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REPORT OF PROCEEDINGS BEFORE

SELECT COMMITTEE ON RECREATIONAL FISHING

INQUIRY INTO RECREATIONAL FISHING

At Nowra on 29 April 2010

The Committee met at 1.00 p.m.

PRESENT

The Hon. R. L. Brown (Chair)

The Hon. A. Catanzariti

Mr I. Cohen

The Hon. R. H. Colless

The Hon. C. M. Robertson

The Hon. L. J. Voltz

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

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

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

I welcome our first witnesses from the Department of Environment, Climate Change and Water, and the Jervis Bay Marine Park Authority: Ms Diane Garrood and Mr Matt Carr.

DIANE JEAN GARROOD, Regional Manager South Coast Region, National Parks and Wildlife, Department of Environment, Climate Change and Water, Huskisson, and

MATTHEW JOHN CARR, Manager, Jervis Bay Marine Park, Nowra, affirmed and examined;

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

Ms GARROOD: I would like to. Thank you for the opportunity to present to the select committee. As the Committee will be aware, the Marine Parks Authority previously has made a submission as part of a whole-of-government submission to the inquiry. The authority also recently presented to the Committee, therefore today we will focus on local matters particular to Jervis Bay Marine Park. I would like to table a map of Jervis Bay Marine Park and give the Committee a brief overview of the park. It lies south-east of Nowra within the Batemans Shelf marine bioregion. It is one of New South Wales' smaller marine parks, covering approximately 21,500 hectares, spanning over 100 kilometres of coastline and including oceanic, embayment and estuarine waters. It extends from Kinghorn Point in the north to Sussex Inlet in the south. It includes most of the waters of Jervis Bay, with the southern waters forming part of the Commonwealth-managed Booderee National Park and, therefore, not part of the New South Wales Jervis Bay National Park. Unlike other marine parks in New South Wales, it extends only 1.5 kilometres offshore.

Jervis Bay Marine Park was declared on 2 January 1998 and was one of the first marine parks declared in New South Wales along with Solitary Islands Marine Park. The declaration recognised the iconic nature of Jervis Bay, the area's extraordinary array of marine habitats and biodiversity, the relatively undeveloped coastline, and the Aboriginal and European cultural heritage of the area. The marine park hosts a unique mix of tropical and temperate species, including the weedy sea-dragon, eastern blue devil fish, bottlenosed dolphin, Little Penguin, fur seals and whales. As the Committee is probably aware, protection of such rich biodiversity and habitats, and maintenance of ecological processes are the principal objects of the Marine Parks Act 1997. Consistent with these primary objects, Jervis Bay Marine Park also caters for a wide range of recreational and commercial activities, including beach activities, swimming, surfing, commercial and recreational fishing, scuba diving, spearfishing, whale and dolphin watching, boating, sailing and other water sports. The marine park is culturally important to the local Aboriginal communities, with many significant cultural and spiritual sites located in or adjacent to the marine park. The Royal Australian Navy uses Jervis Bay for training and the waters of Jervis Bay are declared Naval Waters under the Control of Naval Waters Act 1918.

The zoning plan for Jervis Bay Marine Park came into effect on 1 October 2002 and included a number of modifications from the exhibited draft plan in response to recreational fishing issues identified during the public exhibition period. Under the final and current plan 20 per cent of the marine park is protected in sanctuary zones, 72 per cent in habitat protection zones, 8 per cent in general use zones and 0.2 per cent in special purpose zones. With respect to the terms of reference of this inquiry, this means that 80 per cent of Jervis Bay Marine Park remains accessible for recreational fishing. The recent review of the zoning plan for Jervis Bay Marine Park has shown that the zoning plan is largely meeting its objectives. Opportunities were identified to finetune and improve the effectiveness of the zoning plan, mainly in response to new information obtained from state-of-the-art seabed mapping not available at the time of the original zoning. This seabed mapping showed that while all habitat types in the marine park are represented in sanctuary zones, only 8 per cent of rocky reefs at intermediate depths—that is, 20 to 60 metres—are included.

Therefore, the relevant Ministers have requested the preparation of draft amendments to be made to the zoning plan for public exhibition and comment, especially in relation to the representation of intermediate reef in sanctuary zones. These draft amendments are to be made while maintaining sanctuary zones at 20 per cent of the marine park. Proposed changes of relevance to recreational fishing are the removal of commercial trawling from the marine park, the northward relocation of the St Georges-Steamers Head Sanctuary Zone while maintaining access to popular rock fishing spots in the area through the creation of a 100-metre wide habitat protection zone, the straightening of the Drum and Drumsticks Sanctuary Zone boundary to simplify zone boundaries and improve manageability, and the restriction, for public safety reasons, of spearfishing and boating

within Honeymoon Bay, a small cove on the northern side of Jervis Bay that adjoins a popular, family camping area.

Key ways that Jervis Bay Marine Park staff have consulted on recreational fishing interests in the past are through recreational fishing representation on the Jervis Bay Marine Park Advisory Committee, meetings with local fishing clubs, the holding of issue specific workshops and through formal submissions as well as informal discussions. All these techniques will be employed again to seek recreational fishing input on the proposed changes to the zoning plan. Of likely interest to the Committee is that research to date on shallow rocky reefs has shown a trend for greater abundance of some fish species, that is, the red morwong, snapper and yellowfin bream, in sites within sanctuary zones compared with habitat protection zones and for greater abundance of large fish over 300 millimetres in length. Sampling of an estuarine tidal flat—Winberg 2008—also showed a shift in macrofaunal assemblage from before to after protection within a sanctuary zone. This was due mostly to a rapid increase in the abundance of small, less mobile filter feeding species such as the juvenile venus shell.

The Marine Parks Authority recognises the importance of tourism to local economies, including the contributions made by recreational fishers. It is widely accepted that Jervis Bay Marine Park contributes positively to tourism in the Shoalhaven. Visitor surveys conducted in the marine park in 2004 found that 34 per cent of visitors surveyed indicated that the marine park was the sole reason for their visit, and 80 per cent indicated that it was either an important or very important reason for visiting Jervis Bay. Surveys also have shown strong local community awareness and support for Jervis Bay Marine Park. An independent phone survey undertaken in the Shoalhaven in January 2008 comprising 402 interviews showed that 82 per cent of the respondents were in favour of the sanctuary zones in the marine park, with fishers also showing support for sanctuary zones but to a slightly lesser extent at 76 per cent. If the Committee has time, I now ask Matt Carr, the Manager of Jervis Bay Marine Park, to give a quick insight into what is involved in operating the marine park.

CHAIR: Yes, a brief summary would be fine.

Mr CARR: Thank you, and thank you also for your time this morning. This presentation will be made a lot easier because you have seen some of the things I will mention. Some examples of day-to-day management activities in which Marine Parks staff engage is education, including signage, and we conduct guided interpretive walks and give lectures to school groups, community groups and university courses. We have a regular weekly radio segment where we tell people about current environmental events in the marine park, and about topical marine species such as the whale migration. We host marine information seminars for the community. We also provide an education kit for school groups and visitors to the region, which contains activities and informs them about the marine ecology of the area. We produce advisory material such as the zoning map you saw this morning. We work closely with local tourism operators, such as the one we went out on this morning, to ensure they are operating sustainably and that their delivery of information to clients is up to par. Obviously, compliance is a large part of what we do and a major factor in compliance is education, which I alluded to this morning.

Marine Parks staff also are authorised under other pieces of legislation such as the Fisheries Management Act, the National Parks and Wildlife Act, and the Protection of the Environment Operations Act, which deals with marine pollution events. This morning we saw some examples of signage and zone markers, the buoys we put out on the water, and the zoning guides that we install and maintain. We also have a role in incident response, not just compliance, as well as pollution events and things like wildlife incidents, dolphin entanglements, whale strandings and injured marine life. Marine parks also are about more than managing extractive use of specific species; they are about managing the total health of marine ecosystems. Therefore, it is important for the Marine Parks Authority to influence activities surrounding the marine park that may have a flow-on effect to the marine environment.

Again, this morning I alluded to the fact that the marine park has a role in environmental impact assessments and commented on developing applications for things adjacent to the marine park that may have a downstream effect. We also have a role in permitting commercial operations and works such as the installation of wharves et cetera. This morning we saw some other examples of maintenance of marine park infrastructure, such as the public moorings we installed to facilitate environmentally sustainable use whilst promoting visitation, increasing awareness and facilitating voluntary compliance with zoning plans. Finally, we conduct research in-house with our specialist marine park researcher and in partnership with research organisations, such as universities.

The Hon. TONY CATANZARITI: At an earlier hearing the Department of Environment, Climate Change and Water tabled the 2009 Jervis Bay Marine Park Zoning Plan, which is here before us. Can you briefly describe this review and its results? We would particularly like to hear about your consultation process and whether community sentiment had changed towards the marine park?

Ms GARROOD: It was a very comprehensive approach. I will let Matt answer the specific detail. There were substantial meetings with stakeholder groups including recreational fishing clubs. Forty-one formal meetings were held. Focus group meetings were held with recreational fishers, commercial fishers, spearfishers, scuba divers, commercial tourism operators, recreational sailing groups, conservation groups and marine science. We held other meetings with associations around the region—the community progress association and the Huskisson Chamber of Commerce—and indigenous groups. Invitations to recreational fishing focus group meetings were sent to 29 local fishing clubs and we can provide the list if the Committee wishes that. Also, information stalls were set up in shopping centres and different places around the local area to catch people who might be just coming through the area. We received 680 submissions on that process, and it was quite comprehensive. In terms of the range of comments that we received, I will hand over to Matt.

CHAIR: Before you do, the list of meetings and the list of stakeholders, are they included in the review document?

Mr CARR: No, they are not.

CHAIR: You offered to table them. Can we have them sent to the Committee at a later stage please?

Mr CARR: Certainly. There is an appendix to that review document. There is a summary of the stakeholder consultations and submissions, which includes that information.

CHAIR: Are you able to table that?

Mr CARR: Absolutely, and more detail, and I can provide now the range of comments we received.

Ms GARROOD: Would you like a note of that range of issues that came back now or just when we table it?

The Hon. TONY CATANZARITI: If you could table that later or send that to us. I would like to ask a couple of more questions. We have received evidence that certain groups feel they are not adequately represented on the marine parks advisory committees. Could you describe the process of selecting the advisory board members? Further to this, can you comment on the effectiveness of the current Jervis Bay Marine Park Advisory Committee?

Mr CARR: The process for appointment to the advisory committee is by nomination, and the Ministers for the Marine Parks Authority make the final appointment. I can provide you with a breakdown of the sectors that are represented on our local advisory committee, knowing it may differ from marine park to marine park. Locally we have recreational fishing. We have commercial fishing. We have scuba divers, who also represent the commercial diving operators in the bay. We have tourism operators, and that is the gentleman you chartered the boat from this morning, he is a representative on the advisory committee. We have the Royal Australian Navy, which is a major stakeholder in the bay. We also have on the committee observers who are adjacent land managers of the Booderee National Park and New South Wales Fisheries, and the Department of Industry and Investment also sits on the committee as an observer. The boating fraternity is also represented on the advisory committee.

The Hon. TONY CATANZARITI: How are they selected? Are they nominated by their peak bodies or do you advertise for them?

Ms GARROOD: We advertise for them. Sometimes the peak bodies then will make a nomination. In addition to the people we have on the advisory committees there are a couple of places recognised for indigenous representation. They have not elected to take that up at the moment and we are doing separate consultation in those communities. There is also a chartered fishers representative on the advisory committee.

CHAIR: Just a point of clarification: You mention there is one place for a recreational fishing representative?

Mr CARR: That is correct.

CHAIR: Is there a place for a spearfishing representative or are they meant to be rolled up in the recreational fishing representative?

Mr CARR: At the present time they are represented by the recreational fishing representative. There is not a separate spearfishing position on the committee.

CHAIR: We have had representations from other groups in earlier meetings, specifically from spearfishing peak bodies, saying that they feel because spearfishing is so different from normal recreational fishing that they need and require access to the marine park advisory committees. What would be your view to the Government expanding the list of selectees to include a spearfishing representative apart from a general line-fishing representative?

Mr CARR: I would be happy to take that advice on board. I should point out too, acknowledging that all stakeholders cannot be adequately represented by a single representative, we also conduct focus group meetings with particular groups if there is an issue particular to that group or, alternatively—and we have done this with spearfishing in the past—if the advisory committee is discussing an issue particular to spearfishing we will invite a spearfishing representative along. But I take on board that comment. Can I also add, I neglected to mention that local government is also represented on our advisory committee, as adjacent land managers are fairly important.

The Hon. TONY CATANZARITI: We discussed this this morning on our visit. Can you for the Committee and also so it is in *Hansard* tell me, with the park as it is, what is the percentage of actual area that fishers can fish in the marine park itself?

Mr CARR: Overall, as Diane alluded to earlier, 20 per cent of the marine park is in sanctuary zones, which means the remaining 80 per cent is accessible for recreational fishing. What that means for fishing spots, we aim to have each different type of habitat within the marine park represented in sanctuary zones. Predominantly the interests for recreational fishing in terms of which habitat they would like to access is reef. In terms of shallow reef, which is reef less than 20 metres deep, 22 per cent of shallow reef in the marine park is in sanctuary zones. The remaining 78 per cent is accessible for recreational fishing. In terms of deeper reef, between 20 metres and 60 metres, which we term as an intermediate reef, apparently 8 per cent of that is protected in sanctuary zones. The remaining 92 per cent is accessible for recreational fishing. The deep reef does not occur in the Jervis Bay Marine Park, we do not extend that far offshore.

The Hon. CHRISTINE ROBERTSON: During this inquiry we are hearing a fairly massive misinformation campaign. I gathered during your recent review process some of this information would have come back. First of all, I would like to know what your strategies are to address the misinformation campaign about marine parks. I would also like to add to the Hon. Tony Catanzariti's question, the general gist of the outcome of the review and an example in your recommendations of using feedback from the review process?

Mr CARR: The first part of your question regarding misinformation or misunderstanding of what rules apply in marine parks, I guess it is fair to say that is being addressed on two levels. At a local level, all marine park staff live and work in the local community and are active participants in recreational activities in the marine park, including recreational fishing. So, on a personal level we are constantly working to correct those misperceptions. I would like to believe at that local level we are very accessible to people and people feel comfortable coming to us if they have a question or they have heard a rumour, and I believe that to be the case.

In terms of visitors to the marine park who might have a misunderstanding, as I said earlier, a major component of our compliance effort is education rather than being heavy-handed and booking people. So, there is usually staff on duty patrolling either on shore or on the water, where we make an effort to approach as many boats as we can to make sure they have the zoning guide and to answer any questions they may have. We also have advisory signs up around the place, particularly at major access points to the marine park, such as, for example, the boat ramps, where people access the park. We have a big routed timber sign, which says, "Jervis Bay Marine Park." We also have a map sign, which is the same as that you have been provided with, which shows the breakdown of what you can and cannot do in various areas of the park. So, at that level we are working locally to educate the users of the marine park.

We also advertise in the press and we hold information seminars, lectures and things like that to reach other parts of the community at a statewide level. I understand at a previous hearing colleagues from the department probably discussed this, but the Marine Park Authority at a statewide level has recently produced a publication about recreational fishing in marine parks to distribute and hopefully to overcome some of the misperceptions that may be out there and, if nothing else, they will trigger people to get in contact and ask us about those misperceptions they may have.

The second part of your question, the general gist of the review report, the general flavour of the report was that it accesses the zoning plan against each of the objectives of the Marine Parks Act. The general outcome of that was that the Jervis Bay Marine Park zoning plan appears to be doing a pretty good job and achieving the objectives for which the marine park was declared and zoned. One notable improvement that has been recommended is that since 2002 there has been much improved seabed mapping of the marine park due to improved technology. The outcome of that was that each habitat type within the marine park was found to be well represented in sanctuary zones with the exception of the intermediate reef that I mentioned earlier, which is rocky reef between about 20 metres and 60 metres. Only 8 per cent of that was currently protected in sanctuary zones, so the major recommendation coming out of that was that there should be adjustment to the zoning plans to capture a more representative sample of the intermediate reef and not increasing the total area of the sanctuary zones so as not to displace any further fishing activity.

The Hon. CHRISTINE ROBERTSON: Another issue that has come up in the hearing this week related to access to rock fishing in your area. Can you give us a bit more detail about that issue from your perspective?

Mr CARR: Absolutely.

The Hon. CHRISTINE ROBERTSON: Relating to the points they were speaking about?

Ms GARROOD: If you specifically want those—

The Hon. CHRISTINE ROBERTSON: No, just generally. The issue was brought to us generally but they described access on the beach

Ms GARROOD: It might help if the Committee had some statistics about the current level of coastline available, or not available. Outside rocky reefs, under the current plan there is only 9.3 per cent of sanctuary zone. So, of all the extent of the outside shoreline, only 9.3 per cent is not acceptable for recreational fishing. Depending on what the changed and final zoning plan would be, we estimate that that outside access for recreational fishing would be a restriction of 9.0 per cent.

CHAIR: Is that a zero change?

Ms GARROOD: It is a 0.3 per cent increase in the area that would be available for rock fishing.

CHAIR: A 0.3 per cent increase in the sanctuary zone area?

Ms GARROOD: And it is likely because of the ministerial directive that in looking at the relative movement of the Steamers Head Sanctuary Zone to pick up more intermediate reef we recognise that that would encompass a number of popular rock fishing sites. So, depending again on the public comments that do come in, the proposal is to have a 100-metre wide habitat protection zone strip adjoining the rocky reef. So, it would provide for rock fishers to be able to fish from shore but not for boat fishing because it would be too unsafe.

The Hon. CHRISTINE ROBERTSON: Instead of a sanctuary, a habitat protection?

Ms GARROOD: The sanctuary zone would extend right out to the limit of the marine park to the east, but where it joins the shore, it is proposed that there be a strip. Again, those lines are more popular with rock fishers.

CHAIR: I raise this point to obtain clarification. Is it proposed that spearfishing will be allowed in that buffer zone?

Mr CARR: It is not proposed at this point, no. It is exclusively for line fishing from the shore.

CHAIR: Why is that?

Mr CARR: In acknowledgement—

CHAIR: Of the national park?

Mr CARR: It is in acknowledgement of the fact that land-based fishing generally has been one of the heavier impacted recreational sectors, so we are providing exclusively for that. If I may add to that: as I alluded to, it is adjacent to the Booderee National Park. It is not part of the marine park, but it is an offence to be in possession of a spear gun in that marine park.

CHAIR: Going through the park, yes. That was the answer.

The Hon. LYNDA VOLTZ: When the bag sizes and sizes of fish change, how do people get notified?

Mr CARR: Probably to be fair, I will attempt to answer your question; but it might be better directed to the Fisheries member of the Department of Industry and Investment. There is a range of advisory material that is provided to recreational fishers, both through our offices but also through all the local bait and tackle shops, et cetera. In terms of bag and size limits, there are two key pieces of material: one is a sticker, with which any recreational fisher would be familiar. You stick it on your boat and it has a picture of each of the species that you are likely to encounter, what the bag and size limit is and a ruler on it so that you can measure anything you catch, identify it and make an informed decision on whether or not you are keeping it. There are also a couple of brochures that go into the same information. They are distributed through our offices, through Fisheries offices and also through local bait and tackle shops.

Mr IAN COHEN: You mentioned Steamers Head and that you are creating a habitat protection zone in an area just offshore that is currently sanctuary zoned. Is that correct?

Mr CARR: No, that is not quite correct. The area of habitat protection zoning that we are talking about including—I assume you are referring to the 100-metre wide strip—

Mr IAN COHEN: It is not that.

The Hon. CHRISTINE ROBERTSON: It is part of the review.

Mr CARR: It is not on the map at the moment because that whole area is currently a habitat protection zone. It is difficult to do this without pointing to a map, but what is proposed is to shift that whole sanctuary zone northwards.

CHAIR: So move the pink area on the map north?

Mr CARR: Yes, and between Cape St George and Moes Rock there will be a 100-metre wide strip of habitat protection, or yellow zone.

Mr IAN COHEN: So you are expanding the sanctuary zone?

Mr CARR: The area of the sanctuary zone will remain unchanged; it will simply be relocated.

Mr IAN COHEN: But my understanding is you were saying at Steamers Head that section of the sanctuary zone would be a general purpose zone. I am interested from the point of view that it was obviously made a sanctuary zone originally and yet you are now responding to pressure from recreational fishers in this area. If you have done that for scientific purposes in the past, is this clouding the issue of zoning in the park to be changing it like that?

Mr CARR: I can respond to that twofold, I guess. One is that the shifting of that sanctuary zone is more in response to improved scientific information that we have rather than from any pressure from any particular sector. Especially in relation to the issue of representing intermediate reef in the marine park and the sanctuary zone, the best way to achieve that is to relocate that sanctuary zone northwards. By doing so, the predominant habitat that is currently represented in that sanctuary zone is shallow reef.

Mr IAN COHEN: You are comfortable saying that it is on scientific grounds, not due to pressure. I understand there is pressure both ways with these things.

Mr CARR: Absolutely, yes. The other point that I would like to make, noting your concern about picking up an area that has been protected and suddenly making it available, is that there is a significant area of overlap with what is currently protected and what will remain protected if the sanctuary zone shifts.

