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REPORT OF PROCEEDINGS BEFORE

SELECT COMMITTEE ON RECREATIONAL FISHING

INQUIRY INTO RECREATIONAL FISHING

At Batemans Bay on Wednesday 26 May 2010

The Committee met at 1.00 p.m.

PRESENT

The Hon. R. L. Brown (Chair)

The Hon. A. Catanzariti

Mr I. Cohen

The Hon. R. H. Colless

The Hon. C. M. Robertson

The Hon. L. J. Voltz

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

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

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

Committee hearings are not intended to provide a forum for people to make adverse reflections on others. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during these hearings. Therefore, I request that witnesses avoid mentioning other individuals unless it is absolutely essential to address the terms of reference. I remind everyone to please turn off their mobile phones, as they interfere with the Hansard recording of the proceedings.

I welcome our first witnesses from the Batemans Marine Park and the Department of Environment, Climate Change and Water, Dr Brendan Kelaher and Mr Tim Shepherd. All witnesses will be sworn prior to giving evidence.

TIMOTHY GEORGE SHEPHERD, Regional Manager, Far South Coast National Parks and Wildlife Service, Fisherman, Department of Environment, Climate Change and Water, , and

BRENDAN KELAHER, Manager, Batemans Marine Park, , affirmed 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 your request. If you take any questions on notice today, the Committee would appreciate it if the responses to those questions were sent to the Committee secretariat within 21 days of the date on which those questions were forwarded to you. Before the Committee commences with questions, would either of you like to make a brief opening statement?

Mr SHEPHERD: Yes, we would both like to, thank you.

CHAIR: Please proceed.

Mr SHEPHERD: I would like to thank the Committee for the opportunity to provide more detailed information about the Batemans Marine Park. As the Marine Park Authority has already previously contributed to the whole-of-government submission, we would like to focus on the local matters pertaining to the Batemans Marine Park. I would like to start by tabling a zoning user guide of the Batemans Marine Park and by providing a brief description of the park.

The Batemans Marine Park was declared on 7 April 2006 and is the newest addition to the New South Wales network of marine protected areas. The Batemans Marine Park is located on the south coast of New South Wales from the most northerly point of Murramarang Beach near Bawley Point to the southern side of the Wallaga Lake entrance. The marine park covers an area of approximately 85,000 hectares and extends from the three nautical mile offshore limit of New South Wales waters to mean high water mark within all rivers, estuaries, bays, lagoons, inlets and coastal lakes, excluding Nargal Lake.

One outstanding feature of the Batemans Marine Park is the large expanses of rocky reef that support a diverse array of fish, invertebrates and seaweeds. The marine park contains aggregation sites for endangered grey nurse sharks and habitat for threatened black cod. The marine park is also home to a number of other protected and threatened species, including the incredibly rare mollusc, *Smeagol hilaris*, that is unique to the park. Furthermore, many species of protected whales and dolphins are sighted regularly in the marine park's waters.

The Batemans Marine Park includes the iconic Montague Island with its resident Australian and New Zealand fur seal population. Montague and other offshore islands provide habitat for migratory and breeding seabirds and little penguins. The marine park also contains highly significant coastal lakes and lagoons, including Durras, Tarourga and Brou lakes. The Clyde and Moruya rivers contain significant estuarine habitats, including mangroves, seagrasses and saltmarsh. As the Committee is aware, protection of such rich biodiversity and habitats is the principal object of the Marine Parks Act 1997.

The coastal land surrounding the marine park is the traditional country of the Yuin people and contains many sites of cultural significance. The Yuin people have a long association with the south coast of New South Wales, which continues today. The marine park also encompasses a key area of social, cultural and economic importance to the region and caters for a wide range of user groups. The marine park is a particularly popular area for holidaying, recreational and charter fishing, diving and boating. There is also a wide range of commercial fishing activities within the marine park as well as aquaculture—principally oyster farming—within most of the rivers and lakes. The area adjacent to the marine park also contains many national parks and nature reserves, which contribute to long-term strategies to minimise land-based impacts, especially to sanctuary zones.

The zoning plan for the Batemans Marine Park came into effect on 30 June 2007. As this is New South Wales' newest marine park, the zoning plan benefited from the experience of implementation of other marine parks. It was also supported by large scientific literature available at the time, which will be referred to again later. The consultation for the Batemans Marine Park zoning plan included 91 formal meetings with stakeholders and committees, as well as 18 meetings with traditional owners. It included at least five meetings with the advisory committee during the public consultation phase of the draft zoning plan. Consultation with stakeholders also included the issue of 40,000 draft questionnaires prior to release of the draft zoning plan

followed by the issue of 60,000 draft zoning plans. In response, the Marine Parks Authority received 2,100 completed questionnaires and 5,075 comments on the draft zoning plan. As a consequence, the current zoning plan includes a number of modifications from the draft plan in response to issues identified during the public exhibition period.

I would like to table as evidence the draft zoning plan overview that went out for public consultation. In particular, I would like to highlight the complete removal of trawling from the marine park and the removal of mesh netting in the Clyde River, both of which are likely to have positively influenced recreational fishing in these areas. In support of the statement I would like to table numerous positive newspaper articles describing recreational fishing in the area with titles such as, "Get in on the snapper revival", "Flathead heaven in the Clyde" and "South Coast: so many fish, so little time...". Under the current Batemans Marine Park zoning plan, about 19 per cent of the marine park is included in sanctuary zones, 43 per cent in habitat protection zones, 37 per cent in general use zones, and less than one per cent in special purpose zones. Importantly, this means that over 80 per cent of the marine park remains open to recreational fishing with all of this area subject to reduced commercial fishing pressure.

During the establishment of the Batemans Marine Park some in the community were concerned about the possible negative impacts of the marine park on tourism. Some were predicting very significant declines. I would like to table data provided by Eurobodalla Tourism, which show that this is not the case. Tourism to Eurobodalla actually increased following the implementation of the zoning plan in 2007. This occurred in a weak domestic tourism market, which has contracted significantly over the last decade. You will note that there has been some contraction of tourism to Eurobodalla in the last year or so. This mirrors a broader downturn in tourism linked to the global economic crisis and cannot be attributed to the marine park.

I would also like to table a series of media articles, which are very positive about the state of tourism in Eurobodalla. I would particularly like to draw your attention to a media release by John Pugsley, manager of Eurobodalla Tourism, dated May 2009. It notes that for the calendar year 2008 tourism numbers to Eurobodalla increased by 11 per cent. I should note that this was the first full year after the implementation of the zoning plan. I will now pass over to Dr Brendan Kelaher, manager of the Batemans Marine Park.

[Documents tabled.]

Dr KELAHER: I would also like to thank the Committee for the opportunity to contribute to this inquiry. The day-to-day management of the Batemans Marine Park can be broken down into a variety of programs, including compliance, research, education, environmental impact assessment and incident response. Achieving the objects of the Marine Parks Act requires significant compliance effort. Marine park staff are authorised under a variety of legislation, including the Marine Parks Act, the Fisheries Management Act and the National Parks Act. The marine park is an appropriate regulatory authority under the Protection of Environmental Operations Act, which enables us to deal with non-scheduled marine pollution events.

A large component of compliance effort in Batemans Marine Park is focused on maximising voluntary compliance, which is achieved through targeted education, media, signage, zone markers and zoning guides. This process is under continuous adaptive management to optimise outcomes. For example, we recently updated our zoning guides to make things easier for recreational fishers by incorporating their accumulated comments and criticisms.

Prior to the commencement of the zoning plan high resolution mapping and marine sampling were done by leading marine scientists in Batemans Marine Park. Furthermore, a scientific literature search of the ISI Web of Science database reveals the existence of more than 800 scientific publications prior to the commencement of the Batemans Marine Park that had "marine protected area", "marine reserve", "marine sanctuary"—or their plurals—in the titles. Using this particular database comes with quality assurances about the journals included. So it is worth noting that this search only represents a subset of the massive amount of scientific information that was available prior to commencement of the Batemans Marine Park because it does not include grey literature, some conference proceedings or textbooks.

Each scientific publication usually represents substantial work with some requiring multiple years of research by teams of scientists. More than 800 publications is, therefore, an enormous amount of scientific literature, and this was available prior to the establishment of the Batemans Marine Park. It includes numerous publications on the east coast of Australia from leading scientists. It also includes information on temperate

areas and reserves of different sizes. As previously noted to the Committee, there is also evidence of the efficacy of sanctuary zones in estuaries in New South Wales.

Subsequent to this, the Batemans Marine Park has initiated its own robust and statistically valid research program to test hypotheses about changes in marine species assemblages associated with the implementation of the zoning plan and to improve knowledge of the park's aquatic ecosystems. Amongst other elements, this includes high definition habitat mapping, which is currently occurring in the park on the Department of Environment, Climate Change and Water new research vessel. It also includes shallow and deepwater reef monitoring, as well as marine, estuarine and invasive species research. Batemans Marine Park researchers have attracted significant, high-level competitive research grants predominantly from the Australian Research Council with \$1.75 million of external funding awarded for three world-class research projects in 2009.

Research collaborations for the Bateman Marine Park include scientists from the Sydney Institute of Marine Science, New South Wales University, Sydney University, University of Technology, Sydney, Macquarie University, Wollongong University, the University of Adelaide, the Department of Environment, Climate Change and Water scientific services and Industry and Investment New South Wales. It is fair to say that the establishment of the Batemans Marine Park has been a catalyst for expanding marine research on the New South Wales South Coast.

Although it is early days, there have already been some positive results. For example, annual surveys of fishers using baited remote underwater video in over 100 sites inside and outside Batemans Marine Park already show greater abundance of snapper in sanctuary zones than in other areas. This result has been further demonstrated in shallower waters at the mouth of Batemans Bay and manipulative experiments indicate that such differences in fish abundance may change settlement patterns of invertebrates. This is important because conservation and marine biodiversity need to include all types of marine organisms and not just fish. There are also early trends towards similar patterns in other marine fauna, however more time is required to make definitive conclusions because marine populations often take years to respond to conservation.

To facilitate greater appreciation of the marine environment, Batemans Marine Park undertakes a variety of educational activities. This includes media focus on marine environmental issues and extensive primary school education programs in collaboration with the Eurobodalla Shire Council, lectures to school, community and university groups, interpreted shelters at key locations throughout the park and guided interpretive walks with discovery rangers who are often Aboriginal. Since 2008 we estimate we have engaged with more than 1,600 people in these programs. One key program is our shallow water reef snorkel monitoring program that is done in collaboration with the Nature Coast Marine Group. This program not only provides useful data to the marine park staff but also trains numerous volunteers about the ecology of the marine environment, allowing for greater appreciation. The marine park is also very close to releasing an extensive schools education kit, which will provide any school or community group with information about marine ecosystems contained within the parks.

The marine park is not only focused on the management of extractive activities but also has a significant role in ensuring developments and other activities within the marine park are in accordance with the object of the Marine Parks Act and regulations. This permitting process ensures that developments such as jetties, roadworks and other infrastructure minimise impacts to marine biodiversity and are appropriate for the area's zoning. Furthermore, the marine park provides comment in development applications on land in the locality of the marine park to ensure consideration is given to the objects of the Marine Park Act. Along with this, marine parks also permit commercial activity within the marine park to ensure these activities comply with New South Wales legislation, minimise impacts and, where possible, facilitate greater appreciation of the marine environment. Marine park staff will also have a role in the New South Wales Government's response to marine incidents such as whale disentanglement and strandings.

In summary, the activities of the marine park are focused on delivering the objects of the Marine Parks Act, which include conservation of marine biodiversity, maintenance of ecological processes and, where consistent, provide opportunities for ecological sustainable use as well as opportunities for public appreciation, understanding and enjoyment of the marine park.

CHAIR: Does the marine park authority in Batemans Bay have an indigenous employment policy?

Mr SHEPHERD: We do have an Aboriginal liaison officer.

CHAIR: Full-time?

Mr SHEPHERD: Yes. It is a full-time position in our structure.

CHAIR: Is that going to be an ongoing position?

Mr SHEPHERD: We certainly intend it to be. There have been some issues with filling the position but I think it is particularly important that we continue to engage with the Aboriginal community. We may look at different ways. Ideally I would like to see people coming into the marine park structure and receiving training and some career development. But the principle of keeping an Aboriginal staff member is something I am strongly supportive of.

CHAIR: We understand that the current staff member is on loan from the Byron area?

Mr SHEPHERD: That is correct, because the substantive person has taken leave without pay.

CHAIR: Dr Kelaher, you mentioned your ongoing research and the importance of research. Are you aware of a report called Marine Parks Science in New South Wales: An Independent Review, published in December 2009, Fairweather, Buxton and Robinson?

Dr KELAHER: I am aware.

CHAIR: When you say the Marine Park Authority will be going forward with the research that is necessary, will you be following the recommendations of this independent review? I understand the Government said it adopted all 24 recommendations?

Dr KELAHER: Certainly the recommendations have been incorporated into the structure and the way the research is occurring. Given the limited funding for research and some of our grant commitments, that will be delivered in the way we are required to deliver it to fulfil the objects of the grant. But they also fulfil most of the recommendations of the report.

CHAIR: Are you aware that the report repeatedly recommends that there is a need for an internal review and a re-writing of the strategic framework for research?

Dr KELAHER: I am aware, and, as I understand, that is currently underway.

CHAIR: I understand one of the points, which I have here in front of me, says that one of the aims should be to clarify marine biodiversity for the wider public of New South Wales, focusing upon concepts, values and examples rather than a focus on any obvious spin-offs from fishing. Do you agree with that?

Dr KELAHER: I agree with that statement.

The Hon. TONY CATANZARITI: Just going on from what the Chair asked you about, the indigenous position, which is full-time, do you have a cadetship for indigenous people so you can get them coming through?

Mr SHEPHERD: At the moment we do not have with marine parks. We certainly do have cadetships with the terrestrial parks, which are part of my role, and we have a cadet ranger on at the moment based out of Narooma.

The Hon. TONY CATANZARITI: Are any of those Aboriginal?

Mr SHEPHERD: Yes, they are Aboriginal.

The Hon. TONY CATANZARITI: The zoning plan for the marine park has been in existence about three years now. At this time are there any specific issues you believe will most likely need to be addressed when the statutory review of the zoning plan falls due?

Mr SHEPHERD: Brendan may wish to elaborate on this. From my perspective, the plan as a whole is working well. Obviously, there are some ongoing community issues about sanctuary zones in small estuaries to the south of Narooma, which no doubt will come up in any review process and they will be considered at that time. But the broad framework at the moment seems to be working well. I would like to see that framework remain because it then does give a chance to those long-term monitoring programs to show some results.

The Hon. TONY CATANZARITI: Would you like to comment, Dr Kelaher?

Dr KELAHER: I agree that the zoning plan is working well and the opportunity to review the zoning plan in five years is a chance to look at this. We are continually consulting about issues to do with the zoning plan. We are figuring out and finding out the issues and then we will have an opportunity to address them at five years.

The Hon. TONY CATANZARITI: Can either one of you provide the Committee with details of current or proposed seafloor mapping of the marine park?

Dr KELAHER: Currently, the Department of Environment, Climate Change and Water scientific services are mapping the marine park using high-definition swath mapping capabilities, which is wonderful technology and certainly is highlighted in the document you brought up earlier. They are currently mapping areas of the park that are important to us for management and that will go on, probably, for the next few weeks.

The Hon. CHRISTINE ROBERTSON: Can you elaborate on the enforcement of allowable activities, because we have heard throughout this inquiry lots of different input that there has been not appropriate enforcement or the perception is that there has been some amazing enforcement. In one area we have been told there were this many persons fined for this and fined for that and then we found that was not so. Can you outline a bit more about the enforcement process, because there is a perception amongst fisher persons, often spread through the newsletter process, I perceive, that there is inappropriate enforcement or that no-one is enforcing—lots of different stories?

Dr KELAHER: I believe the enforcement in the Batemans Marine Park is appropriate and follows policy. We have always adopted a commonsense approach to compliance, which generally means the number of cautions we give far outweigh the number of infringement notices we give, with this whole idea of trying to maximise knowledge of the park and voluntary compliance. Marine park managers often consult on compliance activities to ensure consistency among parks, and I know the Committee has been made aware of several documents to do with internal policies to try to facilitate that.

The Hon. CHRISTINE ROBERTSON: Your relationship with Fisheries, who operate under the same legislation, you both carry out that piece of legislation?

Dr KELAHER: Absolutely. In the same way that marine park officers are endorsed under the Marine Parks Act and the Fisheries Management Act, Fisheries officers are also endorsed under both Acts and we often work together on compliance issues.

The Hon. CHRISTINE ROBERTSON: I will ask one more question, about fisher persons knowing where they are in the zones. Again, throughout this inquiry we have had a lot of people saying they do not have a clue how to work it out. Is there a problem in Batemans Marine Park with this issue and do you have any ideas of how to improve the marketing and people knowing where the zone edges are? Sometimes people just say I did not know I was there.

Dr KELAHER: There is that. Doing compliance I am often impressed at just how much people do know. I can see the line of the sanctuary zone and a whole bunch of boats lined up along it. So, clearly people know approximately where they are. The zoning plan maps, a few buoys in key places and people knowing where they are as well as notification at boat ramps and maps. In essence, I think the Marine Park Authority is talking to some of the sea mapping companies about digital maps that may enhance people's knowledge of where they are in marine parks. But, for the most part, people tend to know where they are and maintain their position outside of sanctuary zones where they are fishing. But, in some cases, it takes time for people to get used to the marine park and get used to the landmarks. But, given time, they do.

The Hon. LYNDIA VOLTZ: It is interesting when you look at the marine park map for Batemans Bay and compare it with the Port Stephens map with the different types of zoning, particularly around the islands.

For example, in the Port Stephens map around the islands, there are specific places where fishermen will be allowed to take bait only, where they can troll at certain times of the year, and obviously consideration is being given within that zoning to appropriate times of the year rather than having a blanket restriction all year long. But it does not appear in Batemans Bay that there is a lot of that differentiation in the zones?

Dr KELAHER: It depends on the island. Montague Island, for example, has sanctuary zones, it has habitat protection zones and it has habitat protection and restricted zones, which have temporary closures for the grey nurse shark. So, there are some examples where those considerations have been made. In other cases these islands are sanctuary zones but in other cases, there are islands where people can fish around.

We are really lucky in the Batemans Marine Park; we have lots of islands that are available for people to use and be around so there can be a combination of accessible islands and less accessible islands for fishing activities, although all islands are available for diving, snorkelling and wildlife appreciation.

The Hon. LYNDA VOLTZ: Let us go to Broulee Island, which on the western side has access for both commercial and recreational fishing. What is the sanctuary zone that does exist protecting?

Dr KELAHER: Basically it is protecting the reefs in and around Broulee Island. If you have a chance to go down, it is a really special spot and quite significant, and it warrants protection.

The Hon. LYNDA VOLTZ: And Brush Island?

Dr KELAHER: The same.

The Hon. LYNDA VOLTZ: The reefs essentially are on the eastern sides only?

Dr KELAHER: No, there are reefs all around the island, and the different parts and aspects of the habitat mapping can demonstrate that. But as you move down the coast from Brush Island, on the map here you will notice that there are a number of islands that are accessible to fishing. You can see just south of Brush Island there is an island there that you can access for fishing. So there is a combination of open and closed islands, but all the information is available free on the map.

The Hon. LYNDA VOLTZ: But you have never considered looking at it in terms of the mixtures of types of uses—or is that not appropriate? What I am trying to get at is: Why did Port Stephens find it around their islands to have that differentiation, which does not appear on the Batemans Bay map?

Dr KELAHER: It does on Montague Island. I strongly think that in the end having open and closed islands in those maps and more simple rules will have positive effects on compliance and making sure people can do what they need to do, and that simplicity in a zoning plan will contribute to its long-term efficacy.

The Hon. LYNDA VOLTZ: Although, there have been some arguments by both recreational and commercial fishermen that there are certain types of species at certain times of the year that are in abundance that will have no impact on the type of species you are trying to protect, as opposed to other types of species?

Dr KELAHER: I need to be made aware of the evidence supporting that, because I think it exists in a rigorous form. That would be more anecdotal.

The Hon. LYNDA VOLTZ: And there is no conflict? For example, in Jervis Bay we had conflict between, say, spear fishermen and recreational land users. They had broken down the zones into certain times of the year. Recreational fishing was allowed from perhaps the tubes in that area, and spear fishermen were allowed at other times of the year. You do not have those kinds of conflicts?

Dr KELAHER: There tends to be fewer people in this part of the coast, and there tends to be not those sorts of conflicts. But we have not been made aware of any specifically.

The Hon. LYNDA VOLTZ: It would not be appropriate, in some of those islands, to have skin diving, for example, as opposed to the guys who troll across the top?

Dr KELAHER: We had that at Montague Island, where spear fishers can access but you cannot fish for bait at a particular time of year. The reason we have it in that zone at Montague Island is protection of the grey nurse shark, which is a vulnerable species.

CHAIR: I acknowledge the presence in the inquiry of students and representatives from Batemans Bay High School, Moruya High School and Carroll College at Broulee. Welcome to the inquiry. It is an opportunity for you to see true democracy at work. Thank you for coming.

Mr IAN COHEN: I wonder about the efficacy of your zonings at this point in time. Do you see any changes, or do you believe that the science is set in place and that is the way it will stay?

Dr KELAHER: In the legislation there is potential for adaptive management at review, and we need to be always looking at that quite seriously. Monitoring and the science we are doing will support those decisions. We are quite fortunate that after three years we are beginning to see some positive effects, especially in the sanctuary zones, and potentially in the park in general with the removal of the trawl, but I think we need a little bit more time before we can start making serious decisions about what may or may not be happening. But I think the CAR principles that have been employed in putting in the sanctuary zones, and the zoning planning more generally, have done quite a good job, but they will need to be reassessed at the five-year review.

Mr IAN COHEN: We have heard some anecdotal evidence that in some sanctuary zones mud crabs and prawns, mud crabs in particular, are actually dying. Is there any truth in that assertion?

Dr KELAHER: I am unaware of any such evidence or anecdotes for the Batemans Marine Park.

Mr IAN COHEN: We had some communications about professional beach haulers. Part of the conditions are that they do not beach haul on weekends. Do you know why, and is that working? Is there a marine park management driver behind that process?

Mr SHEPHERD: That is a Fisheries management issue.

Mr IAN COHEN: In terms of the marine park, what role does Fisheries play? You are the lead agency, I take it, with this marine park?

Mr SHEPHERD: Not for the regulation of fishing per se; that remains with Fisheries. The restrictions on beach haul times, as I understand it, were in place prior to the establishment of the marine park. As I understand it, it was around conflict between commercial fishers and general users of the beach.

Mr IAN COHEN: Recreational fishers?

Mr SHEPHERD: Yes, or just people on the beach in general.

Dr KELAHER: The Fisheries Management Act is statewide legislation that operates both inside and outside marine parks.

Mr IAN COHEN: Who is the lead agency for this marine park?

Dr KELAHER: Depending on what aspect of the marine park you are talking about.

Mr IAN COHEN: Therefore it is shared. On fisheries issues like that, you say Fisheries is the lead agency on this park? On set zone demarcation and things like that, you are the lead agency, is that correct?

Dr KELAHER: We are the lead agency for the Marine Parks Act, and that is predominately what we do. Fisheries or Industry and Investment New South Wales are the lead agencies for the Fisheries Management Act, and that is predominately what they do. That happens quite seamlessly between the two organisations, with great opportunity for collaboration in a variety of endeavours.

Mr IAN COHEN: In terms of sanctuary zones, have you been looking at—and again it is Fisheries; perhaps it is not appropriate for you—the salmon numbers here and how that is working around the marine park area? Is there any debate about where they are, whether they are in sanctuary zones, and whether they are getting highly stocked as a result of being in those zones?

Dr KELAHER: Once again, that question is probably best directed towards Fisheries in relation to the Fisheries Management Act aspect of it. But needless to say, salmon are migratory and are probably less likely to be influenced by zoning.

Mr IAN COHEN: Would it be a similar situation with kingfish?

Dr KELAHER: It is too early to tell. There is some interesting evidence from Lord Howe Marine Park that is coming to fruition, but currently it is too early to tell.

Mr IAN COHEN: I might have missed it when you gave your opening statement. When are the reassessments up for the zonings, to review the zonings and suchlike?

Dr KELAHER: Five years after the zoning plan was put in place, so five years after 30 June 2007.

Mr IAN COHEN: Some submissions have argued that marine park zonings have tended to disadvantage land-based anglers, particularly children and elderly fishers who do not have access to a vehicle. Could you identify any areas within the marine park where concessions have been made to accommodate less mobile anglers or special-purpose groups?

Dr KELAHER: Just to clarify, I was not working in this position when the zoning plan was established, and that limits some of my knowledge of the purpose behind some of the zones, although it is quite good. That being said, there is a particular small habitat protection zone in Wagonga Inlet, in a sanctuary zone. It is a tiny little one around a jetty that was designed, I think, for a commercial enterprise that needed access for wheelchair fishers at one stage. At Mullimburra there is a long habitat protection zone within a sanctuary zone to provide access for fishers there. The same at Handkerchief Beach, just south of Narooma. So you can find numerous examples of where those concessions have been made.

