall.

CHAIR: That is the same system they used in Jervis Bay, is it, with the oceanography mapping boat?

Mr MALCOLM: Yes.

The Hon. RICK COLLESS: Does the increase from 12 to 20 per cent include those areas of deep reef—

Mr MALCOLM: Yes.

The Hon. RICK COLLESS: —that you discovered by the sea floor mapping?

Mr MALCOLM: And also deep sediments were not represented at all either, so to improve representation of the habitats in the Solitary Islands Marine Park, if you do not include those habitats you do not have a representative method of—

The Hon. RICK COLLESS: Is the sea floor mapping program in the Solitary Islands Marine Park completed?

Mr MALCOLM: About 25 per cent of the sea floor is mapped but we have a reasonable handle on the deeper stuff because that is primarily on the outside north Solitary and south Solitary because the three-mile limit goes around those islands. So the State waters boundary pushed a lot further up off north Solitary and south Solitary than other parts of New South Wales.

The Hon. RICK COLLESS: So all those deep reefs that you have discovered will be incorporated into the 20 per cent, is that correct?

Mr MALCOLM: No, not at all.

The Hon. RICK COLLESS: What proportion of it will be?

Mr JEFFERY: We would have to take that on notice. Of the total area of the marine park, about 10 per cent of it includes reef. Of that 10 per cent, about 1.7 per cent is currently included reef included in sanctuary zones. Under the proposal, there will be about 2 per cent of total reef in the marine park, only 2 per cent of the total reef in the marine park will be included in sanctuary zones.

The Hon. RICK COLLESS: I have not had a look at the marine park proposed zones but it is obvious from the map in front of me that none of the islands I can see located on this map does not have a sanctuary zone around it. Is that correct? Do all the islands have a sanctuary zone or part sanctuary zone around them?

Mr MALCOLM: Part, yes. Only one has a full sanctuary zone around it and that is Groper Island.

The Hon. RICK COLLESS: Of the islands that I am looking at on this map, they all have their north-west side protected. The north-west side, rather than the south-east side, is a sanctuary zone?

Mr MALCOLM: On the split Solitary it is more the—

Mr JEFFERY: Split Solitary it is—

Mr MALCOLM: Yes, it is angled—

The Hon. RICK COLLESS: But on the others it all appears that the north-west quarter of the island is a sanctuary.

Mr MALCOLM: North-west Solitary is more the western side. On south Solitary it is a small bit of north—

The Hon. RICK COLLESS: Do you understand why I am asking these questions?

Mr MALCOLM: Yes, I get what you are getting at.

The Hon. RICK COLLESS: What?

Mr MALCOLM: You are wondering why they are always on that north-western side.

The Hon. RICK COLLESS: The point is that most of the fishermen, when they go out to those islands, do not want to fish on the south-eastern side because that is the sea side. That is the side that the swell and the weather comes from. Very often, in most cases, when they go fishing they would like to fish in somewhat protected areas from the weather which is on the north-west side of the islands.

Mr MALCOLM: We are pretty fortunate in the solitaries in that we have extensive reef through that whole area and there is pretty good reef fishing right out through all the deep waters. If you look at the habitat map that has been provided, there is good reef through a lot of the Solitary Islands and a lot of it is still available for fishing.

The Hon. RICK COLLESS: A lot of it is available particularly for surface fishing only. Did you receive any submissions about the fact that the fishermen would prefer to fish on the north-west side of the islands rather than the south-west side?

Mr MALCOLM: Are you talking in the original 2002?

The Hon. RICK COLLESS: Now, whenever. Have you received—

Mr MALCOLM: It is just out for public consultation over the next three months so the plan has been put out and this is the consultation period we are going through now.

Mr JEFFERY: But the majority of submissions—

CHAIR: For clarification, when does it close?

Mr JEFFERY: On 17 September. The majority of submissions from fishermen sought no change. They did not want any change to the marine park, certainly no increase in sanctuary zones.

The Hon. RICK COLLESS: No increase in sanctuary zones, yet there will be an increase of 8 per cent.

Mr JEFFERY: There is a proposal out at the moment.

The Hon. CHRISTINE ROBERTSON: For discussion.

The Hon. RICK COLLESS: Yes, and we are realistic enough to know that that is what will happen, surely. I cannot see that changing.

Mr JEFFERY: That is a matter for the Ministers.

The Hon. RICK COLLESS: Exactly. I will leave it there, as we have only limited time for questions.

Mr IAN COHEN: Both in the Cape Byron Marine Park and the Solitary Islands Marine Park, there is a lot of talk about the boundaries being put in for political purposes and not really reflecting the environmental realities. Can you comment on that?

Mr PAGE: No, that is not the case at all. Certainly with Byron, and I know the same story with Solitary Islands, where, as Mr Malcolm mentioned, the whole purpose of putting a zoning plan in and specifically putting sanctuary zones in, is to try to get representative samples of different habitat within those sanctuary zones so that you have good representation of all the different habitats that you have in a marine park in a protected zone. That is what the maps are all about. That is the driver of where the zones go. There is certainly a tweak—the boundaries are tweaked for manageability reasons. You will notice that that sanctuary zone coming off Byron comes straight off the lighthouse and that is specifically so that trawlers can line up the lighthouse and they know that south of the lighthouse they are fine but north of the lighthouse they are not, with rocks and things like that and specific geographic markers. From a manageability point of view, we need to make adjustments like that but the overall driver of where the sanctuary zones go is to ensure that you have representative samples of the different habitats in the marine park in those protected areas.

Mr JEFFERY: I would have just said briefly, in the Solitary Islands Marine Park it is clear when you have looked at the progress of draft zoning plans prior to 2002, they are very contentious. In fact there were two draft zoning plans put out for public exhibition. If you tracked from the initial to the final, clearly there were decisions made by government that reflected—

[Interruption]

If you tracked those initial draft zoning plans to where we are today, you would note the observation that there have been zoning plan changes on the basis of community submissions and things that were acceptable to the community and I think you would particularly when you look at the zone off Woolli what is referred to as the butterfly zone recreational fishers in the Woolli area would say that that zone was changed as a result direct of their representations.

That is not the Marine Parks Authority's role. It is the Government's role.

The Hon. LYNDA VOLTZ: A local kayaker gave evidence earlier today. I note that in places like Jervis Bay there is a great mix of accommodating people by using hash zoning, allowing trawling and so on. Is there an issue with giving kayakers access? Where there is beach fishing, could you allow a 400 metre zone for kayakers or manned craft if it would be dangerous for them to go further out to sea? Would that be a problem for Fisheries and Agriculture NSW and the Marine Parks Authority to police?

Mr PAGE: No, not necessarily. Where we have areas off beaches that are cut out from sanctuary zones it was specifically done for beach fishing. They are 100 metres offshore. You will see that the zoning plan has that in a number of different places.

The Hon. LYNDA VOLTZ: I note that the spear fishing distance is 400 metres. Their problem is that the high-water mark is often up the beach and it is a long way.

Mr PAGE: That is correct. Dan Bode spoke to us just after the zoning plan came in and made a few complaints. We did not hear from kayak fishermen at all during the consultation period. It is a relatively new sport. We will undertake a review in 12 months and that will certainly be considered.

CHAIR: Unfortunately we have run out of time.

Mr IAN COHEN: That was a very unfair allocation of questions.

CHAIR: We only have time for what is left.

The Hon. CHRISTINE ROBERTSON: We will put questions on notice.

CHAIR: Yes. Thank you very much for your evidence today. 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 may not have had the opportunity to ask of you today?

Mr JEFFERY: Yes.

CHAIR: If you do, could you get them back to the Committee within 21 days?

Mr JEFFERY: Yes.

CHAIR: Thank you very much for your time.

(The witnesses withdrew)

GEOFF PARKER, Fisheries and Environmental Spokesman, Coffs Harbour Deep Sea Fishing Club, affirmed and examined:

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

Mr PARKER: I thank the Committee for coming here. Hopefully we can achieve something out of this for the benefit of recreational fishermen. I would like the Committee to consider a couple of issues. One relates to the structure of recreational fishing representation. As it stands, we are all well aware that it is not up to standard. It needs to be taken apart and put back together in a workable way. It is shattered at the moment and it is not fulfilling any of its objectives.

Secondly, when I came here today I thought I was giving evidence on recreational fishing. However, the evidence has been about marine parks. I am sure everybody has a lot of questions to ask to hear the true side of the story in the Solitary Islands Marine Park. In my capacity as fisheries environmental spokesperson, I have fished all my life and have been a dedicated fishermen. I came to the stage where I wanted to put something back into it. It saw the need to get away from the kill competitions of the mid-1990s and I was instrumental in the club in introducing a competition based on species rather than a large amount of fish. To develop the skills of recreational fishermen, we established a competition that allowed people to weigh one of each species per competition. We do that in our monthly, one-day competitions.

We also have the three-fish challenge, which goes for two days. The top of our competitions is the Easter Classic, which runs for three days. The point score is taken off the biggest of each species over three days. We had a soft plastic competition last weekend. That was solely tag and release. The fish is put on a mat with a measurement on it, the measurement is recorded by camera and that is followed by a shot of the fish being released over the side. There were 230 people in 85 boats and to our knowledge no fish were taken—they were all returned. It was very successful. I will leave it at that and look forward to answering some fruitful questions.

The Hon. TONY CATANZARITI: How many members do you have and what is the primary fishing activity?

Mr PARKER: The Coffs Harbour Deep Sea Fishing Club is a registered club with just under 6,000 members. The club has a game fishing section, a deep-sea section and a beach, rock and estuary section.

The Hon. TONY CATANZARITI: It is associated with any larger fishing organisations, such as EcoFishers?

Mr PARKER: We have joined EcoFishers and we will join any organisation that approaches us about representing recreational fishers. To date EcoFishers is the only group that has approached us. We receive correspondence on virtually a daily basis from that organisation.

The Hon. TONY CATANZARITI: On the first page of your submission you state that the fishers fear that existing marine parks will be expanded and that additional parks will be created before the 2011 election. Are you aware that the New South Wales Government has previously announced that will not be creating more marine parks in the near future?

Mr PARKER: I am aware of that. However, we have concerns about marine parks because as far as consultation goes recreational fishermen have been totally ignored in relation to zoning plans in the park. That happened with the 2002 zoning. We have just completed one which was scheduled for August 2007. At the recreational fishers' meeting with the Marine Parks Authority, as fisheries and environmental spokesperson for the fishing club I asked the marine park manager to be invited to and given due notice of every environmental meeting conducted in the local area, but I was not invited to any of them.

The Hon. TONY CATANZARITI: I refer you to the issue of representation on advisory committees. How do you believe you can get proper representation that will make a difference? How would you like it structured?

Mr PARKER: As I said, it is fragmented. Everybody is pulling in different directions. The Advisory Council on Recreational Fishing [ACoRF] is the peak advisory committee. However, if you went to a boat ramp, a beach or anywhere else that there are recreational fisherman and asked them who represented them on that council they would not be able to tell you. That demonstrates how well they are represented.

The Hon. TONY CATANZARITI: Do you think that a regional committee should be established? Should there be specific regional areas and, if so, how do you address the fact that regions are different from the North Coast to the South Coast?

Mr PARKER: I think it has to be site specific. Recreational fishing is very diverse. You go from game fishing to estuary fishing to deep-sea fishing to spear fishing and so on. There are many different aspects. To represent any aspect of recreational fishing you have to have someone who is fluent in that style of fishing. You must also have someone from an area. You have to divide the area up and have good representation.

The Hon. TONY CATANZARITI: If regional areas were created, the message has to get back to the membership. How do you see that working? How would you like to see it work?

Mr PARKER: It would be a very hard job. I spent last weekend trying to convince recreational fishermen at the soft plastics tournament that the marine park consultation process is worth making a submission. With the original Coffs Harbour zoning plan there were five different layers of submissions over three and a half years. Because the issues raised by recreational fishermen were ignored, people do not have confidence in the system. To start the whole thing happening, recreational fishermen have to regain their confidence in the system.

The Hon. TONY CATANZARITI: How do you see recreational fishers and commercial fishers working together to arrive at a compromise so the waters are there for all?