Mr IAN COHEN: I was a little concerned because you mentioned that there is still no spearfishing off Steamers Head, if I heard you correctly—perhaps I heard you wrong—but in a general habitat protection zone you do have spearfishing.

Mr CARR: Yes, you do.

The Hon. CHRISTINE ROBERTSON: Except not through a national park.

Ms GARROOD: It is a little bit more complicated here because Booderee National Park is actually a Commonwealth national park.

Mr IAN COHEN: They have a hard and fast rule on traversing that with, say, spearfishing equipment. We have had a little bit of a debate about this in the inquiry. Could you clarify for the Committee what is the status through either New South Wales national parks or nature reserves for people traversing them overland with a spear gun, unloaded or whatever? If you could clarify that for the Committee it would be of value.

Ms GARROOD: I refer the Committee to the National Parks and Wildlife Regulation 2009. In that regulation section 20 deals with weapons. It does say that a person must not take into a park to carry, discharge or have in a person's possession any airgun, spear gun or other lethal weapon. But that same section of the regulation then goes on to say that a person does not commit an offence under that subclause if the person carries or possesses an unloaded spear gun in a park unless a plan of management for the park or a notice erected in the park or a notice given to a person prohibits the carrying or possession of a spear gun. Basically, it is saying that if somebody has an unloaded spear gun that they are carrying through the park—the clause also gives a definition of what "unloaded spear gun" means—then it is not an offence under our regulation for New South Wales national parks.

The Hon. RICK COLLESS: I seek clarification on that point. It is my understanding that it is an offence to have a loaded spear gun out of the water. So if you have a loaded spear gun anywhere on land it is an offence.

Mr CARR: I am by no means an expert, but I understand that to be the case. It is certainly considered best practice among the spearfishing community that you never have a loaded spear gun out of the water for your own personal safety as much as anything.

CHAIR: On another point of clarification, in relation to this particular location, irrespective of the New South Wales National Parks and Wildlife Act, it comes under Commonwealth national parks and wildlife regulations. Is that correct?

Ms GARROOD: That is correct. That is one of the things that we need to take into consideration in the Jarvis Bay region—a co-operative approach across different jurisdictions—because we have on the northern peninsula, for instance, the Department of Defence's Beecroft weapons range, which also has different access issues associated with unexploded ordnance. For safety reasons there are restrictions that Defence needs to place on access. So there is a cumulative impact on some user groups.

Mr IAN COHEN: Thank you for that. It is important to clarify that. But in general terms, unloaded or decommissioned, if you like, spear guns are permitted in New South Wales national parks if people are going to areas designated as allowing spearfishing offshore.

Ms GARROOD: That is correct. The only exceptions would be if a plan of management specifically prohibited it for some reason, and there would be a notice put up to that effect.

Mr IAN COHEN: Thank you very much for that. There is quite a bit of debate and discussion on the relevance or reasoning behind various sanctuary zones and the positioning of them. Mr Carr, you clarified one point regarding the scientific efficacy of the other point I raised. In Hare Bay, you have anchoring in a sanctuary zone and The Docks or The Tubes just along the coast there. You have a prohibition against anchoring in what is effectively a habitat protection zone. Could you explain that? I am interested in it from the point of view of what drives some of these specific designations and how you have come up with that, how it sits scientifically and/or with responding to user demands.

Mr CARR: Yes. Those two anchoring provisions are for quite different reasons. Firstly, the one in Hare Bay is solely on the basis of environmental protection. Hare Bay is iconic in terms of the *Posidonia* seagrass beds that it has there. Obviously anchoring has a damaging effect on seagrass beds, and seagrass takes a very, very long time to recover from those impacts. The area that is designated an anchorage in Hare Bay is there because there is no seagrass in that particular part of the sanctuary zone, so anchoring can happen sustainably in that part of the sanctuary zone. Therefore, we have provided for it.

I should point out too in relation to Hare Bay that one of the comments we received during the review of our zoning from the public was that they would like better anchoring access to Hare Bay because it is a very protected spot and very popular for families to take their boats and go swimming, play on the beach, et cetera. We are intending cater for that by also designating an anchorage area along the entire length of the beach in Hare Bay out to 50 metres because that coincides with the edge of the seagrass. People can safely anchor on sand there without causing any environmental harm and therefore would have safe boating access.

Mr IAN COHEN: You are saying that you are going to allow a near-shore anchoring facility all the way along Long Beach to Figtree Inlet.

Mr CARR: No, that is not quite so.

The Hon. CHRISTINE ROBERTSON: Hare Bay.

Mr IAN COHEN: The other way, sorry.

Mr CARR: On the map you have in front of you, you will see that at Red Point there is also a designated anchoring area. That will be extended south-east along the length of the beach within Hare Bay.

Mr IAN COHEN: The other way, okay.

Mr CARR: That can be done because it will not have a damaging effect on seagrass beds and it facilitates safe access for people. The second area that you asked about is the anchoring arrangements over at The Tubes. That is an example where Marine Parks has come up with that as a solution to conflicting uses of the marine park. The Tubes is a very popular land-based game fishing spot. You can actually catch marlin off the rocks there. It is one of the very few spots in Australia where that can occur. There is a specific season for that to happen, from November through to May. It is also a very popular diving spot.

Those two activities conflict with one another—divers in the water and people casting game fishing gear into the water at the same spot. Those two user groups conflict with one another. The anchoring restriction that has been placed there is a seasonal. Between November and May there is no anchoring in that area so that the game fishing fraternity can have safe access to the area. For the rest of the year the anchoring restriction does not apply so that people can anchor and scuba dive in that area.

Mr IAN COHEN: In that respect you have maximised different types of recreational activities in the whole park.

Mr CARR: It is an attempt to cater for all user groups.

The Hon. RICK COLLESS: Mr Carr, thank you very showing us around this morning. It was very interesting and I thoroughly enjoyed that session. I would like to get your comments on the record about the issue of identification marks and location, particularly for visiting boat owners. I fully understand that when you are familiar with an area you know where the marks are, and you would acknowledge that. But if I were to bring my boat down here for the first time it would be very confusing for me to ascertain where the park boundaries are once I got out on the water, particularly if there was a bit of sea mist or visibility was not that good. What is

being put in place to assist boat owners in that regard so that they can identify exactly where they are on the water?

Mr CARR: Thank you for your question. As you would have seen this morning, where we can we signpost the sanctuary zone, on land with land-based signposts. I can provide you with the figures, if you are interested, on the different kinds of signs and how many we install. It is significant, acknowledging that we cannot put signs everywhere. Certainly all the major access points and all the boundaries of the sanctuary zones are signposted. We also install buoys, as you would have seen this morning, to assist boaters out on the water to identify where they are. They correspond with the buoys that are marked on the maps that you have in front of you.

On the map we also provide the GPS positions of all those buoys and their numbers so that, if in doubt, you can motor over to one of those buoys and have the GPS position on the map in front of you. You can motor over to it. It has a legend, so you can look at the corresponding buoy on the zone guide and see exactly where you are. You can also plot the positions of all those sanctuary zone boundaries into GPS and take that on board. As we discussed this morning, different models of GPS will have different capabilities in terms of how that will be depicted. Most modern GPS companies that produce GPSs also make data available. As you saw on the boat this morning, you buy the data card for your particular area when you buy a GPS and that plotter will have the zones illustrated on it.

The Hon. RICK COLLESS: Has the department got any proposal to work with software companies in providing a layer in much the same way as the depths are shown on software now so that as soon as you put in the card the park and the different zoning areas within the park automatically come up on your screen?

Mr CARR: I am certainly aware that as technology improves—Google Earth is a classic example—it is possible now for people to download that sort of data from the Internet. Rather than give misleading detail, it would be better if I take that question on notice is. Certainly, a lot of that information currently is available for people to program into their units. Some manufacturers arm themselves with that data and provide it to their clients as a service.

CHAIR: Did you intend to table the survey document?

Mr CARR: I have only one copy.

CHAIR: Perhaps you could send it to the Committee rather than give us your only copy.

Mr CARR: I would be happy to do that.

CHAIR: Thank you for your evidence today. We very much appreciate you making your time available this morning to show us the marine park in situ and for the time you spent with us. Along with any questions you took on notice during your evidence, would you agree to receive additional written questions that Committee members may not have had the opportunity to ask you today?

Ms GARROOD: Certainly.

Mr CARR: Yes.

CHAIR: As I mentioned earlier, we would appreciate receiving the answers within 21 days of the date on which the questions were forwarded to you. Thank you very much for your evidence and your time.

(The witnesses withdrew)

JAMES SIMON ROBERT HARNWELL, Editor and Publisher, *Fishing World*, affirmed and examined:

CHAIR: If you 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 to the Committee and we will consider your request. If you take any questions on notice today, the Committee would appreciate if the responses to those questions could be sent to the Committee secretariat within 21 days of the date on which the questions were forwarded to you. Before the Committee proceeds to questions would you like to make a brief opening statement?

Mr HARNWELL: I appreciate the opportunity to appear before this Committee. I hope the information I give today is of some use to you.

The Hon. RICK COLLESS: In your submission you state that the execution of these parks has turned out to be something of a nightmare. Would you care to expand on that statement and tell us why you believe that to be the case?

Mr HARNWELL: The idea behind marine parks has a lot of support and interest from recreational anglers and the processes around the initial sites for marine parks and so forth was of interest, but the way the parks rolled out—I am not particularly talking about Jervis Bay Marine Park because I was involved in that—I understand there was some community disquiet, especially regarding the consultation period. Batemans Marine Park attracted quite a lot of negative publicity because locals were concerned that they put forward their ideas on where the park should be and that was not properly considered by the Government or the MPA. Obviously, because there was disquiet about the way the parks were rolled out shows that things could have been done a lot better.

The Hon. RICK COLLESS: What about the management of the parks? I accept your point that the consultation as they were rolled out was not handled in the best way, but now that the parks are there and are being managed do you have any concerns about that?

Mr HARNWELL: I consider the people employed by the Marine Parks Authority to be completely professional in what they do. I would not have any comment on their jobs. There are some issues relating to the way the parks were set up. That could have been managed better. Also, there are some public concerns regarding the ferocity of some compliance officers in issuing fines. That is something that someone who has actually been fined would be better to comment on than me because I have not been fined—yet.

The Hon. RICK COLLESS: You say also that you would like to see a redesign and overhaul of the parks. What sort of model would be appropriate?

Mr HARNWELL: I guess this ties in to some ideas I have had about what marine parks do and what they possibly could do if they were redesigned. It gets back to an idea I and a lot of other people have that the marine parks in New South Wales do not really protect marine environment as efficiently as they possibly could. My idea or those I have thought about being involved with this marine parks thing for some time now is that blocking off little areas up and down the coast does not necessarily look at the big picture and might not necessarily provide a level of protection that we want for our marine environments. The idea behind marine parks was done in the best possible interest of the State and the environment, but maybe politics were involved—politics of convenience and politics of politics. I do not necessarily think the structure we have of what essentially are very small marine parks with little tiny areas closed off to fishing is perhaps the best way to look at protecting our environment. Maybe you need to look at the bigger picture where there is a whole range of different management techniques brought in rather than just this piecemeal thing. I can see that the Government had an obligation to bring in some sort of marine protection. I can see that marine parks probably were a relatively convenient and easy way to get around that obligation. I do not necessarily think the structure we have now is the best option for our marine environment.

The Hon. RICK COLLESS: Do you think a fish management procedure, if I can use that term, would be more workable than a park management? Do you understand what I mean by that? For example, should there be some adjustment to bag and size limits rather than just shutting an area off as a no-take zone?

Mr HARNWELL: There is an opportunity to look at those sorts of things. Obviously it has to go beyond just managing fish. There are other environmental concerns such as water quality, pollution,

development and those sorts of things that need to be looked at as well. I just feel that shutting off a couple of little areas up and down the coast creates community disquiet because, obviously, there are issues with people who might have fished in those areas and now cannot. What does it do, apart from maybe satisfy some people's ideas that that is what should be done? Is it really looking at the big picture? I do not think the science is there at the moment to say that our particular types of marine parks are the best option we have. There is a degree of scientific debate about the efficiency of our marine parks or marine parks in general. Some people who have given evidence to this Committee have a strong assertion that marine parks are the way to go. Other people might have a different idea. From my perspective as a journalist and someone who was involved with the Jervis Bay Marine Park Advisory Committee and who has had a strong interest in looking at this particular issue around Australia and internationally, the scientific debate about the efficiency of marine parks needs to be looked at more carefully by the decision-makers. We need to really look critically at our marine parks structure in the light of the debate over the whole issue and make some serious decisions as to whether the process we have now is the best. If it is, well and good; if it is not, let us change it and make it better.

Mr IAN COHEN: Does your magazine have an editorial position on marine parks?

Mr HARNWELL: Our stated editorial position is that we would support all sensible management techniques to provide a healthy and diverse marine and aquatic environment without disadvantaging recreational fishing.

Mr IAN COHEN: Therefore, priority is for recreational fishing opportunity and you want to design areas after that, is that what you are saying, given that you are representing, I suppose, or appealing to a sporting or recreational sector?

Mr HARNWELL: Not necessarily. It is a fishing magazine, so we are mainly about catching fish and so forth. Our policy is that we try to take a balanced approach on it and we look at the positives and negatives. We publish stories that demonstrate science supporting marine parks. We publish stories demonstrating science that does not support marine parks. I would suggest that that is a standard journalistic approach.

Mr IAN COHEN: You made quite a few criticisms of the piecemeal approach. I gained the impression that these are small, protected zones. Do you want bigger zones?

Mr HARNWELL: I make the point here that I am not a scientist, I am a journalist, but looking at the various scientific studies that have been done overseas, if a sanctuary zone is going to work, it has to be pretty big.

Mr IAN COHEN: Do you suggest that these are not sufficiently big?

Mr HARNWELL: The ones in our model of marine parks and the New South Wales model of marine parks probably do not really work. I make the point that if we were going to institute some effective marine park system in New South Wales, then the whole of the coast would have to be closed off. Obviously, that is not going to happen. We need to break out of this idea of simply saying that sanctuary zones are the be-all and end-all of marine conservation.

Mr IAN COHEN: Are you looking at the opportunity to express recreational fishing zones or seasonal zones? Is that your preference?

Mr HARNWELL: There are opportunities to look at those sort of things. I would suggest that there certainly would be a case for sanctuary zones aimed at particular jobs, that is, protecting a particular type of habitat or a particular species. I do not think we can really look at the small system of zones that we have now as doing a good job of trying to protect biodiversity as a whole. There are other management techniques we could use for that.

Mr IAN COHEN: The Committee has received a fair bit of information at some public inquiries, particularly from scientists and those representing government agencies. Obviously their interest is in promoting the model. However, just looking at the marine park in this area that we went out into today, there has been quite a bit of discussion with government agencies about everything from anchorage, non-anchorage, seasonal activities and sanctuary zones. Is there anything in this park area that you can pinpoint and say, "Look, it's really not adequate, it doesn't do the job" or "It's a misplaced zoning"?

Mr HARNWELL: Sure. Can I have a copy of that map?

Mr IAN COHEN: Certainly.

Mr HARNWELL: For example, the Warrain Beach to Hammerhead Point Sanctuary Zone basically prohibits people from fishing along the beach on that particular area. As I understand it, there is no real scientific justification to ban someone standing on the beach casting a line out for whiting or bream. I can see that the reef area off there probably is worth protecting. What should have happened in this particular case—

Mr IAN COHEN: When you say "probably worth protecting" do you acknowledge that the sanctuary zone is there for that purpose even if you do not necessarily agree, would that be correct?

Mr HARNWELL: I am talking about the beach scenario.

Mr IAN COHEN: Yes, but how far offshore is that reef?

Mr HARNWELL: I am not sure. I have not been there for a while. I am talking about the beach scenario.

The Hon. RICK COLLESS: Whereabouts on this map are we referring to?

The Hon. CHRISTINE ROBERTSON: We are right at the top.

Mr HARNWELL: That particular sanctuary zone caused a lot of angst in the local community, especially for people in Currarong, and, as I recall, when I was on the advisory committee there was a lot of debate about the merits of it. Stopping people from fishing on that beach is acknowledged as having no environmental benefit. I would argue that the marine parks people would have been better off putting a 100-metre exclusion zone and allowing people to fish off the beach, where they were not doing any habitat damage, were not catching fish that were residents of the area, and then having their offshore area to protect the reef if they wanted. That would have eased a lot of community angst. It is a fairly flexible thing to do and that is the sort of approach we need to take.

Mr IAN COHEN: Why do you say there is no reason for it? What are you drawing from this?

Mr HARNWELL: Because the park had to have a certain percentage of open beach declared a sanctuary zone even though there was no environmental reason for that.

Mr IAN COHEN: So you are saying this is meeting quota?

Mr HARNWELL: That was meeting quota, without a doubt.

Mr IAN COHEN: Any other issues that you specifically raise?

Mr HARNWELL: The Point Perpendicular, Crocodile Head Sanctuary Zone. My ideas for this sort of area, it was protecting the coastal, cliffy, rocky foreshore there. There are underwater caves and so on there that would have environmental significance and I can understand why we need to protect those. One of the problems with the marine park is that it is not flexible in regard to allowing a non-destructive fishing practice like trolling through there. If that was open so people could turn around the corner of Point Perpendicular, troll up through there, that would cause no habitat destruction. You are targeting pelagic fish, which move miles in one day. The only reason I could get from the marine parks people as to why it had to be a complete sanctuary zone was a management one. I am not sure that that goes down well with the recreational fishing community in that it is for the manager's ease of use as opposed to any environmental benefit.

You could easily troll through there or conduct other types of fishing that would have no impact on the eastern blue devil fish or grey nurse sharks or the habitat of that particular area and people would accept that but because of that draconian, fairly inflexible mindset—you cannot do that sort of stuff because it is a sanctuary zone. Because it is still hard for the managers to see if someone is trawling or bait fishing on the bottom, it was banned. That is the sort of thing that gets people's noses out of joint.

Mr IAN COHEN: It may well do but it is a grey nurse shark habitat and there is the debate about the trolling impact. You may have the confidence about that but you are saying there is no scientific basis for that area, the inshore area, to be declared a sanctuary zone?

Mr HARNWELL: I think you could achieve the environmental objectives and also allow people to undertake certain recreational fishing.

Mr IAN COHEN: That is always a possibility. It is like any rules and regulations, often they are put in for those who transgress, not those who are responsible, and that goes from traffic signs and rules to something like those. Are you not being a little adventurous in trusting the fishing community when there are a lot of issues that people do not understand very well?

Mr HARNWELL: You could go in there and fish now if you wanted to—illegally. What difference would it make?

Mr IAN COHEN: It makes a big difference. It is illegal fishing. You were very strong talking about officers being draconian and heavy-handed and suchlike, yet we have been given information, outside this Committee, just by officers, who said very clearly they issue a warning first and they go and see people and they are on the books and if they transgress again then there is a fine. That is hardly draconian.

Mr HARNWELL: Well, I know plenty of people who have been booked.

Mr IAN COHEN: First timers?

Mr HARNWELL: Yes.

Mr IAN COHEN: No warnings?

Mr HARNWELL: No warnings, in Jervis Bay Marine Park. The point I would like to make about this particular example is that I think you can achieve environmental objectives but you can also lessen the impact on the recreational fishers.

Mr IAN COHEN: You think you can, but there is science behind these zones, would you not agree?

Mr HARNWELL: I do not know. I do not particularly think there is science to put forward that. There is no science saying that trolling through that area is going to have any negative impact on these blue devil fish, for example.

Mr IAN COHEN: The issue of trolling through sanctuary zones has been seen to have an impact or a potential impact on many marine parks situated up and down the coast. It is an issue.

Mr HARNWELL: It does not affect the related species because they can be through that particular zone in a matter of minutes, and they are the species you are going to catch. It does not affect the habitat in any way, shape or form. So, I am not sure what you mean by that.

Mr IAN COHEN: I guess I am a bit concerned that you have highlighted the piecemeal nature of reserves. You basically want to give recreational fishers an open go. You seem to have a concern about the regulations per se. Am I correct about that? Regulating what is a pastime?

Mr HARNWELL: No, I think recreational fishing is extremely well managed. There are a lot of regulations that fishermen are very pleased to comply with.

Mr IAN COHEN: You cannot have it both ways. You cannot say it is draconian and then let people off..

Mr HARNWELL: I think you are twisting my words there a bit, with all due respect. There are management bag limits, management of seasonal fishers. There are few limits, and so on. They are the things that I think should be used to manage recreational fishing. I think there are some issues with the management of marine parks where if the management was more flexible it would get more encouragement, more ease of participation, more reaction from the recreational fishers because they would see it as being something they

could work with. But at the moment there are some that have no logical rationale behind them. I point again to the beach fishing scenario and not being able to troll through 150 feet of water catching fish that do not even live in that area. They are the things that I think have caused big problems.

Mr IAN COHEN: You agree, as part of the establishment of marine parks, with the reduction in commercial fishing area. The environment was in a pretty healthy state before the creation of this marine park?

Mr HARNWELL: In Jervis Bay Marine Park?

Mr IAN COHEN: Yes.