The Hon. RICK COLLESS: Dr Kelaher, could I go back to the issue of navigation and the fisherman knowing where they are in the park. How do you think they know where they are? I presume most of them would have GPSs on their boats?

Dr KELAHER: Lots of them have GPSs, but quite frankly I can tell where I am just from landmarks now, after spending a fair bit of time on the park.

The Hon. RICK COLLESS: But that is the whole point. If I come over here to go fishing as a visitor, I am not going to know where those landmarks are, am I?

Dr KELAHER: So initially, people should spend time looking at the maps and understanding the maps, knowing that they are in an area where there is special marine protection. It is pretty clear that the skipper is responsible to adhere to the local rules of any area where they are taking a vessel. Lots of boats do have GPSs, and lots of people are quite experienced in knowing where they are in these areas. People do occasionally go wrong, and there is the potential for discretion for our very experienced compliance officers to look at those issues in particular situations.

The Hon. RICK COLLESS: All boat skippers are required by law to have a marine chart with them on their boat when they are off shore, as you would be aware. Are these zones marked on those marine charts now? The marine chart would be the legal document they would be required to navigate by?

Dr KELAHER: I would have to take that on notice.

The Hon. RICK COLLESS: The eastern boundary of the park appears to follow a depth contour, is that correct?

Dr KELAHER: No, it follows the limit of State waters. It is three nautical miles, the boundary between New South Wales and Commonwealth waters.

The Hon. RICK COLLESS: Can you tell me what the percentage of the park is a sanctuary zone now?

Dr KELAHER: About 19 per cent.

The Hon. RICK COLLESS: Do you think that, with the zoning review that is underway now, you will see an increase in that percentage?

Dr KELAHER: I think it is important that we look at the objects of the Marine Parks Act, at that zoning plan review, and assess it relative to those.

The Hon. RICK COLLESS: With regard to Mr Ian Cohen's question about the salmon and the kingfish, there has been some discussion in the other marine parks that trolling should be allowed through the sanctuary zones for pelagic species that are not impacted by the sanctuary zone. Do you have any comments or thoughts on that process?

Dr KELAHER: I think it is very difficult to determine what you might catch, even trolling. I know that recently a grey nurse shark was sighted with a lure in its mouth. So it is difficult to know what you might catch. I think it is appropriate that we have no take within the marine reserves as part of strategies for long-term conservation and biodiversity, as per the Marine Parks Act.

CHAIR: Dr Kelaher, with regard to the structure of your Marine Park Advisory Committee, I take it that the categories of persons are nominated in the Act?

Dr KELAHER: Yes.

CHAIR: Do you have any direct indigenous representation on the Marine Parks Advisory Committee?

Dr KELAHER: Currently we do not. But that being said—

CHAIR: Were any expressions of interest received?

Dr KELAHER: No expressions of interest were received. But that said, we do have an Aboriginal advisory group, separate from the committee. It is quite intimidating for an indigenous person often—not always—to be part of that quite rough and tumble advisory committee. That Aboriginal advisory group contains members from all the lands councils adjacent to the marine parks and meets fairly regularly—I think we have a meeting coming up soon—where we discuss indigenous issues in a much more open environment so we can get their opinions.

Mr SHEPHERD: It is also reasonable to say that if a member of the Aboriginal community expressed an interest or we became aware of someone who might be willing to express an interest in joining the advisory committee, we would be more than happy to put their name to the Minister. It is certainly not a lack of willingness.

CHAIR: How often do the other positions roll over? Is it a one-year appointment or a three-year appointment?

Mr SHEPHERD: Four years, but as far as I know there is nothing stopping us from making recommendations to the Minister to fill vacant positions during that time.

CHAIR: So your committee positions would have just been filled or are about to be filled?

Mr SHEPHERD: Just filled.

Dr KELAHER: With that said, we constantly bring up with the Aboriginal Advisory Group the opportunity for this position to be filled, and it is a difficult thing. Often eyes are cast down because it is quite a difficult position because that person is actually representing a range of communities of traditional owners.

The Hon. TONY CATANZARITI: Indigenous people would play a big role overall, not just in relation to indigenous situations, would they not?

Dr KELAHER: Traditional owners do play a big role in all aspects of conservation management. They have an affinity with sea country as their own and traditional ownership, so the answer is yes, they do.

CHAIR: Thank you for your evidence today. There were probably a number of questions that were not asked. Would you agree to receive additional written questions that Committee members may not have had the opportunity to ask of you today, as well as questions you may have taken on notice during your evidence?

Dr KELAHER: Yes.

CHAIR: We would ask that any replies be returned to the secretariat within 21 days.

Dr KELAHER: That would be fine.

(The witnesses withdrew)

MARK FLEMING, Vice President, Coastwatchers Association, affirmed and examined, and

JENNIFER EDWARDS, President, Nature Coast Marine Group, sworn and examined:

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

Mr FLEMING: Yes.

CHAIR: Please proceed.

Mr FLEMING: Today I would like to basically concentrate on the terms of reference of this inquiry and particularly the existing regulatory policy and decision-making processes, which are quite awkward. As you have heard today, there are two Ministers that need to sign off on things. We think that that is quite inappropriate. We would like to see marine parks come solely under the Minister for the environment. The time delay in getting decisions through two Ministers, particularly Ministers who may not be getting on too well with each other, is all-consuming for the marine parks and incredibly bureaucratic, so I would like this inquiry to consider that proposal.

One thing with marine parks that is not well understood is that all States and the Commonwealth are bound to bring marine park legislation into existence. They need to be comprehensive, adequate and representative. In New South Wales the Acts that dominate are the Marine Parks Act, which is really about conservation, and the Fisheries Management Act, which has many objectives that are about conservation. The others are really about promoting commercial and recreational fishing, which is around the idea of wise use and sharing the resource. There is the National Parks Act and also Threatened Species Conservation Act. Most of the Acts are about conservation, not about extraction of resources, with the exception of the Fisheries Management Act. So it is very important for people to understand that.

I believe that the marine park is working very well. It had a very shaky start, it was highly politicised. I should also mention that I am a conservation representative on the marine park advisory committee, so I went through those initial consultations and I have put my hand up again for another go at it. Dr Kelaher mentioned that it was fairly robust discussion, and it was. I think the map that has come out reflects the negotiations that took place. In relation to Brush Island, that was a negotiated outcome. We wanted more of Brush Island and the fishermen wanted all of Brush Island to be able to be fished, and we found a compromise. That, I believe, is reflected throughout the whole of the document.

We believe that there needs to be some assessment of the impact of recreational fishing. We do not think it is a valid situation that there is extraction taking place in New South Wales coastal waters and rivers that is not measured in some way. We believe that that should be done. Whether it has to be simply measuring the extraction or looking at the impact as well, I suggest the measurement of impact would be advisable too in terms of loss, hook damage and all the rest that goes on. The Government has to come up with a network of parks over time that is comprehensive, adequate and representative of nature. There are two ways to go about that. One way is to keep rolling out marine parks on a bioregional level and going through the dogfight that happens every time. Whether future governments want to go through that, I am not sure.

The way that this park was introduced I thought was well managed. The consultation was extensive. I have never seen a government body undertake so much consultation. There were a lot of meetings, a lot of private meetings with fishers, and I do not think I have ever seen a government department go through anything like that. That is very costly and time-consuming. The other option is to think of State waters as an area that can be zoned complementary to each other. That would be along the lines of the Great Barrier Reef Marine Park where you have a very large park and you zone the whole thing for multi use.

CHAIR: Are you referring to Commonwealth waters and State waters?

Mr FLEMING: Only State waters, so you get rid of all the little parks and the fighting that goes on. You can build connectivity if you do it that way. I am not convinced that we are there yet, in terms of State waters, for a system of parks that actually stands up to any scientific scrutiny, particularly in terms of connectivity between sanctuary zones. By going down the path of one large park you could also have one advisory committee. I think that advisory committee would be much more efficient than the five, six or seven—I am not sure how many—that we have now. I think the whole thing would be much more streamlined under one Minister—one park and one management structure—and keep the regional people in place because that is good for the economy, keep that structure within that, but think about that option.

There have been some often ill-considered remarks in the press regarding marine parks, such as from one person in Batemans Bay, "People will go elsewhere for their holidays. Why come to a place where you can't fish?" The message was getting out that you cannot fish in a marine park. Imagine what sort of message that was sending to our tourists. I note that the Liberal-National coalition went to the last election with a policy of full review of marine parks and amending the Marine Parks Act, et cetera, and they were not elected on that platform. Our local member has gone fishing and caught fish in the marine park—a very nice day for him—and he said, "I, more than anyone, want to see the marine environment protected." That is our local Liberal member, Andrew Constance.

There is plenty of evidence that fishing has increased. Rob Paxevanos, who is a well-known fishing journalist, has often said basically, "Come down here to fish and you'll get a fish—guaranteed". In terms of tourism, last year motorists faced long queues—"Record traffic hits our roads", "Happy campers flock to the Bay" and "South Coast continues to billion dollar summer". Tourism has boomed. It is not just the Tourism people giving us those figures, we are booked out every holiday season, school holidays are busier, and that is with a marine park well and truly established.

This book called *Marine Protected Areas: Tools for Sustaining Ocean Ecosystems* was my bible during the days of the negotiations. It is from the American Academy of Sciences, inputted by just about every leading marine scientist across the globe, so it is international, and I would like to quote from it regarding connectivity, which I mentioned earlier:

Species that depend on other populations for recruitment will require networks of reserves that have high connectivity. Connectivity is also critical for persistence of species that are functionally extinct in areas outside reserves

That is relating to in between sanctuary zones. They need to be distanced so that there can be interaction between them. If you find that species are disappearing between sanctuary zones, then you need a sanctuary zone to bring the species back. That is all I would like to say, thank you.

CHAIR: Ms Edwards, would you like to make a brief opening statement?

Ms EDWARDS: Yes, please. I have distributed a brochure about the Nature Coast Marine Group, who we are and what we do. Many of our members are recreational fishers, and my family certainly is, but what the marine group concentrates on is not fishing but letting people know what else lives in their marine area, which tends to have been overlooked in the past. Fish are just one part of a very complex ecosystem, and we try to get that message across by helping with school excursions with the marine park and council.

We have various columns in newspapers telling about various marine organisms and how they interact. We have a website with lots of information that is listed on the brochure. We also participate in snorkel surveys of near shore reefs and they are both inside sanctuaries and outside. We have a membership that takes part in other activities more social, but all the time we are trying to get across the message of what they are looking at and how it all interacts.

With regard to the terms of reference of the inquiry, we certainly support marine parks because they are an essential part of the regulatory process, especially the no-take parts. We are not looking at preserving special species and special areas only. Marine parks have to have a comprehensive, adequate and representative system of no-take reserves, and that means the typical, not just the special. Of course there have to be other bits for grey nurse sharks and other threatened species, where you have particularly vulnerable species.

We already have evidence that climate change and ocean warming and acidification is beginning to happen along the New South Wales coast. So, a connected system of no-take areas are going to become more and more essential to protect the biodiversity. Most marine scientists agree that we need from 20 per cent to 30 per cent of comprehensive, adequate and representative marine areas in no-take zones. We know they work.

Unfortunately, the two people in our group who have most personal experience are away at the moment doing reef life surveys for the Tasmanian university. They have done that all around Australia and especially along our coast here, where they have done numerous scuba surveys.

One of those members has often visited the Blue Haven or the Leigh reserve in New Zealand, which is temperate reserve, no-take. It has been going for 30 years and the kelp is coming back. I can pass a document round if you want to look at a bit about that. Thousands and thousands of people have been coming to Leigh since it was declared, and it is getting more and more popular. People just want to come and see fish. But there were lots and lots of sea urchins there. They had virtually no kelp. Now, after the protection, the rock lobsters are coming back, the big snapper are coming back and the urchins are starting to disappear.

I would like to show you this photograph of a typical reef around Pretty Point, Montague Island, and numerous other areas where we have numerous urchin barons because we do not have the predators left that can keep the urchin numbers down. They would not have always been like that. There would have been kelp beds, and then all the other organisms that go with the kelp. That is one of the reasons why we believe that no-take zones are important. There are no peer review signs to show that no-take areas and marine parks do not work.

The system could also be simplified by extending coastal natural parks and nature reserves to cover intertidal and estuarine waters, so that you would not necessarily have to have more sanctuaries zones as such. We have a lot of coastal marine parks. We think there are big gaps in the current coverage of the system. The Sydney Hawkesbury bioregion does not have enough no-take zones and Twofold bioregion does not have enough no-take zones in the estuary system. All grey nurse shark habitats should be no-take zones because they are still getting hooked, and the objective for zones should be part of the New South Wales Marine Parks Act because just being in the regulations is not good enough; they can be changed at a whim.

Fisheries admit they do not know enough about the biology of species, including those targeted by recreational and commercial fishers or their ecological interactions or the effect of the fisheries on the ecology of estuaries. When you read the report of the status on fishing in New South Wales—it was done in 2006—nearly all the species were undefined or had to have more research. They did not know this or did not know that. Therefore, we cannot rely just on bag limits and size limits to ensure sustainable recreational fisheries.

We think the process for setting the boundaries for marine parks and then consulting on the zoning is good. However, the community must receive more information early in the process on the value of the marine parks, the no-take zones and the science behind them. There has been too much misinformation from opponents leading to unnecessary conflict and concern in the community. As Mark referred, so many people thought you were not allowed to fish anywhere here. But the removal of trawlers from Batemans Marine Park has been of great benefit to the ecology. There are a lot of things that even grow on the sand beds that are disturbed by the trawl. Since then, we have had booms in the number of flathead being caught by recreational fishers, and probably other species too.

As far as trust in advisory committees go, we think they need to represent the broader community, not just fishers, so conservationists and scientists should be on them, as they are on the national parks and marine parks committees. The economic value of recreational fishing: As Mark has said, the Batemans Marine Park has boosted the local economy judging on the tourist numbers, most of whom support the marine park and are interested in other things besides fishing, as well as fishing. There has been an awful lot of business in kayak sales. Kayaking is booming around the place. There is sightseeing, including whale and seal watching, and of course surfing and snorkelling are also popular.

The majority of new businesses in the bay and around are cafes and restaurants. Recreational fishing is part of the economy but not that important. However, small tackle businesses are probably suffering because now they have competition from big stores like Kmart and also discount stores that still sell plenty of fishing equipment, not to the dedicated fishermen but to the recreational ones who are just here for a holiday. There has been no noticeable reduction in boats. For example, I live very close to the Mossy Point boat ramp, which is one of the main ones in the shire. I can assure you it was just as packed at Christmas, and last year too. Probably a little less so in February when we had huge seas and rain. Fish catches have been good and this may be attributed to the removal of the trawlers.

With regard to gaps in the programs, we think there is a need for more education programs on the benefits of marine parks and no-take zones for maintaining biological biodiversity and ecological processes. We think not only the Government but also fishing magazines and recreational fishing organisations themselves

should all be part of this. Ecologically sustainable development issues: Australia's population has more than doubled in the past 50 years and more growth is predicted. On the whole, Australians are getting wealthier, and I have seen that the boats are getting much larger and there is more high-tech equipment on them to find a fish.

New South Wales Fisheries data shows that the recreational catch is higher than the commercial catch for some species. There just needs to be more research on how in all fits together. For example, talking about bag limits and size limits, the dusky flathead, which is more or less fully fished according to Fisheries data, the minimum size limit only protects 5 per cent of reproductive females. The size limit should be 57 centimetres, not 36 centimetres, to allow half of the females to breed. There also needs to be more research on the long-term survival, competitive and breeding ability of fish that have been caught and released. I cannot see how an injured fish with a mouth that is half hanging apart can feed itself.

More of the money from fishing licences could be used for programs that promote the benefits of marine protected areas and emphasise the need to abide by bag and size limits that require the use of biodegradable line and non-stainless steel and circle hooks and reduce the amount of litter, lost gear and other waste. Fish stocking is no substitute for good ecological management, and, of course, the Government also has to address all the other things like land pollution and climate change.

The Hon. RICK COLLESS: Could I start with you, Mr Fleming? First of all, thank you for your observations about the Coalition's policy on marine parks prior to the last election and your comment also that we were not elected on that platform. However, I point out to you that we did win the seats of Bega, South Coast, Port Stephens, Coffs Harbour, Ballina and Tweed, which are all seats located adjacent to marine parks. Can I start first with your comments that you would like to see all New South Wales waters declared a marine park and go through it by way of zonings. Given the concern in a lot of communities about the whole process that marine park declarations have been through—whether or not ultimately they are successful—do you think to apply that process to the whole State would be a workable solution in reality?

Mr FLEMING: The reason I went there, and I realise it was going to be controversial, is that if you read the literature on the introduction of marine parks around the world, there is a four-step process. The first step of that process is talking to the community and it is always controversial, always conflict driven. Whether you make that process long or short is up to the Government. It is always a very negative way to go forward in that it creates a lot of misinformation and a lot of argument.

The governments of New South Wales in the future will be introducing new marine parks. They are bound to do that in legislation, in agreements and covenants with the Federal Government. So, it is going to happen. Whether it happens this year or in 10 years time does not matter. So, you could expect a debate around Hawkesbury, around Eden and around other parts of New South Wales. I am not totally up on where the marine parks are across the State. Bear in mind that a review of the marine parks in existence may find there are inadequacies in the connectivity between sanctuary zones. Bearing all that in mind it may be—it is an option to be considered—that all New South Wales waters could be zoned consistently across the whole State. Whether you call all waters a marine park or not is up to the Government, but within that you could have that network of sanctuary zones, network places where commercial fishing can take place, a network of places where recreational fishing and other gathering can take place. So, it is an administrative role of government to consider those sorts of options, I feel.

The Hon. RICK COLLESS: We heard from the Department of Environment, Climate Change and Water moment ago that 19 per cent of the park is tied up in sanctuary zones. Do you think that is sufficient and, if it were to apply to the whole of New South Wales waters, what proportion of that would you envisage should be declared a sanctuary zone?

Mr FLEMING: In relation to all of New South Wales' waters, I am not in a position to comment about that. I simply do not have that expertise and you need to go through a fairly rigorous process to come up with that. In terms of Batemans Marine Park, both Jenny and I, and I think Dr Kelaher, mentioned that there is this role of comprehensive, adequate and representative. So, to be representative, you have to catch a sample of each type of ecosystem. Currently we have deep water, for instance, off Montague Island, which is not represented anywhere else. I doubt that it is represented anywhere else in the State. So, you have not reached that CAR objective. There may be others. Beaches may be underrepresented perhaps. There may be some ecosystem types that they are underrepresented in the parks.

The Hon. RICK COLLESS: What about a proportion of those ecosystem types then? Do you have a figure in mind?

Mr FLEMING: I do not think anyone could put a figure on it. The 20 per cent figure is thrown out there all the time. During negotiations for this park, 20 per cent never entered my mind. You just cannot say 20 per cent, because nature is more complex than that. My friend the Chair from the Shooters Party can tell you that. Nature is more complex than man can comprehend.

The Hon. RICK COLLESS: You also made the statement in your submission about the fact that an environmental impact statement should be written to establish the real impacts of recreational fishing. How do you think that should be prepared? Bay by bay or estuary by estuary, park by park, the whole State? How should that be prepared?

Mr FLEMING: It should be statewide; that is the only way to go. If you look at the zoning map for this park, you will notice that the larger zones are off Batemans Bay. Batemans Bay is the tourism hub; Batemans Bay is the place where most recreational fishing happens. During the debate for this park there was a lot of comment about Narooma. I would suggest that a lot less fishing happens in Narooma than up here in Batemans Bay. We have the biggest conservation areas, and we have the most fishing effort.

Instead of looking at the impact of recreational fishing and trying to do it across the whole area, you would want to select areas that have the likelihood of a higher impact. If you go to those areas and you find that there is not an impact, you can say it is no use going to a small coastal village somewhere and trying to find out the impact there.

I am pleased to report that I have been out to the end of the rock wall here and it used to be a bit of a mess in terms of rubbish and fishing line. There was a time I would go out there and I would always find fishing line. Now it is really clean, and I rarely find fishing line out there. So I believe there has been some education process happening with fishers.

Mr IAN COHEN: With regard to that particular area of the rock wall you describe, what is the designation of that area in terms of its management?

Mr FLEMING: It is a general use area. I think it has been earmarked—there is a zoning within the maps there, I cannot recall what it is exactly—to allow for things like a marina, and those sorts of uses.

CHAIR: Special uses?

Mr FLEMING: Yes.

Mr IAN COHEN: You mentioned that Brush Island was a compromise?

Mr FLEMING: Yes.

Mr IAN COHEN: Who was happy?

Mr FLEMING: In every compromise, neither party is happy—you know that.

Mr IAN COHEN: Was it a compromise of the ecology of the area, or of the use of the area? Perhaps you could describe how these hot spots worked out and what you lost. Is there anything that you can see that has now been overfished in those areas? Is there a negative?

Mr FLEMING: I do not have that data, and I would have to rely on others to get that data. During the negotiations, the main issue there was that in a big southerly fishermen needed to be able to seek haven on the northern side of Brush Island to get out of the southerly wind. I suggested to them that they could get that haven there but they did not have to fish, but they had a view that they wanted to fish at the same time. It is a place where they can go and fish in a southerly safely, and that was the crux of that discussion.

Mr IAN COHEN: What impacts would that activity on that side of the island likely have?

Mr FLEMING: I think that with the exclusion of commercial fishing you would probably find a great increase in the numbers of fish there. That was a place where the commercial fishermen would reverse the boat into the island, drop the nets and gun it for bait fish, and just take everything. With the exclusion of those guys out of there, I think it has probably improved.

Mr IAN COHEN: Ms Edwards, you mentioned as you were giving your introductory statement about the assessments of impacts of recreational fishing. Do you have any further information about any particular assessments, or the impact on—?

Ms EDWARDS: All I was going on was the document "The Status of Fisheries Resources 2006-07". This came from the National Parks Association submission, but I checked it back with the document from Fisheries. However, the one on Fisheries only had a summary on the website, so I could not see all the species. However, grey morwong was supposed to be fully fished, according to Fisheries. But then they go on to say that there were long-term declines in the landings, the catch rate and the average size. To me, that is overfished. Hammerhead shark were undefined, but supposedly they have been a vulnerable or endangered species under the international agreements, as is the mako shark. Another one was the tiger shark, which was undefined by the New South Wales Fisheries but is also a threatened species. They said yellowtail kingfish were grossly overfished—I am not quite sure what that means—and so was snapper. Mulloway was overfished. Then there were a whole lot of other species that were supposedly fully fished, and if the population and the recreational fishing numbers keep growing they are going to be overfished before long.

Mr IAN COHEN: You are referring there to recreational fishing having an impact on those particular species?

Ms EDWARDS: Yes. Because the recreational catch appears to be a whole lot bigger than the commercial catch in those species.

Mr IAN COHEN: Mr Fleming, on page 5 you emphasise the importance of connectivity between the marine reserves. I know you have explained your concept of looking at the entirety of the State's waters. But in terms of this marine park and the various use zones of it, can you suggest where there is any lacking of connectivity? Has the science been done? Is it set up sustainably? As with Brush Island, is it a compromise, or are we getting science-driven assessment of the marine park like this?

Mr FLEMING: Hopefully during the review that sort of information will come forward. The advisory committee can then consider that and give advice back to the Minister. At this point of time, there is still research being done and we need to wait for those findings.

The Hon. LYNDA VOLTZ: During the time I have been on the Committee I have found that there seems to have been a lot of misinformation out there, particularly amongst the recreational fishing community. Part of that seems to relate to one person at the National Parks Association, which has the Government writing a submission suggesting that there were going to be more marine parks. The New South Wales Government has clearly said that it is not considering any more marine parks. I suspect that that created a lot of concern and fear within the recreational fishing community. It was not a Government submission; it was in a Government proposal. But when we hear comments from people like yourself that the Government will absolutely have to establish more marine parks, it feeds into this misinformation that the Government is in fact considering that. Worse than that, have you considered that it may lead to a situation where people who oppose marine parks can consider doing things like putting forward bills that have a moratorium on marine parks—which puts the cause of marine parks back further than they have been in the past?

Mr FLEMING: My view is that it is not necessarily going to be a Labor government that introduces more marine parks. It will be a New South Wales government. I take the view that government is about good government, and to be a good government you have to abide by the agreements you have made with the Commonwealth. People forget that John Howard was introducing marine parks during his tenure. Quite frankly, members of the Liberal Party tell me all the time what good greenies they are. The Coastwatchers Association has members who are members of the Liberal Party. It is not necessarily a Labor Party thing.

The Hon. LYNDA VOLTZ: Do you think that if someone put up a bill for a moratorium on marine parks—on both sides of politics, Conservative and perhaps Labor—there would be general opposition to that?

Mr FLEMING: That is for the Parliament to consider. I am not aware of the details of the bill.

CHAIR: Two years.

Mr FLEMING: You could possibly get away with a two-year moratorium. Whether some conservation group decides to challenge that, who knows.

The Hon. LYNDA VOLTZ: How do you challenge legislation?