Mr PARKER: Fishermen are a funny lot and there has been a little bit of friction between amateurs and professionals, rock fishermen and spear fishermen, beach haulers and beach fishermen and so on. However, at present recreational fishermen are under threat because the areas that they have traditionally been able to access have been locked up and taken away from them. I heard the previous witnesses talking about it being only 12 per cent of the existing marine park. In the zoning process we argued that 12 per cent does not sound much when 88 per cent is not locked up. I suggested that we lock up 80 per cent and let us pick the 20 per cent we want to access. That is the issue. You can juggle figures all you like, but there is only a certain amount of the area that is useable by deep sea fishermen. If they lock up 10 per cent of the marine park, that might constitute 80 per cent of the reef structure, so you are out of business.

You talked about sanctuary zones around islands. Islands are traditionally the best fishing spots. Those areas are most active as far as pelagic fish are concerned. You have to divide it between pelagic fish and sedentary fish. You should lean towards pelagic fish because they are not damaging the sedentary fish that are there throughout the year. You can direct effort towards Spanish mackerel or kingfish and it will not hurt the biodiversity of the area as much as targeting bottom dwelling fish.

CHAIR: In previous evidence the Marine Parks Authority officers stated that about 10 per cent of the marine park was reef, but only 2 per cent of that was locked up in sanctuary zones. What is your comment on that?

Mr PARKER: Not all reef holds fish. Someone gave evidence, I think it was a professional, that fish move around, so it is not all fishable. The main spots are the islands and they are enclosed by sanctuary zones.

The Hon. CHRISTINE ROBERTSON: When we were in Jervis Bay on this inquiry we heard a lot of evidence about a spillover from the sanctuary zones into other fishing areas in that region. You deny that is possible in your submission.

Mr PARKER: In previous evidence you have heard that fish move around. All fish apart from probably groper, drummer and red morwong are migratory.

The Hon. CHRISTINE ROBERTSON: I understand about fish, but they perceived there were much more fish.

Mr PARKER: If you draw a line on the map the fish do not know there is a line, so you will not have spillover because the fish are just going to swim straight through the area.

The Hon. CHRISTINE ROBERTSON: Maybe we are misunderstanding each other. You are saying there is no scientific backing for the spillover theory.

Mr PARKER: Yes.

The Hon. CHRISTINE ROBERTSON: The Jervis Bay people said the fish numbers had increased and that there was spillover into other fishing areas.

Mr PARKER: If there was spillover I would like to see the scientific research they did before the marine park was established. You have to have before and after figures to show fish numbers have increased in these areas. Spillover is a figment of people's imagination because it does not happen.

The Hon. CHRISTINE ROBERTSON: We have heard some amazing definitions of science also in this inquiry, mostly from the witnesses.

Mr PARKER: I am not dealing in science, I am dealing in common sense.

The Hon. CHRISTINE ROBERTSON: I have another question about your comment about "The Torn Blue Fringe", which has never been endorsed by the Government. It is a non-government organisation that put out a paper that they wanted to happen. We have had massive misinformation throughout the entire inquiry from fisher persons who believe it is fact.

Mr PARKER: The Torn Blue Fringe? According to Bob Kearney, just about every point in The Torn Blue Fringe is not fact. I do not believe The Torn Blue Fringe is fact.

The Hon. CHRISTINE ROBERTSON: The Government has never accepted it as a document of advice.

Mr PARKER: I would not expect it to, but whether they consider it or not, rectifying every problem raised in The Torn Blue Fringe would mean banning recreational fishing.

The Hon. CHRISTINE ROBERTSON: The words we constantly hear in this inquiry from persons who seem to communicate with each other, because they use much the same line, is that the Government will consider it as fact, for some reason. Usually there is a political overtone in the statement. The Government has never accepted that document. It read it of course.

Mr PARKER: That is what I said a minute ago, they take it into consideration.

The Hon. CHRISTINE ROBERTSON: It also reads everything that comes from the recreational fishers, the commercial fishers and the department. There has been absolutely no commitment to that document whatsoever.

Mr PARKER: I have not seen any.

The Hon. CHRISTINE ROBERTSON: No, you will not.

The Hon. LYNDA VOLTZ: How many members do you have in your organisation?

Mr PARKER: It is a shade under 6,000 at the moment. There is a push to get over that.

The Hon. LYNDA VOLTZ: That is the Coffs Harbour Deep Sea Fishing Club?

Mr PARKER: Yes.

The Hon. LYNDA VOLTZ: Are you part of the club that is on the headland?

Mr PARKER: That is the one.

The Hon. LYNDA VOLTZ: Are they club members or are they registered fishers?

Mr PARKER: I am talking about club members. I represent the club.

The Hon. LYNDA VOLTZ: So they are members of the club?

Mr PARKER: Yes, as I was saying before, not all members of the club go fishing.

The Hon. LYNDA VOLTZ: How many professional fisher people are there in the Coffs Harbour area?

Mr PARKER: That is a hard question to answer, but it is a very fishing orientated town. I do not know how you would ever get that figure.

The Hon. LYNDA VOLTZ: Do you notice a huge increase in the summer months and the holiday periods? There was a lot of evidence from witnesses at Jervis Bay that Jervis Bay is so popular now that the locals do not bother going down to the boat ramps in summer because there are so many people coming from Canberra and Sydney with their boats trying to get into the bay. Do you have a similar situation in Coffs Harbour?

Mr PARKER: I have done surveys over the years and a lot of people travel from out west to come to Coffs Harbour. We have done financial impact studies on how much money they spend. Our drawback is not having a major river system. If they travel from out west and come to Coffs Harbour and the weather is bad they have nowhere to go in their boats. As far as the marine park zoning plan goes, if people come from out west—the pressure is probably less now with GPS systems—the main magnet for people not familiar with the area was the islands. Now the islands are all locked up. Council is vigorous in attracting tourism to Coffs Harbour and we have our tourism organisations, but I would not say the marine park is a major stimulus to get more people to come to Coffs Harbour.

The Hon. LYNDA VOLTZ: No, I was not implying that. New South Wales is growing and urban areas are growing, particularly in coastal regions, and there is a lot more housing in towns that traditionally have been sleeper towns. Coffs Harbour is not one of those towns; Coffs has always been a reasonable size town—

Mr PARKER: City.

The Hon. LYNDA VOLTZ: City, yes, but there are certainly more houses and there is growth in the number of recreational fisher people across the State as well.

Mr PARKER: I have lived in Coffs Harbour since 1972 and I can see recreational fishing in the immediate area, on the beaches and the rocks, and it is becoming a bigger pastime and a bigger sport. As I said before, it needs to become more organised.

The Hon. LYNDA VOLTZ: There is a site called Solitary Island in the Port Stephens Marine Park, which previously had a sanctuary zone around it. Now the zones are kind of broken up and where there were previously sanctuary zones trolling is now allowed during certain seasons, and bait fishing in certain areas. Have you looked at those kinds of mixes and the way the marine parks at some other sites have accommodated the needs of people who go to the islands and fish so that they do not impact on the species they are trying to protect? Some of the concern seems to be that you are trying to protect a certain species but people fishing for other species will not affect it. There is a mix of activity so that it does not affect the species you are trying to protect.

Mr PARKER: That is exactly right. At the lighthouse the draft zoning plan proposes the use of lures or fly-fishing. That all sounds very good but I have lived in Coffs Harbour since 1972, as I said before, and I have never seen anyone fly-fishing, so that really does not accommodate anyone. As far as pulling lures goes,

that is fine during summer when there are a few pelagic fish, but there are none in winter. It is offering us something—

The Hon. LYNDA VOLTZ: I wondered what the plastic lures were about. I notice some of the zones elsewhere have that.

Mr PARKER: Yes, soft plastics, but they are talking about pulling hard-bodied lures.

CHAIR: Trolling.

Mr PARKER: Yes. It is kind of promising us bridges where there are no rivers.

The Hon. LYNDA VOLTZ: They are attempts to get a kind of mix. You are saying it is not the perfect mix.

Mr PARKER: Yes.

Mr IAN COHEN: The club on the headland sounds great and sounds like it is quite an attraction. Who owns the land?

Mr PARKER: The lands department, State Government.

Mr IAN COHEN: It sounds like a great club.

Mr PARKER: You ought to go there sometime.

Mr IAN COHEN: It is still Government land.

Mr PARKER: Is that relevant?

Mr IAN COHEN: The point is a lot of organisations do a lot of Government bashing yet there are things the Government does—I am not a member of the Government—to facilitate great facilities like that.

Mr PARKER: When you talk about Government bashing, is getting a bit of access for recreational fishing Government bashing?

Mr IAN COHEN: It depends on the level and the accuracy of it. We have heard repeatedly in this inquiry about a healthy marine environment being essential for good fish stocks. What issues do you think need to be addressed to ensure there is a healthy marine environment?

Mr PARKER: The issues that have already been discussed today—acid sulphate run-off, mangrove degradation, and urban development. They are all issues that so far they have failed to address in this marine park.

Mr IAN COHEN: Has your club undertaken any activities to promote healthy marine environments?

Mr PARKER: Yes, they sent me up here today to give evidence.

Mr IAN COHEN: Other than that. I am talking about on-the-ground projects to restore, support or work on a healthy fishing environment.

Mr PARKER: Being a deep-sea club it is probably a little out of our reach to pour a whole heap of money into these projects when we are heavily in debt due to our extensions, but we always support people in the best way we can—organisations that ask us for sponsorship, donations, personnel and restoring boat ramps. I liaise with council all the time about putting pontoons in the Coffs Harbour boat ramp. There used to be tyres there but they all fell into the water and started washing out and they had to send a diver down to attach chains to them and get a Land Rover to pull them out. We do a lot of that.

Mr IAN COHEN: You talked about science and common sense but there is a tendency in the fishing community for some big fish stories about the shortcomings of marine parks. Does it ever concern you that there is non-scientifically based propaganda for short-term political advantage on both sides of the debate?

Mr PARKER: I cannot speak for people. I have control over what happens in the Coffs Harbour Deep Sea Fishing Club. I do not have control over what the general public says and does. As far as the Coffs Harbour Deep Sea Fishing Club is concerned, any statements have to go through me before they are approved to leave the club.

The Hon. RICK COLLESS: Going back to the issue of fishing around the islands, when you go out deep-sea fishing would you by choice fish adjacent to those islands or elsewhere?

Mr PARKER: I probably fish 60 per cent around the islands. I target pelagic big fish rather than the more sedentary style of fish for probably two-thirds of the year. I believe it has less impact on the fish stocks that are going to stay in the marine park.

The Hon. RICK COLLESS: What species do you mainly take?

Mr PARKER: In summer, wahoo, kingfish, Spanish mackerel and samson fish. In winter it gets too cold and I get a few snapper.

The Hon. RICK COLLESS: How deep and how far offshore do you go?

Mr PARKER: Basically I fish from a couple of hundred metres out to 50 fathoms, which would be the furthest I would go. That is at the extremity, on rare occasions.

The Hon. RICK COLLESS: That would be beyond the three-nautical-mile limit.

Mr PARKER: Outside three nautical miles, yes.

The Hon. RICK COLLESS: Are many of the favourite spots you went to before the introduction of the marine park no longer available for fishing?

Mr PARKER: With the zoning plan in 2002 I was severely restricted around the lighthouse, with the small sanctuary zone that is in place at the moment. The proposed grey nurse restrictions will severely impact on my style of fishing, but bear in mind I can go elsewhere if I have to.

The Hon. RICK COLLESS: Do you always go from Coffs Harbour itself?

Mr PARKER: Yes I do. I cannot beach lines, I have water pickups and everything and I cannot drag the boat up the sand.

The Hon. RICK COLLESS: Will the increase from 12 per cent to 20 per cent remove more of your favourite fishing spots?

Mr PARKER: As I said before, it definitely will because it is basically major fishing areas.

The Hon. RICK COLLESS: You made the statement a few minutes ago that only a certain amount of the area is available to deep-sea fishing. What areas do you consider to be that "certain amount"?

Mr PARKER: The majority of deep-sea fishing takes place around the lighthouse, which will be a non-event with a 500-metre exclusion zone.

The Hon. RICK COLLESS: Can you tell us where the lighthouse is?

Mr PARKER: South Solitary Island, right down the bottom of the park.

The Hon. RICK COLLESS: So the proposal is to make a sanctuary zone right around south Solitary, is it?