Mr HARNWELL: I would not say that. I would say the cessation of some commercial fishing activity has resulted in some baitfish species coming back in more numbers. There was quite an extensive fish netting industry in the bay. I would say the current system of sanctuary zones in Jervis Bay Marine Park has caused a significant displacement effort and I think that has added a notorious environmental effect on the bay as a whole.

Mr IAN COHEN: Displacement of recreational fishing, is it,

Mr HARNWELL: Recreational fishing, and probably commercial fishing. I am not a commercial fisher, I cannot comment on that. My experience from fishing in this area 30 years, I am seeing a lot more people being squished into smaller and smaller areas because areas that were previously open are no longer open. I think this is an issue that the Government and the marine parks people have not really looked at. I cannot see the point of having one area with no-one in and then everyone in the few areas that are left open. What is the environmental benefit of that? What does that do? Why flog one area to death and have one other area open? I cannot see any environmental benefit to that, and I made that point very clear when I was on the advisory committee. If we do this sort of thing we have to have some sort of avenue for people who want to fish.

Mr IAN COHEN: Do you have any evidence of an area being flogged to death?

Mr HARNWELL: I can take you out this weekend to Longnose Point and you will see a lot of boats there that previously were not there because they now will not go around to Crocodile Head or Bowen Island.

The Hon. LYNDA VOLTZ: You are a journalist by trade?

Mr HARNWELL: That is correct.

The Hon. LYNDA VOLTZ: We have had some submissions from fishers. One in particular that comes to mind described himself as a fair dinkum fisherman who did not seem to know the legal sizes or bag limits of fish. If you were a fair dinkum fisherman you would know there were bag limits and legal sizes. Does that surprise you?

Mr HARNWELL: Nothing surprises me.

The Hon. LYNDA VOLTZ: If we had a system that was not a government regulated system and relied on recreational fishers, how can we be sure that information that is not exactly held by the KGB these fishermen will be abiding by?

Mr HARNWELL: I am not sure what you mean. Are you saying we should not have any management restrictions in place for recreational fishers?

The Hon. LYNDA VOLTZ: No, I am saying if you did management other than by Fisheries New South Wales in marine parks, in that it was self-regulating—

Mr HARNWELL: I would not suggest there was any need for self-regulation in fishing. I think the current situation with bag limits and size limits, seasonal closures and few restrictions, and so on, is the way to go. I suggest there is a lot more work, proactive work, that could be done to finetune these regulations and make them much more effective.

The Hon. LYNDA VOLTZ: In the McGregor Tan research that was done of the Jervis Bay Marine Park community—How strongly do you support the sanctuary zones in Jervis Bay Marine Park—of those that fish, 76 per cent were in favour, 13 per cent were neutral and only 8 per cent were against the sanctuary zones. How does that relate to your submission that sanctuary zones in New South Wales were in part considered by many anglers to be ad hoc and based more on satisfying political requirements as opposed to any real conservation efforts?

Mr HARNWELL: That survey you referred to had 402 interviewees. Sixty-eight per cent of those people had never ever fished. Of the remaining 32 per cent of people who said they did fish, only 7 per cent of those could be considered keen fisherman in that they fished once or twice a month.

The Hon. LYNDA VOLTZ: So, there is a small proportion of keen fishermen?

Mr HARNWELL: In that particular survey, yes.

The Hon. LYNDA VOLTZ: Let us go to another point. In your submission you acknowledge that anglers are enjoying a public resource. When you say a public resource, what do you mean by that?

Mr HARNWELL: Well, it is owned by the people of New South Wales.

The Hon. LYNDA VOLTZ: So, you have 402 people of whom overwhelmingly those who fish and do not fish were strongly in favour or in favour of sanctuary zones and of a public resource. You then have people who undertook boating, snorkelling, diving—basically a cross-section of the people of New South Wales?

Mr HARNWELL: I see what you are saying there. Again I say that 7 per cent of those people surveyed were keen fisherman and would probably be in a position where they could make some sort of informed comment on the sanctuary zones.

The Hon. LYNDA VOLTZ: They would be fair dinkum fishermen?

Mr HARNWELL: I would not say fair dinkum. That is a fairly old-fashioned word and I do not think it is used too much these days. The point I would make here is that recreational fishermen are the only user group of marine parks that are disadvantaged by being restricted from these sanctuary zones. All other users, surfers, divers, fishermen, commercial charter diving operations, whale watching tours, and so on, have free and unfettered access and obviously a lot of fishermen do those things as well. Commercial fishermen were compensated financially for being denied their fishing grounds but recreational fishermen did not get any compensation.

One of the points made in my submission and it is relevant to the points you raised then was that I think it is fair that maybe recreational fishermen would be compensated somehow for the loss of these grounds because there are fewer areas to go, but also to try to reduce the pressure on the areas that are left open. I suggest in my submission that artificial reefs could be one way of looking at this. That is a subject I am quite interested in. Artificial reef programs are being instigated by the New South Wales Government off the coast and I think they should be looked at in regard to marine parks to ease the problems of displaced effort and also cater to our growing population. There are some indications that it will be 30 million, 50 million, whatever. I do not think anybody concerned with fish, fishing and the marine environment wants to see areas possibly flogged to death when we could perhaps be a bit more proactive and a bit more creative and come up with things that would ease that effort.

The Hon. LYNDA VOLTZ: You said earlier when you were answering questions from the Hon. Ian Cohen that in Batemans Bay the locals put forward their views and they were informed. What do you mean by that?

Mr HARNWELL: I cannot give any specific details. That particular park process was a few years ago. As I remember it, that park was being run by former Minister Bob Debus and there was another park, I think, being managed by Ian Macdonald. The Batemans Bay park went through astonishingly quickly compared to the Jervis Bay park, which took some years to process all the consultation and so forth. I am not exactly sure why. There might have been some political imperatives—elections, with perhaps Ministers moving to Federal seats and so forth. But there was a lot of community disquiet about the speed with which this thing went and the fact

that a lot of people made submissions saying they were unhappy with the way things were progressing but it just went through as it was.

The Hon. LYNDA VOLTZ: It was not necessarily their views; it was the speed of the consultation.

Mr HARNWELL: I think it was a combination of both. Things did go very, very quickly. The Jervis Bay one took a long time—some years. There was continual toing and froing, with meetings and so forth. I thought that whole Jervis Bay process under the original park manager, Graham Byron, was very well handled and tried to give people as much opportunity as they could to comment on it. I do not think the Batemans Bay one was quite as efficient in doing that. I think as a result of that we have seen a lot of disquiet, anger and probably negative publicity for the whole marine parks idea in general.

The Hon. LYNDA VOLTZ: The other point is that in your submission you state, "There's considerable dissent amongst marine scientists about the validity of the NSW system of small no-fishing zones". We have heard from one professor from Canberra. Which other universities are putting forward these dissenting views?

Mr HARNWELL: There is a fair degree of stuff coming through. Again, I make the point that I am not a scientist and I do not make a habit of keeping this sort of information on hand. A couple of days ago I received a quite interesting paper from the Department of Fisheries in Western Australia. I make the point that this paper was to do with Western Australia but it did make some general observations about marine parks, which I read with interest, considering the fact that I was going to be appearing before you guys today. The last paragraph of the executive summary of this paper, which I am happy to table to the Committee, reads:

Whilst simplistic solutions (e.g. all fisheries need sanctuary zones) and generic rules ('x%' of the coastline always needs to be closed to fishing) are often proposed, these are rarely found to be optimal or appropriate when dealing with the management of complex natural systems. Experiences in WA, and elsewhere, have shown that the only effective methods for the overall conservation and maintenance of harvested species (i.e. not their local densities) requires specific, directed and coordinated controls on the overall catch and effort across their entire range. While these controls often involve stock-specific spatial &/or temporal closure systems, complete closures or sanctuaries will generally make only a minor contribution to the management required.

I cite another quote here from the paper to support my assertions in my submission:

There is considerable debate worldwide about the relative value of marine protected areas and particularly marine reserves (or 'no-take' sanctuary areas) for use in the management of fish stocks and biodiversity ... Some groups state they are an essential part of any fishery management plan ... whilst others suggest that they are not necessary to enable sustainable fisheries management ...

The Hon. LYNDA VOLTZ: Western Australia has a significantly different sea terrain to New South Wales. In fact, a significant proportion of the fish imported into New South Wales comes from Western Australia due to the completely different fishing circumstances.

Mr HARNWELL: I did make the point that this paper was specifically dealing with the Western Australian waters. But I think you can see from that and the various other papers that I have seen and which are available, and which people like Bob Kearney would no doubt have much more credibility in talking about, that there is some debate about this. I am not saying that I would go either way. I am not a scientist; I cannot say whether one particular thing is better than the other. But what I would say is that there is debate and I think that debate needs to be looked at in a more critical sense before we make any real—

The Hon. LYNDA VOLTZ: In fact, you do. You say that many anglers feel that the science used to justify marine parks is not all it is cracked up to be.

Mr HARNWELL: I am sure many anglers do feel that.

The Hon. LYNDA VOLTZ: But this is your submission; this is not the submission of someone else. It is your view.

Mr HARNWELL: I said many anglers feel that.

The Hon. LYNDA VOLTZ: By "many", what do you mean—10 per cent, 20 per cent, 17 per cent, 105?

Mr HARNWELL: That is probably something we need to do some surveys on.

CHAIR: Is that paper available for tabling today, Mr Harnwell?

Mr HARNWELL: Yes. I can give you a copy.

Document tabled.

The Hon. CHRISTINE ROBERTSON: The terms of reference of this inquiry include dealing with ecologically sustainable development issues related to improving recreational fisheries. Because of the specific item in the terms of reference relating to marine parks, there has been a lot of consultation on marine parks and the pros and cons of the sanctuary processes. What would you say—would you think it had worth—if there was a descriptor of the fishing environment, which included water quality, pollution and development? Would it be helpful to describe the whole program, which the Government delivers in one way or another albeit not under the control of Marine Parks or under the control of Fisheries, including the catchment programs, the river care programs, the water quality programs, the farming industry reforms, et cetera? If there was some magic way that the Government could describe the entirety of the fishing world's health, including of course the bag limits, the kinds of lines and whether commercial fishing is allowed, et cetera, would it be better if it was described in its entirety? Then would it be necessary to actually bag out marine parks, or are marine parks a component of that whole?

Mr HARNWELL: I would think that marine parks would have to be a component of the whole. I make the point that I am not against marine parks in any way, shape or form, but if we are going to have a marine park, let us make sure it is the best possible design. I think a whole management structure looking at all those other issues that affect the fish and marine life in general would definitely be a great way to go. Fish are not simply impacted upon by people catching them. I think we need to look at a holistic approach. Take for example the Jervis Bay Marine Park. We had some very strong westerly winds some time back that brought big dust clouds through New South Wales. They came from western New South Wales.

The Hon. CHRISTINE ROBERTSON: Yes, we all know.

Mr HARNWELL: They obviously deposited large amounts of dust into the area. There were probably fertilisers and other things in that dust. I think you might have read in the newspapers about a strange weed growth that has appeared on Hyams Beach in Jervis Bay that people cannot recall seeing before. It is possible that that was caused by fertiliser falling from the dust into the water and promoting an algal bloom. They are things that obviously have an impact on the environment. I am not sure that they have an impact on fish, but they have an impact on the environment and there are probably invertebrates on that beach that maybe died because the beach was clogged up with weed. Having a marine park or a sanctuary zone is not going to do anything to stop that, so we have to look outside this narrow view that sanctuary zones and stopping people from fishing is the be-all and end-all of marine science. That is my point.

The Hon. CHRISTINE ROBERTSON: I guess my question is that it is not my perception that that is actually happening, but it is the perception that we are getting through from this fishing inquiry because there is work happening on all those other areas. But, mentally, even we are not grouping together that work to complement fish health. Somebody came to us at the very first hearing complaining about the poisoning of the rivers and the fish in the Tweed from the cane farms.

CHAIR: The Richmond River.

The Hon. CHRISTINE ROBERTSON: We are getting an answer back from the department because I happen to know that the local farming community is working very closely to do something about the acid sulphate soil problem there. But these examples are not necessarily put together. The process is not necessarily put together to describe the health of fish. So it makes it easier or harder because people are using marine parks as an external example of the only thing that is happening about fish health.

Mr HARNWELL: I think I get what you are saying. There is a probably a perception, perhaps politically and even socially, that, yes, we have these great marine parks and everything is fine. I do not think that is the case. I think there are a lot of other things we need to look at. I think we need to not be complacent about having a few pink spots on a map and saying, "That's great. We can all relax now." In fact, I would

probably argue that marine parks have maybe even put back or degraded the public's idea of marine conservation. They might think that because we have marine parks, everything is fine.

The Hon. CHRISTINE ROBERTSON: So a descriptor of the entirety would be a healthier way to go?

Mr HARNWELL: I think we need to look at it as a holistic approach and not just focus on trying to solve all the problems by picking out certain areas.

The Hon. CHRISTINE ROBERTSON: I might say that this is not in any way from my perspective, bagging out marine parks, but I perceive that to be a component.

Mr HARNWELL: I think that is true.

The Hon. CHRISTINE ROBERTSON: Do you think your policy line on this issue is reflective of your readership or do you perceive yourself as a leader of this policy?

Mr HARNWELL: No, I think it would be pretty reflective of the way people think about things. I get a lot of letters to the editor and things like that talking about the marine parks issue and talking about fisheries management, and that sort of thing. I think anglers as a whole are concerned. You have to understand that all this stuff has only been in the angling community for the last 10 years. There have been a lot of changes with fishing in the last 10 years. It never used to be as regulated as it is now. I think that regulation is a good thing, but there was never the political issue of being locked out of areas. There were never issues about having to have licences and getting fines if you did not have licences. There has been a real shift in the way that fishermen have had to adapt. That is possibly quite hard for a lot of people because before they used to just go off and have a bit of a fish. Now you have to think have you got a licence, can you go fishing here, blah, blah, blah. It is a different sort of thing. What used to be a very, very relaxed and basic pastime is now relatively complex.

The Hon. CHRISTINE ROBERTSON: Do you think many of your readers realise what a small proportion of the coastline they are locked out of?

Mr HARNWELL: That is a moot point.

The Hon. CHRISTINE ROBERTSON: Or is the perception that it is all of it?

Mr HARNWELL: New South Wales obviously has a vast coastline and sanctuary zones are only a very, very small part of that. But it comes down to access. A lot of the coastline is completely inaccessible because it is miles away from anywhere either by boat, by car or by foot. Marine parks tend to be in areas that are relatively populated. While the marine park in Jervis Bay, for example, is only 20 per cent of the park, that is quite a lot of area where you would normally fish. Inside of Jervis Bay is basically flat sand, not much fish there. The fish are all along the rocky fringes of the park and a lot of those areas have been closed off. You get back to that displaced effort thing again. The few areas that are left over are getting more pressure because the areas that are closed, which were the areas where you could go fishing, are no longer there. The average punter who is not a fisherman would say, "Oh well, you guys have all those spots to go fishing in", but there are no fish there.

The Hon. TONY CATANZARITI: We have received evidence that currently the representative system for recreational fishers is insufficient. As a recreational fisher, would you comment on that and suggest an alternative representative system?

Mr HARNWELL: This is an issue that has been quite a big part of things in the past few weeks. Our Federal peak body, RECFish, was denied funding by the Federal Government and basically that now makes it an unsustainable organisation. The issue with recreational fishing is that most of us are fairly unorganised and just want to go fishing. There is no real structure to recreational fishing. There are various groups that do things—Australian Land Based Anglers Association [ANSA], game fishing clubs and so on and so forth—but RECFish was the only group that was recognised as the peak body. But unfortunately the Federal Government no longer sees fit to fund it, so it is fundamentally gone. So there is no national body representing fishing.

In New South Wales there is ACoRF, of which I was a member for sometime, but that is not really a representative body either. It is a ministerial advisory thing. Some people tend to see ACoRF as a representative

body. My understanding is that it is not designed as that; it is designed to give information to the Fisheries Minister of the day. I think it is very important that there is some sort of representative body looking after fishermen, putting forward their points of view, like various green groups and the Nature Conservation Council, for example, which is very proactive in doing what it does. I understand that it gets significant funding from the Government to do its job. I would like to see some sort of funding provided by the Government to give recreational fishermen a voice—to people such as you, to the media in general—to professionally put forward our points of view. I think if other interest groups, green groups and other sporting groups can get government money to do that, I find it a bit unfair if recreational fishermen are not given the same largesse.

CHAIR: Thank you. We have run out of time. Mr Harnwell, thank you for coming in today and giving 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?

Mr HARNWELL: I would be more than happy to do so.

CHAIR: If so, could you respond within 21 days of receiving the questions?

Mr HARNWELL: Yes.

(The witness withdrew)

(Short adjournment)

HAYDEN CAPOBIANCO, Fishing Tackle Retail Sales, South Coast Fishing Club Association Member, 16 Eastern Avenue, Shellharbour, affirmed and examined:

CHAIR: CHAIR: If you 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 to the Committee and we will consider your request. If you take any questions on notice today, the Committee would appreciate if the response to those questions could be sent to the Committee secretariat within 21 days of the date on which the questions were forwarded to you. Before the Committee proceeds to questions would you like to make a brief opening statement?

Mr CAPOBIANCO: Yes I would. I thank the Chair and the Committee for the opportunity to speak. Recreational fishing is a great sport and pastime that should be fostered by local government as a way of bringing the community together and in touch with nature. Unfortunately, some of us see that the storm clouds are gathering for the future of recreational fishing. Just today I heard on local radio there were plans touted for further restrictions from Bawley Point to Bermagui—I do not know the full details of that. Recreational fishing is being hammered by several groups as well as other outside influences. Unfortunately, we need some good, smart, commonsense leadership to bring us back and recreational fishing could have a great future. That is basically what I would like to say.

The Hon. TONY CATANZARITI: On the first page of your submission you refer to the minefield of rules and regulations for New South Wales fishers and visiting anglers. How should the rules and regulations concerning recreational fishing in New South Wales be streamlined?

Mr CAPOBIANCO: Firstly, I am quite fine with size and bag limits as a group. We need size and bag limits to protect fish stocks and to help biodiversity growth. However, some rules and regulations with regard to fishing tackles used are ridiculous, to be honest. The amount of rigmarole we have to go through to go fishing, prawning or crabbing makes it difficult for that casual angler or holiday angler to partake in that pastime when they are in New South Wales spending money.

The Hon. TONY CATANZARITI: Are you talking about red tape or money?

Mr CAPOBIANCO: I am talking about red tape and money. I can see benefits for the licences, but at the moment I cannot see where a lot of that money is going. We have issues of people coming into the State not knowing they need a licence, especially when I sell the licences at the shop. People from interstate do not realise that they need a licence. So, first, there is not enough advertising that they need a licence. With regards to red tape, some rules in recreational fishing are rules for rules' sake. For example, for prawning you cannot have a rod handle more than 1.2 metres in length. If you are walking the bank or wading and prawning, that is fine; if you are in a boat and prawning over the side, I would like to see anyone here with a 1.2-metre handle over the gunwale length, which is close to 900 millimetres above the waterline. They would be lucky to get that net in the water. If they did, they would be leaning over the side of the boat and then there is a safety issue.

The Hon. TONY CATANZARITI: Are you talking more about the rules?

Mr CAPOBIANCO: The rules, yes.

The Hon. TONY CATANZARITI: Not filling in forms?

Mr CAPOBIANCO: Not filling in forms. Other rules in the recreational fishing handbook just seem nonsensical. Firstly, there are rules that when you fish you cannot have more than four rods or lines in the water. Now that they have changed the rules, you cannot carry more than four lines and lines. In our area we have a lot of retirees who go out fishing in boats. They will take two or three rods for bottom fishing for snapper, for morwong, et cetera. They will also take a trial rod to trial up some bait for tuna and kingfish. They also will have just spares in the bottom of the boat, hand lines for flathead fishing. Technically, the way we see it in the rulebook, if they go out they can be fined for excessive lines. They do not use them, but they are just there. I have issues early in the morning and late at night in a boat tying on a heap of hooks. So you have to have all your lines stowed. Another thing the rules say is that spare rods and reels should be stowed correctly. What is "stowed correctly"? Is that in a rod holder, under the boat, on the floor? There are a lot of issues there.

The Hon. TONY CATANZARITI: You sell the licences?

Mr CAPOBIANCO: Yes.

The Hon. TONY CATANZARITI: Do you receive enough information to give to people who are buying those licences?

Mr CAPOBIANCO: From time to time we do. When we ask and they are available we receive the recreational fishing books, the summaries and the fish measuring stickers. That is about all the information. We just received a letter that there were issues with the Fisheries fish measuring stickers and that they should not be used as a legal length measurement, even though people take it on good faith that they are correct. Other than that, we do not receive much from Fisheries with regards to rules and regulations. We are the first port of call as a tackle shop, so people want to know the rules.

The Hon. TONY CATANZARITI: We have heard from other people that the information is available but not everybody, like yourself, gets it to pass on to the buyers of licences. Are you getting enough information to provide with every licence you sell?