Mr FLEMING: We would get an opinion from a barrister and see whether it is consistent with other obligations. I am not a lawyer. I would consult—

The Hon. LYNDA VOLTZ: I particularly found with the Port Stephens part of the inquiry that when we went to towns outside the marine park area a lot of the fishermen were not aware that they could fish within the area and that there was a diverse range of fishing available to them in areas that they thought were perhaps sanctuary zones. We have also had some evidence in marine parks from recreational fishermen who say how well the marine parks work in terms of increased size of catch and availability. Obviously some of that has to do with the removal of commercial fishermen, alongside all the other measures that are taken. What do you think is a more accurate way of getting the information out?

Mr FLEMING: Certainly there still is a need for education, I think, and there is a role for education of what marine parks are about. I think that is a valid role of the Marine Parks Authority to undertake, and to do it professionally and get it out there. Marine parks are not scary. We have seen the evidence today of how tourism has gone: people can still fish; people are catching more fish. Recreational fishers come to me and say how pleased they are with it.

The Hon. LYNDA VOLTZ: I suspect we have not yet had any evidence from recreational fishermen at the inquiry, so we will wait and see.

The Hon. CHRISTINE ROBERTSON: With regard to your recommendation about an environmental impact statement on recreational fishing, it is not the first time it has come to us in this inquiry. But the difficulty of getting that done is phenomenal. I am aware of the survey you quoted from earlier; we have had heard about that before. But it is very difficult to contact recreational fishermen to find out what their bag take is like, to get the real information. I recognise that the majority of people coming to see us throughout this inquiry are either professional fishermen or club fishermen, but the majority of fisher persons in New South Wales do not associate with any of those organisations. So how on earth do you get an environmental impact statement on recreational fishing?

Mr FLEMING: I think there is a methodology kicking around where you can do those sorts of studies—

The Hon. CHRISTINE ROBERTSON: No-one has given it to us.

Mr FLEMING: I believe some work was done, possibly, in Jervis Bay.

CHAIR: Tuross?

Mr FLEMING: No, Jervis Bay Marine Park, I think. You do not have to survey every fisherman in New South Wales; you only need to have a representative sample, and you look for a trend.

CHAIR: Are you aware of the surveys that took place after the creation of the recreational fishing havens in Lake Macquarie and Tuross? I think they were done in 2005.

Mr FLEMING: I could not say I have read them, but I am aware of them.

The Hon. TONY CATANZARITI: You make comment about the commercial fishers, suggesting perhaps they should not be there. When you have commercial fishers and recreational fishers in the one paddock, as it were, how do we obtain a balance so we can keep both of them there? Is it possible to obtain a balance, or is it not?

Mr FLEMING: That is a very difficult question. Obviously, the ocean trawl being excluded from the park was an incredibly popular decision. I can assure you that during the negotiations particularly the fleet owners at Ulladulla were very keen to take the payout. That money meant that they could gear up their boats to go wider to fish, or they could buy a house in town as an investment property. But they were very keen for that payout. It was not as though they came reluctantly to the table to negotiate that; they were keen.

The other thing to realise is that the marine park only goes out three nautical miles. In Australian fishing waters there are 197 nautical miles to go fishing. To put that in terms that you can understand, that is like from here to west of Wagga Wagga. That is how much water is out there to go fishing in commercially. So just because you are excluding people from small areas of the coastal zone does not necessarily mean you are decimating the industry.

The Hon. TONY CATANZARITI: The professional fishers include some indigenous people. How do you fit them in?

Ms EDWARDS: They have had beaches set aside for the beach haul fishermen. Are they the ones you are talking about?

The Hon. TONY CATANZARITI: I am talking about giving everybody a decent run in the waters that are available. How do we balance all that with the recreational fishers?

Ms EDWARDS: For instance, at Broulee Island, the indigenous people do netting on both sides of the peninsula. As the Nature Coast Marine Group, we were pushing to have the sanctuary zone go right down to the rocks platform there because of the special nature of the rock platform, but the indigenous people were given the right to fish and it was not made a sanctuary zone on the peninsula. You will notice the zoning starts a little bit further around. So they still do fishing there, and there are other ones down near Congo somewhere.

Mr FLEMING: The beach haul was fairly sustainable. I believe that is one of the most sustainable fisheries in New South Wales. Also I believe there is a policy being put together for the collection of species for ceremonial family get-togethers. I do not know whether you are aware of it, but that has come out previously. So there are ways of incorporating, for want of a better word, traditional uses into the no-take zones—sorry, not the no-take zones, but into other areas.

CHAIR: Thank you very much for your evidence today. Would you agree to receive additional written questions that members of the Committee may not have had the opportunity to ask you, along with any questions that you took on notice during your evidence?

Mr FLEMING: Yes, no problem.

CHAIR: If we could have answers to those questions within 21 days, we would be grateful.

(Short adjournment)

(Evidence continued in camera)

(Public hearing resumed)

RICHARD ANTHONY (RIC) CUMMING, Southern Marine Park delegate, Underwater Skindivers and Fishermen's Association, , sworn and examined:

CHAIR: Prior to the Committee commencing questions, would you like to start a brief opening statement?

Mr CUMMING: I would, thank you. I thank the Committee for providing this opportunity to appear before it in an interactive forum. I am certainly pleased to do that. I wish to make the following comments with regard to the public inquiry. I am the former recreational spearfishing representative on the Batemans Advisory Committee. I am totally shocked and disappointed in the manner in which the marine park was established and the zoning plan developed.

I hold a Bachelor of Applied Science in Environmental Health. I am a dedicated conservation fisher and I have been professionally employed in conservation and environment protection since 1975. I am a former professional officer of the Environment Protection Authority—the Department of Environment, Climate Change and Water these days—and I found the consultation process to be the most corrupt and predetermined process I have ever been part of. I have openly stated these views on many occasions within that committee. No surprise that my renomination on the committee was lost in the Environment Protection Authority email system. Maybe an independent forensic examination of its computer system may reveal the truth, but I am not on the committee because they lost it; it did not get there in time.

I fully endorse the community criticism of lack of science, truth and equity in the development of the zoning plan. As a professional environment protection officer, initially with the State Pollution Control Commission, then the Environment Protection Authority and the Department of Environment, Climate Change and Water, I have participated in many scientific water quality and habitat research projects, including diving professionally with the State Pollution Control Commission, engaged in impact monitoring, particularly with the Botany Bay and Port Kembla dredging and soil disposals and relevant operations. So, out there with other professionals monitoring impacts on the environment physical impacts—not just harvesting fish.

As a professional officer with the Environment Protection Authority I have been involved in managing regional sewage management strategies prior to the establishment of the Jervis Bay Marine Park, the Solitary Islands Marine Park and the Byron Marine Park, for which the New South Wales Government contributed significant funding to those council areas to resolve those sewage issues—in other words, get rid of the ocean outfalls prior to creating the marine park covering those areas. No such thing happened in this area. This marine park has been created over, as I understand it, six ocean outfalls. Water quality has been totally ignored as a key habitat within this marine park.

The maps I have handed to you identify the bioregions where marine parks have been established. I think the document which these came out of has already been referenced. Just for convenience, we might have a look at these maps so you know precisely what I am talking about. I will take you to various legal statements that were made in relation to what you see on these maps.

I personally got an assurance from Bob Debus in the Qantas departure lounge at Darwin airport during this process that there would be one marine park per bioregion. It had been reported to me that that was a commitment from Bob Carr, Debus and Macdonald in the very early days of the marine park process. I actually fronted Bob Debus in the departure lounge, had a discussion with him and put that to him. He said, "That's right, Ric." I asked him to reassure me of that, and he said, "Absolutely, one marine park per bioregion."

If you look at those maps you will see Tweed-Moreton bioregion; it has Byron and Solitary Islands Marine Park in it. My mathematics is not that good, but that is two marine parks. There is nothing in the Hastings or the Manning, and nothing in the Hawkesbury. In Batemans Shelf Marine Park, which extends from Wollongong to just north of Eden, we have the Jervis Bay Marine Park and the Batemans Marine Park—again, two marine parks. Who has been telling porkies?

There is a reason two marine park managers resigned during this so-called consultation process. The reality is that no self-respecting manager will publicly participate in a charade where he has no influence or power. This became painfully clear to me while fronting Cameron Westaway, our very first park manager. As far as I am concerned, he seemed a reasonable fellow—quite professional; I had no problems with him.

I fronted Cameron at a marine park meeting. Cameron liked to have a smoke, so we had a break and ducked outside for a smoke. I said, "Look, Cameron, I've got to talk to you about this marine park sanctuary zone on Montague Island." That is the one on the eastern side, in the bay there. His reply, verbatim, was, "Sorry Ric, I cannot negotiate that with you. You will have to negotiate that with Mark Fleming", the person who was sitting in this chair before me. The marine park manager had no power to negotiate any of those zones; Mark Fleming had the power. That is not a consultation process.

A professional colleague of mine, who also worked for the State in resolving the Solitary Islands and the Byron sewage issues, sat on the Solitary Islands Marine Park Advisory Committee. I would like to hand you his letter of resignation. I only saw that the other day for the first time. You will see in that letter precisely the same problems with the Solitary Islands. He resigned in protest, because of the farcical consultation process. It was just stage-managed, predetermined—a joke. That was a professional engineer involved in spending millions of dollars in this sort of stuff. Recreational fishing has been a major casualty of the predetermined outcomes negotiated between the local Greens and State Ministers, in exchange for what? It is the popular belief that marine parks equals Greens preference votes, and it appears reasonable. Maybe you guys might want to enlighten us on that while we are here.

Spearfishing has been particularly targeted by Coastwatchers, the National Parks Association [NPA] and the local greens, due largely to the use of a primitive rubber-powered weapon—the speargun. The extreme view and unwarranted political influence of Coastwatchers, the Nature Conservation Council and the NPA has denied spearfishers legitimate democratic representation on both the Lord Howe Marine Park Advisory Committee and the Jervis Bay Marine Park Advisory Committee. We have certainly been denied any representation on that, despite the fact that the bulk of the submissions in regard to Lord Howe supported spearfishing. Lord Howe has a total ban on spearfishing. Where is the consultation?

Spearfishing is the most sustainable form of fishing available anywhere in the world. Spearfishers are limited to depths available by freediving only, say 20 metres; that is the end of our go. Fish that go below 20 metres are safe; there is no noisy scuba involved. Spearfishers can select species, size and sex of target species, within Fisheries regulations. I can pick a fish—it might be a Sergeant Baker. I would see it, identify the species, and see if it is big enough or small enough. I can tell if it is a male or a female by its fins and all that sort of stuff. I can then decide whether to harvest or swim by.

Spearfishers are not a threat to protected species; we can see and avoid capture. We are not a threatening process to, say, grey nurse sharks or anything else. We require calm, clear-water conditions, because we are in their territory, we are visitors, and the conditions have to be good. So we are obviously subject to sea and weather conditions. There is no by-catch, and no abandoned nets, hooks, lead or lines, or anything of that nature.

I have a total bit of fabrication here. I will hand up a copy of a report titled "Competition Spearfishing Report from the Jervis Bay Marine Park", which I think one of you may have referred to earlier. There are three authors to the report, one of which is an NPA officer. This is a report to the Jervis Bay Marine Park Steering Committee. I will submit that to you. The authors of that report should be examined for being basically incompetent, grossly negligent, or whatever.

CHAIR: I remind you of the adverse comment rule. Please do not name anybody.

Mr CUMMING: It needs to be examined because that document is outrageously wrong and it misrepresents spearfishing totally. An example of that is the rainbow runner. I do not know whether anyone here knows what a rainbow runner is. I think it reports that we have taken 300 in one year. In my 40 years of diving I have taken one in the Jervis Bay region. There are just total misrepresentations all through that report.

These are tables, which again I will pass around. They are tables of habitat types and their break-up within the marine park. You will see that marine parks have, locked up in sanctuary zones, huge amounts of area accessible to spearfishers. I think in an earlier session you might have raised the question about percentages. A former colleague of mine was talking about 20 per cent. I think this document talks about 56 per cent in this park, of our area below 20 metres locked up—inaccessible to others. That is why when divers fish from Narooma, for our annual competition there, they actually travel down past Bermagui to get out of the marine park, to get adequate territory to fish because there is just so much lock-up. It is totally disproportionate. I think those tables need to be examined.

Spearfishing bashing appears to be a very popular pastime, particular at Jervis Bay. The leaked details we are getting on the Jervis Bay rezoning indicate that we are going to lose territory there big-time. Whether that is just a few greenies there having a bit of a break or a stir, I do not know, but it is looking very bad for us, in that we appear to be, again, selectively locked out of areas which will then be made available to rock fishers—along the lines you will see on the local plan here, where for 100 metres up a beach you can cast off a beach. It appears that similar provisions are being promoted at Jervis Bay but off the rocks, which is our prime area in a shallow reef.

Water quality is the most critical habitat required in any marine park. It is like for us in this room: if there is no oxygen, we are gone. If there is poor quality water, they are gone. It is given no consideration whatsoever. As I mentioned earlier, I believe the six pollution-control licences to discharge effluent into the Batemans Marine Park were all sorted before the parks were declared elsewhere. Marine Parks Authority education staff go out and talk to primary school kids and indoctrinate them. That is great. They do not come and talk to council, or developers, or plant operators, or anyone else about erosion and sediment controls, water pollution controls, and development—any of those things that really affect water quality. Education is totally missing in critical areas.

With regard to the two Ministers, I think everyone is aware of the problems there. I was in Grafton when the Solitary Islands Marine Park came about. I went to a meeting there, which is the biggest public meeting I have ever been to, at the RSL club in Grafton. The one resolution that came out of that meeting was: "We don't want a marine park. But if we have to have a marine park we want New South Wales Fisheries to manage it, not those others." Of course, we have seen the farce that has come about by two managers taking off in two different directions. We need one marine park manager, or one Fisheries manager overall, and obviously it should be New South Wales Fisheries, who have the expertise.

The zoning outcomes for the Batemans Marine Park do not reflect the advisory committee's wishes. I will put to you minutes from the 12 October meeting. This is just one lot of minutes; I realise that you guys have a lot of paper. They are probably the most detailed minutes; minutes prior to this were very poor. But the minutes do not include a key resolution that was passed 7 to 2 at that meeting. The advisory committee had voted in favour of this motion 7 to 2, but it was not even included in the minutes, because they did not want it.

CHAIR: Who was the minutes secretary?

Mr CUMMING: I think we had a professional minutes secretary at the time; it was an administration clerk. Minutes by this stage had improved dramatically. Prior to this, one of the science officers was taking the minutes and they were just disgusting; they were that poor and unprofessionally done, it was disgraceful. But by this stage we had a proper administration officer collecting the minutes. Even so, like everything, they are not perfect, but they are certainly better than they were before. I do not think it is an administrative error. Following on from that, a motion was put which you will also find interesting. That was a motion of no confidence in Minister Debus when he announced the plan.

With regard to zonings, I want to raise two issues. I take you to Table A, on the back of this document. This causes a lot of drama; it is in conflict with New South Wales Fisheries regulations. We have particular problems, as has been highlighted to us, because one of our guys nearly lost his boat. He nearly lost his boat because he is a professional abalone diver, recreationally diving, and he took a slipper lobster. A slipper lobster is not a significant species; they are all up and down the coast. You can take them legitimately at Byron, the Solitary Islands, and so forth. But they have been omitted from the list here. Because they are omitted from the list here but they are okay for Fisheries, if you take them from the marine park they can take your boat; indeed they can take everything.

We have raised this with Marine Parks and they tried to defend it. They could not defend it, but they have done nothing to fix these sorts of issues. Other guys are having problems with shark species and other species. The rules that Marine Parks operate under are not consistent with Fisheries rules. If you look at the third one on the list, lobster/crayfish, it gives you the family, and there are two species taken, which I think are eastern and southern. But you would not know that unless you know your Latin. I went to the same school as Keating, but my Latin is not that good.

The other total farce on this plan is the Murramarang Sanctuary Zone. I think Mr Ian Cohen will be particularly interested in this. If you look at the Murramarang Sanctuary Zone, you will see it has a blue special zoning along the coastal section. In that zone we have a zone which is a sanctuary zone, so it is a total no-take,

except where the blue zone is. The only people who can take anything in there are professional abalone divers. There are \$10 million worth of abalone in that area. Obviously, the Fisheries Minister has to protect his fisheries industry and so forth. So here we have a classic predetermined deal, the science on which is absolutely disgusting.

Can you imagine a situation where New South Wales parks and wildlife issued a licence to a professional shooter to go and shoot koalas or kangaroos in a wilderness area—and I say a wilderness area because that is the equivalent of this—and to export that as game meat to France? That is exactly what that represents; it is the equal to it. It is absolutely disgusting as far as science goes. We have professional abalone guys going in there and taking mature abalone, and if you believe the rhetoric of those promoting marine parks the snapper will be growing bigger, the red rock cod will be growing bigger, the morwong will be growing bigger, and distributing all the juveniles. Where is the science in that? We take the big ones and they take the little ones.

Mr IAN COHEN: In relation to the Murramarang sanctuary zone abalone, how far off shore is the spot you are talking about?

Mr CUMMING: What you see on the map is what you get as far as accuracy goes.

Mr IAN COHEN: In the sanctuary zone itself?

Mr CUMMING: Well, the sanctuary zone has been modified.

Mr IAN COHEN: Or near the shore?

Mr CUMMING: It is from the shore to the sanctuary zone.

Mr IAN COHEN: I am looking at Murramarang and there is a significant area of special purpose zone.

The Hon. RICK COLLESS: That is where they take it from.

Mr CUMMING: Now I cannot go in there and take two, but if I am a licensed abalone diver I can take my quota.

CHAIR: Thank you for your evidence today. Committee members have not had a chance to ask a number of questions. Would you agree to take questions on notice?

Mr CUMMING: Certainly.

CHAIR: And would you agree to return answers to the secretariat within 21 days of receiving those questions?

Mr CUMMING: Yes.

(The witness withdrew)

RICHARD DAVID TILZEY, Retired Fisheries Scientist, Narooma Port Committee, and

PHILIP ANTHONY CREAGH, Chair, Narooma Port Committee, affirmed 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 your request. If you do take any questions on notice today, the Committee would appreciate it if the responses to those questions were sent to the Committee secretariat within 21 days of the date upon which the questions were forwarded to you. Before the Committee commences questioning, would either or both of you like to make a brief opening statement?

Dr CREAGH: As chairman of the committee, I would like to make a brief statement.

CHAIR: Please proceed.

Dr CREAGH: I would like to table our statement in full and talk to our statement in part. As chair of the Narooma Port Committee, I appreciate being invited to make a public submission to the inquiry. We appreciate you coming to the southern provinces of New South Wales in order to do so. I would like to reinforce a few issues within our written submission without trying to negate questions you may have. The members of the Narooma Port Committee are all supportive of the goal of sustainable recreational and commercial fishing within New South Wales and Commonwealth waters.

The Batemans Marine Park was announced on 30 November 2005 and the New South Wales Government stated aims of the marine park were to conserve marine biodiversity and maintain ecological processes, and provide for ecologically sustainable use, public appreciation, education, understanding and enjoyment of the marine environment. Neither New South Wales Fisheries nor Department of Environment, Climate Change and Water could identify any actual threat or anything but sustainable use of our fishery stocks through recreational or commercial trap and line fishing. What we wanted to know is why fishing is the only activity that is affected within New South Wales marine parks. With no identified threats from fishing, but many potential threats from terrestrial sources, why did there appear to be a set goal of 20 per cent of the 88,000 hectares of the Batemans Marine Park to be locked up in no fishing zones?

Australia is committed to establishing a system of representative marine protected areas using a comprehensive, adequate and representative model. The important issue is that effective protection does not necessitate closures to fishing, unless it has been shown to have or threatens to have a significant negative impact on ecosystems. Effective protection must be against identified threats. Consequently, our attitude is similar to many recreational and commercial fishers in New South Wales that New South Wales marine parks, as they are currently planned and managed, do not address the real threats to the estuary, beach or marine environment.

The attitude towards larger and more comprehensive no-take fishing zones, further demonising fishing and alienating anglers, secure our fishery future will do nothing to enhance the New South Wales or Australian marine environment. The issue of rocky reef habitat destruction within the Batemans Marine Park has been addressed by the removal of trawling effort throughout the park. However, it has been mooted as a sensible initiative for over 20 years. I fail to see the logic that trawling effort has only been removed because we have the Batemans Marine Park.

I would like to reinforce an issue mentioned in our submission. For assistance with these issues I am indebted to Dr Matt Landos and Dr Ben Diggles, two of Australia's foremost scientists specialising in aquatic animal health. Pollution, such as sediment from inappropriate grazing and clearing close to stream and river edges, both in freshwater and the marine environment, is relatively obvious and not difficult to measure. The less obvious pollution from heavy metals, eutrophication and sewerage can still be easily measured with sensitive measuring equipment and correct collection methodology. Unfortunately, in the last 40 years there has been a quantum leap in the range of novel and synthetic compounds that are drifting, running off or being disposed of into waterways, as well as sewerage outfalls. These range from the simple birth control pill hormones that are excreted in minute levels to complex synthetic pesticides and herbicides that have the ability to remain toxic in the environment and are having a significant sub-lethal effect on fish stocks at the egg, embryo and fingerling stage. This goes hand in glove with other chemicals, such as chemotherapeutic agents

and other cytotoxins, which, because they can be in such minute levels, are either largely ignored or not measured. I would like to quote from personal correspondence that I had with Dr Landos, who said:

Loss of embryos/larvae will lead to poor recruitment. And hence, fishermen may be blamed for overfishing the ever-declining numbers of stock. Even though, at its core, it is not the fishing per se that is driving the decline.

Lethal concentration of a chemical at which 50 per cent of an exposed population of fish die is LC50. The test is usually only performed over 96 hours. Hence you cannot see chronic effects if you never look for them—one of the many great oversights of our registration authority, which never required such detail for chemicals registered in the past. Most chemicals in use were pushed through years ago and have not been reviewed since.

On 6 January 2010 Mr Cohen received a reassuring answer to a question without notice, No. 3932 from the Department of Environment, Climate Change and Water, in relation to run-off and pollution having an impact on New South Wales marine parks. Instead of accepting the answer without query, it would have been more interesting for Mr Cohen to have asked whether it is correct that the New South Wales Department of Industry and Investment [DII] laboratory at Wollongbar has been told not to work on contamination in the Richmond River and whether the studies done at the same laboratory on organochlorins 10 years ago were withheld from release.

As the Committee deliberates on its hearings, could I suggest that it consider whether the public has been hoodwinked by the so-called benefits of New South Wales marine parks by selective questioning in various questionable surveys performed by a department of environment that appears to be trying to justify its *raison d'être*. Perhaps taxpayer funds are being frittered away rather than invested in research at the obvious levels of recruitment for our fisheries, in the waterways and estuaries. In response to what the Chair said about adverse comment, this may fall under that heading.

CHAIR: Please do not name anybody.

Dr CREAGH: The Hon. Christine Robertson claimed that professors Booth and Byrne from the Australian Marine Sciences Association—delete Booth and Byrne—had produced a myth-buster submission.

The Hon. CHRISTINE ROBERTSON: You are allowed to name me.

Dr CREAGH: That was in the second public hearing on 27 April 2010. I would be very interested to know exactly what myths were busted. We have found the Australian Marine Sciences Association [AMSA] to perpetuate myths about sanctuary zones in marine parks, particularly in the appearance of professors Booth and Byrne. You will note that Professor Byrne claimed:

... if in 20 years time my children cannot go and get a fish to bring home for tea, then I would be concerned.

It is a long-held belief of extreme green non-government organisations, the Marine Parks Authority and the Australian Marine Sciences Association that we need to have marine parks so that "there's a good day's fishing with plenty for tomorrow". These sorts of motherhood statements are poppycock. Clearly there is an enormous amount of worldwide science regarding the fishery and biodiversity benefits of marine parks. However, in a review of the approximately 250 science papers in the Marine Parks Authority's scientific literature on marine protected areas, a trend can be seen that all of them of any substance are from overseas. Almost all of these have had a very poor fishery management. Australian literature related to New South Wales can only show two improvements to sanctuary zones. This is despite Australia having for many years at least 33 per cent of the world's marine park areas. From 2012 it will be approximately 48 per cent.

Professor Booth criticises the Advisory Council on Recreational Fishing [ACoRF] as a recreational fishing body for providing funds for a review of the National Parks Association's "Torn Blue Fringe". The report, by Professor Kearney, was authorised and signed off on behalf of the Advisory Council on Recreational Fishing by Minister Macdonald for New South Wales Department of Industry and Investment at the time. He then goes on to criticise the allocation of monies from the recreational fishing trust fund and finishes with an outrageous allegation:

We are disappointed with the trust's performance to date. It has been charged with the disbursement of \$12 million, but we feel it has done little to improve the understanding of the impact of fishing on communities, habitats and the health of fish stocks. The vast majority of funding seems to be spent on restocking or artificial reef programs.

For several years fishers have had to put up with the Marine Parks Authority and various extreme green non-government organisations, such as the Nature Conservation Council [NCC], National Parks Association and the Wilderness Society, telling us, for example, of the improvement in the economy, fish stocks and biodiversity. One example is from Apo Island in the Philippines where a study by Professor Russ of James Cook University [JCU] and others in 1999 showed that benefits of the reserve to local fisheries at the island were higher catch, increased catch rate and reduction in fishing effort, and the fishery and tourism benefits generated by the reserve have enhanced the living standard of the fishing community. The Wilderness Society claimed that this would be mirrored in New South Wales marine parks. When this study was examined more closely it was seen that this was a large coral reef structure that had been denuded of fish and virtually every living thing by the use of dynamite and cyanide in the 1970s. Over the next 10 years, under strict management rules, it showed an improvement once this was stopped—interestingly, given such savage damage, only a 32 per cent improvement.