Mr PARKER: It is a grey nurse aggregation site but the ridiculous part about the whole thing is at south Solitary Island they close it for 12 months of the year when the grey nurse shark is traditionally only there for four months of the year. Going to the next level, at north Solitary Island they propose to have these restrictions for six months of the year. They only need half the protection at north Solitary as they do at south Solitary? I cannot make sense of that. It would be a lovely question for Mr Jeffery and company to answer, why one is six months and why one is 12 months, and why the fact that the grey nurse are there for four months and they want to lock us out for 12 months. There are eight months when they are not there. It does not make sense.

In elaborating on that, we have identified risk from scuba divers and the risk from scuba divers would mainly be the fact that their flippers knock down the coral, which is degrading the grey nurse aggregation site and simply the fact with the massive explosion on scuba diving, having them there, they actually advertise grey nurses at the aggregation site, come out in your dive boats and we will show you the sharks. Taking a leaf out of anyone's precautionary principle, if you have 50 people running through a terrestrial national park, they say, "We have to lock it up because it might go to 500 and have a negative impact". Why are they not addressing the impact, which has been established, of these scuba divers? I recently wrote an article in our club newsletter and I said the main thing that is happening with south Solitary Island is they are creating a protected species, being the scuba divers, and they are creating an endangered species, which is the recreational fishermen.

The Hon. RICK COLLESS: What varieties of reef fish are in the park?

Mr PARKER: You want me to name them all?

The Hon. RICK COLLESS: The main species.

Mr PARKER: As is common knowledge, you get a blend. I have caught sub-tropical fish. I have caught tropical fish there. I have even caught coral trout. I remember years ago one of my mates came up here in 1956 and caught a hump-headed wrasse at the lighthouse, but then you get the temperate mix of fish. You get the migratory Spanish mackerel, wahoo, that style of thing coming through, marlin. You quite often get marlin within the three-mile limit of the marine park. It is a blend of basically any fish that swims the New South Wales coast.

CHAIR: If you were the Premier for a week and you could decide how you would manage conservation of marine biodiversity, and you were to redesign marine parks, shall we say, for the whole of the coastline, how would you do it?

Mr PARKER: I understand we have had a lot of Premiers lately but getting down to me—

CHAIR: If you had the opportunity to say—

Mr IAN COHEN: May as well give it a red hot go.

CHAIR: Yes, give it a red hot go.

Mr PARKER: First, I would start off with, go back to the foundation of the basics and I would address the recreational fishermen to the fact that, "Hang on, this is all about to change. Traditionally where you have been ignored, come along and let us try to get some confidence in this system". You would have them to the next level; you would have representatives which would be in an advisory capacity and the representatives would represent the areas with some form of fishing expertise. They would not be hand picked by a Minister; they would be elected democratically by the people who they are supposed to represent.

CHAIR: How would you protect the areas? Would you do it the way they have done it with lines on a map or by some other method?

Mr PARKER: I do not think the lines on the map protect a great deal. But in saying that, contrary to what a lot of people say, I think marine parks, managed correctly, are a good thing to take significant samples and preserve them, conserve them or whatever class you want to put on it for future generations. Working your way through it, I think they need to address the true threats to marine biodiversity, get out of this anti-fishing—be forgiven for being an anti-fishing situation where we have to have 20 per cent or 30 per cent or 40 per cent. That does not add up to anything because you are not having the community embracing the marine park.

Contrary to what people will say, when the Marine Parks Authority says 88 per cent of people endorsed the marine park zonings and 80 per cent of people endorse the sanctuary zones, I represent a club of 6,000 people. A lot of them are keen fishermen. I was at the soft plastics competition, where there were hundreds of people, over the weekend and I asked I do not know how many hundreds of people whether they were consulted in this 80 per cent and I got all noes. So who did they ask?

CHAIR: Just to get a bit of definition, you were talking before about south Solitary Island being a grey nurse aggregation zone. If you were to protect the grey nurse shark how would you manage the fishing around them? What would you do?

Mr PARKER: We put a submission in with regards to the grey nurse sharks in 2002, and we proposed locking up the area for four months of the year.

CHAIR: When the sharks are there.

Mr PARKER: When the sharks are there. No sense locking it up when they are not there. You are not protecting anything. As a trial situation, because I think in the marine park there are seven known grey nurse aggregation sites, but many more that people are too scared to tell the Marine Parks Authority for fear that they will lock them up as well. Eddie Obeid was the Minister for Fisheries, Steve Dunn was the director of Fisheries. We put the proposal to both of them and Steve Dunn said he could not do that because the scuba divers would be furious. That was one out, all out. On this marine park zoning where we are going into the consultation stage, we would push for having some form of closure during the aggregation time on a one out, all out basis.

CHAIR: What do you think about gear restrictions, for example, having to use circle tuna hooks and things like that?

Mr PARKER: As far as protecting grey nurse sharks?

CHAIR: Yes.

Mr PARKER: I am sceptical about the damage hooking of grey nurse does because a lot of years ago we used to bring grey nurse sharks in live and put them in Marineland at Manly, and I know how hardy the sharks are. Sure, there is an element of septicaemia with them but at the same time I have got it on video at home with Mooloolaba underwater centre with a captive breeding program on grey nurse sharks. If grey nurse sharks can breed in an aquarium in an enclosed environment, and they are talking about a grey nurse shark having six or seven pups in four or five years in an aquarium, why aren't they breeding in the wild, in their natural state? I put it to you because of the human impact of having hundreds of scuba divers trawling all over the top of them.

In their wisdom, I think Bill Talbot in his day asked for a code of conduct from the scuba divers and they said they would not dive on grey nurse aggregation sites during the night, between sunset and daylight. My question was the fact that they are nocturnal, whose daylight are we talking about, theirs or ours because it is two different situations? Anyway, they shook their head and walked away. In one of our submissions daytime being their night time, if you had a stream of people walking through your bedroom of a night time you would not get much sleep and you would not feel—

The Hon. RICK COLLESS: And you would not be breeding either.

Mr PARKER: Yes, you would not be breeding. In our submission we put it a different way: with the exception of porno movie stars, when they are trying to get down to business, who likes people in rubber suits with masks and blowing bubbles at them?

CHAIR: How would you go about protecting valuable breeding areas?

Mr PARKER: The fish?

CHAIR: Yes.

Mr PARKER: The first step is to identify them and I do not think there is very much known about where fish breed but they definitely, contrary to what a lot of people say, do not breed around the islands.

CHAIR: Nor up in the estuaries, in the mangroves?

Mr PARKER: A lot of fish do breed in the mangroves and probably the best example would be mulloway. When the professional fisherman was talking about the floods of last year, in May last year I was in Sydney and I was talking to Bob Carney about the decline in mulloway. Mulloway hit a brick wall in about two months and I do not know what happened. I spoke to Bob Carney and I said, "Would it be because of estuary trawling?" He said, "We've reduced the impact of estuary trawling so it is not estuary trawling." He said it is probably one of two diseases. He said because of poor water quality, which is a major issue in everything, it makes the fish susceptible to diseases and it is one of two diseases but we cannot identify which one. Last year we had four or five major floods on the east coast of New South Wales that flushed the estuaries out. You talk to any beach or rock fisherman down there, there are juvenile jewfish everywhere because they got flushed out of the confined environment and into the larger ocean environment and they survived. They got away from whatever was killing them, and jewfish will be on the road to recovery. Trouble is they are all that long at the moment.

CHAIR: The Hawkesbury River is a major mulloway breeding area, is it not?

Mr PARKER: I think mulloway breed right up and down the east coast of New South Wales, which is evidence in by-catch from prawn trawlers. Traditionally, they have caught small mulloway. When I talk small I am talking this long up and down the coast. At Coffs Harbour we have stopped trawling. In all your rivers, Hawkesbury is one of many.

The Hon. CHRISTINE ROBERTSON: Clarence.

CHAIR: Earlier we heard some evidence from the Catchment Management Authority about some of the programs it is running to try to improve inflows into not just the marine park but all coastal estuaries. Has your club in the past or would your club in the future become involved in projects that those people might run, even if it is offering technical advice?

Mr PARKER: We most definitely would. With a lot of these issues, the people have to—we are at Coffs Harbour and if they approach us, yes, sure, not a problem.

CHAIR: What about your club applying to a saltwater fisheries trust for some money and putting a project up and doing it with the Catchment Management Authority? Is your club capable of doing that?

Mr PARKER: At the moment we are currently going through two fishing licence submissions, one for signage at the boat ramp, one for cleaning tables at Sawtell headland. In the past we have gone through Waterways for improvements to Coffs Harbour boat ramp, which is quite notoriously bad. We have extended the plan, we have put bank stabilisation, we have put in pontoons.

The Hon. CHRISTINE ROBERTSON: Just got money, did it not?

Mr PARKER: I beg your pardon?

The Hon. CHRISTINE ROBERTSON: Did the boat ramp just get some extra money?

Mr PARKER: Apparently there is some money there for another set of pontoons through Waterways but I have not got confirmation. We applied for the signage at the boat ramp, which can be used by both the recreational fishermen plus council and divers into the bar at the entrance to the boat ramp and through the recreational fishing licence. I was going to apply for funding for another set of pontoons and I got told from one of the council guys that part of our submission, the request for money, had been granted, which the major part was another set of pontoons.

CHAIR: Do you believe there would be any cost efficiencies or operational efficiencies gained by merging the operations of the Marine Parks Authority and, say, the Department of Fisheries and maybe even some of the operational parts of Waterways?

Mr PARKER: I got involved in this marine park issue in 1996 and at that time the marine parks were to be taken over by the national parks on the terrestrial side. We argued extensively for Fisheries to have a role

in that. We believe that National Parks did not have the personnel—Fisheries did—to manage the marine environment. We got half a win but National Parks had half a loss in that the Marine Parks Authority was formed. Originally the Marine Parks Authority was supposed to be 50 per cent National Parks and 50 per cent Fisheries, which was going to be a blend of both because National Parks, at that time, had no-one with marine park expertise.

CHAIR: Now they have recruited all the fisheries officers.

Mr BODE: Yes. Now it has gone back but I think Fisheries have gone a bit funny at the top, too. I do not know why they handed it back but we fought pretty hard for Fisheries to get involved in that process and they did but they let it slip through their fingers.

CHAIR: We have heard evidence from the commercial fishing sector and it seems to me that we are hearing the same thing up and down the coast. When we talk to them they seem happy to talk to recreational fishers on a more formal basis, or at least on a local, cooperative basis. What is your attitude to getting together locally with the commercial fishers to get a uniform view of life?

Mr PARKER: We do that all the time. I get invited to social events with professional fishermen, not through the organisation—

CHAIR: So it is informal?

Mr PARKER: With the professional fishers being excluded from prawn trawling in the Solitary Islands Marine Park we endorse them. They should be able to prawn trawl in certain areas of the marine park. One of the issues is that at different times of the year the prawns are at different depths. In the summertime, they will have nowhere to go. That will put a void in their trawling life and it will impact them severely. That is one point the earlier witness missed.

I refer the Committee to the 2002 zoning of Sandy Beach headland. I was dealing with Andrew Reid and he was involved in fisheries protected areas—he is now chief executive officer of the Marine Parks Authority. They wanted to protect Look At Me Now Headland. When I asked why, they said that they wanted to protect the rocky outcrops coming off to the headland. I replied that we do not fish with dynamite. How would we impact on the rocky outcrops? It was ridiculous. We got through that okay because it did not make sense. They then proposed a 200-metre habitat protected zone. There is a traditional mackerel spearing spot in front of the headland. In our submission we proposed 800 metres because they dive 200 metres off the headland to start with. If they spear a big fish, the fish will make a criminal out of them. I said that with 800 metres we would have a win-win situation. If they made it 500 metres we would all walk away happy. That happened. So they do listen. However, the next major headland is Sandy Beach headland and they locked it up.

CHAIR: So there is no consistency.

Mr PARKER: As Eddie Obeid said, there was three and a half years of extensive and exhaustive community consultation process. I went to every extractive user group meeting and the only mention of locking up Sandy Beach headland was when someone said it would be a good line of sight to Groper. If line of sight constitutes science, I surrender. That is too good. We have given them a hard time ever since. I went on public record saying that they locked it up by stealth. Nothing was said to contradict me, so I believe I was right. Now they are talking about making it a habitat protected zone again. We have worked on it for seven or eight years to get it at the stage it is now. We have offered them an extension on the sanctuary zone on the outside of Groper. We have also offered them more area than we want access to and they included that area in the draft zoning and they are proposing to open up that part of the headland for six months of the year. It is on the southern side of the headland. The plan is to open it from January to June. However, from June onwards we get the north-easters and it is a fantastic side of the headland for fishing, but it will be closed. Effectively they took the area for 12 months.