Mr CAPOBIANCO: No. In raising that, Lake Illawarra is my home waters, where I live, and there are closures to crabbing nets in the channel area. From a safety viewpoint that is fair enough because it is a main channel area. There are flats in that area where it would be possible to crab, if you wanted to, but a closure is in place. I have a copy of the map to show you the closure, but what it says regarding that closure is "waters within the orange slashed area are closed to the possession or use of all nets". Technically "possession" means if it is in your boat, you are in possession. It is that grey area.

The Hon. TONY CATANZARITI: Could you explain that a little further?

Mr CAPOBIANCO: I will show you on this map. That is the entrance to Lake Illawarra. There is a black line and you will see orange dots. That means the area is closed to the possession or use of nets. I have no qualms with the use of nets. The possession of nets raises some issues because on that northern side of the lake is a caravan park and a boat ramp. People use that facility to head into the lake proper to crab. Technically, by having that rule, if someone has crab traps in their possession in the boat and stowed away, but they are going through those waters, they can be fined. The local Fisheries officers can be lenient, but if the Fisheries flying squad takes the rules the way they stand, a fine will be issued.

The Hon. TONY CATANZARITI: Can you contact those who send out the information for more? Have you done that?

Mr CAPOBIANCO: There is the phone line and also the email. It is always a matter of them saying they will check and then get back to us but, of course, you never get that information in time to help the person who asks.

CHAIR: You are a fishing licence agent?

Mr CAPOBIANCO: Yes.

CHAIR: What would be the majority licence in numbers that you sell, a three-day licence or a month licence?

Mr CAPOBIANCO: The three-day licence.

CHAIR: Do you sell them generally during the holiday period?

Mr CAPOBIANCO: Yes, generally during the holiday period. Basically December-January and around the Easter school holidays we sell.

CHAIR: Do you capture any data when you sell a licence? For example, is a form filled in?

Mr CAPOBIANCO: Yes.

CHAIR: Does the form have a place to provide an email address?

Mr CAPOBIANCO: No, not for an email address.

The Hon. CHRISTINE ROBERTSON: Despite your specific issues about the regulation process such as carrying a crab trap through the no crab trap area and the stowing of fishing lines, do the fishing regulations and rules—for example, bag limits, number of lines and equipment that can be used—have a positive impact on the fishing stocks in New South Wales?

Mr CAPOBIANCO: Yes, I think they have an impact. By having those restrictions in place, it does limit. But in saying that, if you are going to fish illegally, those restrictions would not matter anyway because you would be breaking the law.

The Hon. CHRISTINE ROBERTSON: Yes, you just have to hope they get caught?

Mr CAPOBIANCO: Yes.

The Hon. CHRISTINE ROBERTSON: Many issues in your submission relate to specific grey areas. With regard to the rule about appropriate stowing the definition is difficult. We could ask for a better definition of what is appropriate stowing. I have never been a fishing inspector, only someone a fishing inspector has asked questions of, but I imagine that it is very difficult to police. Their role is a mixture of education and policing some of these issues. One can understand why things fall into grey areas, such as the stowing of lines. What is your input on that?

Mr CAPOBIANCO: It is understandable. Yes, there are those grey areas where they have issues that can sway either way. It is up to the discretion of the Fisheries officer. However, from more and more anecdotal evidence of customers, they have erred more on the side basically of fining and reprimanding people. In most cases it could be an honest mistake. Occasionally, yes, people are breaking the law and doing it intentionally. I understand the law, but sometimes black and white is a lot easier. People know, yes, you can do that, no, you cannot do that. If there is that line in the sand and they cross it, then the full weight of the law should be brought down upon them.

The Hon. CHRISTINE ROBERTSON: We know from some interpretive information we had that people will accept that stowing is not just having a line in the water or having the rod at the bottom of the boat or whatever, but that is an interpretation issue. It says non-rigged, we read all that.

Mr CAPOBIANCO: Yes, it is non-rigged.

The Hon. CHRISTINE ROBERTSON: So, it is interpretation?

Mr CAPOBIANCO: It is interpretation. In saying that, you have the old gentlemen. You also have the tournament fishermen who, in the tournament, are only permitted to use one rod, but they will have several rods rigged for varying situations during that tournament. Most of those tournaments are catch and release tournaments. Technically, under the rules, they are breaking the law.

The Hon. CHRISTINE ROBERTSON: I am one who loses my tackle often.

Mr CAPOBIANCO: Especially for those tournaments, you lose a tackle, you put your rod down and you have another one to continue fishing until you get a quiet period where you do re-rig.

The Hon. CHRISTINE ROBERTSON: Do you really believe that fishing is the only sport that has government regulation?

Mr CAPOBIANCO: It is the only sport I know of that is taxed by the Government, because the licence is effectively a tax and we are paying for the use of the resource.

The Hon. CHRISTINE ROBERTSON: Shooters might have a bit to say about that.

Mr CAPOBIANCO: I do not shoot.

The Hon. CHRISTINE ROBERTSON: Of course, there are others.

Mr CAPOBIANCO: But we are paying to use that resource that others are using for free. Recreational divers are using that resource for free. If you just look at Jervis Bay Marine Park, recreational divers have 20 per cent of that area for their own personal use. Are they putting anything back into that resource? We are paying tax, we are putting into fish stocking. We are paying for Fisheries officers. We are paying for habitat regeneration. So, we are paying to help to rebuild the resource and the Fisheries, but are other groups paying for it?

The Hon. LYNDA VOLTZ: How is that different to me having to pay \$330 for soccer, for the referees and to maintain the grounds, as opposed to a person who walks a dog through the park that I use?

Mr CAPOBIANCO: How does that differ? It is your choice to do that sport and it is a choice for the divers to do that sport.

The Hon. LYNDA VOLTZ: All sports are paying.

Mr CAPOBIANCO: We are also paying our land rights and other taxes upon that. You brought in housing. Those people who are walking the dog through the park, they are paying land rates.

The Hon. LYNDA VOLTZ: You think I do not pay land rates?

Mr CAPOBIANCO: They are either paying rent or they are paying land rates.

The Hon. LYNDA VOLTZ: When you have licences, thoughts have been put forward that it might be a good idea that Fisheries or the Marine Park authorities—probably Fisheries, because they issue the licences—had email addresses so, when there are changes to bag sizes and changes to the kind of equipment or whatever changes are decided by whoever does it, fishers could all be notified, but mainly for people who come to you to get licences that type of system would not have the greatest efficacy? Would that be the type of people that that sort of notifying system would work for?

Mr CAPOBIANCO: I do not really think that notifying system would work for them. But the tackle industry and the licence sellers, the agents, we get asked these questions all the time, that would definitely help us.

The Hon. LYNDA VOLTZ: Say, for example, when selling a licence there was the ability to record the email addresses so that kind of information could go out, that would not be such a bad thing?

Mr CAPOBIANCO: You would then have to get the people to write their email addresses down.

The Hon. LYNDA VOLTZ: That is you; that is why I am asking the question.

Mr CAPOBIANCO: When we sell the licences, the patrons fill in their details. They put their name and address, sometimes a phone number and occasionally their date of birth, it depends how vain they are.

The Hon. LYNDA VOLTZ: So emails, no?

Mr CAPOBIANCO: Emails, I do not think so. But, in saying that, when there are major changes with fishing licences, Fisheries have the details of the yearly licences and the three-year licence holders. When they change the book for 2008-2010, they should be able to send out to the recreational fishing community.

The Hon. LYNDA VOLTZ: I know it does not seem like it would cost a lot but if you have 500,000 registered licence holders, to send that out—maybe an alternative is email, but I was just wondering how that would work for you guys. They could probably fill that out at the same time as they fill out the details?

Mr CAPOBIANCO: Emails would probably work. How many people read some emails, I cannot say. I personally do not read a lot. If I do not see any interest, it is delete, or I just look at it later. I think a lot of them would prefer a mail-out system when they get the book. We are paying \$30 year and from all accounts it may be

going up in July to \$35. So, with that extra administration cost we are basically paying for it anyway as a licence holder.

The Hon. LYNDA VOLTZ: If you had to produce a book like that and send it out every year—

Mr CAPOBIANCO: Well, the book gets produced every year and it is sent out to tackle shops every year.

The Hon. LYNDA VOLTZ: Say you sent it out to 500 tackle shops, you do not get the pensioners and the kids as well, do you?

Mr CAPOBIANCO: No, you do not. But pensioners and children could pick it up from their local tackle store or Fisheries office.

The Hon. LYNDA VOLTZ: We could give it to schools.

Mr CAPOBIANCO: Schools is another option.

Mr IAN COHEN: Your organisation, you say, represents a significant number of clubs in this region?

Mr CAPOBIANCO: Yes.

Mr IAN COHEN: Are they all of one voice in what is a very complex situation—a lot of rules and regulations and then you have the authorities? Does everyone in these clubs—and I understand from your submission you were asked by these clubs to make a submission—take a singular position that has been expressed here?

Mr CAPOBIANCO: It is a singular position. Each and every club has its own issues with the rules and the areas they live in. Our clubs range from Helensburgh down to Tathra. It is a large area, the fishing clubs, and we see on the South Coast and even in my own club, the Ocean Beach Hotel Fishing Club, membership at times does not wane because of different rules and regulations regarding the areas and the amount of rules and regulations that are there.

Mr IAN COHEN: Just as a fisher, and it is a great freedom pastime, there is a huge resistance to rules and regulations in the industry. Would you agree with that?

Mr CAPOBIANCO: Not rules and regulations in a broader sense. Fisheries bag and size limits, we accept them. We accept that the rules regarding the limited use of tackle and the number of hooks on the line. Of course, we cannot send a thousand hooks out. It would be hard fishing a lot of shore-based places to put a thousand hooks and pull them in, especially if they did have a lot of fish on them.

Mr IAN COHEN: The establishment of the marine parks, the cutting down of professional fishing effort in significant areas, do you see good points in the establishment of marine parks and the way it has regulated and taken the effort off some sensitive areas and protected species and so on?

Mr CAPOBIANCO: I see, and a lot of club members see, the location of marine parks as just transference of effort. Recreational fishing havens, they are also a transference of effort. A lot of those areas that are closed, Batemans Marine Park, Jervis Bay Marine Park, are reef infrastructure. That is where fish live, in the reef. There are a few fish that live on the sand but they are mainly barren flats. The fish will move through groyne areas but the food is on the reef. So, by shunning most of the reefs in Jervis Bay—

Mr IAN COHEN: You are saying most of the reefs are shut off. Do you have a percentage?

Mr CAPOBIANCO: I do not know the exact percentage but if they closed 20 per cent of that area in Jervis Bay Marine Park, I could tell you of that, at least 70 per cent would be reef substructure. There are sandy areas and seagrass beds.

Mr IAN COHEN: Do you think the previous regime of self-regulation and bag limits was going to guarantee the maintenance or were fish stocks being targeted?

Mr CAPOBIANCO: I do not see the implementation of sanctuary zones as helping fish stocks because they are not really protecting the environment and the biodiversity.

Mr IAN COHEN: There is a fair bit of international information that says sanctuary zones have an important part to play in stock.

Mr CAPOBIANCO: How do they protect the environment from run-off, farming, industrial waste?

Mr IAN COHEN: That is another issue that is of significance, but you are saying, as far as your organisation is concerned, that they do not achieve protection?

Mr CAPOBIANCO: They do not achieve protection, because under the size and bag limits you are allowed 20 bream. That is it. Once you catch the 20 bream—20 bream is a lot of bream or 10 snapper—if you want to keep on fishing for something else you might go and release it. All you are doing is transferring the effort and putting a lot more anglers into a smaller area.

Mr IAN COHEN: As a recreational fisher and a representative you are a commercial entity in the industry?

Mr CAPOBIANCO: Yes.

Mr IAN COHEN: So, you benefit greatly from fishing and from as many people fishing as possible?

Mr CAPOBIANCO: Yes, we do ascertain an income out of that.

Mr IAN COHEN: Do not think it is a contradiction to be claiming that restriction?

Mr CAPOBIANCO: I think that is a bit of a harsh comment to make. The benefit is you are spreading the effort over a greater area if you have no sanctuary zones. Instead of moving the people, concentrating them in a smaller area, you are spreading the effort, you are not fishing in people's backyards, so to speak.

Mr IAN COHEN: Do you have any scientific evidence or support for that? It is a reasonable statement to make but do you have any real hard evidence that supports that position?

Mr CAPOBIANCO: I cannot on Jervis Bay Marine Park because no studies were done before the implementation of the marine park to say what the issues were with the biodiversity and what the biodiversity was in that marine park at the time. I cannot comment on other marine parks up at Byron Bay or even down at Batemans Bay because I am not from that area.

Mr IAN COHEN: There are similar complaints and either the Government has got it totally wrong or the scientists have it totally wrong or there is understandably complaint about being somewhat restricted. Would there not be greater benefit from working together rather than building up a huge backlash against these marine parks? Would you not agree they have some benefit even if it is the amount of government largess that has gone into relieving the fishing effort and getting the commercial fishers out from competing with you?

Mr CAPOBIANCO: No, not really.

Mr IAN COHEN: You cannot see any benefit at all?

Mr CAPOBIANCO: I can see benefits as groups work together. There are always benefits when groups work together. That is how a lot of things move forward but the way the Jervis Bay Marine Park was implemented and even the current review, which went well past its time and I just had a media release on the park itself, is not giving you the full information, just a small, one-page media release.

Mr IAN COHEN: Is that what you were saying on page 5 of your submission that there is a lack of openness and transparency?

Mr CAPOBIANCO: Yes.

Mr IAN COHEN: Can you give us a little detail on that? Talking about the Advisory Council on Recreational Fishing?

Mr CAPOBIANCO: Speaking of ACoRF, it is a body that was put together by the Government for the Government. Does it represent most recreational fishers? No. It is nearly impossible to contact. If you look at the website for ACoRF, can you contact it easily? There is no direct contact for it. If you have an issue for it, you cannot bring it out, whether it be by phone or by email.

Mr IAN COHEN: There is a lack of accessibility?

Mr CAPOBIANCO: There is lack of accessibility. The Marine Park Authority is another one where there is lack of accessibility.

Mr IAN COHEN: What do you suggest, a hotline or something like that?

Mr CAPOBIANCO: Even a hotline does not work. We have rung up chasing marine park maps for our customers so they know where they can and cannot touch. Other than getting an answering machine saying: This office is open from 9.00j a.m. to 4.30 p.m., please call then, and you ring at 1.30 p.m. on Thursday or Tuesday, and there is no-one there. I do not see a hotline as being the be all and end all. A hotline may help, but you have to have someone answering the phones.

Mr IAN COHEN: Could you see there would be benefits if you could somehow take the angst and the opposition out of the process, if you accepted marine parks in some capacity and worked with government to fine tune it in a way you could work with the Marine Park Authority rather than just opposing it and complaining about it?

Mr CAPOBIANCO: If Marine Parks could bring quantifiable science to the table on those areas that they want to close off, that would be fine. But they are not.

Mr IAN COHEN: You do not think that is the case at all?

Mr CAPOBIANCO: They are not bringing the science. There was no science brought forward before the marine parks in Jervis Bay or even Batemans Bay on those specific areas of what they wanted to do. They just had meetings and said to people, "Where do you fish?" A lot of those people—we do have people coming in—have said, "Well, that area I said I fished, they have now closed off."

Mr IAN COHEN: We have had information that from the agency's point of view there are quite specific reasons for sanctuary zones in many cases and that studies have been done. If you had that sort of information, would you be more satisfied?

Mr CAPOBIANCO: Recreational anglers in the world would probably be more satisfied if they could see that it actually had a benefit.

Mr IAN COHEN: A scientific basis to the decisions on sanctuary zones and other zones?

Mr CAPOBIANCO: Yes.

The Hon. RICK COLLESS: Mr Capobianco, in your business are you a sole trader or do you employ people?

Mr CAPOBIANCO: I do not actually own the business. I just work in the business. I am not the actual owner.

The Hon. RICK COLLESS: How many people work in your business?

Mr CAPOBIANCO: In our shop, three.

The Hon. RICK COLLESS: I do not expect you to have the exact figures at your disposal, but can you give us an idea of how many people are employed in the recreational fishing industry in your area?

Mr CAPOBIANCO: In direct recreational fishing tackle retail in my area, it would be close to 40-45 people. Then you have got other businesses where recreational fishers do spend money.

The Hon. RICK COLLESS: Such as the boat supply and maintenance places and fuel?

Mr CAPOBIANCO: Boat suppliers, petrol stations, fuel, food outlets. A lot of people stop in the morning and get a cup of coffee across the road when they are going out fishing, or a bread roll from the bakery.

The Hon. RICK COLLESS: So it is fair to say that the recreational fishing industry brings a lot of money into centres up and down the coast. Would you agree with that?

Mr CAPOBIANCO: Yes. I do agree with that. I can see it in my home town of Shellharbour. It does bring in a lot of money.

The Hon. RICK COLLESS: So the assertion that your view is somewhat jaundiced because you are in the industry is complete nonsense, is it not?

Mr CAPOBIANCO: Yes.

The Hon. RICK COLLESS: You have made some comments about how the Department of Primary Industries and Industry and Investment should be restructured. What sort of departmental structure would you like to see in place for the management of fisheries?

Mr CAPOBIANCO: I would like to see Fisheries back the way it was when it was just Fisheries. It was its own department, it had its own department head, and it had its own budget. Now it seems to be a budget under Industry and Investment. It has had three different Ministers in the past 18 months. It is going nowhere—if anything, it is going backwards. Recreational fishing licences are paying for, from my last count, 15 compliance officers. In the end, it seems like recreational fishers are almost funding a government department. We feel that, unfortunately, there are other groups that use that department that are getting a free ride on the recreational fishers' dollar. Structure wise, I and a few other people think that, if anything, the Marine Parks Authority should come under the guise of Fisheries because Fisheries manages fish stocks. Marine Parks, they say, protect marine biodiversity, but are not fish stocks marine biodiversity?

The Hon. RICK COLLESS: We have received that suggestion in quite a few other submissions as well—that Marine Parks and Fisheries should be amalgamated.

The Hon. CHRISTINE ROBERTSON: The catchment management authorities?

The Hon. RICK COLLESS: If that were to happen, what sort of integration should occur between the people who are the park managers now and the Fisheries offices?

Mr CAPOBIANCO: I cannot speak on the qualifications of most of the park managers, but I can see for some of those who are in it that there would be positions available. I mean, you have a large structure like that and you need management of issues. Whether they are the right people for the job, who knows? Fisheries manages fish stocks. They manage all different types of fish stocks, whether they are marine grasses or reeds growth. They put in protection in other areas for habitat protection zone, pests and weed control and all the rest of it. If anyone has, they have had the first foot in the door for basically marine management.

The Hon. RICK COLLESS: The other question I have for you relates to the issue of the rigging of lines. That has also been bought up by a number of people, in particular the issue of carrying rigged lines through park areas. There has been some confusion about that, I have to say, from different groups. The information we received recently suggested that you only needed to have your lines unrigged if you were aground or at anchor within a sanctuary zone. Were you aware of that?

Mr CAPOBIANCO: No, I was not.

The Hon. RICK COLLESS: We are still seeking absolute clarification on that, but that is the information we have. It does raise another issue about this business of the number of lines that you can carry rigged, does it not? As you point out in your submission, it is difficult to rig lines, particularly when you are out at sea and the weather is a bit rough.

Mr CAPOBIANCO: Yes, or if it is low light. It is difficult. That is another thing. We have rules in marine parks and we have rules for Fisheries. Some of them are totally opposite to each other. In the Jervis Bay area, we have Booderee National Park, which has separate fishing rules as opposed to what you are allowed in the Jervis Bay Marine Park, even though it is in the area. In the Booderee National Park you are allowed to have only one rod and reel.

The Hon. CHRISTINE ROBERTSON: It is Commonwealth.

Mr CAPOBIANCO: It is a Commonwealth department, but on the map they really should give you that area where, as recreational fishers, you can and cannot go. Departments are not talking to each other. In Booderee National Park they have different bag limits to what you can have. So, for example, if you catch the limit of 20 squid in the Jervis Bay Marine Park and you travel into Booderee National Park and they pull you up and you have 20 squid, under their rules you have broken the law. I have heard that that has happened to someone.

The Hon. RICK COLLESS: In your business, do you get many interstate visitors?

Mr CAPOBIANCO: We get a lot of visitors from Victoria and a fair few from other States as well. Queensland is probably the other big one.

The Hon. RICK COLLESS: Do you get many comments about the inconsistencies between the regulations between States—or confusion, I suppose?

Mr CAPOBIANCO: Yes, we do get a lot of confusion. Victoria is similar, but with Queensland there is a lot of confusion about the size and the bag limits. I can understand that in Queensland they do get different species of fish so there are other issues there. But yes, there is confusion. Even with the advertisements to out-of-State people coming in that they need a fishing licence, unless they have been to New South Wales before, there are a lot of people coming up—even overseas visitors—who do not realise that they need a fishing licence. Whether they purchase one and go fishing or whether they just say, "Well, we won't worry about it; it's one for the too-hard basket", I cannot say.

The Hon. TONY CATANZARITI: When you get the overseas people coming in and you sell them a licence for three days or for so many days, how do you explain to them what is happening or what they need to know about fishing here?