The Committee could also consider the obvious resilience of the New South Wales marine environment by the explosion in the resident seal population at Montague Island over the past 30 years. The fur seal colony on Montague Island has risen from 50 seals in 1980, when I first started coming down here and fishing seriously, to approximately 2,200 seals in 2010. In 2010 they eat approximately 5,000 tonnes or 5,000,000 kilograms of fish and squid per year. Surely it demonstrates amazing resilience of our marine environment that, from a modest take in 1980, an increase to 5,000,000 kilograms in 30 years could go unnoticed by fishers in their ability to catch a feed at Montague Island. This is of interest as the total New South Wales recreational fishing catch in New South Wales has been claimed to be in the order of 5,000 tonnes or 5,000,000 kilograms, whereas the seals take their food from an area of about 10 per cent of the entire Batemans Marine Park, or about 10,000 hectares. Is this sustainable? Of course it is.

CHAIR: Mr Tilzey, would you like to make a brief statement?

Mr TILZEY: Yes, thank you. In my written submission I went into some detail criticising marine parks, and I do not intend reiterating that except to note that fishing seems to have been singled out by the Marine Parks Authority as the single biggest threat to biodiversity. Nowhere in the literature can I find any papers showing a deleterious effect on fish populations through recreational fishing. I want to make that quite clear. I believe a lot of the science underlying the selection of marine protected areas is non-existent and, in the case of the Batemans Marine Park at the moment, the fact that they are just starting to do habitat mapping now clearly demonstrates that the site selection for a lot of these marine protected areas was basically just sticking a pin in the map. They are not based on science. You had Professor Kearney address you at an earlier meeting and I solidly stand behind him.

Moving on from the marine park issue, I think it is clear that the fisheries, be they commercial or recreational, need to be managed by one central body. Like it or not, the Marine Parks Authority has become a sort of clayton's fisheries management agency through introducing all these restricted no-take areas and the rest, and this is leading to great confusion across the State. There currently appears to be no overall strategic plan for managing recreational fisheries, an accusation that could also be levelled at some commercial fisheries.

I had a look at the current research projects being undertaken by the fisheries and ecosystems research branch of the Department of Primary Industries, or whatever it is called these days. In the wild fisheries section we have 51 projects currently underway. Of these projects, 18 receive funding from the Recreational Fishing Trust. Only three of these 51 projects are concerned with monitoring. Unless you know what is being caught where and when, how are you going to manage any fisheries? Monitoring is really a key issue. Of these three programs the game fishing and bass tournament monitoring has been underway for quite a long time, it is a long-established program. There was a recreational survey in the greater Sydney region and there is a program titled Development of Cost-Effective Methods for Monitoring and Assessing Spatial Management Options for Recreational Fisheries in New South Wales. I urge that this sort of program be given long-term funding.

The Hon. Christine Robertson raised the issue earlier about what impact does recreational fishing have. The reality is nobody knows because of the lack of these monitoring projects, and I certainly recommend that some long-term funding be given to a statewide monitoring program for recreational fisheries. At the moment the projects in the wild fisheries section, I suspect, are being driven by availability of outside research funding, which is obviously the case, but they seem to be extremely haphazard to me. For example, I heard on the radio a couple of days ago that \$150,000 is to be spent on researching the basic biology of black fish. Fine, black fish are an angling species but they are certainly not under any threat, they have a very healthy population. You only have to put a snorkel and mask on and just go cruising around to see black fish everywhere. This is possibly a nice PhD project for somebody, but the priorities are not what I would consider to be well aligned.

We move on to the aquatic ecosystems section, which takes in most of the inland fisheries. We have 71 projects of which 45 centre on fish. Nine of these receive funding from the Recreational Fishing Trust. The vast majority of these centre on native fish or pest species. This is understandable given the parlous state of a lot of the inland environment. A lot of these are being driven by outside funding from organisations such as the Murray-Darling Basin Commission.

Looking at the overall programs, we have the salmonid fisheries in the Snowy Mountains region, which are arguably the most valuable inland fisheries in the State, generating many millions of dollars of revenue a year, being totally neglected. There is not one program looking at the basic biology of some of these large Atlantic fisheries. There is only one project titled Assessment of the Effects of Stocking in the New South Wales Freshwater Fisheries. That centres on marking odourless so you can pick stock fish from wild fish and has a salmonid component, and that is only a minor component of the program.

To sum up, I think the situation is that we have too many chiefs in some ways as regards the jurisdiction. Fisheries should be under one Minister, not a plethora of Ministers. If you look at the overall research being conducted here—I realise a lot of it is being driven by the availability of external funding—there does not appear to be much coordination overall. It is very fragmented.

CHAIR: Dr Creagh, I think you were present when previous evidence was given by two separate witnesses, one arguing there was no science done in this area, that when the zoning was done it was based largely on huge volumes of overseas research, and the second set of witnesses were talking about how effective the overseas research was in predicting, if you like, the success of, shall we say, Batemans Marine Park. Do you have a view on those?

Dr CREAGH: The design of Batemans Marine Park, the external boundary was set. That satisfied the CAR principle—comprehensive, adequate and representative. That is why Australia has 33 per cent of the world's marine parks, mainly because of the Great Barrier Reef. The United States only had 1,300 square miles of marine protected areas before it developed a large Marianas Islands Marine Sanctuary area of north-west of Hawaii. Here, and I can only speak for Batemans Marine Park, the external boundaries were set based on the fact it was in the Batemans bioregion. The internal zoning was set and they tried it at first with a program of having meetings where people wrote on maps where areas were. A lot of people said those areas were selectively chosen. They tried that for a little while and then people started to not do that. Then they developed another technique called habitat as a surrogate for biodiversity. Because they had done that mapping down here they had no idea where the reefs were. What they were trying to get at was a reef as a habitat area and sandy bottoms as a habitat area. Where there was a reef, they were using that as a surrogate for biodiversity. So, what they were trying to do was establish zoning based on what they thought were habitat areas. I am sorry, the second part of your question?

CHAIR: The second part of my question was really for Mr Tilzey. You made a couple of comments in your submission about the management, particularly, of the research side of it. Do you believe there would be any benefit in combining the bureaucracy of the Marine Parks Authority, Fisheries and maybe some of the operations of New South Wales Waterways, and, if so, which organisation do you believe would be best able to manage biodiversity of the marine environment?

Mr TILZEY: That is a good question. I certainly think it would be far more effective to have a common body. I certainly believe fisheries, be they inside or outside marine parks, should be managed by one central agency with expertise in fisheries management. There seems to be a perception that New South Wales fish stocks are all overfished. Nothing could be further from the truth. There are a few offshore stocks such as eastern gemfish that have been overfished in the past. I believe current fisheries management legislation has put the reasonable cap on commercial fishing now. The south-east trawl fishery that I used to work in, for example, which extends down this coast and right around Tasmania, et cetera, since 2004 the amount of effort was almost halved. This was achieved through buyout of it.

When it comes to biodiversity, sure, this is where the Marine Parks Authority should have sway. That is the main purpose for setting up marine parks, to preserve biodiversity. I am in agreement with that and I think most fishers are. Everybody wants to protect biodiversity. But if you have the Marine Parks Authority being a sort of clayton's fisheries management authority, even though obviously it works together with the New South Wales Fisheries agency, I think that is highly inefficient and you will possibly have clashing agendas at some time. It has already been stated earlier today, when it comes to the marine park the Marine Parks Authority is the

lead agency and Fisheries or Primary Industries, whatever they are called these days, are now the secondary agency when it comes to marine parks and I think this is really ineffective.

CHAIR: The question has been raised by a number of witnesses that they felt what was needed for the recreational fishery was a full environmental impact statement on recreational fishing in New South Wales. Would you see that as being of any benefit?

Mr TILZEY: I think certainly it would be of benefit.

The Hon. CHRISTINE ROBERTSON: Have you any idea of the methodology required? That was a serious question earlier.

Mr TILZEY: Yes. Again I come back to what I said earlier. Unless you have a reasonable estimate of what is being caught where and when, it is a waste of time. That is the basic foundation on which to assess—

The Hon. CHRISTINE ROBERTSON: That is where my question comes from, where is the methodology?

Mr TILZEY: The methodology is there in terms of creel censuses and stuff like that. It is inevitably labour-intensive. The last thorough survey on recreational fishing in Australia went back to 2001. It was largely federally funded. I think that was the last piece of data New South Wales has on who was catching what and where and when.

CHAIR: Two surveys were carried out in recreational fishing havens in 2005, three years after their establishment.

The Hon. CHRISTINE ROBERTSON: Who was surveyed?

CHAIR: A survey by the Department of Fisheries.

The Hon. CHRISTINE ROBERTSON: Who was surveyed?

CHAIR: Recreational fishers got surveyed.

The Hon. CHRISTINE ROBERTSON: From clubs and stuff?

CHAIR: No, on site.

Mr TILZEY: On site, by Dr Aldo Steffe. I really believe you need much more of that sort of work and it should be coordinated statewide. I am reiterating myself here. I believe a section of the Recreational Fishing Trust Fund should be set aside for this purpose. I stress, most research program funding usually extends over three or four years to get a meaningful dataset. You are looking at quite a few years here to be able to detect differences or changes, shifts in population or whatever. It has to be an ongoing thing. I am just guessing what is going to happen with Batemans Marine Park, for example, when the five-year review process comes up. They will not be able to demonstrate much difference between fish abundance within or without some protected fishing areas. Simply, the whole environment is far too dynamic for that.

The Hon. TONY CATANZARITI: Dr Creagh, in your submission you include a list of businesses that you believe have ceased operations due to the impact of the implementation of the Batemans Marine Park. Not all of them are directly related to fishing. Did those business owners advise you that it was because of the general drop in tourist population?

Dr CREAGH: Narooma is a fairly small town. As a veterinary surgeon I came to know quite a few people in Narooma. This is through questioning them. Of the ones on this list, for argument's sake, Narooma Mobile Marine serviced my boat; Narooma Tents and Tackle was in the old premises that Darryl Stuart had a fishing tackle business in; and with regard to Dallas Charter Fishing Boat, I went out with him a couple of times in 2000. Nitro is a big twin cab. I spoke to all these people individually—because you do, in a community such as ours. It is not like a large town. Even Griffith is five times bigger than Narooma. You find that you do talk to these people. Whether they blame the onset of Batemans Marine Park for their demise is, of course, just anecdotal. I am not putting that in there, in any way shape or form, as a complaint against the Batemans Marine

Park; I am merely pointing out that in a small community such as Narooma you can have a situation where people feel, rightly or wrongly, that their business is adversely affected by an obvious fishing closure, nearly 20 per cent of it by overfishing.

The Hon. TONY CATANZARITI: Do you know of any new businesses that have emerged to replace them?

Dr CREAGH: On the South Coast, you should consult Grant's Business Broking. You will see new businesses coming and going there at a greater rate of knots than I think you would see in Sydney. In terms of a new business, I believe that there is a new charter boat operating out of Narooma called Sheridan. I believe he has come since the Batemans Marine Park. That is the only new business that has occurred.

The Hon. CHRISTINE ROBERTSON: The social and growth issues in areas such as Bega and further down the South Coast are quite different from the issues in relation to places like Jervis Bay, are they not? You have a totally different socio-demographic picture?

Dr CREAGH: The Batemans Marine Park is about 110 kilometres long—

The Hon. CHRISTINE ROBERTSON: I am not talking about fish at the moment; I am talking about businesses.

Dr CREAGH: It is about 110 kilometres long on the coast. So you have lots of small communities, whereas in Jervis Bay you seem to have Nowra, a very large town, close by.

The Hon. CHRISTINE ROBERTSON: A totally different socio-demographic?

Dr CREAGH: Yes. Narooma-Bermagui is not what you would call the best socioeconomic environment.

The Hon. CHRISTINE ROBERTSON: And quite a different socioeconomic environment to Byron, for example, or even Coffs Harbour with the Solitary Islands?

Dr CREAGH: I have not been up there for 40 years.

The Hon. CHRISTINE ROBERTSON: I am talking about the socio-demographics and the growth in the business around that might build up small business populations. This morning we have heard quite a lot about small businesses going from areas, and directly correlating that with the marine park process. I am interested that that has not been correlated in other areas we have visited. I thought you may be able to paint a picture there.

Dr CREAGH: I have been informed quite reliably by the manager of the only fishing tackle store left in Narooma that since the Batemans Marine Park was announced on 30 November 2005 not one marine park manager has come to see him to just have a chat to him. I think that is a disgraceful situation. A situation where the manager of the greatest impost on our community in Narooma does not even bother to visit the only fishing tackle store left in Narooma—

The Hon. CHRISTINE ROBERTSON: That reinforces what you were saying earlier. I was just wondering whether you had any thoughts, since you have obviously done so much research into it, on whether the different scenario on the South Coast of New South Wales compared with the rest of the coast of New South Wales, as far as socio-demographics and businesses are concerned, has made a difference to the reaction with regard to the marine park.

Dr CREAGH: I cannot comment on that. I would gather that areas such as Coffs Harbour are significantly better socioeconomically than Narooma is, for argument's sake. The same with Bermagui. Then you go to Bega. That is almost a rural town, rather than a coastal town. Narooma and Bermagui are coastal towns, whereas Moruya is a country town.

The Hon. CHRISTINE ROBERTSON: But they fit into the same socioeconomic disadvantage bracket?

Dr CREAGH: Every town and city needs a critical mass before it starts to take off. I lived in Canberra for 30 years. When I first went there it had a population of 200,000, and I think I was the seventh veterinary practice to open. When I left, there were 45. When I first started I had one vet and myself, and a receptionist/nurse, whereas at one stage I had 25 staff. That is what happens when the population increases.

The Hon. LYNDA VOLTZ: Mr Tilzey, some suggestions were made to us earlier regarding the fish stock off the coast of New South Wales with regard to the shelf and how far it runs off New South Wales has an impact on the type of fish stock we have as opposed to places like Western Australia and New Zealand, which have much larger fish stocks. Would you support that the fish stocks are a lot different in New South Wales compared with other parts of the country?

Mr TILZEY: They certainly differ from Western Australia. The shelf off this coast is very narrow. When I say "shelf", I mean the waters shallower than 200 metres, which are normally the most productive fisheries. Here they are very narrow; the shelf virtually stops 20 nautical miles out and then starts to drop off. Also, off the coast here, the oceanography is quite complex. You have the East Australian current coming down and you have the colder, temperate waters coming up about this time of year, and this whole heap of mixings. So the fishery off here is in some ways unique.

The amount of scale fish that New Zealand catches is considerably greater than that in the whole of Australia, because they have the Chatham Rise—this remarkable, big, productive area that is full of temperate water, which is usually much more productive than warm water. So there are differences. There are also a few similarities, but there are a lot of differences.

The Hon. LYNDA VOLTZ: In terms of our commercial fishing, and also our population growth in New South Wales—we are the most populous State, and most of the population is congested around the eastern borders—our waterways are having a huge impact on them. That growth is occurring in other States, but not to the extent it has occurred in New South Wales over the last 50 years in particular.

Mr TILZEY: Coastal development is obviously a very major component here. I guess what gets my and Phil's hackles up with the whole marine park issue is that fishing has been selected as the most damaging thing, whereas really the threat to marine parks—and I am talking about State marine parks, coastal marine parks—are on the inlands. There is coastal development, run off, pollution—you name it. That is the single biggest threat. I think fishing has to some extent been demonised because it falls within the jurisdiction of the park. A marine park really does not have much control over what happens on terra firma.

Mr IAN COHEN: Dr Creagh, were you intimating there that I was deliberately not asking the right questions before.

Dr CREAGH: No.

Mr IAN COHEN: I am interested to hear, because it fits in with your general attack on extreme greens, non-government organisations—

The Hon. CHRISTINE ROBERTSON: And the Labor Party.

Mr IAN COHEN: And the Labor Party got a mention. It is a very vitriolic position you are taking there. Questions are asked generally in good faith. They may not be to the depth that you require, but nevertheless I do not see—

Dr CREAGH: Mr Cohen, I was not questioning your ability to ask a question in Parliament. All I was saying was that the response you got from DECC painted a fairly rosy picture—although they did point out that there are in fact three in poor condition. As I mentioned in the submission, which I am sure you have read, the topography of the east coast of Australia is such that it is very flat. The rivers either do not flow at all or they flow incredibly turbidly. What happens is that these chemicals I am talking about end up concentrating in the rivers, until we have a flush-out. In the northern area of New South Wales you have these fish kills from Monoxia, the floodgate situation as in sulphate soils. Down here we have a similar situation, but here the ICOLs—intermittently closing and opening lakes—dry out for long periods of time and they open out to the sea sometimes only irregularly.

For argument's sake, Nangudga Inlet, in the south of the park here, is adjacent to a very large caravan park. It is being made a sanctuary zone, between the draft and the final plan, and the estuaries dried out virtually completely over two years. I wrote a letter to Dr Kelaher asking him whether there would be any method of pumping water into the estuary to help support the fish until it rained and the fish could escape out to sea, or to dig out the entrance. This was fairly close to when we had the big rains in February. He sent me a letter back saying, "We have had a meeting of us four government scientists and we have reached a consensus that the best thing to do is nothing." A week or two or three later, just before the rains—

Mr IAN COHEN: Did he give a reason why that was the consensus they reached? It may well have been scientifically based, surely. You make these statements, which are all bold and beautiful, but it does not necessarily mean that they are wrong either.

Dr CREAGH: No, but they tend to have a consensus view of life, we have found. As I was saying, the waters continued to dry out until there was a major fish kill right underneath the bridge at Nangudga. Then Fisheries had to contact the MPA for authority to action removing some of the fish that were dying underneath the bridge. This happened until Fisheries and MPA did it, only I think a week before we had the rains in February.

I want to refer to another issue that I think you might be querying because I queried very strongly the actions of these people. Consensus is not the be-all-and-end-all. The aim of a consensus is to challenge consensus if you are a scientist. This is why I do not think the New South Wales Greens or the Australian Greens can understand why people challenge climate change science, or why people challenge green park science. To challenge a consensus view is the aim of science; it is not just to accept it, sit back, and then adopt—

Mr IAN COHEN: Obviously you will get a lot of support from certain elements in the political spectrum. But you labelled extreme greens, non-government organisations, and I think the Australian Science Association, and then in the next breath you said there is a worldwide view, perhaps a consensus view, for a need for marine parks.

Dr CREAGH: I did not say that at all.

Mr IAN COHEN: Perhaps I misheard you. I am concerned that a degree of politics is being brought into this whole debate. It is difficult. As you say, you are scientifically objecting to what you see as a consensus view. But, on the other hand, there is the politics of those who are objecting, using individual science that may provide an opinion but it is not a consensus. But the majority of scientists, for example, are accepting global warming, and the majority of scientists are accepting the benefits of these marine parks.

Dr CREAGH: You are saying that the science that disagrees with global warming or with marine parks is political? That is ridiculous, Mr Cohen. That is the most stupid statement I have ever heard.

Mr IAN COHEN: It might be the most stupid statement you have ever heard, but I am hearing stuff that is coming out of pure bigotry. I have a right to say—

CHAIR: Order! If we can get back to the question that was asked and the answer being given.

Mr IAN COHEN: I have finished.

The Hon. RICK COLLESS: Dr Creagh, may I follow on from that. I am a scientist myself—as you obviously are. Are you concerned about the lack of scientific training by DECCW Ministers and senior bureaucrats within the department that has essentially a scientific focus?

Dr CREAGH: I would like to answer that question by saying that in the written submission we made I said the Westminster system means that the Ministers of each department are selected by the Premier, in the case of New South Wales, or the Prime Minister, whereas in the American and Canadian systems I have noticed that the Ministers of the departments are generally very au fait with that particular section.

CHAIR: I think this line of questioning is outside the terms of reference.

The Hon. RICK COLLESS: Could I ask a question on a different note? Is it simply the anti-fishing lobby that is saying that over-fishing is a cause of decline in fisheries?

Dr CREAGH: No. I believe the Marine Parks Authority has made those sorts of statements, that the decline in fish stocks warrants marine protected areas. I believe the anti-fishing lobby certainly is saying that—and I believe there is an element of animal rights issues there as well as the pure conservation goals that they think they are retaining. I cannot quite comprehend some of these groups. They appear to have never lived in the environment or done anything with the environment or fished, and they claim that they know all about fishing or hunting or the timber industry, for argument's sake. They have a great fear of using any natural resource.

CHAIR: Thank you both for coming and giving your evidence today. Together with any questions that you took on notice during your evidence, do you agree to receive additional written questions that Committee members may not have had the opportunity to ask of you today?

Mr TILZEY: Indeed.

CHAIR: Could we have the answers to those questions within 21 days?

Dr CREAGH: Yes.

(The witnesses withdrew)

(Short adjournment)

MARION STOCKMAN, Owner, Harry's Bait and Tackle,
examined:

, sworn and

CHAIR: If you should consider at any stage that certain evidence you wish to give or documents you wish to tender to the inquiry 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 a response to those questions were sent to the Committee secretariat within 21 days of the date on which the questions were forwarded to you. Before we commence our questions, would you like to make a brief opening statement?

Ms STOCKMAN: Yes. I am here today to tell you the effect that I think the marine parks have on businesses. Since the marine park was implemented in 2007, our business has slowly deteriorated. Our turnover has not increased and it should have, as the CPI goes up every year. The price of stock has gone up 10 to 15 per cent since then, and our turnover has not increased in line with increases to cover stock, rent, wages, electricity and freight. Unless things improve, no one would want to buy our business. As we are approaching our mid-sixties, it could mean closing our doors.

Two tackle shops have closed in the bay and one in Narooma that I know of. Since the village shopping centre opened here, there have been at least 17 shops closed down and changed hands and in Bridge Plaza eight due to them not being able to meet their commitments. Currently in the bay there are 20-plus empty shops and there are five or more that have downsized, like service stations, small shops that no longer sell fishing gear, bait and fishing licences. This is in the Batemans Bay area; I am only speaking for our area. The dive charter operator has even sold his business, and I thought marine parks were to increase diving activities.

I read in our local *Bay Post* newspaper before Easter, on 24 March 2010, that the Eurobodalla Shire Council has decided to close all of its tourist information centres within the marine park area on Saturdays, Sundays and public holidays for the afternoon. One would have thought that weekends and public holidays would be the best times to be open. The coastal patrol has furnished me with the figures of log-on and log-off since the inception of the marine park with the figures showing a decline of 28 per cent. It also showed that in December 2007 and January 2008, 5,358 logged on and logged off. In December 2009 and January 2010 there were only 2,990.

I was under the impression that Fisheries and Marine Parks officers shared their job roles and when I asked a Marine Parks Authority officer about checking buckets of small fish on the jetty, which is within the marine park, he told me that it was a Fisheries job. Often people come into the shop complaining about people taking buckets of small fish from there. We were told before the marine park was implemented how good it would be for businesses, but I think instead it has been very detrimental to our business community.

CHAIR: Do you issue many fishing licences and has the issuing of fishing licences gone up or down since the implementation of the marine park?

Ms STOCKMAN: Actually I have not really looked into that because a lot of times you just sell one for three days. People just come for a weekend and it is three days, but we sell probably—I did not even look at the figure—about \$85,000 or \$90,000 a year.

CHAIR: Worth of fishing licences?

Ms STOCKMAN: Yes.

CHAIR: When you issue a fishing licence—I was probably not thinking of a three-day licence, but any licence—are you able to routinely provide fishing regulation information, such as the saltwater fishing guide and marine park zoning plan user guide? Are you provided with those by New South Wales Fisheries or the Marine Parks Authority?

Ms STOCKMAN: We do have them there and we do give them out. We do not sit them on the counter. If they ask, "Have you got something for fish sizes", we go and get those, or if they have a boat, the stickers for that, or if they ask, "Have you got a marine park map", we do. We found that by putting them out—and we have takeaways next door, tables outside—the kids just come in and take handfuls. So we have kept them to the counter because we just find they go, four or five at a time, and to me that is a waste.

CHAIR: We believe from previous evidence that there are only about 350,000 fishing licences that are issued of which they keep a record—in other words, where full details are taken. Do you believe that there is a way, through the fishing licensing system, where that sort of information could be provided almost in a mandatory fashion? In other words, sending out with renewals, for example, copies of current regulations, or something like that?

Ms STOCKMAN: With the book, it probably costs a lot in postage. Most people get a book. Two or three gentlemen might come in together and they will get a book between them. I would not say everybody gets a book, but they are going out on the boat today and you just give them a book and a marine park map and off they go.

The Hon. RICK COLLESS: In your submission you make the point that you would like to see seasonal closures, for example, three months around the Tollgate islands while grey nurse sharks are there. Is it a fact that they move offshore for most of the year?

Ms STOCKMAN: The marine park officer who told me it was a Fisheries job to go and get the people with small fish is the same one who told me that.

The Hon. RICK COLLESS: The only reason the Tollgate islands were closed in the first place was because of the grey nurse sharks?