CHAIR: Thank you for your evidence today. 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 may not have had the opportunity to ask of you today?

Mr PARKER: Most definitely.

CHAIR: Will you undertake to get them back to the Committee within 21 days?

Mr PARKER: Yes.

(The witness withdrew)

(Dinner adjournment)

KEN THURLOW, Chief Executive Officer, EcoFishers NSW, sworn and examined:

CHAIR: If you 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 response to those questions could be sent to the secretariat within 21 days of the date on which the questions are forwarded to you. Would you like to make an opening statement?

Mr THURLOW: I would like to thank the Committee for the opportunity to put some of the concerns and aspirations of New South Wales recreational fishers before you. I would also like to acknowledge the facilitation that the Committee staff member sitting on your right provided to me about getting here and updates on times and so on. I presume you have all seen the EcoFishers submission. I am prepared to talk to that and take questions.

The Hon. RICK COLLESS: EcoFishers has been highly critical in the media and elsewhere of the science that underpins what I think you described as the Cape Byron political party. Would you explain to the Committee your concerns and those of the Byron Bay community in that regard?

Mr THURLOW: I was appointed to the Cape Byron Marine Park Advisory Committee in about 2002 to represent recreational fishers. The burning question constantly asked through that committee was: Where is the science to justify this imposition on our local community? We did not have any science. It was very much a cart before the horse exercise. We did not have any science at all. Eventually, at one meeting, the Cape Byron park manager produced this document, which is called "A rapid assessment of the rocky shore biodiversity in the Cape Byron region". That was August 2003. Another witness has already alluded to that today. It was authored by Smith and James. The document is an insult to science, an insult to the local community and probably an insult to humanity. This was the document and this was the science that underpinned the zoning arrangements in the establishment of the Cape Byron Marine Park.

CHAIR: Can you table a copy of that document?

Mr THURLOW: You are welcome. I have no further use for it. It is a document that was hastily put together and perhaps the only honest thing in it is that it is called a rapid assessment. The alleged science that occurred was that these two scientists from the Marine Parks Authority examined four rocky area habitats for half an hour each. Each rocky inter-tidal platform was examined for half an hour and during that half hour they counted the number of plants and animals, which had been there for thousands of years. It took these scientists two hours to do their scientific investigation. It took them longer to write their report than to do the study. This is the document the community was presented with as justifying the Cape Byron Marine Park. There was no science in it at all. There is no comparative data, nothing whatsoever. It is just a list of plants and animals that occur on these inter-tidal rock platforms that the community knew were there anyway.

We hear these motherhood statements from the Marine Parks Authority that they found 510 species of fish in the Cape Byron Marine Park. There were 510 species of fish there before the marine park was even thought of. One colleague of ours counted them and did his masters degree 10 years before the Marine Parks Authority counted or found them. We knew about the soft and hard corals; we have known for generations. The Marine Parks Authority claims to have found them, but they were never lost. They have been there all the time. The science that underpins the Cape Byron Marine Park is no science at all. It is totally shonky, rubbery data. It was this that, when presented to the community, alienated the community initially from the Marine Parks Authority.

The Hon. RICK COLLESS: The Marine Parks Authority people gave us information today, and I presume you were in the gallery when they addressed us. We did not get a chance to ask them many questions. The question I pursued with them was about the peer-reviewed scientific papers that led to the proposed increase. It sounds like there is still no science. Is that your understanding?

Mr THURLOW: There is some science from the Solitary Islands and it is an increase. Before the Solitary Islands Marine Park the specific area was an aquatic reserve, so it has been a protected area for about 13 to 15 years. Over that 15-year period in the Solitary Islands Marine Park there has been a marginal increase in

the number of red mowong in one specific site and a marginal increase in the number of mud crabs on the sand and river. That is some of the science done by a Southern Cross University scientist, Danny Butcher. A marginal increase in the number of red mowong is not a benefit in my view, it is a marginal increase. If the red mowong population went from 312 fish to 320 fish after 15 years of the area being locked up that is certainly not a benefit in terms of conservation or to the taxpayers of New South Wales.

The Hon. RICK COLLESS: In your submission you talk about three case studies outlining actions that your organisation has taken in an effort to address the Fisheries policies. You are critical of the processes that need to be undertaken to bring these issues to the attention of the appropriate persons. How would you like to see that consultation process improved and streamlined?

Mr THURLOW: It needs to be fast-tracked. In the case of the mullock issue, I do not know whether this is coincidence or not, but late on Friday afternoon I had a phone call from Fisheries advising me that this week they were establishing a mullock recovery committee. It is to meet for two days this week at Fisheries to look at the issue, assess the problem and pose solutions. It may have been totally coincidental that I received that phone call from Fisheries late last Friday afternoon. They would not have known I was appearing here today, would they!

The Hon. RICK COLLESS: In relation to the mullock recovery committee, that would indicate mullock is listed as a threatened species. Is that correct?

Mr THURLOW: No, it is not listed as a threatened species. At the moment it is described as "recruitment overfished". There are degrees of recruitment overfishing. All the classifications of overfishing have degrees. The worst is recruitment limit. We have not yet reached that stage with mullock. It is recruitment overfished, the alarm bells are ringing and the red lights are flashing and the biologists and scientists are concerned that we are down to between 20 and 30 per cent of brood stock left. Since that science was done, in the last 18 months we have had good reports of juvenile mullock from three or four areas up and down the coast. Initially I thought that was a bad sign. I thought perhaps the stock was now recruitment limited and all we were seeing was juvenile mullock. Perhaps it is a good sign because we have had a couple of wet summers and fisheries are a boom or bust business.

Mullock stocks spawn offshore and a sexually mature female mullock would probably lay eight million eggs. She is not sexually mature at 45 centimetres. The fertilised eggs become part of the plankton and the unfertilised eggs sink to the bottom and are not accountable. Some of those fertilised eggs develop into zygotes and some of those zygotes find their way into estuaries and that is dependent upon current, wind, tide, water temperature, phase of the moon—all these environmental conditions. Some estuaries are better than others. There are three prime mullock estuaries in New South Wales: the Hawkesbury-Nepean system, the Hunter and the Richmond, strangely, which empties into the sea at Ballina.

What determines a good mullock estuary is a shrimp called the mycid shrimp, which is a tiny shrimp that is the basic food for juvenile mullock. Mullock grow very quickly. Within two years they are about 70 centimetres long. The mycid shrimp lives in deep holes in the estuaries. Juvenile mullocks have to find this habitat and live on the mycid shrimp. They are weaned off the mycid shrimp when about 30 centimetres long and they started to feed on juvenile prawns in the estuary. The biology of the prawn is that they go to sea to mature, so it is a life cycle of 12 to 18 months. The juvenile mullock, not surprisingly, follow the prawns to sea. Commercial prawn trawlers target prawns on the phase of the moon when they run to sea to spawn.

Inadvertently, they catch many juvenile mullock. This was the issue that we were concerned about, and there were no escape mechanisms in the quarantine of trawl nets. There still aren't and they are not mandatory at this stage until March next year I think. Tonnes and tonnes of juvenile mullock are being inadvertently caught as by-product. They are very soft. It is no use putting them back out once they come out of the quarantine; they are squashed, they are dead and so on and so forth. So our proposal was to have a Nordmore type escape device in quarantined net. It did not have to be a Nordmore grid. It can be just square mesh panel where juvenile fish can get out of. That is the life cycle basically of the mullock. They grow very quickly

The Hon. RICK COLLESS: Before I asked you about the mullock specifically and you started to talk about snapper, I think.

Mr THURLOW: Yes, snapper. In 2002 the Minister then promised in the review of the—

Mr IAN COHEN: Was that Obeid?

Mr THURLOW: Is it relevant who it was?

Mr IAN COHEN: Yes.

Mr THURLOW: Okay, it was Macdonald. My friend.

The Hon. LYNDA VOLTZ: Ian's, too.

Mr IAN COHEN: Something we have in common.

Mr THURLOW: I am sorry, I missed your comment.

CHAIR: They are just playing games. Please continue.

Mr THURLOW: In 2002, the review of the schedule of legal lengths and bag limits, we have a problem with snapper. Queensland has a legal length of 35 even though it is the same stock that we share on the east coast. The proposal was at that stage, prior to 2002, snapper were 28 centimetres long, the legal length. We thought they should go to about 35 because at 35 centimetres legal length, 90 per cent of the stocks are sexually mature and that is a good cohort to have in the biomass. So we put this submission up and discussed it with the Minister, and he gave us an undertaking that there would be annual adjustments to the legal length of snapper. They would go from 28 to 30, they would go to 32 and then in the last year to 35. So over a period of three years snapper legal length would go to 35 centimetres. They went from 28 to 30 and that is where they have stayed since. And we have heard all sorts of myths and reasons about why: it did not suit the commercial industry and so on and so forth. And we heard the same myths about the mullock, that the commercial blokes would not support it. But we have never had any hard data from the commercial fishermen that they would.

It seems to me that this is occasionally deliberately wedge politics between the recreational and commercial fishers, and we heard it here again this afternoon from the National Parks service witness who said that lots of submissions from the recreational fishers wanted prawn trawling banned from the Solitary Islands Marine Park. We have Frank Sartor, in announcing the changes to the zoning plan of the Solitary Islands Marine Park, saying that most recreational fishers will be pleased to see the prawn trawlers kicked out of the Solitary Islands Marine Park. It is this wedge politics, playing one side against the other, that does not do either industry very good.

The Hon. RICK COLLESS: What is Ecofishers' view of the prawn trawling in Solitary?

Mr THURLOW: I enjoy my prawns as much as anyone else. They have been trawling there for at least 100 years, all along the east coast of New South Wales. The damage that may be perceived as already been done, if there is any damage at all, and we hear about the overseas study from Sally Barnes and goodness knows what. Information and scientific studies from overseas are totally and utterly irrelevant. Unless there is site-specific science done in the Solitary Islands Marine Park it is not relevant to the prawn trawl fishery in the Coffs Harbour Solitary Islands Marine Park. As far as I know, none of that has been done. They continue to cite overseas studies. It is irrelevant and mischievous on occasions.

Mr IAN COHEN: You are the CEO of the Ecofishers organisation. Can you describe the membership? Is it State or national?

Mr THURLOW: Is it?

Mr IAN COHEN: State or national, local? What does Ecofishers stand for and what are your membership numbers?

Mr THURLOW: I got three questions. We are in two States. We are in New South Wales and Queensland now. Membership, I think at last financial year it was 20,000 in New South Wales. What was the third point?

Mr IAN COHEN: I just asked whether it is State or national.

Mr THURLOW: It is bi-State.

Mr IAN COHEN: I will ask an extra question just to clarify it. Do you have any political affiliation?

Mr THURLOW: None whatsoever.

Mr IAN COHEN: Is it purely a recreational fishing organisation?

Mr THURLOW: We are described as a lobby group but we are made up of family recreational fishers.

Mr IAN COHEN: You state that the Government has alienated the community. It is your community, it is my community so we know a little bit about it.

Mr THURLOW: Only part of it is your community.

Mr IAN COHEN: And part of it is yours. You did state—

Mr THURLOW: The local part. Mr Cohen, the local part of the community is mine.

Mr IAN COHEN: Do you mind? The what?

Mr THURLOW: I do mind.

Mr IAN COHEN: The local, did you say?

Mr THURLOW: If you had not been talking over the top of me you would have heard what I said.

Mr IAN COHEN: I am here to ask the questions.

Mr THURLOW: The local part of the community.

Mr IAN COHEN: The local part of the community, okay, thanks.

Mr THURLOW: I did not arrive in the 1980s.

Mr IAN COHEN: You stated that the community is alienated from the Marine Parks Authority, quite clearly, and you stated that the park has been designed on political lines rather than scientific—

Mr THURLOW: I did not say it had been designed on political lines.

Mr IAN COHEN: Correct me—what did you say?

Mr THURLOW: I did not say that at all. I called it the political park.

Mr IAN COHEN: A political park. What do you mean by political park?