Mr CAPOBIANCO: If it is busy, we really cannot explain. We can give them the pamphlet and say, "These are the sizes, rules and regulations"—the summary—or the book, which has the full rules and regulations. But whether they have the time to read it is another thing. If it is a quiet period and you have a chance, we can speak to them, "All right, you cannot do this, you cannot do that." It all depends on whether they ask the question. Around our area of Bass Point, there is a small closure. There is a marine reserve. We tell them that they cannot fish there, but anywhere else they can find a fishing spot. But, yes, it all depends on the situation and the time.

The Hon. RICK COLLESS: In your submission you made a comment about electric reels. Do you sell many of those in your business?

Mr CAPOBIANCO: To be honest, no. I know personally of maybe four anglers who own them, and most of those anglers—I will not say they are old—are in their fifties to mid sixties.

The Hon. LYNDA VOLTZ: They are not old—I am nearly 50.

The Hon. CHRISTINE ROBERTSON: They are not old.

CHAIR: He is speaking in terms relative to himself, I think.

Mr CAPOBIANCO: Relative to me, yes. But the areas in which they use those electric reels are deepwater fishing, where you are fishing at 150 or 200 metres.

CHAIR: For example, fishing for gemfish?

Mr CAPOBIANCO: Gemfish, blue-eye trevalla and hapuka. You are fishing in those deepwater seamounts. I have actually used a hand winch and pulled up some fish from that depth, and I am relatively fit. I would not say I could run 100 miles, but I am relatively fit and it is bloody hard work, to be honest. For those older anglers who have issues from playing sport—whether it is their shoulders or their knees—it is a long day and electric reels do help winding up four-odd pounds of sash weight plus the fish. The electric reels still have the option on the side with a handle where they can help the motor, but it gives people the opportunity to go and catch a nice-eating fish. To be honest, they do not get out there all that often because of the weather. You are going 30 kilometres out to sea, and in some places even further. It is a very weather-dependent sport, chasing gemfish and blue eye.

CHAIR: Mr Capobianco, in some of the submissions we have received there has been some comment—I will not call it complaint—from fishermen in the Shoalhaven that they missed out badly when the recreational fishing havens were being established. What would be your view on additional recreational fishing havens in and around the Shoalhaven area?

Mr CAPOBIANCO: I can see part of it. I think it is not a bad idea to make further recreational fishing havens around the Shoalhaven, even Lake Illawarra.

CHAIR: And Lake Illawarra, yes?

Mr CAPOBIANCO: I have a lot older anglers saying, "Why didn't they make Lake Illawarra a recreational fishing haven?" because it does get hammered by the pros. We have seen a lot of displacement in the Shoalhaven and in Lake Illawarra from the pros further down the coast that used to fish Sussex or the others further down.

CHAIR: They cannot fish there now.

Mr CAPOBIANCO: They cannot fish there, and they have moved up when the fish are on. Mulloway from the Shoalhaven River a few years ago were absolutely hammered. I know of people who work in the fish processing industry and they said they had got in two days eight tonnes of mulloway out of the river. Whether it was eight tonnes, I do not know, but it was a fair amount. I am sure their catch records would show whether they did or not.

CHAIR: Do you feel that there is sufficient interaction between the recreational fishing bodies and the commercial fishing bodies? The reason I ask is that I am told that recreational fishers are pushing for an increase in the size on mulloway, but the department of Fisheries is not responding because it would mean that the commercial fishers would have to increase the mesh sizes in their nets. In your experience, do you see that there could be any improvement by cross-fertilisation between the two sides of the fishery?

Mr CAPOBIANCO: I can see that we could work together. Recreational fishers, especially the South Coast Fishing Clubs Association, has a couple of anglers who are professional fishers, and we can work together given the opportunity. We are always going to have differing views but, yes, people could work together, if the opportunity was there.

CHAIR: A lot of submissions were received from commercial fishing organisations and commercial fishers who appear to be terribly alarmed by the concept that there could be more recreational fishing havens. In the Department of the Environment, Climate Change and Water [DECCW] submission that was made to the Committee in Sydney, it was pointed out that even though 20 per cent of the marine parks are dedicated to sanctuary zones—I will not use the word "lockout"—the vast majority of the parks are de facto recreational fishing havens because they allow recreational fishing, but not commercial fishing. I note your earlier comment that you feel most of those areas are not worth fishing in because they are deserts. What could be your view on the Government installing artificial reefs in habitat protection zones?

Mr CAPOBIANCO: That would be great if the Government installed them. They are looking at installing a couple, from what I have been told, in the Illawarra region and even further north of Sydney.

CHAIR: Offshore?

Mr CAPOBIANCO: Offshore. But in Batemans Bay Marine Park, if they are habitat protection zones or general purpose zones—where I am not 100 per cent sure that the professionals can fish—artificial reefs would be great. But all you are doing is creating a reef that you have already taken away from someone anyway.

CHAIR: Creating more habitat might be one answer?

Mr CAPOBIANCO: That could be a good answer. Yes.

CHAIR: Certainly you would not be able to trawl around reefs et cetera in restricted zones. It may not be a question for general-use zones, but more for habitat protection zones?

Mr CAPOBIANCO: Yes. We would be happy as recreational fishers to take that option. Anything that helps fishing would be great and an artificial reef would help fishing.

CHAIR: We are out of time now. Thank you for giving your evidence today. We realise that you have a business to run, so thank you for giving up that time. Along with any questions you took on notice during your evidence would you agree to receive additional written questions from Committee members who may not have had the opportunity to ask questions of you today?

Mr CAPOBIANCO: Yes, of course.

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

Mr CAPOBIANCO: That would be no problem.

(The witness withdrew)

MELVEN RONALD JAMES BROWN, Retired Fisher, sworn and examined:

CHAIR: If you 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 to the Committee and we will consider your request. If you take any questions on notice today, the Committee would appreciate if the responses to those questions could be sent to the Committee secretariat within 21 days of the date on which the questions were forwarded to you. Before the Committee proceeds to questions would you like to make a brief opening statement?

Mr BROWN: Yes, just a brief one. My association the other day was asked whether we were the only spearfishing organisation in New South Wales. It may not have been clear, but we are. We have had several name changes over time, but on our sixtieth anniversary we decided to revert to our original name, the USFA—Underwater Skindivers and Fishermen's Association. There is also an Australia-wide organisation of spearfishers, but we are the only spearfishing organisation.

The Hon. LYNDA VOLTZ: Are there a couple of groups associated with your organisation but who sit below your organisation?

Mr BROWN: We have associated clubs and also individual members.

CHAIR: Please continue.

Mr BROWN: There has been a lot of prejudice against spearfishing in my time as an executive of the federation. When people are told that what they are doing is prejudice, they always deny it, but what they propose definitely falls within the definition of "prejudice" because they are acting against spearfishing and that has been a big problem for our sport. We also have been very heavily legislated against. We have 44 individual spearfishing closures in the spearfishing regulations. This also includes all ocean beaches of New South Wales, all waters above the high tide mark and all waters west of the Great Dividing Range. Just by looking at that you can see there is a very large part of New South Wales from which we are completely excluded. As well as that, we have the marine park sanctuary zones. There are probably getting to be around 100 closures in those that disallow spearfishing. Despite assurances that every fishing activity would be allowed in marine parks, we have been completely prohibited in the Lord Howe Island Marine Park, and with the zoning arrangements of the Cape Byron Marine Park we have effectively been prohibited from that park also. As well as that, we are precluded from several Fisheries marine reserves and there are no anchoring zones. There are just a whole heap of regulations that affect our sport.

The Hon. RICK COLLESS: In the first part of your submission you refer to the politics of marine parks. Would you care to describe to the Committee what you see as the politics behind the creation of marine parks?

Mr BROWN: Basically, we see marine parks as being more or less a sop to the green movement that has been increasing and demanding restrictions on spearfishing. We do not believe that overseas science can be applicable to the situation in New South Wales where we have a reasonably well-regulated and well-managed fishery and plenty of fish in the ocean. Spearfishers will generally notice things that are occurring in the ocean several years before researchers pick them up. Certainly with the proliferation of recreational fishing reserves and other items, we are quite confident the overall quantity of fish in New South Wales has been increasing and doing so for a number of years.

The Hon. RICK COLLESS: In your submission you make some comments also about the management structure of Fisheries management and parks management. What alternative arrangements would you like to see in place to improve the situation?

Mr BROWN: My comments are specifically in relation to advisory councils. Preselection committee process of advisory committees does not include recreational fisher input. We believe they would be far better accepted if that was the case. Previously, when the advisory council was first formed as the Amateur Fishermen's Advisory Council it basically had powers very similar to what is enjoyed by the Game Council now. We had our own representatives who represented all the major fishing organisations but, over time, this has been watered down and it is no longer the case. Advertisements are placed in papers and individuals apply for positions and they are selected by a process that is unclear to us and with which we have no involvement.

This has led to a lot of dissatisfaction amongst fishers who do not believe they are being fairly represented and would be much happier with an alternative system where fishers were actually electing the people who represent them.

The Hon. RICK COLLESS: So, the ownership of ACoRF, for example, has been taken away from the fishermen, is that what you are saying?

Mr BROWN: That is what I am saying, yes.

The Hon. RICK COLLESS: What about the structure of the Department of Industry and Investment, Fisheries Division, and the Marine Park Authority division of the Department of Environment, Climate Change and Water? We have had quite a few people suggesting that they should be amalgamated and put into one agency. Do you see any advantage in that at all or do you have a view on that at all?

Mr BROWN: No. I think our view has always been that Fisheries should have been the people in charge of marine parks. They were the ones who had the expertise and the background knowledge. We consider the way things have gone is a bit of a disaster for the management of fisheries in New South Wales. The creation of super ministries has certainly diminished the role of Fisheries. For instance, the Minister for Fisheries is also a Minister for several other important departments, and Fisheries becomes a very minor player in that. It is difficult for him to stay on top of that portfolio. I do not believe he gets the full range of advice or the correct advice and certainly I think most fishing groups get the feeling that we are not being very well represented in Parliament.

The Hon. RICK COLLESS: Can I ask just a couple of specific questions? Earlier today and the other day in Sydney we heard some evidence relating to how you carry spear guns and beach access and that type of thing. I understood from what was said the other day by your representatives that you are not allowed to enter the water off a beach with a spear gun. Is that the case?

Mr BROWN: Yes, that is correct. There is an exclusion where the rocks end at a beach. We are allowed to enter the water within 20 metres of the rocks.

The Hon. RICK COLLESS: That is irrespective of whether it is a marine park or any zone or an open beach?

Mr BROWN: That is right, any beach in New South Wales.

The Hon. RICK COLLESS: What about when you are allowed to load your spear gun?

Mr BROWN: There is no specific regulation on that but we teach spear fishermen never to load a spear gun out of the water, make sure you are fully immersed in the water before you load it and always unload your spear gun before leaving the water.

The Hon. RICK COLLESS: So, rather than regulation that is just a safe practice?

Mr BROWN: That is right. It has just been our own regulation.

Mr IAN COHEN: Many people have complained about the poor fishing on sand flats, beaches, et cetera. In terms of your saying you are not able to spear off beaches, isn't it the rocky outcrops and reef areas where the real spear fishing occurs?

Mr BROWN: Yes, certainly, but I think there would be those who want fish some of the gutters along beaches.

Mr IAN COHEN: Then, why the prohibition?

Mr BROWN: We are not sure. It was something that was imposed in the 1950s and it has been the case ever since. I could not tell you the history.

Mr IAN COHEN: Clashing with other beach users or any other reason?

Mr BROWN: That would be the only reason that I can think of.

Mr IAN COHEN: You mentioned 44 spearfishing closures and you mentioned all waters above high water mark. Did I hear that correctly?

Mr BROWN: That is correct, yes.

Mr IAN COHEN: Above high water mark?

Mr BROWN: Yes, basically the freshwater sections of rivers.

Mr IAN COHEN: In estuaries and the like?

Mr BROWN: Yes.

Mr IAN COHEN: You mentioned also spearfishers have been prohibited effectively from marine parks and you mentioned Cape Byron Marine Park. I live up that way and I have seen quite a few spearfishers go down to fish in what is a habitat protection zone of the marine park. Are they breaking the rules and, if so, why?

Mr BROWN: No. As far as I am aware they are allowed. The area that is excluded, basically the only really suitable area for spearfishing around Broken Head, has been Cocked Hat Rocks and that is within a sanctuary zone.

Mr IAN COHEN: And there is a habitat protection zone just to the south of that, Kings Beach, set up by the Aboriginal people. You are saying that his prohibited?

Mr BROWN: No, it is not prohibited but it is not a suitable spearfishing area.

Mr IAN COHEN: It is all rocky outcrop?

Mr BROWN: It is all rocky outcrop and drops straight off into the sea.

Mr IAN COHEN: It is a favourite place for line fishers who throw out from the rocks? Would that make it fertile ground for spearfishers?

Mr BROWN: Not really. There are quite a lot of differences between spearfishing and line fishing.

Mr IAN COHEN: You seem to know the area?

Mr BROWN: I do not know it well.

Mr IAN COHEN: At White's Beach there is also a habitat protection zone where fishers fish off the rocks—that is south of the sanctuary zone—and also spear fishermen going out there. Are they breaking the rules in doing that?

Mr BROWN: No, they are not.

Mr IAN COHEN: It is hardly what you would call locking out of Cape Byron Marine Park?

Mr BROWN: No, but it has been severely restricted by the natural features of where the habitats protection zones are located and the sanctuary zones are located.

Mr IAN COHEN: But there are still areas where they go fishing, spearfishing?

Mr BROWN: Yes.

Mr IAN COHEN: Can you clarify the on-the-ground reality of spearfishers, if they are allowed to go into the water off national parks and suchlike? Are they able to traverse that national park with an unloaded speargun? Can you clarify for the Committee, as you understand it, what is the accepted practice?

Mr BROWN: Basically, you are allowed to carry spear guns through national parks to enter the water unless there is a sign specifically prohibiting the carriage of that speargun, and it is up to any individual national park whether they do that or not in their management.

Mr IAN COHEN: So, if there is no specific sign, generally speaking spearfishers are able to carry unloaded or dismantled equipment across that particular zoning or land to access the water?

Mr BROWN: Yes, that is right.

Mr IAN COHEN: It is not as though it is an absolute lockout. There is a fair bit of leniency, particularly to carry spear guns across national parks, yet it is still allowed, do you agree?

Mr BROWN: Yes, but in some areas it is not.

Mr IAN COHEN: So perhaps that is a bit of an overstatement on your part?

Mr BROWN: Well—

Mr IAN COHEN: I am just looking at where we stand in terms of a fair go for various users.

Mr BROWN: It depends what you call a fair go.

Mr IAN COHEN: Exactly. As we come to an agreement on conditions of going across national parks and being able to fish in those areas, that is a fair go. Would you agree?

Mr BROWN: Yes, but again it is a fair go you have to pay extra for, as well.

Mr IAN COHEN: We have had this debate before. Fishing licences are paid. You would also agree that a lot of effort goes back into fishing, particularly the expansion of recreational fishing at the expense of the commercial fishing effort over the last few years.

Mr BROWN: Yes, but that again has not entirely been the premise of recreational fishers. It has also been government policy. If you look at things, when I first started to get involved with Fisheries representation there were something like 7,000 commercial fishermen in New South Wales. You basically only had to apply for a licence and you were given it. Over time, this has been reduced to, I believe, probably about 1,800 now in New South Wales. So there has been a substantial reduction, but it was certainly needed. I have always firmly believed that our estuaries are nursery grounds and probably it was not desirable to have the amount of commercial fishing that went on. Commercial fishing should be outside in the ocean.

Mr IAN COHEN: The effort has been reduced, do you agree?

Mr BROWN: Yes.

Mr IAN COHEN: Recreational fishers of all sorts, including spearfishers, have been the beneficiaries of that transfer of effort.

Mr BROWN: Yes, they have. But, again, we have been increasingly restricted—not that we do not agree with a lot of the restrictions, but we have certainly been increasingly restricted in our activities.

Mr IAN COHEN: What restrictions would you agree with?

Mr BROWN: Restrictions that are based on science—proper science.

Mr IAN COHEN: Could you give the Committee an example?

Mr BROWN: No, I really have not thought about it.

CHAIR: What about things like the size, type of fish, and bag limits—those sorts of things?

Mr BROWN: Certainly. When you look at protected species in New South Wales, for almost every species that has been protected, the protection of that species has been initiated by spearfishers through the Advisory Council on Recreational Fishing.

Mr IAN COHEN: If that is the case, maybe the spearfishers are green extremists?

Mr BROWN: We are certainly green. We believe we are.

Mr IAN COHEN: That is good. How do you differentiate between a "certainly green" and a "green extremist"? In your submission you have made a few bold statements, I might suggest.

Mr BROWN: No. I do not think I have used the term "green extremist" anywhere.

Mr IAN COHEN: In your submission on the first page you said that the creation of marine parks had mostly been used by the Government to satisfy green extremist demands to firm up their electoral support. Would you like to comment further on that? Over the page, you also state, "... the hasty introduction of the Port Stephens and Batemans Marine Park just prior to a State election and following a Greens preference deal." Could you perhaps explain that one? That is your submission, is it not?

Mr BROWN: Yes. I am sorry; it is on the second page.

Mr IAN COHEN: It is the first page, after the list, of the text. It is the first and second page of text, at the bottom on the first page and at the top of the next page.

Mr BROWN: Just in my time I have seen Greens demands go from 8 per cent of our waters to 10 per cent, to 15 per cent, to 20 per cent, to 30 per cent. Where does it end?

Mr IAN COHEN: That is a very sweeping statement. Would you perhaps concede that scientists, including government scientists, and government departments make these decisions. You may disagree with the decisions, but they are based on scientific evidence. Are you saying that they are based solely on the political clout of the extreme Greens movement?

Mr BROWN: That is partly so. I believe it was certainly the case before the last election went pretty well without warning we were faced with the imposition of Port Stephens and Batemans Bay Marine Park. We believe that was to shore up the Greens preferences prior to that election. I would like to point out also that a lot of conjecture about sanctuary zones is based on scientific opinion. Now there is a huge difference between scientific opinion and scientific certainty. That scientific certainty is certainly lacking in the selection of sanctuary zones in New South Wales.

Mr IAN COHEN: Could you give me an example of that?

Mr BROWN: Yes, certainly. I was on the Jervis Bay Marine Park advisory committee when all the zones for the Jervis Bay Marine Park were decided. We were never presented with any science.

Mr IAN COHEN: What—no science at all?

Mr BROWN: No science. The main thing driving the creation was that we must have sanctuary zones to the north, south, east and west of the park.

Mr IAN COHEN: You are saying that these sanctuary zones in this marine park were just arbitrary zones with no reference to any specific ecology or fish species?

Mr BROWN: There was reference to ecology, but that is certainly—

Mr IAN COHEN: That is a little bit more than your statement.

Mr BROWN: But certainly the sanctuary zone at the entrance to Currumbene Creek at Huskisson was to protect glendonite beds on rocky reef at the entrance to Huskisson.

Mr IAN COHEN: That is those rock formations?

Mr BROWN: Yes, that is right. What fishing has to do with the protection of rock formations completely eludes me.

Mr IAN COHEN: Perhaps there are issues about the usage of that area, people traversing those foreshores and suchlike. You would agree that as geological formation that, I understand, is a crystal formation caused by glaciation it is pretty special. So perhaps it is worth protecting.

Mr BROWN: Sure it is worth protecting, but does that mean that you exclude fishing to protect it?

Mr IAN COHEN: It could mean excluding traversing it.

Mr BROWN: Yes, sure. But I do not think there would be any problem with that.

The Hon. LYNDA VOLTZ: In your submission you say that there used to be a newsletter going around called "Between the Lines", which would keep people informed.

Mr BROWN: Yes.

The Hon. LYNDA VOLTZ: I have put a suggestion to other people that when licences are taken email addresses are also taken so that fishermen can be kept informed of any changes to bag limits, sites, zones and equipment that can be taken in.

Mr BROWN: Yes.

The Hon. LYNDA VOLTZ: Obviously that would depend on access to computers and those types of services. What do you think would be the efficacy of that type of program?

Mr BROWN: I strongly believe in it, but I really believe that you need several ways of communication. You cannot just put all your eggs in one basket. Apart from email communication, you also need a printed version. There is also the age-old methods of telephone and voice communication.

The Hon. LYNDA VOLTZ: Do people still use the telephone? It is like writing letters. You make some points about the science that goes towards marine parks. You said earlier that overseas science cannot really be applicable in New South Wales.

Mr BROWN: Yes.

The Hon. LYNDA VOLTZ: There seems to me to be a lot of ability to create confusion around science in terms of marine parks. For example, a previous witness we heard today referred to a report, "The Efficacy of Sanctuary Areas for the Management of Fish Stocks and Biodiversity in WA Waters", from which I would have drawn the implication that it was critical regarding the efficacy of sanctuary zones. But when you actually look at the report, it states:

This paper seeks to clarify the relative efficacy of sanctuary areas, compared to other procedures used in fisheries and marine resource management for achieving the overall sustainability of the living aquatic resources of the entire WA [Western Australian] coast. The difference in scope between these state-wide FRMA [the Fisheries Resources Management Act] objectives and the smaller scale MPA [Marine Parks Act] objectives under the CALM Act are, however, likely to significantly affect any assessment of the relative efficacy of any management tool, including sanctuary zones. Consequently, we do not attempt to cover the potential role of sanctuaries in meeting specific local objectives of any individual marine park; these are already covered within the WA Government's New Horizons Policy. Similarly, we have not provided a detailed assessment of the potential social, economic and governance benefits that sanctuary areas can generate, which, in many cases, are expected to be significant ...