Ms STOCKMAN: Yes, and they are reportedly only supposed to be around there for about three months of the year and then they go out.

The Hon. RICK COLLESS: In relation to the bucket of small fish that you talked about, we have been told that in other areas—Jervis Bay in particular, I think—the Fisheries and marine parks people have a coordinated role, so they can each issue fines on the other's behalf.

Ms STOCKMAN: I thought that as well.

The Hon. RICK COLLESS: But that does not apply here obviously?

Ms STOCKMAN: Well, I do not know. I was led to believe that they can do each other's jobs, that is why I mentioned it here, because I would really like to know if that is the case: Is it separate or is it not?

The Hon. RICK COLLESS: That marine park officer did not even quiz the people as to whether the fish came from the marine park?

Ms STOCKMAN: We look straight out of our shop window at the river and the jetty at the edge. We get a lot of people coming in and complaining that people are catching small fish off the jetty. They fill up their buckets and go, because they just mince the whole lot of it up. But by the time we ring somebody or do something they are gone. We have said to people that there is no point in ringing up because all you will get is an answering machine if it is a weekend. We have had someone come in on Tuesday morning after a long weekend saying, "Where are these people?" They were there on Saturday. When he came into the shop I specifically asked him, for that reason, did he have a number so that perhaps I could get hold of him quickly to be able to do something about this, and that is when he told me it was a Fisheries job.

The Hon. RICK COLLESS: How many Fisheries inspectors are in this region, do you know?

Ms STOCKMAN: Two or three. I do not know. I think a lot of them change roles. Some might live in the Bay, some in Narooma. I am not sure. I am in the business. I am only going on what people are saying to me, complaining to me in the shop.

CHAIR: Have you had any interviews or visits from Marine Parks Authority people to talk to you about your views on how your business is or how it is working?

Ms STOCKMAN: No. The only time I have had a marine park officer in there is when I ring up and ask for more marine park brochures. That is the only time I have had a marine park officer in my shop.

Mr IAN COHEN: You have heard quite a bit of criticism of the marine parks here and you quite clearly stated, and I accept, that that you have lost business, business has gone down and there are a lot of other difficulties in the town. I am not taking you personally but as a community, do you think you might be a victim of your own propaganda, in that there has been so much negativity against the marine parks you have not been getting behind it and saying how do we make the best of the situation? There might be some rough edges round it that we can fix but there is such intense concern that people tend to stay away, or am I wrong there?

Ms STOCKMAN: No, I am more going on tourists in town. We are classed as a tourist town. We do not survive unless we have tourists. As I stated, the Eurobodalla Shire Council is now closing its tourist information centre Saturday, Sunday and public holidays in the afternoon. If you are a flourishing tourist town why would you find the need to do this?

Mr IAN COHEN: Is that directly related to the marine park?

Ms STOCKMAN: I am not saying it is. I do not know. As I say, in the town there is a downturn. I am going also on the number of boats. In January 2007 and January 2008, and the marine park came in in June 2007, there were 5,358 logged on and logged off at the coastal patrol. This last December-January there were only 2,990. That is about 45 per cent. But I did say overall there was a decline over the whole time of the marine park being in, the boating has gone down 28 per cent.

Mr IAN COHEN: We have been to Jervis Bay and got some pretty glowing reports because there has little concern over four aspects. It was set up and then people found once it got going, as an attraction it seems to be working. Could you tell the Committee why it there is so much difference? Why the apparent success in Jervis Bay, why the apparent decline in this area?

Ms STOCKMAN: I know people have been asked do they have anything against marine parks and I personally do not have anything against a marine park if it is run properly. I personally think like Tollgates, where people could go fishing, if that was only closed off because you want to preserve the grey nurse sharks, that is fine, I have nothing against that. But I do not see why you should block it off for 12 months of the year when there is only a need for it for three months. And I think when people do surveys they go up and say to me, "Are you against the marine park?" No, I am not, but I do not like the way it is run, but that is not put in the percentages.

Mr IAN COHEN: It comes out as an anti when that is not as you wanted?

Ms STOCKMAN: Yes. If you said to me are you against marine parks, I would say no, but I do not like the way it is run. Then they say that 98 per cent are in favour of marine parks but they do not say 90 per cent think they are not run properly. That is where I think the figures get a bit lopsided.

Mr IAN COHEN: Do you think the people who visit the area and come through your shop are well aware of the Batemans Marine Park? Is that in their minds when they come along and get their licence or their bait?

Ms STOCKMAN: I think there are a lot more aware of it. We get more people coming now. The tourists we get now are coming from Sydney because I think they have been going up the coast. We never really saw people from Sydney much here. When you do licences you see where they come from. You might do a licence today and it is Temora, and you may comment, "Another lot from Temora, you had better behave yourself while you are in town." More people now are coming from Sydney because I think they have been going up the coast. I probably should ask "Why are you coming down here instead of going up the coast?" "We have been going up the coast for years and we have just decided to come down here now." I think what keeps us going at the moment is we have Canberra. Canberra is a suburb of Batemans Bay.

CHAIR: Or vice versa.

Ms STOCKMAN: Or vice versa. And I personally feel the only reason we have not lost all that trade is that Canberra come down here every couple of weekends and they are the ones who keep us alive. If it was not for Canberra Batemans Bay would not exist, like, during the week.

The Hon. LYNDA VOLTZ: I am looking at the visitor-nights drop off in June 2006 and then it went back up. I am sorry, it is difficult to look at these figures—December 2008 to June 2009.

Ms STOCKMAN: No, January. December 2009, it is just for the Christmas break.

The Hon. LYNDA VOLTZ: Have you a different set of figures there to the ones we have been provided?

Ms STOCKMAN: Total trips to Eurobodalla. Is that for the boats? I am talking about boats logging off and on, going out to sea, fishing boats.

The Hon. LYNDA VOLTZ: I am sorry, I thought you were talking about tourism and visitor nights. So, you had a drop off in the number of boats?

Ms STOCKMAN: Yes.

The Hon. LYNDA VOLTZ: That is interesting, because when we were in Jervis Bay the complaint we were getting from the people there, particularly the locals, is that they did not go near the boat ramps in the summer months because just too many people were coming down with boats from the Sydney area, so the locals did not even bother to try to get in to the boat ramps. So you are not getting any overflow from there?

Ms STOCKMAN: No. One bloke who comes into the shop said he went to Ulladulla at Easter and he said there was no way you could get a park in Ulladulla, and there is no marine park there. He said there were 500 trailer boats there at the boat ramp. You could not get a car park. Whether it was 500 or only 300, I do not know, but it was full and you could not get in. He came back to our boat ramp and there were six.

The Hon. LYNDA VOLTZ: Is it not interesting that those other towns are getting inundated—Ulladulla and Jervis Bay—but Eurobodalla is not?

Ms STOCKMAN: You know why? I think people from Canberra have houses here. They are committed here. They cannot run away in a hurry until they sell their house, whereas a person on holidays can please himself whether he goes north, south, east or west or to Fiji.

The Hon. LYNDA VOLTZ: If it was me I would head to the town where I thought everyone else was not going to be, and given that Jervis Bay does have a marine park—I go to Jervis Bay quite a bit, I take my kids there to go fishing—I might try Eurobodalla next time.

Ms STOCKMAN: There are plenty. Even Anzac weekend a lady came into the shop and said, "I've booked because I did not think I would get in." She was staying at the caravan park across a river and she said she got here and there were only about six families. Another lady came in and said, "We are staying at the Coachhouse. Can you tell me if it is all right if we fish off the end of the break wall, is that a good place to fish?" I said yes, fine. I said I suppose it is booked out and she said no, there were only about 10 families there.

The Hon. CHRISTINE ROBERTSON: You talk in your submission about bag limits.

Ms STOCKMAN: Yes.

The Hon. CHRISTINE ROBERTSON: Can you give us some more information about why you think they should be lowered, in what areas and have you ideas about specific fish?

Ms STOCKMAN: It is my personal opinion. You can go out and get 20 flathead, 10 snapper. If you go out with a mate in a boat you can come back with 40 flathead and 20 snapper and you get your mowong and everything. Why do you want all those fish? I think it should be lowered for that reason. On the other hand, in my submission I also said you have to find a happy medium there because I know, being in the fishing shop and hearing people talking, that people go out, they catch their 20 flathead and all of a sudden they get this bigger one, so what do they do, they grab the little one and throw it in the water and then they are upsizing. To me, that is wrong as well, but you cannot control that. Personally, I think the bag limits are too high but, on the other hand, I can see if you lower it you will end up with people just throwing the little ones back and upsizing. I do not know how to find that happy medium.

The Hon. CHRISTINE ROBERTSON: We got quite a few submissions about the use of biodegradable hooks and biodegradable lines and those sorts of things. Do you find they are easy to promote in your shop? Do people come in asking for the hooks that do not kill the fish?

Ms STOCKMAN: No. Some people ask for stainless steel because they do not deteriorate. To be honest, we do not sell them. If somebody wants them we get them in as an order for them but we do not sell them because we just do not feel they deteriorate quick enough.

The Hon. CHRISTINE ROBERTSON: Have you noticed any requests of individuals, people asking you for a line that will disintegrate?

Ms STOCKMAN: No.

The Hon. CHRISTINE ROBERTSON: There is not a lot of community education about it, anyway?

Ms STOCKMAN: No.

The Hon. TONY CATANZARITI: This is more a statement than anything else. When we were at Jervis Bay we were told that the marine park people and Fisheries, DPI, were working with one another to help with their work. So, if the marine park people were going out and saw something was going wrong and it was actually Fisheries' job, they would do their job and vice versa. I am surprised they do not do it here.

Ms STOCKMAN: I do not know if they are supposed to or not. I just thought if it is a government thing, if they do it in one area they would be doing it in all areas.

The Hon. TONY CATANZARITI: That is the understanding we got from Jervis Bay.

Ms STOCKMAN: That they do share roles?

The Hon. TONY CATANZARITI: Yes.

Ms STOCKMAN: Yes.

CHAIR: In your submission you suggested the Clyde River, Durras Lake and Coila Lake should all be made recreational fishing havens. The Clyde River and Durras Lake are currently both zoned habitat protection zones as part of a marine park, some area of which is zoned sanctuary zone. What changes would you seek for those two areas?

Ms STOCKMAN: When they stopped the trawling they are letting the commercials set traps. With the licences in the Bay, my understanding is they can put 270 fish traps in the Clyde River at any one time.

CHAIR: In a habitat protection zone?

Ms STOCKMAN: Yes. If you look at the back of the map it tells you. If you go down to commercial fishing, trapping, it is ticked in the yellow section. That is why I think places like the Clyde River, if they were made recreational fishing havens, that would stop the commercials from trapping in the river.

CHAIR: Do many of your customers—I am suggesting probably the local customers—fish in recreational fishing havens much or is it mostly tourists?

Ms STOCKMAN: A lot of them to go down to Tuross.

CHAIR: Do you ever get any comment as to whether the fishing is better there or worse since they were declared fishing havens?

Ms STOCKMAN: I think that is why a lot of people went there, because it was better. They were encouraged to go there because it was better fishing for bream and flathead in Tuross because the commercial fishermen were not allowed in there—at that stage, before the marine parks came in—to net. Now that they are setting traps, they can set traps in the yellow part anywhere, even outside, for snapper or whatever. I am not against commercial fishing either, and I think I said that in my submission. I do not know where the fine line is,

whether it is one kilometre offshore or what, but if people want to buy fresher fish and chips you need a commercial fisherman.

CHAIR: Not only that, but almost all the bait for recreational fishing—prawns, mullet gut, squid, et cetera—comes from the commercial fishers.

Ms STOCKMAN: That is right. I do not want to be biased against anybody. Everybody has got to make a living, and to me in this world there is a place for everybody to do something.

CHAIR: Do you ever have any comments from any of your customers about beach haul activities, whether they find them a problem or not? Has anybody ever mentioned it?

Ms STOCKMAN: As you say, when they do the mullet haul there—

CHAIR: They are banned from doing their shots on the weekends.

Ms STOCKMAN: People will see them do it, and they will come in and say, "You should see all they got out there today. It's no point going fishing there for the next two weeks."

The Hon. CHRISTINE ROBERTSON: It is a matter of perception.

Ms STOCKMAN: No, it is not perception. When they beach haul, people think it has gone, that it is going to take a few days before something starts to come back.

CHAIR: For how long have you lived here?

Ms STOCKMAN: I have been in Batemans Bay for 23 years.

CHAIR: Were you involved in the consultation process when the marine park was first being proposed?

Ms STOCKMAN: Yes, I was in the tackle shop then, but I never put in a submission because when they came around they wanted you to put in where your favourite fishing spots were. You would have to be stupid to do that, because that is exactly where the sanctuary zones went in. For the people who filled them out and sent them in, that is exactly where they went.

CHAIR: Was that all the consultation that took place? There was consultation after that, was there not?

Ms STOCKMAN: I have heard people say—I think Mr Shepherd said here today something about 90-odd meetings, and this and that. I was thinking, "I don't know where they all happened."

CHAIR: Would you regard yourself as pretty much in the know as to what has happened with recreational fishing around here? I guess you would, would you not?

Ms STOCKMAN: I do not fish myself, because I work seven days a week. But I am in the shop.

CHAIR: You are talking to recreational fishers seven days a week?

Ms STOCKMAN: Yes.

CHAIR: So you would probably regard yourself as a bit of a receptacle of, if not a lot of knowledge, certainly a lot of information?

Ms STOCKMAN: Yes, I suppose a lot of information. Yes, you do get a lot of comment.

CHAIR: You probably heard the comments from some of the Committee members about Jervis Bay. I am probably right in saying that the evidence suggests that the Jervis Bay Marine Park seems to now have fewer problems in terms of disagreement with the recreational fishing sector than the other marine parks that have been created up and down the coast. The comment was also made that the consultation process for Jervis Bay

was almost four years. Do you believe that there would be less recreational fishing community angst if the consultation process had been longer? Or do you think it would not have made any difference?

Ms STOCKMAN: I do not think they were probably given enough time. It was rushed through here. I think the Batemans Bay Marine Park has been the quickest marine park ever put in in history. I call myself a conservationist. I do not put myself in the party of the green Greens. I am green—I do not go chopping down trees or doing all the wrong things. I have forgotten the question now.

CHAIR: I was asking you whether you felt that a longer consultation period would have gained a better outcome, from the point of view of community acceptance of the marine park.

Ms STOCKMAN: I think the fishermen themselves felt they got had. To me, fishermen are conservationists; they really are not that bad. There are the 5 or 10 per cent who are going to do the wrong thing. It does not matter how many sanctuary zones you put in, it is still going to happen. Whereas, they were told where their fishing spots were. They were told, "We will not take your fishing spots; we will do the right thing by you." They feel they got had, and I think that is why they feel the way they do.

CHAIR: If the Marine Parks Authority does its five-year review in a little under two years time, as a community person what sort of recommendations would you make to the Marine Parks Authority as to how it should undertake the rezoning plan? I am not referring to the technical issues. How do you believe the authority should handle the public consultation aspect? Given that the sanctuary zones are already there and all the sneaky fishing spots have already been taken, now the zoning plan will probably simply move things or perhaps increase things.

Ms STOCKMAN: I think they should consult with the fishermen. As I say, I do not think Tollgates should be closed off 12 months of the year. If the fish are there, and if the grey nurse sharks are there, that is fine, put it off for that section. Even up the Clyde River there are areas that are not sealed off. I would say probably seal that off for spawning.

CHAIR: You would be prepared perhaps next time to put in a submission that suggests that to them?

Ms STOCKMAN: My son actually put in a map, which Ian Macdonald even saw. That was his submission. Instead of telling his favourite spot, he said what he thought they should do, which was to close off creeks and have parts for spawning for certain times of the year, for so many months. He got the information and did that from Fisheries, for when they said the spawning should be in the river.

CHAIR: Let us take the sanctuary zones. Rather than having exclusion of all fishing activity, what sort of things do you suggest could be done as a management tool that would give more flexibility? Let us say we take an inshore shallow reef, under 20 metres. What sort of recreational fishing activities could take place there, from your knowledge and experience, that would not damage the reef?

Ms STOCKMAN: I am not an expert fisherman, so I do not think I can really give an expert opinion on that. To me, probably there should be no anchoring, if you did a lot of damage underneath. But, no, I cannot give an expert opinion on that.

CHAIR: Roughly how many recreational fishers do you reckon you and your team would talk to every year? Would it be thousands of customers?

Ms STOCKMAN: I would not know. As I say, we give out \$85,000 worth of licences.

CHAIR: That is probably 15,000 to 20,000 people?

Ms STOCKMAN: I get some people come in and spend \$4.50 on a packet of prawns and out they go.

CHAIR: It would probably be good for the Marine Parks Authority to ask you for your opinion. Even if you do not have an opinion, you could probably give them a fair cross-section of the sort of statements, questions and suggestions that are made by thousands and thousands of local and visitor recreational fishers.

Ms STOCKMAN: Yes. I could tell them their likes and dislikes.

The Hon. LYNDA VOLTZ: I think today is the first hearing on which we have had women give evidence, which is good to see. We have certainly had a lack of women from sporting clubs coming along to speak. Thank you for coming.

CHAIR: Thank you very much for your attendance. We appreciate your giving up your time, particularly as you have a small business to run. I am sure the Committee will take a lot of notice of what you have said. Along with any questions that may have given to you on notice today, if the Committee wants to send you further questions would you be happy to answer them?

Ms STOCKMAN: That is fine.

CHAIR: Would you be able to provide the answers to those questions within 21 days?

Ms STOCKMAN: Sure.

(The witness withdrew)

IAN HALDANE SMITH, Recreational Fishing Representatives, Batemans Marine Park, affirmed and examined:

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

Mr SMITH: Yes. Recreational fishing is an absolutely wonderful pastime which is enjoyed by people of all ages, all races, all religions, both genders, whether they are physically disabled or not. In the past I have had quite a bit of experience with fishing clinics, assisting both disabled adults and school children at Elizabeth Macarthur Farm at Camden, where Fisheries run big fishing clinics with the assistance of a couple of sportfishing clubs, one of which I was a member of in Sydney.

With my appointment last committee on the Batemans Marine Park Advisory Committee, the map that came out was not a committee map; it was brought out by the Marine Parks Authority. We did get the chance to comment on the draft map and after consideration of our comments—there was no consensus, by the way; if we were waiting for consensus there still would not be a map out—the map was then changed and brought out. The latest map, which I take it is what you have, is now mark III.

There have been continual improvements all the time. With communications with the previous committee, we were bound by confidentiality clauses, which personally I took quite seriously, but I do not think everyone had the same serious approach that I did. With the new committee of which I am now a part, we had our first meeting last week and I think we have had a significant improvement in the process because we are now going to get minutes of the meetings within a fortnight and we will have the opportunity to comment on their correctness and confirm the minutes, and then they will be put on the website for the general public to see these minutes.

The Hon. CHRISTINE ROBERTSON: That might take some heat out of your life.

Mr SMITH: Yes, I think that is a huge improvement as far as committee members are concerned. I know there are a couple of small things that really get up people's noses regarding marine parks. One is that if you are in a sanctuary zone—and we do not have this problem in our park, but I think up at Port Stephens it is pretty crook—if you have a snap swivel on the end of your rod, your terminal tackle is a snap swivel, you can be fined for that. Does everyone know what a snap swivel is?

The Hon. LYNDA VOLTZ: Yes, we have been through this issue.

The Hon. CHRISTINE ROBERTSON: We also fish.

Mr SMITH: Okay. A snap swivel is not intended to catch fish; it is only so that you can clip a lure on quickly and easily. If some small items like that were addressed, it would make a huge difference. People seem to think that because we have electronic devices on our boats it is a simple matter to go out and reel in fish. Nothing could be further from the truth. You can go out there and see the fish, there are millions of them down there, but catching them is a slightly different story. One of the other problems in this area is the coastal bars. If anyone has ever been over the Narooma bar—you certainly would not have been over it in the last couple of days because it has been a real hassle, and that is just something that makes life a little bit tougher for recreational anglers. That is all I really want to say and I am quite prepared to answer whatever questions you may have, again to the best of my knowledge.

CHAIR: Just as a point of clarification, it is your second term now?

Mr SMITH: Yes, it is.

CHAIR: And you are the overall recreational fishing representative, so you represent line fishermen, spear fishing—

Mr SMITH: No, there are two representatives. You will be hearing from another one later on. Mr Dave Clark is also a recreational fishing representative. The spear fishermen have their own representative; the commercial people have their own representative; and Aboriginal people.

CHAIR: How did you come to be appointed as a recreational fishing representative on the marine park advisory committee the first time and the second time? What is the process that you go through?

Mr SMITH: The process was that it was advertised and I applied for it. It is a ministerial appointment. No-one is voted on, it is just an appointment. At that stage I was the president of the Narooma Sport and Game Fishing Club. I have been a member of the Australian National Sportfishing Association [ANSA] for many years and I was in the game fishing club for a number of years, but not as many as ANSA.

CHAIR: Do you think that all of the stakeholder groups are adequately represented on the advisory committee?

Mr SMITH: I think so. We have a spear fishermen representative. We have a commercial divers representative. We definitely have a commercial—that is the estuary representative. We have a conservationist. There is no Aboriginal—

CHAIR: So you have four conservationists?

Mr SMITH: No.

The Hon. CHRISTINE ROBERTSON: That is a joke about fishers.

Mr SMITH: Well, that is correct, I think every reasonable fisherman believes he is a conservationist. I certainly do.

The Hon. TONY CATANZARITI: In relation to the advisory committee, you said it was a ministerial appointment. Were there any guidelines that they wanted so many fishermen, or an Aboriginal person, or—

Mr SMITH: There was certainly a list of the categories required.

The Hon. TONY CATANZARITI: So it was targeted at trying to get people with certain expertise?

Mr SMITH: Yes.

The Hon. TONY CATANZARITI: Were Aboriginal people asked to join, or was there a category for them?

Mr SMITH: There was an Aboriginal person, a lady, who turned up at a few meetings, but she did not really have a lot to say. I think she possibly felt a little bit out of it, unfortunately.

The Hon. TONY CATANZARITI: But the category was there for the position?

Mr SMITH: The category was definitely there. There was also an Aboriginal liaison officer, a member of staff.

The Hon. TONY CATANZARITI: Is that position still open?

Mr SMITH: It is still open, to the best of my knowledge, or it was last week.

The Hon. CHRISTINE ROBERTSON: Your submissions are very interesting. Most of us who are involved in politics have tended to be representative of certain groupings of individuals at some stages in our lives and we recognise the difficulty because, despite the fact that you are representing recreational fishers, they are an incredibly diverse group in their own right. This inquiry has taught us that.

Mr SMITH: Yes.

The Hon. CHRISTINE ROBERTSON: I recognise that you have said it will be great that minutes are going to be put up publicly, that will be one step, but have you tried any other ways of communicating with the groups whose issues you are raising at committee level? I realise that you are not representing them because you were not chosen by them.

Mr SMITH: The people who have contacted me I have sent emails detailing what I can as best I can. In relation to the last two meetings of the prior committee, I did get it vetted by the marine park manager so that I knew I was not treading on any toes, and I was sending it out not to a huge amount of people, because there were not a huge amount of people in contact with me.

The Hon. CHRISTINE ROBERTSON: Do you think it would be helpful for a process to be structured? The Fisheries Department, or whatever it is called now, seems to know who the fishing club persons are, so do you think it would be a positive process for those minutes to go to them? One thing we have found through this inquiry is that there is an incredible amount of misinformation.

Mr SMITH: Yes.

The Hon. CHRISTINE ROBERTSON: We have not bothered to address that because we have heard it again today, and this is not necessarily about just your marine park, it is a problem right across the State. If people are out of the loop for information, they are easily sucked in to rubbish.

Mr SMITH: It is very difficult to get to the different clubs or to get to the people of the clubs because, even if you send an email to the clubs, they will stick it up on the wall and who reads it? You might get a couple of people read it, but you do not get much interest.

The Hon. CHRISTINE ROBERTSON: The other problem is that so many people who fish are not involved in a club.

Mr SMITH: That is correct, yes—too much politics.

The Hon. CHRISTINE ROBERTSON: It might be an insurmountable problem and maybe the politics will win.

CHAIR: What about the idea of the Marine Parks Authority photocopying 100 copies of the minutes and putting them on the counter of Harry's Bait and Tackle, for example, and marking them so that people know what they are?

Mr SMITH: It is probably worth a go, but just how successful that would be, I do not know.

CHAIR: Do you think it would be worth trying?

Mr SMITH: It is probably worth trying it. We are trying to minimise the use of paper and printing things that will be readily available—and most people have computers now.

The Hon. CHRISTINE ROBERTSON: How many fisher people are computer literate?

Mr SMITH: I think quite a lot of them are now, yes.

The Hon. CHRISTINE ROBERTSON: I am not having a go at fisher people; it was a serious question. I come from country New South Wales. I know everyone wants everyone to have email addresses for electronic communication, but the communities I live in have very few computers inside of them.

Mr SMITH: I think that is an age type thing. I mean if you want your television fixed, you get your grandchildren.

CHAIR: A fisherman told us that people in his caravan park did not get the information because they only read the paper.

Mr SMITH: That is right. The maps are available everywhere and yet people say they did not know there was a sanctuary zone. I do not know, what can you do?