Mr THURLOW: You have seen the site? You have not seen the site. If you get a chance to read the science that underpins it, there is no scientific reason for it. There is no social reason for it. There is no economic reason and there is very little environmental reason. I refer you to a copy of the guide from the Marine Parks Authority with the habitat map that I gave the gentleman at the front.

Mr IAN COHEN: We have the habitat map. I would like to refer to that if I could.

Mr THURLOW: Please do.

Mr IAN COHEN: If you are saying it is purely political and there is no science behind it, I am just interested, for example—I might be agreeing with you, Mr Thurlow—

Mr THURLOW: That would be most unusual.

Mr IAN COHEN: The area around the Cape Byron lighthouse, you have the habitat protection zone hugging that piece of coastline. Is that a political statement?

Mr THURLOW: That habitat protection zone around the cape—

Mr IAN COHEN: Yes.

Mr THURLOW: If you go to the northern boundary of that, the first 200 metres is unusable. It is precipitous cliff and it is inaccessible. What else did you want to talk about?

Mr IAN COHEN: What is that habitat protection zone there for? Is that not to allow recreational fishers to participate in what would otherwise be a sanctuary zone?

Mr THURLOW: It is to allow some recreational fishers. That is called Tallow Beach. Is that the area?

Mr IAN COHEN: No, I am talking about the little area right around what is sort of in the sanctuary zone, which is like a little grub shape around that cape.

Mr THURLOW: Are you talking about the Bream Hole?

Mr IAN COHEN: It is above Cape Byron lighthouse.

Mr THURLOW: The Bream Hole at Wategos.

Mr IAN COHEN: I am looking at the line on the map. Can you see the line on the map? Then we have got—

Mr THURLOW: Can I have a look at what he is referring to? If you used local names you would know what we are talking about.

Mr IAN COHEN: I am referring to that section there.

Mr THURLOW: That is the Bream Hole. If you used local names I would know what you are talking about.

Mr IAN COHEN: I do not need to be corrected and abused by you. I am just trying to get to a few points.

Mr THURLOW: Mr Chairman, I did not think I was abusing him. I thought I was asking him to use local names.

CHAIR: Just get on with the questioning.

Mr IAN COHEN: Then down at Broken Head—

Mr THURLOW: What was your question about the Bream Hole?

Mr IAN COHEN: I am adding them together. I am trying to do it quickly so that I do not waste your time.

Mr THURLOW: The habitat protection zone at the Bream Hole is a finger of rock that is less than 100 metres—

Mr IAN COHEN: And there is no fishing allowed. I have seen fishers there. Fishers have been out there fishing.

Mr THURLOW: Do you want to hear my answer or do you want to supply the answer? You have asked me a question. It is a finger of rock that is less than 100 metres long. It is less than from me to you wide. Three fishers on that—

Mr IAN COHEN: Not according to this map.

Mr THURLOW: The map is wrong then. Three fishers on that in a good tide in good sea condition is a crowd.

Mr IAN COHEN: So you are saying that people do not fish on that?

Mr THURLOW: I did not say that at all.

Mr IAN COHEN: Can I just take you back—

Mr THURLOW: I said three fishers.

Mr IAN COHEN: Can I take you down to Broken Head and there is the excision of the sanctuary zone at the north end. Is that just purely political? That is allowing people to fish off the rocks at Broken Head. Also at the south end of the reserve there is also an area that allows people to fish on the coast just north of snapper.

Mr THURLOW: Called Jews Point.

Mr IAN COHEN: Yes, the Jews Point across. Are they purely political decisions?

Mr THURLOW: It could be an economic one because I understand the Broken Head Caravan Park now has been alienated to the Bundjalung people and they derive an income from the caravan park which is sited there at Broken Head. So they would lose a lot of custom, I would imagine, if they were not able to fish there.

Mr IAN COHEN: They put that—it was the Bundjalung or the Arrakal people who supported the fishing in that area way before they got the caravan park. All I am saying is that these positions have advantaged recreational fishers to give them a fair go. Is that correct?

Mr THURLOW: No, that is incorrect.

Mr IAN COHEN: So you are disagreeing with those—

Mr THURLOW: There was no disadvantage there—

Mr IAN COHEN: Do you disagree with those fishing spots?

Mr THURLOW: This is no advantage in—

Mr IAN COHEN: Are you happy to have those fishing spots removed?

Mr THURLOW: Do you want me to answer your question or do you want to continue talking over the top of me?

Mr IAN COHEN: I said: Do you want to have those fishing spots removed? You do not see any advantage.

Mr THURLOW: In relation to your question about advantage, there is no advantage to those spots for recreational fishers. The first one at Broken Head is a popular surfing spot. Fishers and surfers do not mix.

Mr IAN COHEN: No, they fish on the other side of the headland.

Mr THURLOW: With regard to the other one at the southern side, down around Jews Point, it used to be a favourite fishing spot. It is now locked up.

Mr IAN COHEN: That is not true.

Mr THURLOW: It is.

Mr IAN COHEN: It is not locked up.

Mr THURLOW: It is locked up.

Mr IAN COHEN: They still fish there.

Mr THURLOW: Yes.

Mr IAN COHEN: The sanctuary zone sign is on the north side and the fishing sign is on the south side.

Mr THURLOW: Yes.

Mr IAN COHEN: They still fish there.

Mr THURLOW: We are not allowed to fish on the northern side where we traditionally fished—

Mr IAN COHEN: No, you have traditionally fished to the south side.

Mr THURLOW: —and that is the good spot. Are you a fisherman?

Mr IAN COHEN: I observe fishermen on a regular basis.

Mr THURLOW: I have fished there all my life.

The Hon. LYNDA VOLTZ: You talk about subtropical and temperate separate bag limits and red rock—

Mr THURLOW: For some species.

The Hon. LYNDA VOLTZ: Are there any other species other than the red rock cod that you would change if you were looking at a temperate and subtropical zone?

Mr THURLOW: During summer kingfish in our area have a parasite that turns the flesh milky. It only happens in warm water. So kingfish are useless to recreational fishers in the summer. We do not keep mowong.

The Hon. LYNDA VOLTZ: Would you drop the bag limit in the summer?

Mr THURLOW: We do not bring kingfish home. They are mushy.

The Hon. LYNDA VOLTZ: Would you change the kingfish—

Mr THURLOW: They are mushy.

The Hon. LYNDA VOLTZ: —bag limit? I am asking about bag limits.

Mr THURLOW: Yes, for kingfish and mowong.

The Hon. LYNDA VOLTZ: So you would lower the limit for mowong and kingfish in summer and subtropicals?

Mr THURLOW: No. Mowong do not have the same parasitic infestation in the summer. If I could whisper I would say that some fishermen call them "mother-in-law fish". They are not a good table fish, we do not catch a lot and we do not bring them home.

The Hon. LYNDA VOLTZ: So you would have no catch limit.

Mr THURLOW: No, you could have a bag limit of 10 or 20.

The Hon. LYNDA VOLTZ: So you would increase the bag limit—

Mr THURLOW: Increase the bag limit, but to compensate you might reduce the bag limit on snapper to perhaps five.

The Hon. LYNDA VOLTZ: In subtropical or temperate areas?

Mr THURLOW: In both.

The Hon. LYNDA VOLTZ: I am trying to understand you. What would be the bag limits for subtropical and temperate areas, other than the cod—

Mr THURLOW: Take red rock cod—

The Hon. LYNDA VOLTZ: Other than cod.

Mr THURLOW: Mowong and kingfish in the summer in subtropical areas.

The Hon. LYNDA VOLTZ: You have provided a list of different things that you think have an impact on fishing stock. What would you say has the greatest impact on fish stocks?

Mr THURLOW: Pollution in all its forms.

The Hon. LYNDA VOLTZ: Is that from agriculture or—

Mr THURLOW: It can be from agriculture. It can also be sediment from agricultural practices and it can be agricultural chemicals. It is pollution in all its forms. We have stormwater intrusion in all of these marine parks. Stormwater intrusion causes osmotic shock. Large volumes of freshwater spew into the government marine park and it kills and impacts on the biodiversity and the ecosystems. Not one of these stormwater outlets is filtered.

The Hon. LYNDA VOLTZ: Are they mainly from urban development or is it rain in other areas flushing down river systems?

Mr THURLOW: Both, but mainly from urban areas. There is also dog faeces, paint, oil, grease, lawn clippings, plastic bags and so on.

The Hon. LYNDA VOLTZ: Would you limit urban development along the coast?

Mr THURLOW: No, I would filter the stormwater and then divert it through a sewerage treatment plant and use it for watering parks and gardens, washing cars, paved areas and those sorts of things. Councils could use it. We get a lot of rain, so you would be able to use it all the time. It is a resource that needs to be utilised. The spin off would be to prevent stormwater intrusion into the marine park.

The Hon. LYNDA VOLTZ: A local cooperative representative gave evidence earlier and spoke about the difference in catches, particularly of prawns. A number of witnesses have presented evidence about prawns, particularly in estuaries. Evidence has also been presented about the shelf off the New South Wales coast, the different topography of our sea and runoff that creates different fish stocks. Do you have a view about that?

Mr THURLOW: About what?

The Hon. LYNDA VOLTZ: About the different fish stock in New South Wales as opposed to Western Australia, New Zealand and—

Mr THURLOW: Yes, we have a narrower continental shelf and the population on the east coast, particularly in New South Wales, is much greater than on the west coast of Australia. Were you also referring to New Zealand?

The Hon. LYNDA VOLTZ: Yes.

Mr THURLOW: New Zealand is a newer country and it has a much larger continental shelf. It also has a greater mixture of temperate water, which is plankton enriched and nourishes all the ecosystems. Ours is an old country with a short continental shelf. However, our fish stocks are marvellously resilient. I could show the Committee some of the damage that is done by fish kills in the rivers every couple of years. The last one happened in 2008. This sort of thing happens in floods. The photograph I have provided shows part of the 32 tonnes of fish that was removed from one specific area of the Richmond estuary. That is the tip of the iceberg. That was what was washed up onto the shore. It is impossible to measure how much was washed out to sea, eaten by predators and so on. But 32 tonnes of product is more than the local commercial fishers put through the co-op annually. That happens in a flood.

The Hon. LYNDA VOLTZ: What did that do to the fish stock the next season?

Mr THURLOW: It decimated it, and the river is still recovering. We have had \$33 million splashed around—in fact, it is probably a lot more—on marine parks, but we are not addressing the real problems. We have these Mickey Mouse marine parks with pink, yellow and blue zones, but we have dead fish every time there is a flood, and 32 tonnes of it from one bay on the Richmond River. We are kidding ourselves; we are not addressing the real issue.

The Hon. LYNDA VOLTZ: So you are saying that catchment management authorities are not doing enough upstream?

Mr THURLOW: Not nearly enough. It is probably because they do not have enough money. The resource cannot stand this sort of hammering every couple of years. The fish stocks are resilient, but you cannot keep killing.

The Hon. LYNDA VOLTZ: If the Government were to allocate more money to the catchment management authorities, what kind of investment do you believe is needed to address these problems in the waterways?

Mr THURLOW: Tens of millions of dollars over a long period.

The Hon. LYNDA VOLTZ: You have also raised the issue of Victorian—

Mr THURLOW: It also needs to go further than the catchment management authorities.

The Hon. LYNDA VOLTZ: Of course. There is also a question of recreational fishing and its worth to Victoria. I think you mentioned \$550 million in your submission.

Mr THURLOW: Victoria?

The Hon. LYNDA VOLTZ: You mentioned the amount that recreational fishermen contribute to purchase in Victoria. Was that in your submission?

Mr THURLOW: No. The 2009 study shows that recreational fishing in Victoria is worth \$2.9 billion annually.

The Hon. LYNDA VOLTZ: In New South Wales they spent more than \$550 million on fishing-related items. Has that figure changed?

Mr THURLOW: Of course it would have. That is 2002 or 2003 data. It would have changed significantly.

The Hon. LYNDA VOLTZ: Do you have any data on that?

Mr THURLOW: No, no recent data. But it would have changed significantly.

Mr IAN COHEN: Can you give your explanation of the fish kill?

Mr THURLOW: It is a multi—

Mr IAN COHEN: I am interested—

Mr THURLOW: Do you want me to answer the question or do you want to keep interrupting?

The Hon. CHRISTINE ROBERTSON: You are a rude man.