Given that there seems to be some misinformation in the fishing community regarding the science and whether it is right or wrong, and the numbers of fishermen who may or may not support sanctuary zones, how does the Committee get round this problem of sorting out what is obviously reticence from some recreational fishermen to change and a lack of access to some of the more favourite fishing spots and other data?

Mr BROWN: For the Jervis Bay Marine Park the authority put the proposal on the table: These are the areas in which we want sanctuary zones, this is habitat protection, this special purpose and this is open. Then it was basically argy-bargy from the committee as to whether those zones were lengthened, reduced, placed to the

south or to the north. They were not decided by the committee; they were decided by the staff of the Marine Parks Authority.

The Hon. LYNDIA VOLTZ: You believe there has been some attempt by the Marine Parks Authority to ensure there is access and to adjust the plans as much as possible to accommodate recreational fishing given the number of different zones across this region? It is always difficult to keep everybody happy, but to some extent do you think the authority at least is trying to accommodate the different needs of the various groups of people? I suspect you think that perhaps spearfishing is one group that has had significant problems and probably is further down the food chain?

Mr BROWN: Yes, that is correct. Certainly accommodations were made, but my main concern with sanctuary zones is whether they are needed or whether there are alternative forms of management that certainly do not upset people. The alternative forms are our traditional Fisheries management of bag and size limits. We have them reviewed every five years, and every five years we have seen increasing size limits on some species, reductions in bag limits on others. There is still a long way to go, but it is getting there. I fully support that type of management. If that is done properly, I do not see any need for sanctuary zones at all.

The Hon. CHRISTINE ROBERTSON: You were on the Advisory Council on Recreational Fishing?

Mr BROWN: Yes.

The Hon. CHRISTINE ROBERTSON: Were you there as a spearfisher person?

Mr BROWN: Yes, I was there as a spearfisher.

The Hon. CHRISTINE ROBERTSON: On Tuesday we heard that spearfishers no longer have representation?

Mr BROWN: No. We still have representation on ACoRF, but basically it is now up to the whim of the Minister who represents us on ACoRF.

The Hon. CHRISTINE ROBERTSON: As to whom represents you?

Mr BROWN: Yes. I was also on the Abalone Management Advisory Committee and the Rock Lobster Management Advisory Committee. When I retired from the Rock Lobster Management Advisory Committee we had a member who had a lot of experience as a commercial fisherman and with rock lobster who took my place on that committee. On the Abalone Management Advisory Committee the person put on to replace me was someone we do not know, nobody knows, and who is not a diver but is some sort of line fishermen. He has never advised us of when any meetings are on or of anything that concerns us. That sort of situation for us, where something is important, it is just not acceptable. When I retired from the Advisory Council on Recreational Fishing there was some sort of interference going on with our nomination, the person we wanted to replace me, and it took quite some time to resolve. That worried us then that it is possible we will not have a person on that council who will properly represent our interests.

The Hon. CHRISTINE ROBERTSON: Do you know what the selection criteria are?

Mr BROWN: No.

The Hon. CHRISTINE ROBERTSON: The ads do not tell you?

Mr BROWN: Basically, the selection criteria are the opinion of the Minister that the person has expertise in that fishery.

The Hon. CHRISTINE ROBERTSON: Is the advisory council a paying body?

Mr BROWN: The advisory council members get a sitting fee, yes.

The Hon. CHRISTINE ROBERTSON: You talk about structuring organisations that actually have representatives chosen by peak bodies in fisheries. How would those bodies represent fishers when many fishers

do not even know or understand that such bodies exist? Often it is not in the interest of representative bodies for fishers to know or understand they exist.

Mr BROWN: Yes, certainly. I believe it is in their interests. You will find more committed fishermen. Some choose not to belong to any organisation but are very good fishermen. The majority of people who go fishing once or twice, maybe four times a year, certainly have no interest in belonging to an organisation and really there is no need for them to do so. But you will find that the majority of the really committed fishermen belong to an organisation of some sort or another, from a club to a peak body. Generally, by the time you get to the level of game fishermen, fly fishermen, saltwater anglers et cetera in those peak bodies, you have people who have years of experience with fishing and certainly a lot of expertise. Generally it is those sorts of people who make the best appointments to councils.

The Hon. CHRISTINE ROBERTSON: I am interested in your assessment of why the word "amateur" was dropped from your club? During this inquiry many people who have given evidence perhaps are defined as amateur because they are not a commercial fisher, but they definitely are professionals in their own right.

Mr BROWN: Yes, that is right. We tend to call them recreational fishers now rather than amateur fishermen because certainly "amateur" does not quite cover what they are.

The Hon. CHRISTINE ROBERTSON: Many of those who have spoken to us are professionals in their own right?

Mr BROWN: As far as their approach to fishing goes, yes.

The Hon. CHRISTINE ROBERTSON: I am interested also to know who the Labor member for the South Coast was at that time? That must have been a long time ago?

Mr BROWN: Yes, that is right.

The Hon. CHRISTINE ROBERTSON: It must have been Mr Hatton? He might be excited to see that he is called a Labor member.

Mr BROWN: I am pretty sure it was Wayne Smith.

CHAIR: Did you say Wayne Smith?

Mr BROWN: Yes, I am pretty sure.

The Hon. CHRISTINE ROBERTSON: No.

Mr BROWN: Maybe my memory is wrong according to the name.

The Hon. CHRISTINE ROBERTSON: No, you just have to be careful about whom you are naming. The Liberals did not knock off Labor on the South Coast. I think they might have knocked off The Nationals.

The Hon. RICK COLLESS: Who was the former member before Shelley? Is Shelley not the member for South Coast?

Mr BROWN: Yes.

The Hon. RICK COLLESS: Who was the member before Shelley?

Mr BROWN: Wayne Smith.

The Hon. CHRISTINE ROBERTSON: I just wanted to know who it was. I am concerned about your proposal and also that of other witnesses about ensuring representation. Although we are getting a lot of input from people perceiving that they know how to get representation, it does not sound like a very democratic representational process is being put forward by many of the peak body groups. Can you comment on that?

Mr BROWN: Certainly the process at the moment is not democratic.

The Hon. CHRISTINE ROBERTSON: Was it before?

Mr BROWN: Partly in that peak bodies had to nominate three people to the Minister and of those three people the Minister selected one person as a representative of that peak body. You could argue about how democratic was the selection of those three names but, certainly, each peak body would have had a process of arriving at who those three nominations should be.

CHAIR: Can you enumerate the New South Wales peak bodies that represent recreational fishers?

Mr BROWN: I am not sure of the quantity.

CHAIR: Just the names of some.

Mr BROWN: You have the USFA, which represents spearfishers. You have the Monaro Acclimatisation Society representing areas. You have the freshwater people. I am not sure of the name.

CHAIR: The Council of Freshwater Anglers?

Mr BROWN: Yes. You have the game fishers, of course. There is the New South Wales Amateur Fishing Clubs Association and the Australian National Sports Fishermen's Association. On top of that you have I suppose two more political groupings with eco-fishers and the Recreational Fishing Alliance. Below that you have myriad clubs that are not affiliated to any organisation but are involved with hotels, sporting clubs, RSL clubs and that type of thing.

CHAIR: Perhaps that question should be asked of the Recreational Fishing Alliance. In relation to activities undertaken by spearfishers, Mr Cohen mentioned issues like traversing areas of precious geology. The Marine Parks Authority told us this morning that those crystals are under the water and not on the rocks. What is your comment about the impact of your particular fishing method on that geology? Does it have an impact? Why are spearfishermen not as well thought of, for want of a better term, by authorities compared with other types of fishing?

Mr BROWN: Experienced spearfishers certainly can catch fish. The impression seems to be that it is easy, but it is not an easy activity by any means. Many years ago when scuba was first introduced, it was taken up by a lot of spearfishers because all spearfishing at the time was breath-style diving. That was the only way to do it. We thought, "Beauty, we can go deeper, we can stay under longer and catch more fish." We can see a lot of danger in that and we campaigned that spearfishing with compressed air apparatus be banned. This gave all fish a natural depth sanctuary.

CHAIR: You are saying that the skindivers attempted to self-regulate to have scuba divers banned from killing fish?

Mr BROWN: That is correct. It goes a bit further than that. At the time spearfishers had a lot of criticism about the slaughter of grey nurse sharks. You need to understand that a lot of that alleged slaughter was by professional filmmakers. As with all filmmaking, a lot of exaggeration went on with it. A lot of sharks that were killed were killed by divers using scuba. They were not spear fishermen. Grey nurse are generally found at the limits of the average free divers spear fishermen's ability. So, they were using compressed air so they could get down deeper and longer to kill more sharks for the cameras. The average spear fishermen certainly did not. I have never speared a grey nurse in my life. I have never seen any need to.

I was secretary of the association when we pushed for the ban for the protection of grey nurse. It is something we have been very proud of. People do not like to recognise that but we were at the forefront of that. At the time it was claimed that spearfishing had basically wiped that out but, if you examine the historical record, grey nurse have been subject to fishing pressure ever since the colonisation of Australia. In the early 1900s there were reports by David Stead, a noted marine biologist, that grey nurse roamed in packs of thousands. Certainly by the time spear fishermen came on the scene a large school of grey nurse was about 30. In South Africa they say they have no problems with grey nurse sharks. A large school of grey nurse sharks in South Africa is 30. Now we sometimes see grey nurse shark schools well in excess of 100 in a school.

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

Mr BROWN: Yes, certainly.

CHAIR: If so, would you return the answers within 21 days of receiving the questions?

Mr BROWN: Yes.

(The witness withdrew)

JULIAN ROY WATSON, Newsletter Editor, Illawarra Fly Fishers' Club, 33 Murray Road Corrimal, 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 the request. If you do take any questions on notice today, the Committee would appreciate it if the responses to those questions be sent to the Committee secretariat within 21 days of the date on which the questions are forwarded to you. Would you like to make a brief opening statement?

Mr WATSON: Only just to say thank you for the opportunity to come today and help the inquiry in general.

The Hon. CHRISTINE ROBERTSON: Thank you for your submission. I know that fly fishing is a particular obsession of the Illawarra region.

Mr WATSON: Thank you.

The Hon. CHRISTINE ROBERTSON: I have a family member who is involved.

Mr WATSON: Good.

The Hon. CHRISTINE ROBERTSON: On page 2 of your submission you note that marine parks and marine protected areas are suitable and sensible additions to the conservation reserve system in New South Wales. However, you go on to list a number of caveats such as allowing increased catch and release zones in these areas. What other measures do you think will assist the management of marine parks and marine protected areas?

Mr WATSON: I am not sure about too many additional ones other than the ones I have listed. I know that a marine parks is probably a reasonable method of marine conservation. Part of the Illawarra fly fishing is very much a catch and release club. Certainly under bag limits, et cetera, members might keep something for a barbecue but our predominant ethos is catch and release through both salt and freshwater fishing. Fly fishing by its nature tends to be surface related, involving a single hook, often without a barb, so it is quite suited to catch and release. I think a lot of areas could be quite suitably deemed as catch and release only.

The Hon. CHRISTINE ROBERTSON: One of the things from your submission, it comes together as a whole, you are talking about the entire fishing environment for freshwater fish, which is really helpful.

Mr WATSON: It is certainly important to the members.

The Hon. CHRISTINE ROBERTSON: It has certainly not been consistent throughout this inquiry. People have has taken one little piece and say they are not connected. It is starting to come to light that one of the reasons it appears not connected is, for obvious reasons, different government departments carry a role. One of the issues in your submission, however, is that you have said the disconnection from the catchment management process is in the freshwater rivers from fishing and being concerned that they are considered in an inclusive way. In fact, the catchment management authorities are trying to grab money from anywhere they can to fix the rivers. I am concerned that although your submission is giving an overall picture, you want to disconnect that piece.

Mr WATSON: I guess my concern for the management of the recreational fishing trusts is that they remain focused on recreational fishing. While I guess other forms of environmental restoration are well within the realm of government, whether they should be taken from recreational fishing trust funds I think warrants consideration. I certainly do not think anyone in our club would have any problems with general river restoration works or coastal restoration works and government input to that, but I think there are many avenues for funding for catchment management authorities, Landcare, former heritage trust, those type of bodies, rather than recreational fishing trust funds.

The Hon. CHRISTINE ROBERTSON: But surely you people want to have a say? You are the people on the streams who see the damage in the paddock.

Mr WATSON: Indeed.

The Hon. CHRISTINE ROBERTSON: I am not meaning to be tricky.

Mr WATSON: No, not at all, it is an interesting point you raise. I think general environmental restoration is probably within the realm of other arms of government than recreational fishing trusts. One of the things I think is best about the New South Wales licensed fishery is that the recreational fishing trust funds are required to be spent on recreational fishing. It has been a massive success, particularly with the reduction in commercial fishing, but whether that should go on to be spread out to some of the broader areas of environmental management, I am not sure that that is always an appropriate way to spend those funds.

CHAIR: A point of clarification: When you say is spread out, are you referring to environmental management of streams, such as farming and other land management practices or do you mean environmental works in the streams themselves that you do not feel should be funded by trusts?

Mr WATSON: I certainly did not mean off stream, such as agriculture.

CHAIR: Management of acid sulphate soils, or salt?

Mr WATSON: Again, I see them as broad environmental issues and I am not sure whether that should be the focus of recreational fishing trust funds. Should there be a specific recreational fishing outcome related to a specific location, I can see an argument, perhaps, for that type of application.

The Hon. CHRISTINE ROBERTSON: They have to prove the connection before such a thing should be funded?

Mr WATSON: I think it should remain very clear within any proposal for funding what that connection is.

The Hon. CHRISTINE ROBERTSON: The other question I have about your submission relates to the purchase of Crown land. Who do you think is going to buy it?

Mr WATSON: If they were to be managed for recreational fishing access, perhaps that could be an avenue for recreational fishing trust input. Whether that is in its entirety begins to get difficult. So much of recreational angling is for volunteers, as it is much land management. That would become dependent—I can see from my club, a volunteer club, we exist for social reasons mainly and get people involved in fly fishing and an avenue for fly fishers to meet. To then move to becoming land managers may be of interest to our club but, then again, may not. I am not sure that all clubs are able to do that.

The Hon. LYNDA VOLTZ: Following on that point, would it not be better, say there was an agreement with the Department of Lands where there was impact on recreational fishing, that these accesses were written into the conditions of leases? It becoming an issue of having to purchase, it may be much simpler to just negotiate with government that leases be allowed to access through? You are talking about paper roads. I do not know what paper roads are.

Mr WATSON: A paper road, in my definition there, is something that might be on a cadastral. So it is saying it would be on a cadastral but there is no formed road. There might not even be a fence.

CHAIR: In other words, it is on the cadastral mapping but it does not exist as a road?

Mr IAN COHEN: It still exists as a road reserve.

The Hon. CHRISTINE ROBERTSON: The farmers can use it for 20 years for free, or 100.

The Hon. LYNDA VOLTZ: Yes. And stock watering points?

Mr WATSON: Just as an example, a travelling stock route is more likely to be related to a water body.

The Hon. LYNDA VOLTZ: We had a lot of letters from people on the Macleay River about the taking of prawns in the estuaries there. One of the letters impacted on what this meant further upstream for

freshwater fish. I know for example, at Wollie Creek, where I live, you get more mullet so the little mullet can get up into the freshwater areas. I do not know if that impacts on your type of fishing?

Mr WATSON: A number of popular recreational flying fishing species do travel from the fresh to the salt.

CHAIR: Such as Bass?

Mr WATSON: Australian bass is the predominant example. They are the favourite target of our club, given we are in the Illawarra.

The Hon. LYNDA VOLTZ: You do not know of any indications, for example, prawn trawler buyouts, where stocks have improved?

Mr WATSON: No, it is probably a bit less obvious in the areas I would work in. There are much bigger prawn fisheries to the north. Although I think local buyouts and recreational fishing havens on the South Coast have certainly proved very popular.

The Hon. LYNDA VOLTZ: When the drought comes through, that obviously has a big effect on stocks as well? When you talk about recreational fishing and dispersal, obviously that is part of that management? Would you see recreational fishing trusts as part of that management?

Mr WATSON: In which way?

The Hon. LYNDA VOLTZ: When you say having a bigger spread of recreational fishing trust funding, is that the type of spending you are talking about?

Mr WATSON: I guess what I was getting to in my submission there was looking through the funding allocations, in the examples I looked that that were available online, there seemed to be a large spread in the freshwater fishing trusts funding to research base rather than—

The Hon. CHRISTINE ROBERTSON: Practical issues?

Mr WATSON: Practical items. That was quite an obvious disjunct between the salt and the fresh. One of the big problems for my club is knowing it is undertaking legal and appropriate access to freshwater rivers. No-one wants to upset landholders but the Fisheries Management Act provides for legal access in many areas and is certainly a stronghold to the Act as far as recreational fishing goes, the access to rivers. Being able to clearly define for recreational anglers and the landholders, and having both parties be able to recognise that there needs to be some give and take there, is I guess what I was aiming at with that part of my submission.

The Hon. LYNDA VOLTZ: Would a lot of your guys be both saltwater and freshwater?

Mr WATSON: Yes. There is probably an age gap.

The Hon. LYNDA VOLTZ: The old fellows or the young fellows? I am sorry; I assume that you have some women in your club, do you?

Mr WATSON: We do have some female members, yes, but the percentage is low. A lot of our club fish both fresh and salt, but if people were to pick, most people would be freshwater anglers—salmonoid fishery.

The Hon. CHRISTINE ROBERTSON: Once they get sucked in, they never leave.

The Hon. LYNDA VOLTZ: Yes, it is a patience thing.

Mr IAN COHEN: Could you give us a rundown on species that your club would be interested in, both freshwater and saltwater? I am wondering what fly fishing occurs in saltwater.

Mr WATSON: I will go to freshwater straightaway because that is probably easier.

Mr IAN COHEN: Are they Acclimatisation Society introduced hatchery fish or are they naturally occurring fish?

Mr WATSON: Both, in freshwater. The salmonoid fishery is very popular with our members in the Central Tablelands, the Snowy Mountains and the New England area. A lot of our members would fish one or all of those areas quite regularly through the season, and through the winter in the lakes. Bass would be the predominant native freshwater fish, both in a stocked and in a natural environment as well. So some of the lakes are stocked.

Mr IAN COHEN: What is the condition of bass in waterways generally? Is it an abundant fish? Do people move away from trout fishing and fish the native bass?

Mr WATSON: Yes. It is quite a different suite of targets. The trout are more likely to be in the cooler areas, and also of course they are east of the Divide. Near the western plain rivers there are bass fish. Very few of our members fish for Murray cod or any of the species that might be a bit more popular for freshwater anglers west of the Divide.

Mr IAN COHEN: And the marine species?

Mr WATSON: Bream, flathead, estuary perch and sometimes some of the others such as tailor, kingfish and Australian salmon. If I had time, I would go out and chase marlin, et cetera, a bit more often but—

Mr IAN COHEN: I just needed to get a rough idea. You expressed concern that the moneys gained from fishing licences and suchlike should be targeted specifically to fish stocks and directly into the fishing industry and not—as I understand it, you had some negative comments about this—broadened out too much for environmental purposes. Yet a lot of submissions are saying that that is the real problem: fixing up the nurseries and the environment and maintaining that is where the money should go so that we have a healthy fishery rather than just establishing no-take zones, sanctuary zones and marine parks. Would you comment on that?

Mr WATSON: I think in the thrust of my submission it is the expenditure of the recreational fishing trust funds that should show a clear benefit to recreational fishing and a clear link to recreational fishing. Things that also have a broader environmental benefit—land protection, catchment protection—while they have a link to the quality of recreational fishing and conservation in general, I am not sure that my club would think that is direct enough to warrant direct funding from the RFT.

Mr IAN COHEN: You do not see environmental restoration or condition to be that important in terms of your fishing activities?

Mr WATSON: No. I do not think that is what I am trying to say at all.

Mr IAN COHEN: Or they are, but you do not think that is the direction that the fishing licence fund should go towards?

Mr WATSON: Yes, I think that is much more like it.

Mr IAN COHEN: But if it produces more fish—

CHAIR: On a point of clarification, roughly, what is the freshwater trust's intake of funds annually?

Mr WATSON: No. I did look at it when I was preparing my submission.

CHAIR: It has been suggested that it is about \$10 million to \$13 million overall, and that freshwater fishing is probably, say, only 25 per cent or 30 per cent of that.

Mr WATSON: I think it is 25 per cent to 30 per cent of that, yes.

CHAIR: Does that sound about right to you?

Mr WATSON: They sound like the figures.

CHAIR: So the sorts of numbers you are talking about in terms of the ability to spend is approximately \$3 million a year, or something around that?