The Hon. LYNDA VOLTZ: Some people have been misinformed about what they can do in marine parks and some people are resentful from the start and are just going to be negative about marine parks, but in Batemans Bay particularly we have heard a lot about favourite fishing spots. Is there one area in particular in Batemans Bay that has been a bane of people's lives, that they think really should not have been in a sanctuary zone, or that there could have been some way of accommodating them more than anything else?

Mr SMITH: I do not know. There are certainly several areas where people are quite objective—Brush Island up north, although there is a little bit left for them, the Tollgate islands, and around Montague Island.

The Hon. LYNDA VOLTZ: Just in relation to Montague Island, the draft document and what actually came out were quite different, were they not?

Mr SMITH: Yes, there was a fair bit of difference.

The Hon. LYNDA VOLTZ: And the Tollgate islands are in the middle with the big sanctuary zone?

Mr SMITH: Yes.

The Hon. LYNDA VOLTZ: That is because of the underlying seabed, is it?

Mr SMITH: Yes, the seabed and the grey nurse sharks. It is not just one or the other; it is a multiple problem.

The Hon. LYNDA VOLTZ: I was speaking earlier to a Marine Parks Authority guy about Broughton Island in Port Stephens where there is a range of mixed trolling allowed at certain times, catching of bait fish, a sanctuary zone and recreational fishing zone all around the one island.

The Hon. CHRISTINE ROBERTSON: To satisfy everybody.

The Hon. LYNDA VOLTZ: But also through discussion with recreational fisher people who said, "Look, we understand you have a concern about this, but if we only troll across it you know we are not going to pick anything up." Do you think there may be an opportunity on review to get some better mixes around the islands?

Mr SMITH: Yes. I would certainly think there is no problem with trolling.

The Hon. LYNDA VOLTZ: And the trolling is only allowed for a certain period of the year, say, six months?

Mr SMITH: Yes. We do have a seasonal closure at the northern end of Montague Island. If you look at your map you will see that.

The Hon. LYNDA VOLTZ: Yes, I have discussed that already. That is the other thing that struck me about the map. When I compared the Port Stephens map to the Batemans Bay map, some of the special zoning colourings do not match each other. They look a bit different in each marine park.

Mr SMITH: I think the Marine Park Authority is trying to get them all synchronised.

The Hon. CHRISTINE ROBERTSON: And the review process may do that?

Mr SMITH: Hopefully, as long as we do not lose any more.

The Hon. LYNDA VOLTZ: You are obviously a federalist. I applaud your congratulations on the education national curriculum. When you have different types of fish stocks in different States, it would be difficult to get a one size fits all across Australia?

Mr SMITH: Yes.

The Hon. LYNDA VOLTZ: I note that is one of the questions you raise in relation to having national standards.

Mr SMITH: It would be much better because there are big changes between Victoria, New South Wales and Queensland. In Queensland you do not need a fishing licence to fish in the ocean but you need a licence to fish in the environments, the barramundi environments in particular. I think you get one licence that will cover you for half a dozen environments, then you move somewhere else and you have to pay something else. In Victoria you have to have a licence, but seniors do not have to have a licence—whereas here seniors do, senior citizens, the distinction being 60 and 65. When you are 65 you do not need a licence here but it is 60 in Victoria. They did used to have fishing licences here many years ago. I had one for quite a number of years. That was freshwater only.

The Hon. LYNDA VOLTZ: In relation to a national approach from a recreational fishing point of view, the recreational fishing organisation had been funded federally and I think New South Wales was the only State also funding them. They could not get the other Territories and States to come on board and have a coordinated approach to recreational fishing across Australia. Perhaps, to some extent, that is holding back an approach to a national standard?

Mr SMITH: I would think so. You get different club members who do not talk to each other, this sort of thing.

Mr IAN COHEN: You mentioned in your introduction you were working with the disabled?

Mr SMITH: I have done, yes.

Mr IAN COHEN: Do you have any other thoughts on ways to introduce different groups of people to fishing, marine parks, specifically this area? We have heard from other evidence that business is down with the marine parks being a negative, whereas they have been a positive in other areas?

Mr SMITH: In the Sydney area, Wollongong and up north they are working with schools. I forget what it is called but there is a program that is run through Industry and Investment and fish care volunteers. It could be possible to get that extended down here. There certainly are a couple of clinics run down here but they are not very formalised and it may be better if that was taken on board and formalised.

Mr IAN COHEN: You mentioned the need for possession limits for recreational fishers. Can you elaborate on what you mean by possession limits, what that entails and what you believe is needed?

Mr SMITH: If you go up north, I think the possession limit is only one barramundi—I think that is if you go into Western Australia. If you go from the Northern Territory into Western Australia you are only allowed one barramundi. I think that even gets down to the stage of one fillet. It is quite tight. What I am getting at here is there have been numerous cases of people coming from either interstate or country areas and filling up freezers when the fish are on. As I stated earlier, how many fish can you take? You cannot store fish indefinitely. It does not last too long. There is nothing like fresh fish, but one that is two or three months old gets a bit off. What is happening to these fish? Are they being sold on the black market or are they just being given away? If someone goes out and catches their total allowable catch on a daily basis, that is, five kingfishers, snapper 10, flathead 20, if someone goes out and catches that in one day, apart from the fact they are doing extremely well—

Mr IAN COHEN: It is almost a commercial catch?

Mr SMITH: Yes. But what happens when they go out the next day and the next day? I would like to see some sort of limit put on what is allowable, particularly mobile, someone travelling. If you have them in your freezer at home, I do not think anyone really has the right to come in and check your freezer. But if you have a truck with freezers on it—and that has certainly happened in the past—I think there should be some sort of restriction on just how much fish a single person is allowed to have.

Mr IAN COHEN: You suggest there should be tighter controls of fishing competitions to reduce unnecessary waste. Do you think that is a big problem? Do fishing competitions get carried away with the competition? Has it to do with the numbers of people? I have heard stories about Ulladulla that years ago they

stopped the commercial kingfishing and then the recreational fishers wiped out the kingfish in a prime spot of Ulladulla a matter of weeks later. Is there anything in that?

Mr SMITH: That is certainly not what I am getting at. The kingfish were decimated by kingfish traps because the kingfish behave like sheep. When you get one in the trap the rest of them follow. They were almost decimated. This kingfish season at Montague Island has been a good one. They are coming back. I would not say that is anything to do with the marine park because the kingfish are pelagic and they move considerably. What I am getting at there is in the competitions you get points for the weight. If you catch a fish on, say, a Friday afternoon and the weigh-in is not until Sunday lunchtime and you do not clean your fish and gut it so you save a couple of ounces or grams in weight, you are actually spoiling the fish. My preference—that is me—is that all fish should be presented for a weigh-in fit for human consumption.

CHAIR: There is a lot of television now on professional fishing competitions—BassPro or BreamPro or whatever they call it. Those guys are required to return their fish to the weighing table live, they weigh the bag and then the fish are released.

Mr SMITH: Yes.

CHAIR: That sort of thing being on television is probably part of an education program. Do you think that fishing clubs would adopt those sorts of practices if they could?

Mr SMITH: Yes, some of them certainly do. Catch and release is becoming more and more the thing to do. One of the fishing clubs in Narooma had a catch and release competition earlier this year and the fish were specific to flathead. It was catch and release. They gave you a measure and you had to photograph it. With the cost of digital cameras coming down, it is nothing. It is simple to do. There are plenty of rules and that can be done. I think that will be coming in more and more. Fisheries even put out a rule: weigh your fish by its length. They give you bream at this length and such and such a weight.

The Hon. RICK COLLESS: You said in your opening statement that you were given a confidentiality clause to sign or agree to at the first of these meetings you went to. What was the reason behind that, do you think?

Mr SMITH: It shows that the information that gets out should be coming out from one particular source so that everyone is getting the same information. I have already said there was so much misinformation going on. What do they call it, Chinese whispers? You pass it around the table and it gets back to the chairman and it is nothing like what you passed on. It is basically on that assumption.

The Hon. RICK COLLESS: That does not apply now, though?

Mr SMITH: It certainly does.

The Hon. RICK COLLESS: Is that by order of the department?

Mr SMITH: The Minister. Our first allegiance is to the Ministers and then to our stakeholders.

The Hon. RICK COLLESS: The other comment that you made during the course of this evening was that "we could live with the park as it is now provided we do not lose any more." I gather you mean by that provided no more is lost to sanctuary zones?

Mr SMITH: Sanctuary zones, yes.

The Hon. RICK COLLESS: Do you think there is an agenda by sections of the community to create more sanctuary zones or extend the current sanctuary zones?

Mr SMITH: I think what I would call possibly extreme conservationists definitely have an agenda to have much bigger sanctuary zones, including a 1½ radius around Montague Island.

The Hon. CHRISTINE ROBERTSON: Where did you get that from—the thin blue line? Is that what it is called?

CHAIR: The torn blue fringe.

The Hon. CHRISTINE ROBERTSON: Did you get that from that?

Mr SMITH: It has been around for so long now I cannot just turn around and say—

The Hon. CHRISTINE ROBERTSON: So you did get it from that?

Mr SMITH: Yes.

The Hon. CHRISTINE ROBERTSON: That is not government policy.

Mr SMITH: I am not saying it is government policy.

The Hon. RICK COLLESS: We are not talking about government policy; we are talking about agendas. There is a difference. Given that roughly 20 per cent of the park area are sanctuary zones now, is it fair to say that you can fish in 80 per cent of the area but you cannot fish in 80 per cent of the good fishing spots?

Mr SMITH: Yes.

The Hon. RICK COLLESS: What percentage of the good fishing spots are left, do you think?

Mr SMITH: I am not sure about the percentages. There are still considerable amounts of good fishing spots left. I do not know, but I think that out there under the sand between Narooma and Montague Island it is all a reef. The sand changes daily, so there will be a reef there one day and sand there the next day. It happens on the beach. You can go on the beach and one day you will just get sand, then you will get the sea stirred up with it, like it has been the last couple of days, and then you might go down there and find hundreds if not thousands of tonnes of rock on the beach. Then you go down a week later and it has gone again, just disappeared. The sand has gone from one end of the beach to the other end, or even to the next beach; it is moving all the time.

The Hon. RICK COLLESS: I refer to your comments about the recreational fishers who catch a lot of fish and you wonder where they end up. Is there a black market that operates here, particularly in the holiday season when there are a lot of visitors in town?

Mr SMITH: It would not surprise me if there were, but I could not say definitively that there are. But we did have a black market committee type of thing. It was run by Mick Palmer, who was the ex-police commissioner from the Australian Capital Territory. He came down and ran a bit of a meeting in the Narooma Sport and Game Fishing Club. I heard comments earlier today about the recreational fishers and the commercial fishers getting together. Unfortunately it does not work too well, because at that black market committee, being the primary focus of the meeting, the commercial fishers did not attend because they felt that the venue was inappropriate. I was very disappointed with that. We are, after all, looking for the same thing.

The Hon. CHRISTINE ROBERTSON: Because it was your clubhouse?

Mr SMITH: Yes. All the fishers want fish to be there for our children and grandchildren, and right into the future.

The Hon. RICK COLLESS: We have heard in other areas that that black market is definitely there. All the recreational fishermen we have spoken to are horrified by it, and they would like to see partial penalties for those who are caught selling undersized fish either commercially or on the black market, or any fish on the black market. What is your view on that? What would be the view of your recreational fishermen in this area, do you think?

Mr SMITH: That activity is carried out by criminals, not recreational fishermen. I am sure that the recreational fishermen would be quite happy to see them receive the full weight of the law.

The Hon. RICK COLLESS: What about if you went into the pub and somebody walked in with a box of reasonably sized snapper that were about half the price of what you could buy them for at the local co-op? That is how these guys operate, I gather.

Mr SMITH: I would not think that would happen, certainly not in a place like Narooma. As has been stated here, you would know who was doing that and that would get out very, very quickly. That would be reported. So no-one would go into a pub trying to sell fish.

CHAIR: A couple of recreational fishing organisations have given evidence before the Committee. There seems to be a common theme developing that they feel the official representation for fishers is not representative; it is appointment by a Minister—not just to the Marine Parks Advisory Committees but to ACoRF and the trusts. What do you think about a statutory authority, for example, whereby the representatives were either elected or nominated from clubs, associations, et cetera, and were not beholden to the Minister, apart from certain specific statutory requirements? Do you believe that would give a better voice to recreational fishing than the current group of organisations?

Mr SMITH: I do not really think so. While my primary allegiance is to the Minister, I say what I think. It does not worry me. There are people who do not talk to me because I am open; I say what I think. I think most of them are the same: we have a passion for what we do, whether we are recreational fishers, spearfishers, or whatever. It would be a nightmare trying to organise representation. Who is going to vote? As I said earlier, the people from one club will hardly speak to another club. So who would be able to be all things to all people? It is just not possible.

CHAIR: You are aware that the trust funds make recommendations to ACoRF on projects, then ACoRF makes recommendations to the Minister, but it is the Minister who decides whether he will or will not approve a particular project?

Mr SMITH: Yes.

CHAIR: You do not see that as a limitation on the ability of those recreational fishers to, shall we say, follow their own stars?

Mr SMITH: I would not think so. I have not heard anything specific like, "I want a fish cleaning table here", or "I want a fish ladder here." I think it is done fairly openly, above board, and hopefully the Ministers are honourable people and they have taken the best advice they can get.

CHAIR: Mr Smith, I thank you very much for your evidence. We have learned a lot from you. Together with any questions you took on notice during your evidence, do you agree to receive additional questions from Committee members who may not have had the opportunity to ask those questions of you today?

Mr SMITH: Yes.

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

Mr SMITH: Certainly.

(The witness withdrew)

DAVID MICHAEL CLARK, President, Narooma Sporting and Services Fishing Club, and

JOHN THOMAS MOORE, Narooma Sporting and Services Fishing Club, affirmed and examined:

CHAIR: If you should consider at any stage that certain evidence you may wish to give or documents you may wish to tender should be heard or seen only by the Committee, please indicate that fact and the Committee will consider your request. If you take any questions on notice today, the Committee would appreciate it if responses to those questions were 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, Mr Clark, would you like to make an opening statement?

Mr CLARK: I am not going to get into the scientific side of marine parks, I just feel that I want to voice the opinion of a lot of fishermen who have raised concerns with me over the marine park issue and basically the misunderstanding and total confusion they are causing, especially amongst elderly people, on the far south coast.

CHAIR: Mr Moore, would you like to make a brief opening statement?

Mr MOORE: My background is that I was previously with New South Wales Fisheries. Before that I was with Victorian Fisheries. I was a member of the steering committee for the Jervis Bay Marine Park. At that stage we were informed only through to sub-ministerial level that the marine parks would be established one per bioregion. That was basically set in clay, as we understood it, and we used that as the premise when we did the planning for the Jervis Bay Marine Park. To then find that the Batemans Marine Park, which is in the same bioregion, was to be introduced was quite a shock to me, and further exploration by me and a number of other people revealed that there was basically no science to establish it.

The Hon. RICK COLLESS: Can you tell the Committee how many members you have in your club and what is their general level of expertise and primary fishing activity?

Mr CLARK: We have 173 members in total. Of that we have 29 juniors and the rest are adult fishing members. I would say 85 per cent of our fishing club is active. The majority of my members would be between 50 and 80-plus. My father is 85 and he still fishes, so yes, 50 to 85. We have a very broad sector of youth also in the club, between 19 and 25. There seems to be a bit of a gap between that and 50, but I think we have covered a fairly healthy range.

The Hon. LYNDA VOLTZ: How many women?

Mr CLARK: We would have 45 lady members.

The Hon. LYNDA VOLTZ: That is pretty good.

Mr CLARK: It is mostly married couples that we have in the club.

The Hon. RICK COLLESS: Are all those members local people who live in the region or do you have members from Canberra and other places?

Mr CLARK: We have members from Canberra, Wagga Wagga, Tumut, Victoria, but 95 per cent would be from Narooma and Dalmeny, in that local area.

The Hon. RICK COLLESS: How many fishing clubs are there in the Batemans Bay area?

Mr CLARK: In the Batemans Bay area?

The Hon. RICK COLLESS: Let's go a little wider than that, including the areas north and south?

Mr CLARK: I could not answer the one for Batemans Bay, I would imagine there would be a few there, but in Narooma we have the services club one, we have the Narooma Sport and Game Fishing Club, we have Dalmeny Fishing Club, we have Tuross Fishing Club—

The Hon. RICK COLLESS: So there are quite a lot of clubs?

Mr CLARK: Yes.

The Hon. RICK COLLESS: Would they all have similar membership to yours?

Mr CLARK: No.

The Hon. RICK COLLESS: Is your club the biggest?

Mr CLARK: I would say so, yes.

The Hon. RICK COLLESS: There are a lot of fishermen that do not join fishing clubs. Why do people join a club like yours? Is it simply for the camaraderie or the exchange of information, trying to find out where the good spots are?

Mr CLARK: I think a bit of everything. We have no great hassles with membership. People enjoy each other's company. It is one thing I have noticed and have been very proud of over the years at that fishing club that I have been president of. We have watched a life cycle of young kids come through and now they are having children, et cetera, and it is a very good learning tool, especially in small towns. I was saying to John while we were coming here that there are not a lot of things to do for kids. I have a daughter at the moment who is 17 and I had her fishing this week. You have to keep kids active and I find the fishing club does play that role.

The Hon. RICK COLLESS: What effect has the marine park and sanctuary zone around Narooma had on your fishing club's activities?

Mr CLARK: When they first introduced the marine park all the presidents of all the fishing clubs got together off our own bat and met at Narooma Sport and Game Fishing Club one night and I think there was someone from the Marine Parks who sat and addressed us. Basically the marine park map is what they ended up with. I really do not think the guys who were drawing the maps, wherever they come from, had any idea what they were doing here with sanctuary zones and the impact that it was going to have on communities down here.

The Hon. RICK COLLESS: What impact has it had?

Mr CLARK: People will not go fishing any more; people are scared to go fishing. You find that more in the local sector. The tourist sector, the people who come here once a year on holidays, have absolutely no idea where they are fishing. They are lost. I could sit in Apex Park and look at the marine park map. Any one of you people here could pull the map out and take it with you, but I could take you out in the ocean and you would not have an idea where you were out there. You would be totally oblivious. I think that is one big thing that has been overlooked by the mapmakers. The way the sanctuary zones on the ocean side have been done is a total waste of time. We have an area at Fullers Beach, which basically goes out two kilometres from the rocks, and it is all sand. There is nothing there. Every time I go out there fishing there are people sitting in the middle of it fishing because they do not realise that they are doing anything wrong. I suppose on one side we are very lucky that we have a marine park manager who is not coming down with an iron fist on this because people are stupid when it comes to oceans. I have had many years on the ocean myself and I have worked it out, but 99 per cent of the people who fish here do not.

The Hon. RICK COLLESS: That includes local people as well as visitors?

Mr CLARK: Yes, you can sit there and witness—the marine park has had a big impact on Narooma especially. That is basically why a lot of people do not like it. Businesses have closed; they are turning tourists away. I used to have a lot of people come down and stay with me each year. They will not come here now.

Mr MOORE: With regard to the location of the sanctuary zones, for eons fishermen could use landmarks to work out exactly where they are fishing. That was never a consideration with regard to where the sanctuary zones were created. Some of them are in the middle of headlands, in obscure places that cannot be easily correlated to a position. It is all well and good if you have a fairly complex GPS unit with a chart, you can probably program it in. But if you do not have that, if you have a simpler GPS that only gives you a read-out, it is fairly difficult.

The Hon. RICK COLLESS: There has been discussion at other hearings about the development of a GPS layer, so when you have your GPS menu on you press a button and it can give you a layer with all the marine park maps. If they were colour coded the same way as the maps here, as soon as you go into the pink zones you would know where you are.

Mr CLARK: That is all very well, but a GPS is not compulsory on a boat, that is the big thing. I know the one in the marine park vessel cost \$5,000. For your average fisherman, when they can go and buy a handheld one for \$200, that is all they need. As I say, you are making the sport that complicated it is silly. It is totally getting out of hand. Thirty years ago when I first started fishing in Narooma you could come down here and basically catch what you wanted. I have watched a decline in the fishing industry itself down here. I think the State Government 30 years ago was handing out licences, there were many commercial vessels running around the countryside. They destroyed it. They have wrecked what we had out there. Many complaints to Fisheries, lots of surveys done, and I think that was the answer the New South Wales Government ended up with 10 or 12 years ago through Mr Debus and Bob Carr: let's create marine parks. In hindsight, marine parks were a good idea for what they stood for. But the way they have been implemented, it is unacceptable. They have taken something good and now it is getting screwed around. I feel manipulated by a lot of people in Sydney who would probably never ever venture on a boat, never go on holidays to a place. They think people just want to come and sit on the south coast and watch whales jump out of the water, et cetera, that there is more to life than what really goes on.

The Hon. RICK COLLESS: What sort of model do you think should be in place to make it better?

Mr CLARK: The sanctuary zones should be workable. I feel that these areas in the middle of the ocean—I have had this discussion with the Marine Parks and they cannot put markers out there because it is a major shipping channel. If you put a run out there, they will end up in Botany Bay the next day on a container ship. Fishermen do not have a problem if a marine park sanctuary zone is correctly structured. For instance, if you take the one at Fullers Beach, it goes back to what I said about the State Government. Fullers Beach would have to be one of the biggest poaching areas on the south coast for abalone. If you talk to Fisheries, I am pretty sure they would back me up. They cannot stop them. They have stakeouts. It is unbelievable. Basically they have put everyone—white fellow, black fellow—under the same banner of a marine park. Good idea. But if they want to do Fullers Beach, maybe 100 yards off the rocks they could put buoys—fair enough—and it is a sanctuary zone so they can do their studies or whatever they like. But for the rest of it where it goes out to the sea on sand, they are doing nothing and it is a waste of time. It takes away that element of doubt for people just drifting up and down for flathead, because that is all they use that area for. It would not be a problem.

It is the same with Montague Island, on the southern end of the island. I have been sitting there and the Marine Parks officer has pulled me up and said, "Do you realise where you are?" I said, "Yes". He said, "Well, you know that is a sanctuary zone there. Do you see that sign?" What sign? It is a sign stuck on Montague Island and, 700 or 800 metres away, I am afraid I could not see it. "Don't go past that sign" was the comment from him. I thought that was a bit silly. If you wanted to have an area on the southern end of Montague Island—which they did have at the north end in the bay—that is recognisable and you can see where you are, it should be marked off. They do not have to go one and a half kilometres out to sea with it. They are protecting nothing. Again it is a waste of time.

The Hon. RICK COLLESS: What is on the bottom one and a half kilometres east?

Mr CLARK: It is all rock and it breaks off as gravel and goes out to the continental shelf. I can understand them wanting to have a sanctuary zone very close to Montague Island, maybe a couple of hundred yards off it, and then you can put markers so people can see so that it takes the element of doubt away for people. To me, that is a win-win situation for the marine parks and for recreational fishing.

Again, my line of thinking with the sanctuary zone would be people are not going to hurt anything if they do not anchor in a sanctuary zone, because the marine park structure, as I understand, is for the biodiversity of the bottom. They want to map things, they want to watch what goes on with fish. Fair enough. A person trolling a lure through the top of a sanctuary zone is not going to hurt anything. People floating a bait are not going to hurt anything. Again, they have thrown a big banner in with the recreational fishermen as the destroyers of the environment. I tell you what, if they worked in with the recreational fishermen all they would be getting is praise and none of this would be happening.

The Hon. RICK COLLESS: Of the areas you have fished in over the years, what proportion of those sanctuary zones contain the better reef and structure that the fishermen have used?

Mr CLARK: All of them. With all those areas we scratched up, I remember sitting down after this discussion we had with the fishing club presidents and they said you should not have told them that. I said why? They said you watch them pricks, they will turn around and take them as sanctuary zones, and they did. That is why you smell a rat.

Mr MOORE: That is going to make future management or planning more difficult, because everyone now knows that if you will highlight a spot where it is good for fishing, that is going to be closed. That is probably one of the casualties of the whole process.

The Hon. RICK COLLESS: Do you think that will happen in the review? They will add other areas that the fishermen are using now?

Mr MOORE: I can almost bet on it, yes.

Mr IAN COHEN: When you are talking about the area near Montague Island as a sanctuary zone, you are saying near shore is fair enough but you are saying there is rock further out and it is an extended sanctuary zone. What would be taken there if it was not a sanctuary zone?

Mr CLARK: Basically with Montague Island you have this unique location where we have the ability to catch yellowfin tuna. This is an example that was brought up to the marine park before it was implemented. You can sit on the north end of the island and catch yellowfin. I do not know if you have ever caught one, but once you get hold of one they will tow you all over the countryside. If they decide to go towards Bermagui you have to go with them. The next thing you know you are in a sanctuary zone. Marine parks' attitude to that was you will have to cut the fish off because you are inside a sanctuary zone. You might have caught it outside a sanctuary zone but if the fish is going to tow you through you will have to get rid of it. Where is the logic in that? What harm are you doing, even on their guidelines, if you catch it out of a sanctuary zone and you get towed through one?

Mr IAN COHEN: That area you are describing, which is offshore, you say you can catch yellowfin and you go into it, but you are making out, if I understand you rightly, it is not good fishing in that area?