Mr IAN COHEN: I do not like interrupting, but I want to ask the question I want to ask. That is the role of this Committee. I am asking a question and if you get it, okay. I am not being destructive; I am actually being constructive. I do not want to go through the deoxygenation process. In terms of land use, is it a natural phenomenon or are there specific issues creating major fish kills? That is what I would like you to put on the record if you will.

Mr THURLOW: Is that the end of your question? You will not speak to me again for another 30 seconds?

CHAIR: Please just answer the question.

Mr THURLOW: Fish kills are caused by man's activities. One of the main reasons is that pasture grasses that we use in our farming practices, particularly paspalum and kikuyu, rot within 24 hours when submerged. That organic matter strips oxygen rapidly out of the water. The water sitting on the floodplain deoxygenates very quickly in a temperature above 25 degrees Celsius, which is the summer temperature. That deoxygenated water then drains into the river.

We also have what is called monosulfidic black sludge. That is the black toxic sludge that sits in agricultural and flood mitigation drains. All the flood mitigation drains are gated. Some of them are many kilometres long, many metres deep and up to 20 metres wide. The gates were installed to keep the floodwaters from invading the farmland. Somehow or other that was totally reversed so that farmers were managing the floodgates and keeping them closed to store water. Some used it to plant cane in September and some used it for watering stock and so on. The uses were many and varied. The water stagnates, bakes and becomes deoxygenated. It turns into acid sulfate soil and it is highly toxic. One drop will instantly strip the oxygen from a 10-litre bucket of water. As soon as we get a freshwater flood, the whole lot hits estuary and that causes fish kills. The fish cannot escape and monosulfidic black ooze is trapped and it kills them.

CHAIR: What alternative policies would you put in place to better manage marine biodiversity? How would you set up a marine biodiversity area?

Mr THURLOW: There are four main features we have listed after extensive consultation. They include repairing vegetation along all the creeks and rivers. I have talked to a group of farmers on the Manning River about this. They understand the issues and the problems and they are all willing. We cop the argument first of all that you cannot grow grass in shade and you cannot fatten cattle in shade. I understand that. However, because the cattle are accessing the creeks and riverbanks, they are eroding the banks. There is no vegetation there to keep the banks stable. As a result, every freshwater flood they lose some of their paddocks through erosion. The group on the Manning River that I spoke to are happy to fall into line with riparian revegetation, but they want to know who will pay. I told them that they are protecting a community asset, so the taxpayers should pay. They are happy with that. If they are asked to pay for restoring riparian vegetation, fencing it and providing offsite watering, it will not happen.

CHAIR: What else would you do?

Mr THURLOW: These are things that can be remedied easily in the next three or four years with the right funding and the right political will. There are 10,000 obstructions to fish passage in New South Wales and 10 centimetres is enough to stop a native fish moving from place to place. They include causeways, pipes that are too narrow and the velocity of water that has increased as it shoots through the pipes and so on. Some are simply fixed and some are not. But there are 10,000 obstructions to fish passage in New South Wales. They can be dealt with over four years. That is very important.

Wetland rehabilitation is probably the most important issue. That may involve buying back some country that has been drained for agricultural purposes and returning it to its original wetland state. That will cost money, but it is a very important issue. We have marginal country used for grazing and cane farming. You could not fatten a crow on some of it. It is best returned to wetland with native grasses that do not strip oxygen

out of the water and that do not rot when they are submerged. We should also provide filtration and address the wetland issues that they always have.

CHAIR: How would you handle a marine area once you get—

Mr THURLOW: Most of the problems are reflected in the marine area and most of the problems in the marine area start upstream. These big holes that juvenile jewfish live in with the mysid shrimp are being gradually filled in with sediment. The oceanic species of zostra has just been declared a threatened species. There is a beautiful patch of that in the corner of the bream hole at Lennox Head. There is a stormwater pipe in front of it. It is continually being smothered by sediment. The Marine Parks Authority does not do anything about it. It is a major nursery area for a marine species.

Water quality and sedimentation are the main issues with our zostra beds. We have two species of zostra: zostra australis and the other one, which is an estuarine species. We are losing our zostra beds at an alarming rate because of sedimentation. We have to stop the sedimentation.

CHAIR: Would you attempt to manage recreational and commercial fishing?

Mr THURLOW: It is well managed. Recreational fishers are managed by the schedule of legal lengths and bag limits. With every review the bag limits get smaller and the legal lengths get longer. We have had this for over a decade but nothing has changed. The fishery resource is still declining. We are not addressing the real issues. We have managed the fish and managed the fishers. Nothing has changed. It is still going down. Let us start remediating the habitat. That is what EcoFishers is on about.

CHAIR: We are out of time. Thank you for your evidence and we appreciate your time. Along with any questions you took on notice would you agree to receive additional written questions that members may not have had the chance to ask?

Mr THURLOW: Within reason.

CHAIR: Would you reply to those questions within 21 days of receiving them?

Mr THURLOW: Yes. The point about that habitat map is if you look at that map in relation to the zonings on the Government's marine park you will see that all the fish habitat is in sanctuary zones.

CHAIR: Thank you.

(The witness withdrew)

LLEWELLYN JOHN WILLIAMS, recreational angler, , affirmed and examined:

CHAIR: Thank you for agreeing to give evidence at such a late hour. If you 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 the fact and the Committee will consider the request. If you take any questions on notice today the Committee would appreciate it if the responses could be sent back to the secretariat within 21 days of the date on which the questions are forwarded to you. Would you like to make a brief opening statement?

Mr WILLIAMS: My statement will be very brief. You have no doubt read my submission. It was a one-page briefing note with several pages of substance to go with it. I would like to go further than I have but that is stage one of where we would like to be. I would also like to declare at this stage that I am the operator of the local fishing tackle shop, so I could be seen to have a monetary interest in what I say. I can only assure you that what I will present is the opinion of many recreational anglers who frequent my business. It is an accumulation of things over the last six and a half years that I have had the shop. There are a lot of injustices on the part of both groups, commercials and what we call shamateurs—recreational fishers who sell their catch. There needs to be some action on both sides.

CHAIR: There is nothing wrong with giving evidence as the proprietor of a business that relies on fishing. We have had evidence from whale watchers and dolphin watchers and from other retailers and bait sellers, so you are entitled to your position. Are you a member of a fishing club and can you tell us what prompted you to either join or not join a club?

Mr WILLIAMS: I am a member of four fishing clubs, one predominantly for deep-sea, two for competition and one because they needed the numbers.

CHAIR: Have you ever come into contact with a Fisheries compliance officer or a marine parks compliance officer and if you have can you tell us about the experience?

Mr WILLIAMS: I have fished in New South Wales for 25 years and I have never been approached by a Fisheries compliance officer.

CHAIR: Do you feel there are sufficient Fisheries compliance officers and Marine Parks compliance officers to properly police the coast?

Mr WILLIAMS: There are not enough Fisheries officers and there are probably too many Marine Parks officers. The only encounter I have had with officialdom was one day when I was fishing in the northernmost marine park, up from Minnie Water. I had my son with me and we had our quota of trag, five fish each, and were in the process of packing up to move to get away from those fish and try to catch another species. We had a large Marine Parks vessel cut across our bows, which made it impossible to go forward to retrieve the anchor. One of the officers on board, the guy at the helm, challenged me as to why I was in a hurry. I said, "No hurry, pal, we're just leaving." He said, "Do you know where you are?" I said, "In relation to the marine park?" He said, "Yes." I said, "I should be about 40 metres east of the boundary." He looked at his GPS and said, "More like 20." I said, "So, you're confirming I'm not in the marine park?" He said, "Yes." I said, "Good, get your boat out of my way."

I have had several reports—I will call them reports but it is all anecdotal stuff that comes over the counter at the shop—of aggression on the part of Marine Parks officers, in those terms. They have actually boarded boats and inspected the catch, which is outside their brief, I understand. They are there for marine parks compliance, not for fishing compliance. Issues like that do not get reported except to me. That is why I am here.

The Hon. TONY CATANZARITI: Your submission discusses the use of shoot nets by commercial fishers in the Clarence River during the June to August recreational fishing closure. Can you tell us about the impact this activity has on fish stocks and aquatic environments, and also on your particular business?

Mr WILLIAMS: The terminology you need is diver nets, not shoot nets. Shooting is the process by which diver nets, or any net, are deployed. Diver nets, if you are unfamiliar with them, are approximately 2.5 metres deep and weighted heavily to the bottom, and there is a float line at the top that suspends them. In June,

July and August, which is the focus of my submission, they are deployed from sundown to sunup in the Clarence, but nowhere else.

The Hon. RICK COLLESS: Are they stationary in the water?

Mr WILLIAMS: They are stationary in the water; they are anchored at each end. Compliance in the Clarence says they have to have a white float clearly marked with their identification, of 150 millimetres radius. They deploy a net—they can have up to 1.4 kilometres of net. If they have three nets of 450 metres they are deployed in such a way as to make a chicane for the fish to pass through. That is one guy setting three nets. Another guy two miles down the river sets three nets et cetera. How there are any bass left at all is a miracle. If you and I go and fish we have a bag limit of two, which obviously indicates the species is under some pressure. Most of the fishermen are catch-and-release these days, specifically with bass, because the pressure on the species is obvious.

In the Clarence, which is the only reference I can give you, several clubs conduct catch-and-release outings. I run the fundraiser each year up at Copmanhurst. We have a two-day fishing competition, which is catch and release immediately. It is catch, measure, record and release and the data is recorded on sheets provided by Fisheries. They are compiled into a spreadsheet and forwarded to Fisheries. Danielle Gosson is the lady I deal with at Cronulla. The effect of the nets on my business is the same as the effect they have on every other tackle shop outlet.

The Hon. TONY CATANZARITI: I am sorry, I might have misled you. What I meant as far as your business is concerned is the closure during those months from June to August.

Mr WILLIAMS: How the closure affects me?

The Hon. TONY CATANZARITI: The closure for bass from June to August.

Mr WILLIAMS: The zero bag limit on bass affects my business in no way. People still fish. Last year with the flood was a different set of circumstances. There was an overwhelming amount of bass downstream, at Maclean and further down. Bass came down from everywhere with the flood and people caught them. It was as simple as that. You go fishing for bream and you come up with a bass, take the hook out and let him go. It is the same with the bream; they take the hook out of the bream and let them go most of the time. The closure has nil effect on my business.

The Hon. TONY CATANZARITI: Can you approximate the number of commercial fishers who use these nets in the Clarence River?

Mr WILLIAMS: I cannot tell you how many deploy diver nets. I can tell you that the last solid data I had, which was several years ago, showed there were 45 active net fishermen and the qualification on activity was to return one catch a month over a continuous six-month period.

CHAIR: Is that the qualification to retain the licence?

Mr WILLIAMS: No, the qualification to be deemed active in a statistical sense. They have to qualify as active or inactive.

The Hon. TONY CATANZARITI: Is commercial or recreational fishing more economically viable for your area?

Mr WILLIAMS: At this point in time I would say the viability of commercial fishing in the Clarence is declining and will continue to decline as long as there is open season throughout the year. Commercial fishermen do not have a lot more foresight than their next co-op cheque. If it is there to catch they will catch it and sell it and take the money. They are largely operating within the rules as the rules apply at the moment, with the exception of black market fish. That is another subject. If the nets were excluded for the three months of June, July and August the side benefits would be the breeding of other target species that they net. A previous witness testified that jewfish breed at sea. They may breed at sea but they certainly aggregate in the river before breeding. Again, this is anecdotal evidence but there was a six-tonne jewfish kill. One shot with a net in the north arm downstream from the bridge. It took place about five years ago. Six tonnes of mature 10 to 15 kilo fish, full of roe, were processed and sent to market, and they got the princely sum of \$3 a kilo because they

glutted the market. That was billions of eggs that never got the chance. While ever nets are allowed to target breeding aggregations—nets, trawlers, traps, whatever you want to call it—while ever there is commercial activity on breeding aggregations you cannot expect an increase in fish numbers.

The Hon. CHRISTINE ROBERTSON: The issue in relation to inadequate Fisheries officers and comparing them with Marine Parks officers, we have had evidence that both of them utilise each other's legislation. They have a regulatory deal that the Marine Parks officers can deliver on Fisheries issues. But the kind of issue that you are asking us to consider in the Clarence is about Fisheries officers?

Mr WILLIAMS: Indeed.

The Hon. CHRISTINE ROBERTSON: Because they would not be—

Mr WILLIAMS: Nothing to do with marine parks in estuarine.