Mr WATSON: My understanding of the land management costs in New South Wales is that would not go very far in terms of your longer restoration works on a land management scale—certainly, if I was to buy a landholding for a park, for example.

Mr IAN COHEN: On page 4 of your submission you state that the Illawarra Flyfishers Club supports the principles of ecologically sustainable development in relation to improving recreational fishing. What types of activities does your club undertake to promote ecologically sustainable fishing?

Mr WATSON: I would not say that we undertook specific activities, but our club has a general ethos of appropriate access, generally catch and release, and generally being in support of bag limits and appropriate fishing methods—even down to small things like cleaning out more than we might take to a place.

Mr IAN COHEN: Do you have any specific projects, such as access projects and the like, that you work on to benefit both your club members and the environment?

Mr WATSON: At this stage the Illawarra fly fishers have not gone down that line. Certainly, in preparing this admission I thought that it is quite likely that if Industry and Investment were to develop a program that the club could partner in, either with Industry and Investment or in a three-way partnership with specific landholders in the areas that the club fishes, that would likely be something that would gain the support of our members—whether that is track work or undertaking co-funding of a style with landholders, things along those lines.

Mr IAN COHEN: You state in your submission:

Use of recreational Fishing Trust moneys must show a clear and positive link to recreational fishing. While there is no direct opposition to funding research into endangered species, the view of the IFFC is that the Recreational Fishing Trust Fund should not fund general research into conservation or commercial fishery matters ...

You are not denying the importance of that research as a project. You are just saying that it should not be coming out of those funds. Is that correct?

Mr WATSON: That is entirely the case. Obviously Industry and Investment and Fisheries has a key role to play in threatened species research but in the case I mentioned there, being a listed threatened species under the Fisheries Management Act, they are certainly well and truly unavailable for targeting as a recreational fishing species. While I have not read the specific submission, I did find that I had some trouble developing a link between those.

Mr IAN COHEN: Between the two functions?

Mr WATSON: Yes, and just the project itself. Recreational fishers are unlikely, unless Industry and Investment's research and activities are so successful, to take them off the threatened species list.

Mr IAN COHEN: You mentioned Macquarie perch. That is not a fishing species?

Mr WATSON: It could.

IAN COHEN: You say that Macquarie perch is not an eligible recreational fishing target in New South Wales and that it seems at odds with targets listed on the Department of Industry and Investment's website.

Mr WATSON: They are listed threatened species in New South Wales.

Mr IAN COHEN: You do not think that Fisheries funds should go towards that?

Mr WATSON: Fisheries funds should; I do not think that recreational fishing trust funds should.

Mr IAN COHEN: Not the recreational fishing trust funds.

Mr WATSON: I think it is definitely a worthy target for Industry and Investment Fisheries generally.

Mr IAN COHEN: But not from the recreational fishing trust.

Mr WATSON: No.

Mr IAN COHEN: Does it make sense to take money from the largesse or the sporting activity gained from general fishing to work on maintaining endangered species at the same time?

Mr WATSON: No. My view of the set-up of the recreational fishing trust system is that it is there to support and promote recreational fishing. There are other functions within government to identify, support and research endangered species. That is probably the appropriate disjunct between them.

The Hon. RICK COLLESS: Mr Watson, can I go back to the issue of access? I guess it is the old saying that those fishermen who come and ask permission to cross your land are the ones that you let in and the ones who do not ask you kick off because they are the ones who usually make a mess, leave rubbish behind and that sort of thing.

Mr WATSON: That is certainly an approach our club takes. We ask all our members to knock on the farm door, be polite if you are refused, and be happy to show your club card to say that you are from a club of fly fishers.

The Hon. RICK COLLESS: Do you get a pretty good response from landowners when you make that approach?

Mr WATSON: It is actually quite regionally dependent, to speak in very broad terms. In areas like the Snowy Mountains and Monaro, access when asked for and sought appropriately all along the riverbank in the regions where you are legally allowed to is generally well accepted. In areas that are a little closer to Sydney where what you might call the Pitt Street farmers are slightly more common, and also I imagine the angling pressure might be greater as well, I understand that people and club members are more likely to get a refusal. Generally a refusal is fine but when people are undertaking access legally as per the Fisheries Management Act in a stream bed being confronted with threats and aggression or violence is likely to be more common in the areas that are a bit closer to the capitals.

The Hon. RICK COLLESS: In relation to the paper roads, road reserves and so on, I guess what you are getting at is providing more or less public access that sometimes can be through private farmland even though it is a public road.

Mr WATSON: It is definitely a difficult issue, yes.

The Hon. RICK COLLESS: How do you see that that should be resolved? It is my view that there should be access through those roads and so on, but it still should be with the adjoining landowner's consent, given that you are essentially on his land. It comes back to the issue of people who do not advise the owner or occupier of the land that they are in there and a mess is made. The landowner does not know who has left the mess there so he is more likely to fence it off and lock it out than provide permanent access.

Mr WATSON: Not having thought about it before, I imagine there are a couple of ways that that can happen. Where that access is via an existing legal right of way perhaps there might be signage and access to say, "This is an existing legal right of way but only when you stay within one metre of the fence line" or "I and I has undertaken an agreement with the local landowner to provide access for anglers to the river" stating that it is only for the river. You could probably do worse than leave a notebook there, like bushwalkers have in huts, to say, "I'm here today."

The Hon. RICK COLLESS: And a rubbish bin probably.

Mr WATSON: Yes—"Julian Watson was here fishing." That way the landowner might have some ability to track at least who was there, and is happy to say they were there, so if some stock is missing or there is some rubbish he can ask, "Did you see anyone else on the water at the time?"

The Hon. RICK COLLESS: In relation to the bass species, can you give us a bit of an idea of their range? How far down the estuary can you catch them and how far up the rivers do they go?

Mr WATSON: That will come right down into the salt water to breed. In winter there is a closed season on bass to protect that breeding cycle.

The Hon. RICK COLLESS: To the river mouth, basically, or not quite that far, or what?

Mr WATSON: It might just depend on the particular estuary. They will come down right into the proper salt to breed. They will go very far up into the shallow stream. I am trying to think of some good examples. Certainly, locally they will go all the way up to the escarpment and to the base of the escarpment. I am not sure how far they go up the Shoalhaven.

The Hon. RICK COLLESS: Would you get bass in Currumbene Creek? Would they live in that stream?

Mr WATSON: I do not know if Currumbene Creek has been a target. One of the things with Currumbene Creek is that just above the Princes Highway is a set of falls. They are likely to be a physical barrier to the species that migrate.

CHAIR: Are they natural falls?

Mr WATSON: Yes, natural falls. In a good rainfall you can see them from the highway as you drive over.

The Hon. RICK COLLESS: On this map the sanctuary zone is right up to the Princes Highway?

Mr WATSON: Yes, it is within about 50 metres of the highway. The nature of that creek changes quite dramatically. The sanctuary zone backs up to a small rock shelf. The general flow of the stream is quite low through that, particularly over the last few years. It is quite a funny catchment; it is rock lined so it comes up very quickly and in a rainfall event it goes back down again very quickly afterwards.

CHAIR: I have a few questions about impoundments and water bodies managed by either catchment management authorities or water corporations. Do fly fishermen fish dams like Mogo Dam and places like that?

Mr WATSON: Yes, impoundments are a popular place to fish from.

CHAIR: What would be the suitability of allowing certain types of fishing in some catchments such as Cataract, Cordeaux and those sorts of water catchments?

Mr WATSON: Water catchment bodies as opposed to agricultural irrigation?

CHAIR: Yes, as opposed to irrigation impoundments?

Mr WATSON: Many areas in the State have legal fishing access to water supply dams.

CHAIR: Such as the Mogo?

Mr WATSON: Yes, Mogo, Pejar near Goulburn, Crookwell water supply are examples that are close to us.

The Hon. CHRISTINE ROBERTSON: All the northern tablelands ones?

Mr WATSON: Yes, the northern tablelands do as well at Split Rock et cetera. My feeling would be that non-powered boating and/or foot access is likely to be appropriate there. I am not sure of the existing access and road arrangements into those other than the tourist road into the dams, a couple of which no longer are open. General folklore has it that some of those dams are quite well stocked with a number of different targets.

CHAIR: Do you know if those dams have ever been stocked?

Mr WATSON: My understanding is that a couple of them were stocked very early on with species.

CHAIR: Native species?

Mr WATSON: Yes, a variety of native species. Stocked with a bit of a grabble, I think, some from west of the Divide and some others from east of the Divide.

CHAIR: Are you aware of the current negotiations between the Monaro Acclimatisation Society and the State Government about that particular group acting as a trustee for access to water bodies? Is your club large enough or, if aggregated with other clubs, would it be able to take on a similar role in the Illawarra, if a place was available?

Mr WATSON: If there was a place available, a number of members are likely to show interest. Acclimatisation societies have long had that type of relationship with government and landholders. Our club is a slightly more recreational club and has not needed to develop. I would be surprised though if, in the 80-odd members we have, quite a few who have undertaken a role in business and/or government in the past, in the public service, would not be either interested or available to be a party to that, particularly where there is a local benefit.

CHAIR: As a general rule is that level of involvement of clubs and associations a good or bad thing?

Mr WATSON: Definitely a good thing provided, of course, they are provided with the resources to be able to manage that, given that almost all of those bodies are volunteer.

The Hon. TONY CATANZARITI: On page 2 of your submission you speak favourably of the current system of bag and size limits and you support the continuation of how this information is disseminated, for example, through stickers and brag mats. At an earlier hearing the suggestion was made that with respect to renewal of fishing licences the Government should send out to fishers a pamphlet concerning bag and size limits. Do you consider this a worthwhile task or is this information already available sufficiently?

Mr WATSON: Given that that information can change every few years, it is probably quite reasonable that when a fishing licence is renewed or paid for that that information is sent out. Certainly, I buy mine only every three years, so there is always the potential for changes within that period.

CHAIR: In your club how is that information disseminated? Is it left to individual members to inform themselves or does the club take a role? Do you have a newsletter, for example?

Mr WATSON: We certainly do.

The Hon. CHRISTINE ROBERTSON: He publishes it.

Mr WATSON: I am lucky to be the editor of that.

CHAIR: Of course, that is right! Would you put that sort of information in your newsletters?

Mr WATSON: I guess I am dependent on if there is a change that is likely to impact my members. If there was a change to bass fishery size or bag limits, yes, I would put that in. We receive information occasionally posted out from Fisheries, and Industry and Investment based on those types of things. That seems to be quite a good method for our members. Every now and again we have Industry and Investment people come to talk once every couple of years on a variety of issues.

CHAIR: Is your club a member of the Council of Freshwater Anglers?

Mr WATSON: Yes, we are part of the CFA.

CHAIR: Does it provide information to clubs or do you have to find it yourself?

Mr WATSON: I would not be able to give you an answer to that.

CHAIR: I know it has a website.

Mr WATSON: Yes. They certainly have a newsletter, which is a general rundown of recent changes or information.

The Hon. CHRISTINE ROBERTSON: Are there advantages to your club being an individual fishing club on the Fisheries mailing list or do you believe that if a peak body was created with your input about who its members should be and you relied on them to transfer information, which they do through their newsletter at the moment, would you prefer to maintain your role as an individual on the Department of Fisheries' mailing list?

Mr WATSON: Knowing the club, we would probably prefer to be maintained as independent. We are not generally part of a club or angling politics, for want of a better way to put it.

The Hon. CHRISTINE ROBERTSON: Would you be happy to have a political fishing organisation represent you on organisations for the future?

Mr WATSON: It probably depends on how they were structured and their stated aims.

CHAIR: For example, if the CFA was a peak body?

Mr WATSON: The CFA as it stands probably would seem quite reasonable to the members. I think it would begin to make political representations on our behalf more regularly.

The Hon. CHRISTINE ROBERTSON: How would you make sure you have input?

Mr WATSON: Yes, I guess that is the thing. It is working out then how that structure and input occurs.

The Hon. TONY CATANZARITI: What sort of structure would be of benefit to all members?

Mr WATSON: It is very difficult for me to say, to be honest. As I have said, we have not taken a strong role in angling management and politics generally. We are mainly a recreational club.

CHAIR: Some submissions have commented that ACoRF does not quite do the job for recreational fishers. Does your club have a view on the efficacy of ACoRF and how the trust systems are run?

Mr WATSON: Not that has been put forward to me. I am not sure that we would be able to give you a rundown on ACoRF's role and its efficacy.

CHAIR: What are your organisation's demographics, if it has one?

The Hon. CHRISTINE ROBERTSON: A couple of girls.

Mr WATSON: A couple of girls, yes—ladies. It is certainly geared towards elder gents. I am one of the youngest guys. So the demographics would be mid-twenties into the seventies.

CHAIR: Would most of your members be stream-side fishers or small boat fishers?

Mr WATSON: Predominately stream-side, but small boating as well. Very few people are proper out and out blue water fishers, although quite a few people will fish estuaries and near shore, depending on conditions.

CHAIR: Would you define your club as being for low-cost type of fishing suited to people, shall we say, who could not afford a \$15,000 or \$20,000 boat and those sorts of things?

Mr WATSON: Certainly. I guess like any piece of angling, how long is a piece of string is how much you want to spend on fly-fishing equipment. Again, we have the range of anglers into that. Some people have a selection of top-end material, other people have gone for 20 years on the thing they bought 20 years ago. We aim to be easy to access for the Illawarra, I guess.

CHAIR: Do you believe recreational fishing and access to fishing in this country, certainly in this State, is an egalitarian concept or do you think it is rather elitist? I mean all fishers, not just freshwater fishers?

Mr WATSON: It is a funny question to ask a fly fisher. They are often accused of being at the elitist end. Certainly I think egalitarian. I think DCCW recently published some information on involvement in outdoor activities and outdoor recreation. Apparently, 40 per cent of outdoor recreation activities is based around fishing and angling. I have a feeling that it is much lower for national parks, but for New South Wales it is an average. Recreational fishing's part in outdoor activities in New South Wales is very high.

Mr IAN COHEN: Perhaps you could answer this personally, if you like. How important is this issue to inform your vote at the next State election? How big is your club membership? I appreciate many issues are involved—fly fishing is recreational and it is part of your passion. How hard edge would this issue be politically?

Mr WATSON: Speaking only from a personal level, it would probably depend on what changes or policies might be proposed at a State level. There could be a view, given the seat I live in, that it is not really too important what I vote. It would depend on the policies on offer.

CHAIR: Thank you for coming today.

Mr WATSON: Thank you very much for the inquiry.

CHAIR: Your evidence has been most informative. It is interesting to hear evidence from a small fishing club that has fairly direct knowledge of its own activities. Along with any questions that you took on notice during your evidence, would you agree to receive additional written questions that Committee members may not have had the opportunity to ask you today?

Mr WATSON: Certainly.

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

Mr WATSON: Certainly.

(The witness withdrew)

(Dinner adjournment)

(Evidence continued in camera)

RODNEY GRANT PETERLIN, Systems Analyst, 29 Waldegrave Crescent, Vincentia, affirmed and examined:

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

Mr PETERLIN: Yes, I would. I sat down this afternoon and wrote a quick opening statement and when I reread it, it seemed to be critical of the Committee but I do not want to come across as such.

CHAIR: You can say what you like.

Mr PETERLIN: Thank you for hearing me this evening. When I read the terms of reference of the Committee after receiving an invitation to attend, there were a few things in paragraphs 1 (a) and 1 (c) that caught my attention. It seemed a little unfair to me, even erroneously, that the efficacy of marine parks is apparently being measured by their effectiveness in managing recreational fisheries. It is my understanding that marine parks are tools for managing marine resources for all stakeholders, rather than just focusing on the one group. Last week I read Frank Sartor's media release when he announced the next stage of Jervis Bay Marine Park zoning review. In that release Mr Whan was quoted as making four separate specific reassurances to recreational fishermen, with no such reassurances given to any other industry, community group or park user group. Reading that media release in conjunction with the terms of reference for this Committee, I cannot help but feel that the majority of affected industry and other community interest groups are underrepresented and are not receiving their fair share of consideration by the New South Wales State Government when determining efficacy of marine protected areas.

It is my understanding that Jervis Bay Marine Park is set to grow and even create a number of businesses within the tourism industry, in addition to recreational fishing. It would be an injustice to many of the local residents and the marine park itself if government failed to take into consideration the efficacy of the Jervis Bay Marine Park in managing the resources that our—that is, local—businesses and lifestyle depend on. Many communities in the Shoalhaven region are heavily dependent on income from the tourism industry. Frank Sartor's media release acknowledges overwhelming support for marine parks in general, with 82 per cent of marine parks of Jervis Bay locals in favour of not only the park but sanctuary zones within the park. He further acknowledges that 34 per cent of all visitors to the park come solely because of the park and 80 per cent of visitors overall consider the marine park as an important criterion for visiting Jervis Bay.

The Minister does not indicate what percentage of these visitors are recreational fishermen. Without that figure we may be able to report on paragraph 1 (c) of the Committee's terms of reference, "the value of recreational fisheries to the economy of New South Wales," but we cannot report on how that value compares to the value of other industries also affected by the same suite of existing regulatory policy and decision making processes, which is what this Committee, I understand, is set up to do. So, I ask that this Committee report on the efficacy of marine parks, yet he acknowledges that there is much more at stake here than recreational fishing.

CHAIR: You may be pleased to know, then, that we will have another witness tonight from industry other than the recreational fishing industry.

Mr PETERLIN: Having said that, I do not represent any industry or business. I live in Jervis Bay. I have a lot of friends who are in business—fishing, driving charters, right across the board, tourism—and they are all concerned with the lack of representation. They feel they have not been able to make themselves clear.

The Hon. RICK COLLESS: When I read your submission I get the distinct impression that you were having a bit of a bet each way. Certainly in this summary at the back you say you have lost many of your favourite fishing spots but others have improved while others remain unchanged?

Mr PETERLIN: Yes.

The Hon. RICK COLLESS: Overall fishing ability, you have reduced fishing ability in terms of your diving for lobsters?

Mr PETERLIN: That is right.

The Hon. RICK COLLESS: There is also the problem with smaller areas available for fishing and there is a high fishing population there, and so on; overcrowded boat ramps and the problem of litter that we were talking about previously. So, where do you think we go from here with the management of the parks?

Mr PETERLIN: What I am saying is, which I probably did not state clearly, that this review process has only just gone through. It is great. It needs to continue. I remember when the draft zoning proposal was tabled back in 2000 and it was active in about 2002.

CHAIR: It was 1998 and 2002.

Mr PETERLIN: We knew there was going to be a review process but no-one really expected to see much of a change. Everyone was worried about a detrimental change in terms of availability of park resources and our ability to fish, our ability to do whatever it was we were doing through the zoning. What I have seen personally is reduced ability, not through the zoning process but through increased traffic. Seeing what I think is a lot of additional traffic to the marine park just because it is a marine park. I think there are a lot of unanticipated increases in pressure in some parts of the marine park and I think without a continual process of review that the management practices in the park are not going to keep up with the activities in the park.

CHAIR: As a point of clarification, you said traffic. Did you mean traffic coming in or did you mean water traffic?

Mr PETERLIN: Water traffic. People swimming, boats doing their thing, human activity on the water. At Jervis Bay it is not just on the water, it is shopping centres and all sorts of infrastructure having trouble keeping up with the increased traffic.

The Hon. RICK COLLESS: Do you think that is a result of the park or as a result of the fact that commercial fishing has been removed or a combination of both?

Mr PETERLIN: A combination of both. It has a lot to do with, I think, a lot of the improved fishing I am seeing. It probably has more to do with the removed commercial fishing than the protection being offered by the zones. I could be wrong; I am not a scientist. Could you ask the question again, please?

The Hon. RICK COLLESS: Do you think the improvement or the reason people are coming here was because of the marine park being here or because it was a removal of the commercial fishers?

Mr PETERLIN: I think a lot of people are coming because it is a park, and Frank Sartor's media release says 34 per cent of visitors come solely because it is a marine park. I have visited the areas, I went up to Forster last November and I chose that destination over several others because I wanted to see the marine park up there. I wanted to go fishing in that marine park. I have no doubt there is increased traffic solely for that reason; it is a marine park.

The Hon. RICK COLLESS: In terms of the management of the park, then, given the impact you have seen or that have come upon you personally, you are saying that the management plan of the park itself should be viewed as a work in progress, should be a dynamic document that is constantly being updated and upgraded, and so on?

Mr PETERLIN: I do not know about constantly, but certainly regularly, yes. It is, what, eight years? The first review has taken eight years. I do not know if that is an appropriate timeframe; perhaps it is. What I am saying is that I certainly see a need for the process to be ongoing and under constant revision—maybe not continual, but at least regular, and constant; a constant process of review.

The Hon. RICK COLLESS: You may not be able to answer this, but there may be other people in the room who can. Where is the nearest recreational fishing haven to here, an area that would compare, except that it is not a marine park?

Mr PETERLIN: I think that is St Georges Basin. St Georges Basis is not actually part of the park, but it has had a total buyout of fishing licences. That place has just taken off.

The Hon. RICK COLLESS: When were commercial operators removed from there?

Mr PETERLIN: That was only fairly recently. That was only a few years ago, I think.

Mr IAN COHEN: Would it be eight years ago now?