Mr CLARK: It is excellent fishing.

Mr IAN COHEN: I misunderstood you. That whole sanctuary zone is an important fishery for you?

Mr CLARK: Yes.

Mr MOORE: But it is designed as a one-size-fits-all situation. The American models do not restrict the taking of pelagic species out of a sanctuary zone in most of their marine parks. To do it here is illogical. The fish do not live here in the sanctuary zones—the pelagic species I am talking about, free swimming—they do not breed in there. They are purely a transient population. Why not have access to it? No-one has been able to give a good reason.

Mr IAN COHEN: No other by-catch that is an issue?

Mr MOORE: Not when you are fishing pelagically. It would be a simple matter to restrict only fishing with lures, only fishing underway. That would be easy.

CHAIR: Trolling?

Mr MOORE: Yes, exactly.

Mr IAN COHEN: So your members are still fishing within the confines of the marine park?

Mr MOORE: Yes. Within the external boundaries of the marine park.

Mr CLARK: A lot of them—again, I will throw my father into this equation. Years ago we had a marine park manager by the name of Kelly. We sat down and they done Nangudga Lake. My father was 80 years old in them days. My father would love it when I used to take the kids down to Handkerchief Beach, where you can drive the car into a car park, take my dad out, plonk him in the middle of this creek with a prawn net and a light and he would sit there and catch a couple prawns. If he caught a blue swimmer crab, that was it. We lost all that. That interfered with my father's life. I cannot take my father anywhere else because it is not safe. I brought this up at other discussions and they said take him down to Corunna.

Mr IAN COHEN: What was their argument with Nangudga Lake?

Mr CLARK: This letter that came from Mr Kelly said that they had new scientific evidence that had been discovered through the commercial, recreational, Aboriginal, blah, blah—and we went okay.

The Hon. CHRISTINE ROBERTSON: What was he the Minister for then?

Mr CLARK: The Minister in charge of marine parks was Verity.

The Hon. LYNDA VOLTZ: You said you had a letter from Mr Kelly?

Mr CLARK: Mr Kelly was the marine park manager, Geoff Kelly it was. He brought this up that they had new scientific evidence. We said, "Could you please furbish it?" We have people who work in national parks who are members of these fishing clubs too. They are not stupid. They said let us have a look at the evidence please. We were all for it still, we were going along with the flow. The next thing you know, he is gone. He packed up and left.

Mr IAN COHEN: Have you made any further inquiries?

Mr CLARK: Never been able to contact him again.

Mr IAN COHEN: Not him, but whoever is in charge of the marine park to find out what the criteria were?

Mr CLARK: I have brought it up with the marine parks and they have never been able to answer me.

Mr IAN COHEN: So no-one has given you any answer on this?

Mr CLARK: No. I do not think there is an answer.

Mr IAN COHEN: That might be your opinion but I am asking, you got nothing physical or no reply from the department?

Mr CLARK: No, the only reply I got was from Verity Firth, and there was not much in that.

Mr IAN COHEN: Was it a safety factor? This area, Nangudga Lake, was that raised with the Marine Park Authority at all?

Mr CLARK: Yes.

Mr IAN COHEN: And they claimed there were other areas to fish, is that it?

Mr CLARK: Yes. And then I find out a couple of years later: You are a fool, you should have horse traded Nangudga for Coila. I said, "What do you mean horse trade?" We had to have that magical 20 per cent number. You can have Nangudga back if we can have another creek up the river.

Mr IAN COHEN: Did you not get Handkerchief Beach habitat protection zone? Is that not a bit of a horse trade, because you lost Nangudga?

Mr CLARK: You have a caravan park that holds 3,000 people each year. Why would you close your business down because you want to put a sanctuary zone around it? Those people with caravans, they pay good dollars to come down here, go on holidays and walk to a beach they cannot use. That would be political suicide.

Again, a silly thing this week. I had a lot of bowlers at the club. They all wanted to go blackfish fishing. They are all in their 60s and 70s. "Clarky, where can we get a bit of green weed from?" You cannot go to Nangudga. That used to be their spot. They could park their cars, go out and get a bit of green weed and fish the town wall. I told they could not to Kianga Lake because that is a sanctuary zone. All the reasonable spots where you used to be able to get bait are gone. They have closed all that down too. That is what I say, they are the silly little effects. People here may not think it is a great deal but it is a big deal to a lot of old people. It pushes people away. You only have to go down to Narooma tomorrow—or next week maybe when the weather settles down a bit—and you might find 10 boats at the boat ramp. At Bermagui you will find 200 to 300 boats down there because they will not come to Narooma any more.

Mr IAN COHEN: But they do go to Jervis Bay and they pack the place out. We have seen the signage and I would suggest it is not bad and they are open to suggestions to improve it, and the locals are complaining you cannot get to the boat ramp in the summer because so many people are coming from outside, and people in the industry are feeling it is very successful.

Mr MOORE: If I can interrupt, Jervis Bay was planned. There was a long planning process. Fisheries started it before the marine parks had commenced. It was done considering everything. This one was not. This one was not only flawed science, it was also flawed social impact statements.

The Hon. CHRISTINE ROBERTSON: We heard evidence that Jervis Bay was flawed science?

Mr MOORE: You have had evidence of that?

The Hon. CHRISTINE ROBERTSON: We have lots of difficulty because we are hearing these contrary expressions.

Mr IAN COHEN: There are critics of it, but the figures for the visitation, the crowding, the population, the popularity tend to point towards the fact that it is a success. Maybe because there was a longer lead time and a better approach overall. But is it so hardened down here that marine parks are just like poison because of the concept of people in this area, for people in your club? Is it something that, through the club and other people talking down the pub, et cetera, it has a completely negative position now, or is it something we can come together on?

Mr CLARK: I think if the marine park or the Government, whoever makes these decisions, sat back and listened to the people and they took longer than waiting one morning when they say we have a marine park. Quick, let us all have a meeting at the services club if you want to have your say about it. The next thing you know it is there. That is basically how it happened in three months.

Mr MOORE: It is like anything. I think they started planning Jervis Bay in 1993 and it was not introduced until eight years later. You are going to get a much better product with that level of consultation and research than you are with something that has 12 months, basically.

The Hon. LYNDA VOLTZ: Going back to Montague Island, when you look at the draft plan that came out, the sanctuary zone at the south end was going to be much bigger and naturally come off the point. Sometimes they use it as a visible sign on where to lay it, but it is actually a smaller sanctuary zone in the draft plan in that it has moved across to the middle of a latitude there?

Mr CLARK: No, that plan there is exactly the same.

The Hon. LYNDA VOLTZ: That is different to this one.

Mr CLARK: Because they ran out of map. That map was incomplete.

The Hon. LYNDA VOLTZ: This is the current map, which is the one you have. This is the original draft plan.

The Hon. CHRISTINE ROBERTSON: That is the discussion paper.

The Hon. LYNDA VOLTZ: That is the discussion paper.

Mr CLARK: Okay.

The Hon. LYNDA VOLTZ: When you say they have gone out two kilometres, obviously the recreational zone itself goes out that far. When you look at some of the other plans, what they seem to have done on some of the islands where they have had those kinds of restrictions is to allow, during certain seasons, trolling across the top of that. If you have something in that sanctuary zone such as the ability to troll across the sanctuary zone—

Mr CLARK: We could live with that.

The Hon. LYNDA VOLTZ: You could live with that with that kind of mix, and when you are looking for the review of this marine park they are the kinds of mixes—

Mr CLARK: We have two points with the outside sections. One, you have to have an area that is workable and usable by everyone in this room, basically. They can say that is a sanctuary zone, I cannot go there, not to have it so you are reliant on electronic devices. Again, the sanctuary zones outside should be softened up a bit where you can lure fish, plastics, et cetera, through that. As long as you do not anchor in it. I understand they want to study the biodiversity on the ocean floor. That is all well and good, let them do that, they can play their games like that, but recreational fishing is not going to hurt the surface in a sanctuary zone.

The Hon. LYNDA VOLTZ: So, at the review stage they are the kinds of mixes they will be looking at?

Mr CLARK: Yes.

The Hon. LYNDA VOLTZ: Handkerchief Beach is a protection zone, which, I presume, allows you to fish there?

Mr CLARK: Fish the beach, yes.

The Hon. LYNDA VOLTZ: And Mullimburra sanctuary zone has a habitat protection zone you can fish in as well, is that correct? Where else—particularly areas where local residents have traditionally had access onto the beach, especially where there are older residents perhaps—would it be useful to have a habitat protection zone within one of those sanctuaries where they are barely prohibited at the moment?

Mr CLARK: What are they protecting on a beach?

The Hon. LYNDA VOLTZ: They are not. They have allowed in other marine parks fishing from beaches, and obviously they have done this here in a couple of zones. They are sanctuary zones but they are allowed to fish because beach fishing does not have as great an impact as some of the other types of fishing.

Mr CLARK: Beach fishing is just on a beach. I do not know why they would want to protect it.

The Hon. LYNDA VOLTZ: Apart from those two beaches, which other beach would have a great impact on a resident community within these areas?

Mr CLARK: In close proximity to Narooma, Kianga Beach or Brou Beach.

The Hon. LYNDA VOLTZ: Obviously, on the other side of Brou Beach there are restrictions.

Mr CLARK: Yes.

The Hon. LYNDA VOLTZ: Can you fish off this point on the lake at Brou Beach?

Mr CLARK: Yes, it is beautiful fishing there. There are plenty of fish there at the moment. In relation to the two points I have raised with the ocean sanctuary zones, the inland sanctuary zones are a waste of time. Between the lots of Nangudga Lake, Kianga Lake and Wagonga Inlet, we had an oyster festival there last week but they could not harvest one oyster out of Wagonga Inlet because it got closed. The marine park did not stop it.

The Hon. LYNDA VOLTZ: We have had some evidence from other areas, I think the Hawkesbury River and a few other places, about the small fish going up into the estuaries to breed and about the importance of protections. We were told that some estuaries and rivers had restrictions on them for that reason.

Mr CLARK: That is understandable. We are talking about creeks. They are not rivers; they are creeks.

The Hon. LYNDA VOLTZ: Creeks are important.

Mr CLARK: They cannot be that important, because they turned Nangudga into a sanctuary zone. Then Mother Nature decided to throw a big drought at us. I always remember sitting at home on a Sunday and the phone rang off the hook with people saying, "Get down here and take some photos, please." The whole of Nangudga was just dead fish; it was disgusting. People were sitting there saying, "Let's do something. What can we do?" I had to say, "You can't touch it, people, it's a sanctuary zone." The next day, Fisheries came down with the marine park, and they netted them all out and moved them. What purpose does a sanctuary zone have for Nangudga? I have an old person that wants to go down and get a bit of green weed—

The Hon. LYNDA VOLTZ: Whether you have a sanctuary zone or you do not have a sanctuary zone, a drought is going to have an impact on your estuaries and rivers?

Mr CLARK: That is right. Mother Nature has the final say.

The Hon. LYNDA VOLTZ: In fact, the opposite happens as well. When you have excessive rains and floods, it is going to have a great impact on the industry.

Mr CLARK: Yes.

The Hon. LYNDA VOLTZ: That aside, other issues have been raised with regard to the breeding of fish, and particularly with regard to fish swimming up into the freshwater.

Mr CLARK: In the Clyde River, you get that up in the Batemans Bay area, yes. We also have that here in the Tuross River.

CHAIR: Do either of you, or do recreational fishers generally, have any problem with seasonal closures or sporting area closures?

Mr CLARK: No. We have recommended that.

Mr MOORE: We partly have it—a bit of horse trading, as you would call it—with the north end of Montague Island, where the greyness area is. We were successful previously with Fisheries when they had rights over it, and fortunately Marine Parks continued it on, where we could use lures up there.

The Hon. RICK COLLESS: That is the green section on the top end of Montague Island?

Mr CLARK: That is correct.

The Hon. TONY CATANZARITI: With regard to the review that is to take place in a couple of years, is your club and membership looking forward to taking part in that review, with the hope of getting some things adjusted to what you are looking for?

Mr CLARK: Very much so, yes. Last week I had my first meeting on the Batemans Marine Park Advisory Committee. I got elected to that.

The Hon. TONY CATANZARITI: You are on that committee?

Mr CLARK: Yes. Through my membership, with the complaints I get and looking at it, areas such as Nangudga Lake to start off with, if they left it as it was and turned it into a habitat protection zone from the breach back to the ocean, that is the area people use. It would not even be 1 per cent of Nangudga Lake. The marine park would have the whole 99 per cent in the back area to do whatever they wanted to do. People only use that front bit of the ocean to prawn, and that is it. People would be happy with that. Brou Lake is another

one. You have a stupid situation where you have a lake, then you have a creek that runs off it called Whitakers Creek. You go up there and it is full of beautiful, big mullet.

The Hon. TONY CATANZARITI: So you have the will to try to get adjustments that will suit as many people as possible. Do you see that as a good opportunity for you to get what you are looking for?

Mr CLARK: Yes, very much so. I think you will find that all members of the fishing club are environmentalists. They are not out to destroy anything. As I said, we fish above the Fisheries guidelines with regard to fish sizes and take limits. We fish one of each species. The old days are gone. As I was saying to John coming up here tonight, fishing clubs have evolved over the last 20 years. They want to work with these people. But the way they are acting pigheaded at the moment with the restrictions they are throwing at us, they are treating the average fisherman as a fool. When you have scientists fighting against scientists, doesn't that say there is something wrong with the science?

Mr MOORE: Fishermen of all persuasions, commercial and recreational, have a lot of knowledge with regard to an area. Up to this point, fishermen have given a lot of information with regard to where they go and so on. If in the review process they are not fair dinkum about it and they do not bring about a balanced outcome, any future marine park plan is going to be affected.

The Hon. CHRISTINE ROBERTSON: Is that a threat or a promise?

Mr MOORE: It is a promise. It will be, without a doubt. It is human nature. If they do not take this opportunity to be reasonable and they do not take the opportunity to make sure that any decisions they make are scientific, they are going to lose credibility. If you do not have credibility in the fishing game, you do not have anything.

The Hon. TONY CATANZARITI: You mentioned you had a fair bit to do with Jervis Bay in your previous working life. So you would have a fair bit of experience in order to take part in the review. Looking at what you did at Jervis Bay in the early stages to what is here now, how do you see that as a first approach?

Mr MOORE: It will depend a fair bit on the level of knowledge that has been obtained since the start of the Batemans Marine Park and the period when they do the review as to how much information they have been able to get in that period. If they can demonstrate that they have an increased knowledge, we will certainly take a bigger part in what they are doing. But if they cannot demonstrate that, again it is a credibility issue.

The Hon. TONY CATANZARITI: There seems to be a bit of animosity between the commercial fishers and the recreational fishers. We have heard some evidence to that effect, in any event. How can we achieve a balance to ensure that both the recreational fishers and the commercial fishers are working together rather than working against each other?

Mr CLARK: The method of commercial fishing in the marine park would have to be looked at. I remember that years ago we had a beautiful reef off Dalmeny. You could pick it up on your depth sounder. It must have been 10 feet tall. You could slip out there for 20 minutes, you would get morwong and snapper, and you could come home. That is how many fish were on the reef. I always remember my mate ringing me up one night and he said, "Those bastards are out there." The trawlers were going over it. We went out there the next day and all you could see were bits of ribbon weed on the water. The reef was gone. They decimated it with their nets. Again, that is the old school of professional fishermen.

If you let line fishermen, as we have in Narooma—we have a couple of pro-boats that all they do is fish with hand lines—they are never going to hurt anything. They have as much chance as you, me or anyone in this room of catching a fish. But they are not dragging nets and chains over the reefs and destroying them. Commercial fishermen should be looking in that direction. It works for Narooma, or what we have left of them. I totally agree with the people who say that the nets are destroyers, because they are—they just wreck the joint.

Mr MOORE: Fisheries also manage to look at quotas for commercial fishermen.

The Hon. TONY CATANZARITI: What needs to be done to achieve a balance to get the recreational fishers and the commercial fishers working together?

Mr CLARK: I think the way commercial fishing is going now on the South Coast you will not have too many left soon. That is the biggest worry, especially with this Federal marine park starting to rear its ugly head.

CHAIR: Mr Clark, your submission suggests that there is community support for New South Wales fisheries but little support for the Marine Parks Authority.

Mr CLARK: Yes.

CHAIR: If Fisheries were responsible for management of the marine park, what changes would you expect to see? Do you think there would be any difference?

Mr CLARK: You would hope so. I feel I have dealt more with New South Wales Fisheries in the past 25 years or so, I have been very proactive with them, and they seem to go to a certain level of government where they are straightforward with you and say either, "Yes, we can help you" or "No, we cannot help you." In dealing with the Marine Parks Authority, I feel it does not seem to go up the ladder; it seems to stop at a certain level and that is the end of it. The communication is not really good. I feel you do better with Fisheries.

CHAIR: Mr Moore, from your professional background, what is your opinion?

Mr MOORE: You would certainly get much better management of the fish stocks. Marine Parks are two-pronged: they are looking at the habitat and the stocks as well. The simple fact is that Marine Parks do not have an extensive knowledge with regard to fishing techniques, both recreational and commercial. They do not know the impacts in many cases. They are learning, I will give them that, but they do not know the impacts that they will have on the environment. They are going from a period of being very naive and idealistic to getting a little bit of a grasp of what is going on. But I do not think they will ever get there as far as the knowledge that would be required to manage those fish stocks, which Fisheries currently have. In Fisheries in Sydney, you have some excellent people there who know probably more about their fish stocks than just about any other State in Australia.

CHAIR: It has been suggested by a number of organisations on three sides of the debate—commercial, recreational and conservation—that what is required is a full-blown environmental impact statement on recreational fishing. Given your comments about the lack of trust that has built up over the process of marine park declaration, at least down here—we have not seen the same thing in Jervis Bay—firstly, do you believe that it would be a good idea and, secondly, do you think you would be able to convince recreational fishermen that that would be beneficial for them? Such an impact statement would have to rely on data collection at the ramp, on the wharf, and so on.

Mr MOORE: If the people knew that the information was going to Fisheries as opposed to Marine Parks, you would probably get a much better and truer outcome. It is as simple as that.

CHAIR: Do you know of the two studies that were done on the recreational fishing havens in Lake Macquarie and Tuross in 2005?

Mr MOORE: Not in detail, no.

CHAIR: In order to try to get the baseline survey, the only way they could do it was to do creel surveys or boat ramp surveys, et cetera. It appears that those surveys found a very high level of cooperation. I guess what you are trying to say is that because they were conducted by Fisheries it may be that the recreational fishermen were a bit more trustful. Is that what you are trying to say?

Mr MOORE: Yes.

Mr CLARK: When I have been boarded by Fisheries officers, I have never had a drama with any of them. They will come up to you and say, "What have you caught? How are you going?" You say to them, "Well, what else has been happening, mate? Gee, the bloke over there has got some nice fish!" They say, "Oh, really? I'll go over there." They seem to cooperate with you. They are talking on your terms; they are down to that level.

CHAIR: Have you ever been boarded by the Marine Parks Authority?

Mr CLARK: Yes.

CHAIR: And?

Mr CLARK: They were all right—Marine Parks and Fisheries.

Mr MOORE: Both the marine park compliance officers here were ex-Fisheries staff.

Mr CLARK: They were trying to push their point on where we were. That is like I said to you before when I was sitting on the south end of the island and was told, "You know you're near a sanctuary zone", and I was looking at this thing that was the size of a stamp on the island. They were polite, but they were just trying to push their point.

CHAIR: What would be your opinion about amalgamating the Marine Parks Authority and Fisheries, and maybe operationally even part of Waterways. Do you think it would be cost effective or less; more operationally effective or less; and do you think it would give an overall better or worse outcome for recreational fishers?

Mr MOORE: Yes, yes, yes.

CHAIR: What do you think the outcome would be for protection of marine biodiversity?

Mr MOORE: It depends which parameters you are going to use. If you had a department like that, you are creating a mega-department basically, so you are looking at a harvesting department and, to protect marine biodiversity, you would have to have a protection department, so you would still need a sanctuary zone, you would still need habitat protection zones and everything. To lump the whole thing in together I think would be possibly not a good move given the fact that we have progressed.

CHAIR: In terms of changes you would like to see to the way things are done, what you are really saying is that marine parks are fine, but the methodology of management for protection of areas needs to be changed or looked at?

Mr MOORE: Absolutely, yes. With regard to your comment on water management, it is ludicrous. When you are out there at the moment you could be boarded by Waterways, Fisheries, Marine Parks and Water Police, and I have had three of those on one day. Not to have a unified organisation that has marine protection as its core is ridiculous.

The Hon. CHRISTINE ROBERTSON: Now that you are on the marine park advisory committee, do you still want to change how it works?

Mr CLARK: Yes.

The Hon. CHRISTINE ROBERTSON: Do you still want to change the makeup of it?

Mr CLARK: Yes.

The Hon. LYNDA VOLTZ: Except for him.

Mr CLARK: I can think of other better things to do with my life than sit on boards.

The Hon. CHRISTINE ROBERTSON: That is not really my question. What do you want to change it to?

Mr CLARK: The marine park itself?

The Hon. CHRISTINE ROBERTSON: The advisory committee.

The Hon. LYNDA VOLTZ: The makeup of the advisory committee.

Mr CLARK: Well, I have only sat on one so far. It might be very successful. What I said previously was that I do not think the information coming out of the advisory committee was going to Sydney. People were not listening. There was a plug somewhere in the system that it was not getting around.

The Hon. CHRISTINE ROBERTSON: So there was a communication issue.

Mr CLARK: I definitely think so. I spoke to people higher up the food chain. I was really cranky one night and accidentally had a few emails on my computer, and I happened to send the letter to everyone, and I was surprised by the amount of people who came back to me saying, "Is that going on down there? I don't believe that", and I said, "It is".

The Hon. CHRISTINE ROBERTSON: So you are happier.

Mr CLARK: People are starting to listen, yes. You people would not be here if everything was rosy and there was no problem.

The Hon. CHRISTINE ROBERTSON: From the map I am looking at, a lot of habitat protection zones were put in place through the marine park process, which meant that commercial fishing was removed.

Mr MOORE: Some commercial fishing.

The Hon. LYNDA VOLTZ: There is still commercial fishing in the blue areas.

The Hon. CHRISTINE ROBERTSON: Yes, but not in the habitats.

Mr MOORE: You can still line fish in habitat protection zones.

The Hon. CHRISTINE ROBERTSON: I do understand what it is about. Has it improved your fishing?

Mr CLARK: No.

Mr MOORE: At the moment it is probably still too early to tell, in fairness.

Mr CLARK: It is seasonal. Probably two weeks ago was the best I have seen the kingfish for five years because the current moved in. They will be there for another couple of weeks and then they will go. With the resident fish—it will take 20 years before something like that will ever come good.

Mr MOORE: Stock such as snapper and morwong, things like that—if there is going to be a noticeable improvement it is going to take eight to ten years.

The Hon. CHRISTINE ROBERTSON: So you do not think the assessment in 2012 will be able to measure it?

Mr MOORE: It will give some sort of indication because you are going from a situation where you had no information when the whole thing was proposed to having more information now.

CHAIR: Thank you for coming and giving 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 you today and, if so, could you return the answers within 21 days?

Mr CLARK: Yes, definitely, thank you.

(The witnesses withdrew)

BRETT MINERS, Landscape Manager, Southern 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 your request. If you take questions on notice today, the Committee would appreciate it if responses to those questions were sent to the Committee secretariat within 21 days of the date on which the questions were forwarded to you. Before the Committee commences with its questions, would you like to make a brief opening statement?

Mr MINERS: Yes. Thank you for the opportunity to come along and have some discussion tonight. As a bit of background to catchment management authorities, our business is community-based natural resource management. There are two aspects of that that are particularly relevant tonight. One is that of building partnerships, which I guess is recognition by us that the challenges we face in having sustainable natural resource management for the next 5, 50 or 100 years is bigger than what any individual organisation or government can achieve. It is really only through building cooperative partnerships that we achieve the long-term outcomes. Observationally, I would say that a lot of the time, with most partners we work with, there is at least 90 per cent common ground. We tend to spend a lot of time arguing about the 10 per cent different ground, so we try to build into our partnerships: "Let's work on what we can agree on and get some good things going, and work through our differences over time."

Another major aspect is the projects that we run. Some of those are projects we run ourselves, but a lot of them are in partnership with private public land managers, and particularly in relation to this Committee we have had very strong focus over the last six years on river and estuary management. That is partly in recognition of some of the attitudinal surveys. People love rivers and estuaries, they are readily identifiable, and a bit of a philosophy for us is that if you cannot have good healthy river and estuary systems, what chance do you have with the rest of your natural resources being sustainable.

Right from the outset of our organisation we focused on three industry partnerships. One was on the Monaro tablelands, which is not particularly relevant. The second one was the dairy industry, recognising that they are such a strong socioeconomic driver, but also they happen to be a fairly intensive industry plonked right on top of a lot of our floodplains, rivers and estuaries, so it is very important to work with them to increase the sustainability of their production systems. The third one has been the professional and recreational fishing industries. Why? Because often they are dependent on natural resources.