The Hon. CHRISTINE ROBERTSON: Can you tell us how many Fisheries officers are based in the Clarence?

Mr WILLIAMS: To the best of my knowledge, there are three at Maclean. They are expected to cover an area from Yamba to Baryulgil, way upstream past Copmanhust. They are also supposed to cover the fishing ban in the Mann and Nymboida river systems. That takes places into August, September, October. There is a complete ban on fishing of all forms in those river systems. I suppose you are aware of that. They are supposed to cover that. Off the record—

The Hon. CHRISTINE ROBERTSON: That is for breeding times.

Mr WILLIAMS: It is so that there is no disturbance to the breeding of the cod.

Mr IAN COHEN: Everything is on the record here. Sorry to interrupt. You said "off the record". If you want to put something off the record—

Mr WILLIAMS: Sorry, my information has been obtained off the record.

Mr IAN COHEN: I was just trying to give you the right in terms of—

Mr WILLIAMS: No, anything I say you can take down but the information I have been given, some people do not want their names mentioned.

The Hon. CHRISTINE ROBERTSON: So he is not saying that.

Mr WILLIAMS: Sorry, I have lost my thread now.

The Hon. CHRISTINE ROBERTSON: We were talking about the work of the Fisheries officers.

Mr WILLIAMS: I spoke to a Fisheries officer, who wishes to remain anonymous, with regard to policing that ban in the Mann and Nymboida river system. He said last season they were up there once.

The Hon. CHRISTINE ROBERTSON: This is the netting that picks up the breeding?

Mr WILLIAMS: No, all forms of fishing are banned from the junction of the Mann River and in the Clarence above the gorge, for the length of the Mann River until it joins with the Nymboida River, through the length of the Nymboida River to Platypus Flat, where upstream of Platypus Flat it becomes a Coffs Harbour office issue. But those three guys, and if there are three down at Maclean, those three guys are supposed to cover the entire Clarence, Mann, Nymboida.

The Hon. CHRISTINE ROBERTSON: Very hard for them to be up in the bush when they are busy down pulling me up to see if my fish are the right size.

Mr WILLIAMS: Not hard. It is absolutely impossible.

The Hon. CHRISTINE ROBERTSON: That is what I mean.

Mr WILLIAMS: If they had three times the staff down there they would still be overworked.

The Hon. CHRISTINE ROBERTSON: So your issue about the netting and the bass, is that mostly for mullet?

Mr WILLIAMS: I do not know. I am not there when they shoot the nets. I do not know what species are present.

The Hon. CHRISTINE ROBERTSON: Did you have anything you wanted to add to the earlier evidence from Mr Flynn and Mr Spies in relation to this issue? They told us about the bass issue. Was there something you wanted to add?

Mr WILLIAMS: The only thing that was missing was the amount of fish that do not return after their migration. As I said, with this fishing competition we raise a bit of money and we are a small contributor to the research program that has been undertaken by Mr Butler, who is present. He puts acoustic tags into fish.

The Hon. CHRISTINE ROBERTSON: How do you tell if a fish has an acoustic tag?

Mr WILLIAMS: There is an external tag also.

The Hon. CHRISTINE ROBERTSON: Okay, they can visualise it.

Mr WILLIAMS: The acoustic tags are implanted surgically by a veterinarian and then the external tags are placed for easy identification.

The Hon. CHRISTINE ROBERTSON: And you feel that a few of the fish with tags are disappearing for no reason.

Mr WILLIAMS: At least 20 fish disappeared last season, last migration, because there are 20 tags that went missing. Mr Butler tells me that he had one returned from a commercial fisherman and one returned from a recreational fisherman, but during that migration the slaughter of bass was prolific.

The Hon. CHRISTINE ROBERTSON: In your fishery shop do you have information like the saltwater and freshwater regulations—

Mr WILLIAMS: I do.

The Hon. CHRISTINE ROBERTSON: —and marine park regulation. Where are they in your shop?

Mr WILLIAMS: In the shop they are stored in cartons. They are not on display.

The Hon. CHRISTINE ROBERTSON: They are not displayed.

Mr WILLIAMS: Marine park information is fairly readily available but I have made a few approaches to Fisheries for booklets, distribution material which has been declined because I am not a vendor of fishing licences.

The Hon. CHRISTINE ROBERTSON: I did not know it was a different thing.

Mr WILLIAMS: It is not. Fishing information should be readily available to all tackle shops, whether they sell licences or not.

The Hon. RICK COLLESS: Is it your choice not to sell licences?

Mr WILLIAMS: Yes. It is my choice. I was threatened with litigation; some years ago I had a junior working for me who would simply write out licences. He wrote the wrong date on one. That licence was the

16th, that licence was the 16th, that one was the 15th, please explain. Do you realise you can be prosecuted as the licensing agent, et cetera? I said fine.

The Hon. CHRISTINE ROBERTSON: We are trying to work up a recommendation. We have discovered that access to information for recreational fishers who are not attached to clubs is through tackle shops.

Mr WILLIAMS: Sure. Especially when I am the only one in town.

The Hon. CHRISTINE ROBERTSON: Does this mean that we have to make Coles and Woolworth's supply it? I am thinking about how you would do a recommendation that is of use. Is it open to you not—

Mr WILLIAMS: I believe in some Kmart shops you can actually buy a fishing licence. I am not 100 per cent certain on that.

The Hon. CHRISTINE ROBERTSON: No, I am not talking about fishing licences. I am talking about access to books.

Mr WILLIAMS: Access to books.

The Hon. CHRISTINE ROBERTSON: Kmart does not sell fishing licences, does it?

Mr WILLIAMS: I am almost certain I have heard that.

The Hon. CHRISTINE ROBERTSON: We will look at it.

Mr WILLIAMS: Farmer Lou's in town here is a greengrocer and it is the only retail fishing licence outlet in Grafton.

The Hon. CHRISTINE ROBERTSON: So they tried to get someone after you said no.

The Hon. LYNDA VOLTZ: That is so you can get your chips to go with your fish.

Mr WILLIAMS: Well spotted.

The Hon. CHRISTINE ROBERTSON: Forgetting about the licence and your fight and all that stuff, it is still important that the tackle shop has the booklets.

Mr WILLIAMS: Sure, and I insist on getting them.

The Hon. CHRISTINE ROBERTSON: You did get them?

Mr WILLIAMS: I do. I say, "What is your boss' name?" and things like that. And it works. Just recently I have had a carton of saltwater books, a carton of freshwater books, a bundle of measuring stickers, crab measures that I have not had forever. I have had the shop nearly seven years and I have not had a crab measure, and all of a sudden a box full of them turns up.

The Hon. CHRISTINE ROBERTSON: I have never seen one.

Mr WILLIAMS: I should have brought you one.

The Hon. LYNDA VOLTZ: Do you think there should be recreational fishing licences?

Mr WILLIAMS: Yes.

The Hon. LYNDA VOLTZ: The system works?

Mr WILLIAMS: Yes, I do not have a problem with it.

The Hon. LYNDA VOLTZ: With regard to the Marine Parks Authority enforcement officers, I imagine the Fisheries enforcement officers are doing that enforcing all the time and the Marine Parks Authority guys are only doing enforcement or are they doing other things?

Mr WILLIAMS: I have only had one personal encounter with the Marine Parks guys. When Brett Vercoe from the Coffs Harbour office comes into my shop he brings me boxes of maps and updates me on little bits and pieces that are going on.

CHAIR: Ex Fisheries officer, is that right?

Mr WILLIAMS: Something of that nature.

The Hon. LYNDA VOLTZ: With regard to the bass fishing, we have had a lot of evidence, but was it today we had someone saying that there had been a prosecution for bass fishing with the nets in the river? Is that right?

Mr WILLIAMS: Yes. Fisheries made the prosecution.

The Hon. LYNDA VOLTZ: Is that the only prosecution you know of recently.

Mr WILLIAMS: Recently.

The Hon. LYNDA VOLTZ: Has that alleviated the problem or do you think it is ongoing?

Mr WILLIAMS: It is definitely ongoing. That prosecution—

The Hon. LYNDA VOLTZ: You do not think it was just one individual operator.

Mr WILLIAMS: To correct it, it was not a prosecution. It was an on-the-spot fine. In my submission—you have a copy of that. I was the instigator of that report. One of my customers wanted to remain anonymous. He gave me the images, bluetoothed from the phone. I reported it to Fisheries. Fisheries investigated, made the report, came to me and said, "Who did it?" I told them who I thought did it. They went and checked on him two days later and caught him with bass on board his boat and they gave him an on-the-spot fine.

The Hon. LYNDA VOLTZ: Is it just the nets that you would like to see removed from the river?

Mr WILLIAMS: I would like to see all commercial fishing gone out of the estuary. There is no justification for killing breeding stock annually.

The Hon. LYNDA VOLTZ: The previous people who came and other people have raised the point that it is not the commercial and recreational fishing that has impacted on the stock. Would you disagree with that?

Mr WILLIAMS: Yes.

CHAIR: What do you think about ACoRF?

Mr WILLIAMS: I do not know who ACoRF is.

CHAIR: Interesting, and you run a fishing business.

Mr WILLIAMS: Yes.

CHAIR: The clubs that you are a member of, are they members of larger associations that you are aware of?

Mr WILLIAMS: Yes. Grafton anglers is part of the New South Wales Fishing Clubs Association, New South Wales FCA. I am also a member of the ABT, which is a competition Australian bass bream barramundi tournaments.

CHAIR: Are they a member of ANSA or something like that?

Mr WILLIAMS: I have no idea. I have not looked at their memberships.

CHAIR: How well represented do you think recreational fishers are in New South Wales in terms of their access to forums, access to the Minister and their ability to influence policy?

Mr WILLIAMS: Very poorly. I have been on this little hobby horse for a little while now. I wrote to the Minister several times. The secretary of the big river bass fly fishing club wrote on the same issue but at a different time. He got back the same letter, word for word, dated 14 days differently to mine. There is just no response. There is no way as an individual I can put something to the Minister, even to have him hand that off to them and they hand it off and they hand it off, and still get a personalised answer. That just does not happen. I probably will not talk over you.

Mr IAN COHEN: Thank you, I appreciate that. Nothing like a bit of dialogue. A couple of things just to add to what you have already said. You mentioned shamateurs on the Clarence. What are we looking at there? Are we looking at individuals just casting a line and selling locally? Are we looking at netting as well? How big an issue is it? I know cumulatively it can have an impact even if it is just someone throwing a line out and selling locally. Where are they selling?

Mr WILLIAMS: I cannot give you a specific answer. If I knew the information I would certainly pass it on. What I can tell you is that this fish waste—you have not seen this?

The Hon. CHRISTINE ROBERTSON: It is in your pages.

Mr WILLIAMS: It is in there. Those little white specks there are bass frames and they are a considerable size. The fillets from those, I would go so far as to say that that was not dumped by a commercial fisherman. They are not that stupid. That has been dumped by a bloke that got a tub of fish. The commercial guy has sold a tub of fish to this bloke for X amount of fish. Commercial fishermen do not clean fish. He takes them home and fillets, skins, sells the fillets off. There is anecdotal evidence that they finish up in some of those seafood trucks that go up over the range and sell ocean perch fillets to people who would not know ocean perch fillets from clay. But that is the black market. There are others who catch prolific amounts of sea fish. A bag limit on trag is five, but there are reports of 60 and 70 coming in. They are disposed of commercially—not commercially, sorry, on the black market. They are disposed off to commercial outlets, whether they be fast food restaurants, pubs, fish vendors. It is all right to say this type of thing but I have no substance for it. It happens.

Mr IAN COHEN: Are you saying it is regularly going on in the fishing community in general?

Mr WILLIAMS: Yes.

Mr IAN COHEN: It is enlightening to hear that you are so involved in the industry. You have a business and you are also active as a fisher otherwise. I hate to say, it is a bit disappointing. I can understand the sentiment behind it, but what would it take for you to start selling licences again and therefore be in a position to be perhaps more fruitfully giving out information and generally doing what would be seen to be a conservation effort in your own way? Could you see that happening in the future? Is there anything that might strike up a balance that would make you comfortable to do that?

Mr WILLIAMS: Probably not when litigation is a possibility from being a licence agent. I do not see that it would improve the level of information that I provide.