We have done a lot of work, particularly with oyster guys—the old canaries in a coalmine thing—so our oyster partnerships have been probably one of our strongest. With commercial fishers it has been a little hard because there have been so many changes going on and there has been limited funding available for an organisation like ours to team up with marine-based commercial fishers. The last group for us has been recreational fishers. As a keen recreational fisher myself, I have some reasonably good networks. One of the challenges we have had is that the recreational fishing base, if you like, is very broad, it is not focused around one particular estuary or river, but that is certainly something that over the last 12 months we have started putting a lot more effort into and over the next five years we will see that strong working partnerships between recreational fishers and organisations like ours will have a lot of benefits, which I will touch on very briefly.

As far as engaging with recreational fishers, we see three areas of benefit. One is getting involved in the science, particularly if we can get quality information for management, which improves the recreational fishing base. Also we would like to think that, if we could get common information and the relevant parties are involved in collecting it, we can take out a lot of the argument because you start getting facts, facts that people have confidence in, and we can start building consensus, because we see as partly our role to build consensus so that we get unity of purpose.

I will touch on projects shortly and also the role of recreational fishers in conservation management because, as a recreational fisher, I think there is nothing like being out on a river or an estuary. You get very tuned in to what the habitat looks like and you know where the best fish-producing snags are. Also, importantly, for an organisation like ours, which is quite young—we have only been around for five or six years, although our precursor organisations have been around for fifteen—the resource base changes over time and history is as important as where we are wanting to go. We know there are a lot of recreational fishers who would have been fishing rivers and estuaries around here for 20, 30, 40, 50 years, and that is a really valuable data set for us to

bring in because it helps us to understand. The natural resource management of rivers is a very dynamic system, so getting that picture over time is really important to understand its context now and how we manage it in the future. Also if you get resource users involved with the conservation, and in some instances maybe even the policing of it, you get that level of buy-in and hopefully you also get peer pressure within the industry. The more that recreational fishers are setting the conservation bar, the more likely the whole recreational fishing industry is to improve their conservation practices, and I guess our job is to work with all industries to raise conservation practices.

Very briefly on projects, we have had some encouraging signals over the last 12 months. As an example, we have had five fish-related projects, but interestingly a lot of those have come from Fisheries managers, so that is from working with New South Wales Fisheries. I do not believe we have the funding signals right to implement and encourage partnerships between recreational fishers and organisations like ourselves, land care groups, whatever. As a very simple example, I am pretty sure when you apply for a recreational fishing trust grant there is no check box there, "Have you discussed this project with your local land care group or catchment management authority?" Some really simple connections like that I think would help recreational fishers to be engaged in managing resources. I think there is empowerment that goes on when you get that. There is nothing like being actively involved and getting some wins because if the perception is that you are not making much ground it is often hard to be positive going forward. Part of our role is getting as many groups engaged with positive projects, positive initiatives, that actually get change for good. Again, most people can pretty readily agree on the things that need to be done.

Very briefly on stocking, a lot of our programs are based on rehabilitating estuaries and floodplain sections. We know that the floodplain sections of our coastal rivers have copped an absolute hammering. Anyone who knows the Tuross and the Bega, that is where a lot of our rehabilitation efforts are. That is one of the points of real tension degradation. Interestingly enough, we know a species like estuary perch were highly dependent a top of estuary-floodplain interaction, to a certain extent Bass as well. We know that some of our recreational fishing targets and some of our conservation species like grayling have been overly impacted. Around some of those areas there is real room for doing conservation stocking and even recreational stocking. We developed one of the first native fish recovery strategies in New South Wales. This was in the Snowy River. It was attached to our evidence. I was surprised to find that, from what I could work out, that was the first native fish recovery strategy, particularly along the coastal area, that we had seen, or certainly one of the few.

For some reason we have not got the signals right and we are not getting the recreational fishers, who want more fish, the communities who want recreational fishers to come down and catch fish so the catch per-unit effort goes up, and tying that in to managing the resources. I am not convinced we have the signals there already funding mechanisms right to bring some of those things on. Finally, the whole area of education—fishermen themselves and also between recreational fishers—increasing the knowledge of the public and land managers on the impacts of their actions on their recreational fishing opportunities. I guess that is a bit of an overview of how we have been seeing some of our approaches so far to working with recreational fishers.

CHAIR: Where are you based, Mr Miners?

Mr MINERS: I am based at Cooma but I manage our South Coast-Snowy landscape unit, which runs from the Clyde catchment south to the border and up to the Snowy.

CHAIR: It is a huge area.

Mr MINERS: It is a large area.

CHAIR: What is the Southern Rivers Catchment Management Authority annual budget, roughly?

Mr MINERS: Roughly \$10 million.

CHAIR: You have just spoken about the benefits that may accrue more, shall I say, targeted research and/or extension of cooperation. To your knowledge, has anybody in your catchment management authority or in any others or, indeed, the overarching body, made any presentations to either the freshwater or salt water trusts or the Ministerial Advisory Committee on Recreational Fishing?

Mr MINERS: I would be very surprised. I know at the other end we were trying to get the Recreational Fishing Trust people down here. They had a new person who was looking for new partnerships and

we had asked them to come down because we see it as an enormous range of opportunities. We have tapped into a few of their funding programs but I do not think any of that higher-level partnership and exploring opportunities have occurred that I am aware of.

CHAIR: Do you believe that would be a worthwhile exercise to follow up? I do not mean you personally. We have had a number of witnesses talk about where they felt there were misjudgements in where the Recreational Fishing Trust funds were spent and that there were not enough research projects. Of course, the other thing is you are obviously talking about partnerships so I guess you are acknowledging the best research and/or extension or rehabilitation project is one that has some dollars and the best way to do that is probably cooperative research projects, CRC-type situations?

Mr MINERS: Yes. To answer that first one, certainly there are 13 catchment management authorities in New South Wales. The 13 chairs form what is called the CMA Chairs Council and they do a lot of work. They have representation on the Natural Resources and Advisory Council, which is one of those statewide bodies. I know they do a lot of work with New South Wales Farmers Association. To my mind, it would be very logical to have the higher-level liaison and alignment of objectives where possible and exploring where partnerships are at that statewide level.

CHAIR: Maybe even a representative on the Australian Council of Recreational Fishing or something like that?

Mr MINERS: That was something we put in our submission. We can see a lot of benefit from having catchment management authorities or the like involved localised, regional and statewide. There are always a hell of a lot of synergies. We find a lot of our business is just sitting around talking, building synergies, looking for opportunities to overcome the obstacles. If that can be started at statewide level, we would see a lot of benefits.

CHAIR: One thing that has been consistent throughout the inquiry is that all parties—recreational fishers, conservationists and commercial fishers—have all said pretty much the same thing: That they believe there are holes in the conservation fabric in relation to catchment management.

Mr MINERS: Yes.

CHAIR: So, there is obviously room for some synergy. Can you outline your relationship with the Marine Park Authority in this area?

Mr MINERS: We tend to have a lot of projects. First of all there is communication. Like all our partners, public and private, we try to keep closely engaged with them for each of our subregions. For Eurobodalla we have six subregions in our region. In Eurobodalla we have what we call the natural resource management reference group. Marine Parks Authority is on that, again, the purpose being to get communication, to understand what each other's programs are and see what the overlaps and gaps in the synergies are. We tend to work with the Marine Parks Authority at that level.

CHAIR: What other groups are on that reference group?

Mr MINERS: It tends to be other public land managers—national parks, State forests, councils and Landcare representatives.

CHAIR: No recreational fishing or commercial fishing or professional fishing?

Mr MINERS: Not at that subregional scale. We have not had a lot of luck getting them engaged. We generally find that recreational fishers are more geographically focused. As an example, we have just set up the Tuross forum because the Tuross River is a very strong priority for us, in part because it is a recreational fishing haven. A little broader context is that we have undertaken prioritisation of most of our natural resource management assets—our rivers, our estuaries and wetlands. One of the criteria we used for prioritising those was are they a recreational fishing haven and/or what is the level of recreation and commercial effort? In essence, they are primary producers, the commercial guys are, and the aquaculture recognises the social and economic contribution of recreational fishers. That ups the ante for us, keeping that part of the natural resource base in as good as position as possible.

As part of that, the Tuross River has come up as a really high priority, as has the Clyde. For the Tuross River forum recreational fishers are involved but again that partly reflects that the Tuross recreational fishing group is one of the strongest we have been able to identify, quite possibly because it is associated with the recreational fishing haven. So we have been able to give representation from them on to one of our localised forums.

Mr IAN COHEN: When you say high priority, I understand the Clyde is in very good order. Are you talking about high priority needs attention or are you talking high priority as in very good resource?

Mr MINERS: That is a good question. We have done both. In essence we have prioritised those rivers and estuaries that are in very good condition, and the Clyde has been a classic one, where a relatively modest amount of investment should keep it in good condition for a long time. Something like the Tuross is what we would call a working river, and a similar one is the Bega River, where there is a lot of dairy industry and other reasonably intensive industry on it. So our goal is to at least maintain and slightly improve the ecological values of that so it is maintained in its working capacity. We try to get a reasonably good balance in our investment between looking after the really good-quality assets where we can do modest amounts but at the same time trying to make sure our working rivers and estuaries are maintained at least at the current level and hopefully will improve over time.

The Hon. CHRISTINE ROBERTSON: Among the evidence we have received from recreational fisher persons and commercial fisher persons related to contamination of waterways by agricultural industry. Certainly we have no specific examples in relation to the South Coast. At most places we have visited on the site visits most people have said yes we are working with the Catchment Management Authority but it has all been a bit vague, it has been a bit hard to get a handle on it. You said Tuross Lake has some issues that you are having to address. Is it mangrove country?

Mr MINERS: Yes, there are mangroves.

The Hon. CHRISTINE ROBERTSON: So, the Clyde River sanctuary areas, and there are just a couple, they are about mangrove area protection? Do you know?

Mr MINERS: As to why they were established as sanctuary zones?

The Hon. CHRISTINE ROBERTSON: Is it mangrove area?

Mr MINERS: You had probably best ask the Marine Parks Authority as to why those specifics. That is Wagonga Inlet down at Narooma I could not tell you what the specific criteria were that they used. I guess of relevance to us is if something is a sanctuary zone or a habitat protection zone, to our mind it has been ascribed particular significance and they would be the areas where we would tend to prioritise. So, we might prioritise, say Wagonga Inlet is a good one and then obviously we tend to look at what are the threatening processes for that system and particularly if those threatening processes are in or adjacent to a habitat protection zone or sanctuary zone, again that ups the ante because you have a high-quality asset that has a threatening process. That is the way we tend to see it.

The Hon. CHRISTINE ROBERTSON: Do you have on this part of the coast areas of massive development next to waterways?

Mr MINERS: Certainly development is a major and ongoing threatening process in this part of the world.

The Hon. CHRISTINE ROBERTSON: As far as the environment is concerned?

Mr MINERS: Yes.

The Hon. CHRISTINE ROBERTSON: Is the catchment management authority involved in any way in the planning processes for the future of water quality for the catchment?

Mr MINERS: We do not have a direct regulatory role to be involved at the establishment of the local environment plans. I guess they are the strategic documents. So, we have no statutory role under the Environmental Protection Act but certainly we tend to get involved in the overlays and analyses that have just

been gone through, for example the Eurobodalla local environment plan, we had quite a lot of input, again trying to say here are our priorities, here is our assessment of the priorities for rivers and estuaries, here is our understanding of the vegetation priorities, and put them in as the overlays, if you like, and then the analysis occurs to try to manage development around those areas.

The Hon. CHRISTINE ROBERTSON: In a fish kill, which means that something dreadful has happened on the land to cause it, not like the drought, the Environment Protection Authority, Public Health and Fisheries are involved in investigating a fish kill. Does the catchment management authority have any involvement in that?

Mr MINERS: No direct role but we would receive information, and that would tell us something is not right and for us it would be, one, reaching that system is a priority and, two, what the priority actions might be. Generally we have not had a lot to do with fish kills. Generally you find the drivers behind them are quite complex. To answer one of your questions about something specific, I did bring along two flyers, which are specific projects we have done. These happen to be on the Bega River. They relate to projects that are based with dairy farms, which are very intensive right on the top of the Bega estuary, and these are the sorts of projects that we are finding and particularly the dairy guys are taking on that environmental responsibility. They are saying we are an intensive user, we know generally we have to lift our environmental performance and certainly these projects have been specifically about water quality and fish habitat, which are very much the focus of the projects we have put on the ground.

The Hon. CHRISTINE ROBERTSON: It is disappointing to know that so much is happening about catchment and so many persons are perceiving it is lack of interest in catchment health that is causing the trouble for the fisher persons.

Mr MINERS: Yes. It is certainly one of the challenges of being the Catchment Management Authority involved in the broad suite of natural resource management issues, so we can be dealing with threatened species issues or weeds in the alpine area or estuary health or groundwater system health. I guess we deal with such a broad range of issues it is hard to target them and build a profile. I guess that is why working with recreational fishers is so important for us. As I said before, everybody knows what a river and estuary look like. Most people have an association with them and love to be able to catch a fish with them. It is certainly something where we want to build a stronger profile through projects in our partnerships.

The Hon. CHRISTINE ROBERTSON: Can you answer questions about the North Coast survey?

Mr MINERS: I have very little background about that.

The Hon. TONY CATANZARITI: Regarding your dealings with the commercial fishers, do you have much to do with them?

Mr MINERS: Very limited, particularly since there has been less and less work going on in the estuaries; more of it has been out into the marine area. We certainly have contacts there. We have tried to make a few overtures, but there have not been a great deal of partnership opportunities. It was probably stronger about four or five years ago. OceanWatch, which is the statewide organisation that represents the conservation, sustainable side of commercial fishing, had a couple of project offers and was starting to do some work. I know that some of the other catchment management authorities in New South Wales, when there was some Federal funding around, got gear for increasing the sustainability of the catch, so they could make modifications to their nets and things like that. But down here, we have had very little opportunity to do that. We would certainly welcome it, but there has not been a great deal of opportunity or interest.

The Hon. TONY CATANZARITI: There seems to be a little bit of animosity between recreational fishers and commercial fishers.

Mr MINERS: We are aware that that is always the case.

CHAIR: With regard to marine parks, we have had a lot of evidence tossed around about the reliance on overseas research and experience. With regard to coastal estuaries and the dairy industry, in particular, a huge amount of work has been done in New Zealand by the Department of Conservation and the New Zealand Fish and Game Council on exactly that issue—that is, the conflict between needing to maintain intensive stream-side or floodplain industries and trying to engage people like recreational fishers to either get them

involved in trying to get some funding or at least to lend advocacy to the catchment management authority. Does the catchment management authority look to what has been happening around the world, or are you pretty much making it up as you go along?

Mr MINERS: We certainly try to keep well abreast. There is a service through the Federal Government, a national resources management database, where you can go online and it is a specific search engine for best practice approaches to tackling resource management issues. We very much try to have our programs and projects science-based. But a lot of the time we are very conscious that there are enormous holes in the science base. Unfortunately, we cannot get access to research funding. We do try to support a lot of Australia Research Council and Cooperative Research Centres bids. We might have \$5,000 or \$10,000 of operation money. So we try to foster it, but unfortunately our budgets do not allow us to do primary research, et cetera.

Mr IAN COHEN: In terms of siltation impacts, fish kills are happening intermittently. You said it is a complex situation when you have a fish kill. With regard to those siltation effects, what sort of role do they have? Do you have problems in your estuaries in this area, specifically from the logging industry and downstream siltation impacts?

Mr MINERS: Certainly there has been a long history of siltation with a lot of our rivers, particularly in the floodplain sections.

CHAIR: Like the Kiah?

Mr MINERS: Indeed, the Kiah, the Tuross, the Towamba, the Bega—many of those floodplain sections have been quite radically changed. To answer the specifics of the question, in the information we have been able to get on fish kills—which, admittedly, is a little challenging to get at times—we have not been able to pick up and correlate, in any instances that I am aware of yet, a specific issue such as sedimentation with a fish kill. More often, the issues we see are declining water quality when particularly our ICOLs—intermittently closing and opening lakes and lagoons—get closed for a long period of time; obviously that leads to poor water quality when the inflows drop really low. We also know that inappropriate opening of a lot of those ICOLs and estuaries can be very, very damaging if you do not get it right. I guess quite a lot of effort has been put into the opening policies that are developed, generally under the framework of the estuary management plan, so that if the estuary is going to be opened it is opened appropriately.

Mr IAN COHEN: With regard to those ICOLs, when you say "opened properly", is that sort of management superior to, say, leaving them in their natural state, where they open when there is a relatively decent rain event and they are flushed out?

Mr MINERS: I am not sure whether I would put a judgement on "superior"—

Mr IAN COHEN: I am wondering whether you could answer that but also relate it to the impact on those sanctuary zone areas and marine park areas given that those waterways are vital for fish stocks but also they interact with the marine park areas immediately offshore.

Mr MINERS: The opening policies are obviously a complex balance between social and economic needs and environmental needs. Sometimes they line up quite well, and at other times I have noticed there are some historical limitations. For example, if a road is built too low and 300 people are flooded in, basically that tends to be the trigger. I think a lot of good work has been done over the last decade particularly, that I have seen, in saying: If part of our social or economic infrastructure is going to make us do an opening, at least what are the conditions that minimise the chance of harm?

With regard to the other part of your question about the relationship between that and sanctuary zones or habitat protection zones, our argument is that the healthier the catchment, the more resilient that system is to whatever perturbations or shocks there are. Some of those are natural, and some of them are man-induced. That is why our overall approach is to try to make sure that the catchments are as healthy as possible, particularly those that have a high level of vulnerability. Really good work has been done in New South Wales on our estuaries, looking at vulnerability assessment, so we can identify which ones are vulnerable. You can have an estuary that is in quite good condition but it is relatively vulnerable. You can have some relatively highly devoted systems that are fairly robust and are in a lower condition. We tend to adapt our management priorities

and our investment around what each of those different systems needs, and certainly sedimentation is one of those.

Mr IAN COHEN: We have had a bit of discussion today about estuarine fish kills. I come from up north where there a range of major events, as there are down here also. So often it has happened, as you say, in terms of artificial release et cetera; there are all sorts of factors. From a catchment management perspective, are fish kills a natural phenomenon also, or are they environment out of balance, industrial, chemical, perhaps sewerage, and then a mechanical interaction with human society and the natural environment?

Mr MINERS: Certainly my observation is that it is a combination of both. I recall walking through Nadgee Nature Reserve, which is right down on the border. I understand it is rated as one of the most highly pristine, if that is the correct term.

CHAIR: Is it near Wonboyn Lake?

Mr MINERS: It is south of Wonboyn Lake. There is Nadgee Estuary and Nadgee Lake. It is as close as you are going to come to an unimpacted catchment, and there had been an absolutely enormous fish kill. There was a wind rose of bream washed up on the shore. Obviously, in that instance, from what I could work out, it was a natural fish kill. We know that Australia is a harsh environment, and in times of drought bad things can happen to the environment. But generally, given a chance and enough resilience, it will bounce back. So, at one extreme you have that; and at the other extreme there are systems that obviously, because of human impacts—much of which could go back 100 or 150 years. It is important to realise without sedimentation issues, from what we can see erosion peaked in about the 1890s, on the tablelands country and on the coast. So we are still dealing with the problem that was commenced almost 180 years ago. So you have that really big lag time.

For example, we know from work on the Tuross that there are some really quite major sediment slopes working their way through the floodplain reach. While the catchment conditions may have been on the improve, and certainly all our photo analysis from about 1949 shows improving catchment condition, we know that the floodplain reach is continuing to go down because those old sand slugs might take another 20, 50 or 100 years to work their way through.

Mr IAN COHEN: Sediment, sand—?

Mr MINERS: Very coarse sediment in that instance. Usually the fines have been and gone. We had relatively steep catchments. Resident times for fine sediments are generally very fast; they come and go. But it is the coarse fraction of the sand that causes the ongoing impacts.

Mr IAN COHEN: Are logging operations still causing that sort of condition currently, or are you talking about the historical situation?

Mr MINERS: Our observation is that the vast impacts are historical.

Mr IAN COHEN: You showed those pictures on the dairy farm, and the fish mitigation devices and so on. I was surprised to see that, simply from the point of view of there being no riparian buffer zones. I am wondering what was the situation in this area from a catchment management point of view, in terms of replanting those waterways. That would deliver a more positive catchment management impact?

Mr MINERS: If I can give you a little background to that, it would be useful. To my mind, our Bega dairy program is one of the better successes. It started off years ago when a water sharing plan was being negotiated for the Bega River. We had the conservation groups and the industry represented on the water management committee. The debate that came about at the end of the day was: water versus quality of habitat. You can have a river with relatively low flows in it, but if its habitat is in really good condition your ecology can continue to function quite well. Conversely, you can have a river system that has absolutely stuffed habitat, and you can put all the environmental flows down it you like and you will get very limited response.

For us, it is about trying to manage both. What we managed to broker through that was that the dairy industry said, "Okay, we will lift environmental performance." It was a voluntary commitment that they made at the time. They said, "We will fence off all our wetlands and all our riparian zones. We will bring all our effluent systems up to best practice." Basically, everything you had ever dreamed an industry saying, they said they would do. They said, "The trade-off is this. We will have a dual cease-to-pump. If our environmental

performance is very high, we can pump the river down lower because the balance is there, but if we do not meet that environmental performance then the cease-to-pump is higher, so we pull out of the river higher."

The fantastic thing about that was that that water is worth money to the industry. So the signal is there. Through that, and through the leadership we have had through someone like Bega Cheese—they are very strong advocates for setting up; they have developed one of the first environmental management systems for the dairy industry in Australia. Basically they see themselves as lifting the environmental performance of that whole industry. The statutory processes and the signals were right; now our challenge is to continue to put the funding in. You will see that, as part of that, it is an integrated project with reducing sediment from dairy laneways, doing an effluent management upgrade, which improves the quality, doing the riparian planting, and doing the in-stream structure. So I guess that is why we see them as such a nice example. When you get the signals and the mechanisms right, you can get the whole package in projects.

CHAIR: Bega Cheese must have read the book on Rakaia, in New Zealand, because that is exactly what happened over there and that is exactly the process they used to get the dairy industry to self-regulate and improve.

The Hon. RICK COLLESS: You have partly answered this question in your last few comments, but in terms of agricultural industry, if you look at a catchment like Tuross, for example, obviously there would be forested areas higher up in the catchment and cleared areas as you come down. Do we just go from beef cattle into a dairy situation in lower reaches principally?

Mr MINERS: Primarily. The Tuross starts very high up at the back of Cooma, so you would probably get some sheep there as well, but it is primarily sheep and beef, beef in the mid catchment and then dairy on the lowland areas.

The Hon. RICK COLLESS: Which sections of those agricultural industries have the biggest impact on fish stocks?

Mr MINERS: It is interesting because we are actually just drawing to a close at the moment developing a rehabilitation plan for the whole of the Tuross that has looked at historical and contemporary impacts. The upland reaches are in very, very good condition. The midland reaches are in recovery condition. The primary issues were sedimentation that kicked off in the 1800s. The floodplain sections probably have the most contemporary threats, and that tends to be dairy laneways, effluent systems and greater riparian zone, which is why we are investing heavily with them there and through our dairy partnership there is very strong support from that industry to raise their environmental performance. We have talked to the chairman of Bega Cheese and when Japanese cheese buyers come in one of the first things they say is, "We want to look at your environmental credentials." We would love it if the international market would give a price signal. Unfortunately, they do not. There is no price signal on international markets for good environmental performance, so we really just have to work with them to help them to stay as competitive as possible.

The Hon. RICK COLLESS: On the issue of sand slugs that are coming down the river, is there any potential for dredging those or opening them out a bit to allow them to move more quickly, or what sort of volume are we talking about?

Mr MINERS: Very, very large. I have investigated this in partnership with the Victorians for the Snowy River; the Genoa River has enormous quantities, and the Bega. If you are close to Sydney and there is a large building boom, you can take the sand out. In some areas of New South Wales there is starting to become a shortage of supply of good quality buff sand, but the reality is that your transport costs are never going to do it.

The Hon. RICK COLLESS: But from an environmental perspective, is it something that is feasible?

Mr MINERS: It is feasible, yes. In certain areas I understand that it has been done and done quite well. In the absence of that, if you can get in-stream vegetation and floodplains operating as floodplains—that is one of our real challenges in Australia I believe. We see floodplains as areas where we put our high-value economic and social assets. The problem is that for the rivers they are also very important. How we reclaim and allow floodplains to operate as floodplains so that the river processes can work—and a lot of that will be about processing that sediment—while maintaining the social and economic assets is one of the balances we always try to get. If you get the riparian vegetation and the in-stream vegetation right, it is amazing working with rivers because they have these amazing self-healing processes that get going, so getting back to the whole recreational

fishing thing, the more we can get recreational fishers involved, working with landholders, doing some of those riparian zone and habitat reintroduction projects, the more the system is going to kick itself into gear. Rivers are generally resilient systems and you do not need to give them much care.

CHAIR: Thank you very much for coming and giving your evidence. 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 you today?

Mr MINERS: Yes.

CHAIR: Would you be able to get answers to those questions back to us within 21 days?

Mr MINERS: Indeed.

(The witness withdrew)

(The Committee adjourned at 7.50 p.m.)