Mr IAN COHEN: But you would be getting more people in to pick up a licence.

Mr WILLIAMS: Not necessarily, because the online facility is there and many people do it at home.

Mr IAN COHEN: Would you welcome some communication from those dealing with licences at a high bureaucratic level that they will look at that situation? What has happened to you may well have happened to others and may be remedied by someone in the bureaucracy having a discussion. Is that a reasonable proposition?

Mr WILLIAMS: I do not have a problem with that.

Mr IAN COHEN: You are not against the licences.

Mr WILLIAMS: I have one myself.

Mr IAN COHEN: Yes, obviously.

Mr WILLIAMS: It is not obvious. You would be surprised at the number who do not.

Mr IAN COHEN: I appreciate that. However, in your position as a retailer and someone who is known in the community and involved in the industry, perhaps there could be some communication to assure you and to let those people know they overstepped the mark and that it is not the appropriate way to go.

Mr WILLIAMS: When I took over the shop I took on the licence sales as a gold agent. I do not know whether there is a differential these days, but a gold agent retained no commission. On the other hand, a silver agent retained 5 per cent of sales. I took it on as a gold agent because I did not want the 5 per cent if it was going into the pot for the betterment of recreational angling. Having been crapped on from some height, being threatened with litigation, I said, "Fine. I will do retail, you do tax collection. I'm out." I do not think any amount of talking will make me sell them again. The demand for licences at the shop front is not as great as it was five or six years ago. Those who are going to buy them have them already. They get renewal notices and they can renew them on line or they can go to Fair Trading NSW.

Mr IAN COHEN: So the system is working reasonably well.

Mr WILLIAMS: Yes.

Mr IAN COHEN: It is good to hear that you are not against that part of it. I am sure all members would agree that it is a credit to you that you were a gold licence supplier at the time. It is a bit rough that you were treated that way. If that is the case, it needs to be discussed.

Mr WILLIAMS: It is not a chip on my shoulder; I do not care about it one way or the other. I am more interested in a share of the pie coming back into the Clarence area. I cannot give you numbers, but if there is not 10,000 recreational anglers in and around the Clarence, including tourists, I would be very surprised. I wonder about the amount of money that comes out of the Recreational Fishing Trust directly to this area. I am sure there is a lot of indirect expenditure. However, I am not sure about direct spending—where they are seen to be doing something. Not a lot happens around here. That is probably because of the proliferation of commercial activity in the Clarence estuary. It is not seen to be a fishing haven; it is just rape and pillage.

The Hon. CHRISTINE ROBERTSON: They have a big boat and they chased me in it one day.

Mr WILLIAMS: Did they catch you?

The Hon. LYNDA VOLTZ: Are you still complaining about that?

Mr WILLIAMS: I have had more inspections by water police than I have had by fisheries and marine parks officers.

CHAIR: I have never seen a fisheries officer.

Mr WILLIAMS: Neither have I.

The Hon. LYNDA VOLTZ: You are probably not doing anything wrong.

The Hon. RICK COLLESS: They should be at the boat ramps checking as you come in. Like you, I have never had a fisheries officer check my boat, gear or anything. I have been pulled up a couple of times by Waterways officers wanting to check my boat registration and life jackets.

Mr WILLIAMS: I have had two inspections by Waterways officers, three by water police and that one incident with the marine park.

CHAIR: You must be a suspicious looking bloke.

The Hon. RICK COLLESS: It highlights the inadequacy of the inspectoral role the fisheries officers are supposed to be performing if this shamateur business is going on and people are fishing illegally and selling their catch. Surely that is a role that the fisheries officers should be performing.

Mr WILLIAMS: I cannot argue against that. The staff they have at Maclean do their best.

The Hon. CHRISTINE ROBERTSON: There are simply not enough.

The Hon. RICK COLLESS: The same has been said everywhere that we have been. There are simply not enough fisheries officers.

Mr WILLIAMS: When we tell them what is going on they say that they have 50 hours of overtime up this fortnight already and the budget is blown—"Do what you like boys!" That is ridiculous.

Reference was made to square mesh cod ends and trawl nets. This is again anecdotal, but a research trawler operates in the river here. They tag prawns and see where the concentrations are. There is not supposed to be any trawling activity upstream of the wires at the Ulmarra ferry. I have one bloke who lives at Ulmarra and every time he sees the trawler go past he is on the phone. He says, "Willo, there's a trawler in the river." I say, "Yeah mate, I know. They are tagging prawns." The research guy was on the trawler with the trawler boat owner. He said to him, "I suppose this would be a bit of an advantage to you. You know where all the prawns are and you can come back here tomorrow and knock them off." He answered, "Yeah, but I'll go home and change nets first."

CHAIR: Really?

Mr WILLIAMS: Really. That is one-on-one; it cannot be proved, but that is what was said. They have an escape hatch. It only takes four stitches to sew up a chaff bag. It is stitched up. As soon as the ducks are on the pond, or the whales are on the beach—whatever term they want to use on the radios—out come the stitches and the bag is open again. The lack of compliance in those terms is rife, specifically with trawlers.

CHAIR: Years ago, fisheries officers worked undercover, particularly in abalone fisheries. They did that until it got too dangerous. Perhaps someone should suggest to the Minister that we need some scrappy looking lads on those prawn boats.

Mr WILLIAMS: But they will have to be related to them.

CHAIR: I see.

The Hon. RICK COLLESS: That is interesting.

The Hon. LYNDA VOLTZ: What do you think about marine parks?

Mr THOMPSON: As in the establishment or the extension planned for this one?

The Hon. LYNDA VOLTZ: As a concept—does it or does it not work?

Mr WILLIAMS: In terms of protecting fish they are ridiculous. The only thing wrong with commercial fishing is the fishermen. As I said, they will catch anything they can, wherever they can and sell it for the best price they can. The fellow you should be talking to is a bloke from Wooli who fished commercially for 34 years. He berates me at every opportunity because he thinks I am barking up the wrong tree when I say we should get the commercials out of the river. He says that will not do it. He has given me anecdotal evidence of trawlers that do not have a net. The trawl boards are out and there are heavy chains in between. They will trim up the reef and get rid of the soft corals and the weeds.

The Hon. CHRISTINE ROBERTSON: Is this outside?

Mr WILLIAMS: Yes. Once they have it cleaned up, they will go back a couple of weeks later and harvest fish with nets on. It happens; there is no denying. His big bitch is non-specific fishing methods: trap, net, trawl. Get rid of them. There is one professional operating out of Woolli who catches fish literally with a hand line—no rod and reel. He sent a tonne of kingfish to the market, all caught by hand. He said, "Willo, I must have been the luckiest fisherman in the world—no-one sent kingfish that week and I got 16 bucks a kilo for them." He was out there throwing hand lines over the side of his boat and he made \$16,000 in a week. He did not have to trawl and he does not do any habitat destruction. He does not even put an anchor down. He just puts bait on a hook and throws the line over the side. He uses tuna circle hooks.

The Hon. LYNDA VOLTZ: If the marine park has an impact on anyone it is the commercial fishers.

Mr WILLIAMS: No, fish do not stay in a marine park.

The Hon. LYNDA VOLTZ: I understand that. While recreation fishers cannot go into the sanctuary zones, there are significant habitats they can use. The one group it does significantly impact upon is commercial fishers.

Mr WILLIAMS: I am yet to see the proof of that. The catch has depleted over the centuries because of non-specific fishing methods. Marine parks do not mean anything.

The Hon. LYNDA VOLTZ: What would you do about beach hauling?

Mr WILLIAMS: It has a certain mesh size. Beach hauling is a dead set splash. I watched it on Sunday at South West Rocks. The jet boat goes 50 metres out, 200 metres down and 50 metres back. Then they haul the net. The mesh is so small that the fish do not get caught—they slide down the net into the bunt at the back. The bunt is then retrieved up the beach and the fish are taken out, sorted and boxed. Any non-target species are easily removed.

The Hon. RICK COLLESS: And released?

Mr WILLIAMS: Yes. They are right at the water.

The Hon. RICK COLLESS: So they are released alive.

Mr WILLIAMS: Yes. If netting is to persist in the Clarence River, they should get rid of the diver nets. They are curtains of death.

The Hon. CHRISTINE ROBERTSON: They are fixed nets?

Mr WILLIAMS: Yes, and they are disgusting.

CHAIR: There would be certain areas in the Clarence River where you could haul.

Mr WILLIAMS: It is called purse seine. I used to do that as a kid in Port Phillip Bay. There were sandy bottoms and we would shoot the net and haul it up to the beach. All the fish go into the bunt and then you sorted it out. If you are lucky enough, you get all one species in the bunt. That is good. But we used to get porcupine fish, blowfish and things like that.

CHAIR: We have heard evidence suggesting that the primary difference in marine health, particularly in fisheries, is the removal of commercial effort. The examples are recreational fishing havens, even though only two have been surveyed. That seems to be a consistent a theme. Do you see any reason to impose spatial limitations on recreational fishing in marine parks?

Mr WILLIAMS: Spatial limitations?

CHAIR: Yes, lines on a map.

Mr WILLIAMS: Exclusion zones?

CHAIR: Yes.

Mr WILLIAMS: I cannot see a whole lot of merit for recreational fishermen. The destruction of habitat that is wrought by the recreational fishers is minimal. The worse thing is leaving an anchor and chain in the reef. The next worse thing is when you retrieve your anchor you pop a bit of reef off. If you made them no-anchor zones, you would have a lead problem. When you drift your lead gets caught in the reef and it gets busted off. You are adding to the lead content of the area. But it is not like dragging chains across the bottom for miles.

CHAIR: Do you think fisheries and biodiversity generally can be managed by short-term species limitations, closures, rotations, gear limitations and so on—for example, using tuna circle hooks for bottom fishing in grey nursing aggregation zones?

Mr WILLIAMS: Tuna circle hooks would be good in grey nurse aggregation areas. The marine park plan proposes the exclusion of wire tracers within 500 metres of the grey nurse aggregation points. It is a good thing. They may chew you off and they may not. If they do, good; it saves risking a hand to get somewhere near them to get it out. One thing I would do is ban stainless steel hooks from the world. I think they are disgusting.

CHAIR: They are bad for business, too, because they last too long.

Mr WILLIAMS: My business does not depend on them.

CHAIR: I was pulling your leg!

Mr WILLIAMS: One of the first things I did when I took over the shop was to go around and collect all the stainless steel hooks and give them to the Fisheries guys. I said, "Here, you dispose of these. I don't sell stainless any more."

Mr IAN COHEN: Is your attitude towards stainless steel hooks getting traction in the retail community?

Mr WILLIAMS: No.

Mr IAN COHEN: You are a one-off.

Mr WILLIAMS: I do not socialise with other tackle shop guys.

The Hon. CHRISTINE ROBERTSON: Are they dearer?

Mr WILLIAMS: Yes.

The Hon. LYNDA VOLTZ: The last lady who gave evidence did not sell them either, the one who had the recreational shop.

Mr IAN COHEN: We have had a couple who have given that sort of evidence and I was wondering whether it is getting into the minds of retailers in the industry to get away from stainless steel hooks.

Mr WILLIAMS: The day before I walked into the tackle shop as the owner I was the owner of a camera shop so my opinion about stainless steel hooks was personal at that stage.

CHAIR: Stainless steel hooks are like very pretty lures; they are shiny. That is why they sell. Fishermen like them.

Mr WILLIAMS: Stainless steel hooks are for lazy people because they do not like tying hooks on again. That is why they sell. I think the only justification for stainless steel hooks is to use them in fly tying. Most of the guys that tie flies tie their own flies or make them barbless, so they are easily removed. Once you spend the effort tying a fly you do not want the hook rusting out from in between it and then all you have left is a little ball of fluff.

CHAIR: We are out of time. Mr Williams, your evidence has been erudite and entertaining, if I may say so. Thank you very much for taking the time to come here.

Mr WILLIAMS: I am probably the person with the least amount of formal education to appear before you today, but I have 10 copies here of a letter I typed this morning. It lists in point form what I would like to see in the estuary.

CHAIR: We like suggestions. That is what we are here for. 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 may not have had the opportunity to ask?

Mr WILLIAMS: Most certainly.

CHAIR: Could you reply within 21 days?

Mr WILLIAMS: I can.

CHAIR: That concludes this hearing.

(The witness withdrew)

(The Committee adjourned at 8.03 p.m.)

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