CHAIR: It would be about eight years ago. They were all created at the same time, in 2002.

Mr PETERLIN: I know that at the time there was discussion. The talk was that the marine park was the impetus for that. That is another bee in my bonnet. I have mates that I fish with, and they are negative on marine parks. What they do not understand is that most of Jervis Bay Marine Park is a fishing haven. Habitat protection zones are fundamentally fishing havens.

CHAIR: Recreational fishing havens were brought in well before marine parks.

Mr IAN COHEN: But you are saying that the function of the habitat protection zone is doing exactly the same as what a fishing haven does.

Mr PETERLIN: Well, very similar. It is very close to a fishing haven. It is providing the same benefit where recreational fishers can go out and have a fish at the exclusion of—

CHAIR: But there are no commercial fishermen.

Mr PETERLIN: That is right, yes.

Mr IAN COHEN: It is interesting that that point is made. I think it has been overlooked. Why are we seeing a pretty consistent outcry from recreational fishers, and why not other users of these facilities? Are they just a bunch of whingers?

Mr PETERLIN: The same reason that I am going there. I initially had real concerns about the Jervis Bay Marine Park. I thought I was not going to be able to fish anymore. I had the same fears as everybody is.

Mr IAN COHEN: Where did that come from? Was it coming from, dare I say, certain sectors of the industry, or was it just a natural fear that fishers have?

Mr PETERLIN: I think it is natural.

Mr IAN COHEN: There was no campaign, or vested interests?

Mr PETERLIN: I do not think anyone has ever invented a law to give you additional rights that you already have. Laws only ever come in to take away rights.

The Hon. RICK COLLESS: True.

Mr PETERLIN: They only stop you from doing something.

Mr IAN COHEN: They do improve things in certain parts of the world.

CHAIR: Apart from the Game and Feral Animal Control Act, of course.

Mr PETERLIN: When they free people, they stop other people from taking away something from that person. They do not really give that person anything more. With no laws, there are no restrictions.

Mr IAN COHEN: Yes, but the restriction is that you get a decimated resource and no-one gets much fish if you do not have some regulation.

Mr PETERLIN: Absolutely. I could not agree more, but that is the fundamental and innate fear that people have.

Mr IAN COHEN: You are just saying that it is basically fear that has driven it—a fear of loss of their fishing spots and their freedom to fish.

Mr PETERLIN: And if you get a whole lot of scared people in the same room, the next thing you know it becomes fact. All their fears become a reality in their own mind.

Mr IAN COHEN: It is like a tall fishing story type of thing.

Mr IAN COHEN: Human activities are causing gridlock in the area both onshore and in the water.

Mr PETERLIN: Yes.

Mr IAN COHEN: Do you see that planning can resolve that? Again, that means more laws, but is it a planning issue? Are there ways that you can see forward, given that it is obvious that a lot of these places are now going to be loved to death, potentially?

Mr PETERLIN: I think that is a problem. I think it is going to be unavoidable. I think it is an unanticipated consequence of the marine park. I certainly did not expect it. I honestly thought it would keep people away. That is the one thing I thought at the time: It is going to be great. It will keep the fishos away because they are not going to be happy about it, but it has done exactly the opposite. It is bringing people in. For the life of me, I do not have a solution. I know that if we had some money to invest in boating facilities, that would make life a lot easier for us, particularly for the locals who are finding it more and more difficult to use our own boats in what we consider our own backyard. But that is only going to make it easier for more people to come down.

Mr IAN COHEN: How often is that? What are we talking about in real terms? If that is a complaint, how many days a year are we dealing with that circumstance?

Mr PETERLIN: I know that, speaking for myself—and I probably have about two dozen friends or a dozen and a half friends who own boats—almost all of avoid using our boats at Easter and in the six-week period over Christmas.

Mr IAN COHEN: The whole six-week period over Christmas?

Mr PETERLIN: Pretty much, yes.

Mr IAN COHEN: There has been a lot of discussion. To a degree you have equated general purpose zones et cetera to a recreational fishing zone.

CHAIR: I think he said habitat protection zones.

Mr IAN COHEN: You equated habitat protection zones with recreational fishing zones. Do the sanctuary zones work? Do you think there is a production and spillover factor happening through sanctuary zones?

Mr PETERLIN: I do. I know that where I used to be able to go out for lobsters along the Hyams Beach sanctuary zone—

Mr IAN COHEN: You described that in your summing up.

Mr PETERLIN: Yes. There are a lot more crays there now.

Mr IAN COHEN: You are saying that you have lost access to lobster?

Mr PETERLIN: That is right.

Mr IAN COHEN: Could you explain why?

Mr PETERLIN: That whole stretch of coastline, that series of interconnecting reefs—

CHAIR: I am sorry, where are we talking about?

Mr PETERLIN: We are talking about Hyams Beach—the reefs between Blenheim Beach and Greenfield Beach.

Mr IAN COHEN: That has a habitat protection zone just on the shore.

Mr PETERLIN: You cannot spear or dive. You can fish from the shore, but you cannot spear or dive from the shore.

The Hon. CHRISTINE ROBERTSON: That is what they were talking about earlier.

The Hon. LYNDA VOLTZ: That is so that they can allow the fish to breed.

Mr PETERLIN: Yes.

Mr IAN COHEN: So it is purely just line fishing?

Mr PETERLIN: Yes. That is not where the lobsters are, anyway. The lobsters are more up around Greenfield Beach and Blenheim Beach, along those reefs there.

Mr IAN COHEN: Whereabouts?

Mr PETERLIN: Just north of that pink zone, Blenheim Beach and Greenfield Beach.

Mr IAN COHEN: And that is in the sanctuary zone. You have lost that sanctuary zone.

Mr PETERLIN: Yes.

Mr IAN COHEN: Are they working? Is there spillover?

Mr PETERLIN: We are now catching more lobsters at Plantation Point, which is just north of that.

Mr IAN COHEN: Perhaps we should not be putting this on the record: I do not know. In other words you are saying that at Greenfield Beach and Blenheim Beach, there is a spillover to Plantation Point. Well, that is healthy.

Mr PETERLIN: Yes. It is healthy, absolutely.

Mr IAN COHEN: It is actually generating a quality lobster resource that you can actually access.

Mr PETERLIN: I used to be the only guy diving it, and only last Saturday I saw three other guys going in, diving for lobsters there.

Mr IAN COHEN: Is that an area that would produce lobster, or are we seeing a movement of them?

Mr PETERLIN: I used to see them there, but only in ones and twos, and now there are normal clutches of crays that you see in a hole—half a dozen.

Mr IAN COHEN: You are now seeing a whole that is full of lobsters.

Mr PETERLIN: Yes. They are seasonal, of course.

Mr IAN COHEN: That is interesting. But back to the question: do the sanctuary zones work, in your opinion, given that you are a regular user?

Mr PETERLIN: In my opinion, yes.

Mr IAN COHEN: Do you see glaringly inappropriate zones that you can pinpoint in this marine park, of which you obviously have an intimate knowledge? You can take that question on notice if you like, and perhaps get back to us in detail after you pore over the maps in the interim.

Mr PETERLIN: I actually do not have any major issues with any of these zones.

Mr IAN COHEN: Do you think that they are applying a reasonable conservation principle, and the balance is reasonably intact? There might be some finetuning, but there is nothing glaring? You are not sitting there and saying, "Listen, we have completely missed up putting a sanctuary zone in the wrong place", or something like that?

Mr PETERLIN: No. I do not think there is any of that at all. I know that there is a lot of argument. A lot of the divers are saying that there is not enough protection, and all the fishos are saying that there is too much. I mean you have both sides basically arguing the same thing.

Mr IAN COHEN: Divers as in recreational scuba divers, and observation divers enjoying the environment?

Mr PETERLIN: Yes.

Mr IAN COHEN: When you were asked, you agreed that there needs to be regular upgrading and checking of the state of the marine park as a general, ongoing rollover concept every five or eight years, whatever it might be, with appropriate scientific research.

Mr PETERLIN: Yes.

Mr IAN COHEN: Do you see any areas that could do with a wind-back in levels of protection?

Mr PETERLIN: No. If anything, I think that the park boundaries need to be expanded.

The Hon. RICK COLLESS: As a sanctuary zone?

Mr PETERLIN: One thing that is not in the park, and that I think is really significant—something that is absolutely unique on the entire east coast of Australia—is what is called the Sir John Young banks.

Mr IAN COHEN: Whereabouts is that?

Mr PETERLIN: That is not even on this map.

Mr IAN COHEN: It is offshore, is it?

Mr PETERLIN: It starts about three kilometres north-east of Beecroft Head, off Currarong.

CHAIR: It is in Commonwealth waters.

The Hon. RICK COLLESS: No.

Mr PETERLIN: Is it?

CHAIR: If it is outside three nautical miles, it would be.

The Hon. LYNDA VOLTZ: No, it is three kilometres.

Mr IAN COHEN: Whereabouts is it exactly?

Mr PETERLIN: It starts about three kilometres north-east of Beecroft Head.

Mr IAN COHEN: I see.

Mr PETERLIN: It starts just out here.

Mr IAN COHEN: It is an offshore area?

Mr PETERLIN: Yes.

CHAIR: It is an underwater seamount.

Mr PETERLIN: It comes up to within about 60 feet of the surface from about 400 feet.

Mr IAN COHEN: Does it have any protection at this point?

Mr PETERLIN: No protection whatsoever.

Mr IAN COHEN: Is it heavily fished at this point?

Mr PETERLIN: Very. It is a very popular game fishing spot.

Mr IAN COHEN: It is a big game fishing spot?

Mr PETERLIN: Very. There are huge congregations of grey nurse sharks out there and massive colonies of giant cuttlefish. It is just unique. I have never been out there and not seen lots of dolphins and sharks.

Mr IAN COHEN: You have dived out there?

Mr PETERLIN: I have dived out there, yes.

Mr IAN COHEN: Are you a scuba diver?

Mr PETERLIN: I used to be up until very recently, a few years ago.

Mr IAN COHEN: You blew an ear out or something did you?

Mr PETERLIN: No. I have other priorities in life.

Mr IAN COHEN: Would there be much opposition to creating some sort of sanctuary zone in that area?

Mr PETERLIN: A sanctuary zone? It depends where you put it. If you put it out on the peaks, yes, there would be large opposition. It is a spectacular fishing place. A lot of people would be reluctant to lose that.

The Hon. CHRISTINE ROBERTSON: How many professionals use it?

Mr PETERLIN: I do not know if professionals use it. It is subject to very strong currents, so much so that I have seen the water vertically erupt three, four or six feet above the surface. It is just white water that shoots up as the water hit those seamounts and comes up with the currents. It gets very, very wild.

The Hon. RICK COLLESS: What do you call that?

Mr PETERLIN: We call it the banks.

The Hon. LYNDA VOLTZ: What about a protection zone as opposed to a sanctuary zone?

Mr PETERLIN: I think that would be perfectly suitable and appropriate for that.

The Hon. LYNDA VOLTZ: Because then they can still fish.

Mr PETERLIN: That is right.

Mr IAN COHEN: Recreational fishing could continue?

Mr PETERLIN: Yes. It is a unique fishing spot because those currents push small fish up to the surface from very, very deep down, and it brings a lot of pelagics in, a lot of big fish.

Mr IAN COHEN: Thank you for your very clear answers, which are much appreciated. Do you see any argument for the winding-back of protection?

Mr PETERLIN: No. An argument for winding-back of protection in Jervis Bay?

Mr IAN COHEN: Yes.

Mr PETERLIN: No. I see no reason to wind back any protection in Jervis Bay at all.

CHAIR: I will clarify a few points for my own edification.

Mr PETERLIN: Certainly.

CHAIR: Do you saltwater fly fish, or drift fish, or anything like that?

Mr PETERLIN: I drift where I can because where I like to fish is very snaggy and I lose a lot of anchors.

CHAIR: In relation to that area we were discussing, with the overspill of the crays, what other species overspill off that sanctuary zone?

Mr PETERLIN: In the past four or five years, I have seen a lot of salmon and kingfish—salmon on the northern point of Plantation Point in about 35 or 30 foot of water, and kingfish further out around that isolated danger marker.

CHAIR: Do you think that is because of increased baitfish, perhaps?

Mr PETERLIN: Yes.

CHAIR: Because kingfish and salmon are—

Mr PETERLIN: Kingfish and salmon are after the baitfish. I am also seeing more tailor in here now along Hyams Beach as well.

CHAIR: Whereas the crayfish are sedentary creatures. They live in their areas.

Mr PETERLIN: That is right.

CHAIR: One of the criticisms by recreational fishermen of sanctuary zones is that, yes, because most of them are on the reef areas they do protect those sedentary species, like lobster, but they do not really have any effect on the pelagics, for example.

Mr PETERLIN: Yes. I used to spear for snapper off Hyams Beach. It used to be renowned for some of the best snapper grounds in Jervis Bay, and we are only talking about 5 to 10 feet of water.

CHAIR: Around near Wreck Bay?

Mr PETERLIN: No, off Hyams Beach boat ramp. You cannot do that anymore, but you can still fish within 100 metres. You never used to be able to catch snapper or reddie within that 100 metres. Now you can.

CHAIR: What is the catch of grey nurse sharks from the banks every year, of which you are aware?

Mr PETERLIN: At the grey nurse sharks site?

CHAIR: How many grey nurse sharks are killed on the banks?

Mr PETERLIN: I would not have a clue. I would not even know if there are any killed on the banks.

CHAIR: Most of the fishing out there was game fishing?

Mr HARDING: That is right.

CHAIR: Are they fishing purely for pelagics?

Mr PETERLIN: Yes. I do not think anyone bottom fishes out there. The currents often are too strong to bottom bash.

CHAIR: It is probably no good for gemfish fishing down deep because the currents would be too strong?

Mr PETERLIN: No, it would be too snaggy. I have dived out there and the bottom is just riddled with anchors, and the anchor lines whip around the current all full of hooks.

CHAIR: It would be an excellent fishery for a game fishing catch and release type of fishery?

Mr PETERLIN: Yes, absolutely. I agree.

CHAIR: It is probably not suitable for trawl or longline because of the currents and the other things?

Mr PETERLIN: I never cease to be impressed at the ability of pros to be able to put their nets so close to what I would consider snags and still be able to pull up fish without losing nets.

CHAIR: You mentioned that you were here during the first consultation phase and then the development of the marine park?

Mr PETERLIN: Yes.

CHAIR: You said that at that time you and a lot of your colleagues held fears about what was happening?

Mr PETERLIN: Yes. At that time I was also an active member in the Jervis Bay Divers Club. I was sort of taking it from both sides of the fence because the divers are very pro-marine park and the fishos were really worried about how it was going to affect them.

CHAIR: Can you offer any advice to give the Committee and the Marine Parks Authority on how further consultation should be undertaken, or how it should be done differently, that perhaps would allay those fears?

Mr PETERLIN: I think it has been handled very well to date. Tanya Adami, who was the girl who drew the first draft of the marine park zoning policy and died in a car accident before it came to fruition, unfortunately, was a friend of mine. That is how I got involved in the initial drafting of the zoning policy. That is how I got interested in it.

CHAIR: A friend of yours was involved in the process from the Government's point of view?

Mr PETERLIN: Yes.

CHAIR: Yet you still had fears?

Mr PETERLIN: Yes. I fish, I dive and I spear and I thought I was going to lose the ability to do that. To some extent I have, but as I said in my submission, other opportunities have arisen. I am now spearing in places that I would not have bothered spearing 10 years ago.

CHAIR: This marine park took roughly three times the time to get through all that process, as did Port Stephens and Batemans Bay.

Mr PETERLIN: Jervis Bay was one of the first though, was it not?

CHAIR: That is right. It took from 1998 to 2002, four years, to get through the process.

Mr PETERLIN: It did take a long time.

CHAIR: Do you believe the consultation and putting this marine park together was good practice, given that it took so long and there was so much consultation?

Mr PETERLIN: Yes. Certainly, I tried to get involved in the consultation process for Batemans Marine Park. I feel that that was rushed. I think that could have been done better and the science could have been done better with Batemans. I have not seen too much of the other marine parks, but from what I have seen I think Jervis Bay stands out as a model.

CHAIR: Anecdotally, I would have to say that most angst seems to be about Port Stephens and Batemans Bay, then perhaps Solitary Islands and last of all Jervis Bay. That would tend to suggest that anglers in this region today have a lower dissatisfaction level than in those other areas?

Mr PETERLIN: I am certain that is the case. Jervis Bay Marine Park has been around a lot longer. Local fishermen have been fishing it long enough to know that this really has not hurt us. The other guys who have just had it come in think they have lost their backyard. They are going through what we went through 10 years ago. In 10 years' time they will soften up and they will think, "Hang on a second, this is basically one big marine sanctuary now. Things aren't so bad." In the Minister's media report he said that Solitary Islands, the one up north, has 87 support from the local community, Jervis Bay has 82 per cent support from the local community. How do you argue that?

CHAIR: You do if fishermen are saying, "We would like to see the survey questions" et cetera. Surveys probably are useful.

The Hon. CHRISTINE ROBERTSON: Sydney people did not agree with what you are saying now.

CHAIR: What I am trying to find out is whether Mr Peterlin agrees that this marine park has a reasonably high level of acceptance now?

The Hon. CHRISTINE ROBERTSON: Of course, the issue about the concentration on recreational fishing comes from our terms of reference. Interestingly, throughout the information we have received many witnesses put forward issues relating to management of fisheries and the marine environment rather than just generally ensuring that recreational fishing can continue. Will that sort of emphasis cover your issue of not addressing the tourism issue, although we do not have tourism information?

Mr PETERLIN: I am not sure I grasp your question.

The Hon. CHRISTINE ROBERTSON: Our terms of reference do talk about recreational fishing, but many recreational fishing groups are talking to us about its entirety and are saying not to put this piece separately, but you have raised yet another social issue about the industry base that is supported by a healthy marine environment.

Mr PETERLIN: Well that is the bottom line.

The Hon. CHRISTINE ROBERTSON: Will an emphasis on that sort of issue actually pick up your issue about other social issues?

Mr PETERLIN: No, I do not believe it will.

The Hon. CHRISTINE ROBERTSON: You do not?

Mr PETERLIN: No. You can do all the science and protect 12.3 per cent of all your reef structure, your tidal reefs et cetera, but the bottom line is that fishermen are going to fish in the best fishing spots after sanctuary zones are implemented. They are going to fish where they are left to fish. In the case of Jervis Bay, I

am hoping that the improvements I am seeing will continue and more good fishing spots will continue to open up over time. If they do not, then it is going to get very difficult to fish here given what I anticipate is an ongoing trend of increasing numbers of people coming down here to fish. It will get to the point where it is going to be bumper-to-bumper boats, throwing lines over the top of other boats. There is not going to be any room to do it.

CHAIR: Let us say, for example, that the habitat protection zone overnight was magically turned into good fishing spread out all over the place by, for example, the insertion of artificial reefs. That would reduce the pressure on the current best fishing spots, but also could have the effect of increasing yet again the traffic?

Mr PETERLIN: That is right.

CHAIR: What would you feel about a proposition to use the habitat protection zone as a recreational fishing haven?

Mr PETERLIN: My only concern with artificial restructures is whether they actually provide permanent habitat or draw fish out from the sanctuary zones that are protective habitat, which makes them a target. Are they producing more fish or are they just making the fish that are there easier to catch.

The Hon. RICK COLLESS: Will those other areas not then rehabilitate?

CHAIR: Is that a question that should be asked of the marine parks?

Mr PETERLIN: That is a question that probably should not be asked of me. In some sanctuary zones, yes, I feel that would be the case, but in other sanctuary zones that are more isolated and have too much exposure, that is, the actual volume of territory that is covered as a ratio to the boundary around that area, if that ratio is too low, that is, too much boundary per area that is actually protected, the effectiveness of that zone is diminished and weakens it if it is not linked with another sanctuary zone of a similar type close by. Groper Coast is isolated; it is out there on its own. If you start drawing anything out of there, it will not repopulate.

Mr IAN COHEN: Where is Groper Coast?

CHAIR: Inside the bay?

Mr PETERLIN: Yes. They call it Groper Coast for a reason: there are groper there. To give you an idea, groper are territorial. Blue groper are male, brown groper are female. There is only one blue groper in a given territory. He is the male. When he dies or gets removed, the biggest female will change its sex and that will be the dominant male. Years ago we used to see blue groper two and three feet long. Now we are seeing blue groper this size. We are not seeing big blue groper anymore. The big blues are being removed.

CHAIR: Do you know why?

The Hon. CHRISTINE ROBERTSON: Thieves?

Mr PETERLIN: They are not being speared, I hope, because that is illegal. I can only assume they are being removed by fishos. Blue groper is one species that I will not fish for because they are such a long-living species and they are a docile territorial fish.

CHAIR: We could ask the Department of Environment, Climate Change and Water or the Marine Parks Authority why that particular sanctuary zone was designed that way. There probably will be a good scientific reason.

Mr PETERLIN: It did not extend further north because they did not want to impinge on the fishermen because there is a lot fishing activity around Honeymoon Bay. They did not want to bring it further around to link it up with the docks round south around Dart Point and Longnose Point because that is a really good fishing spot for a number of species, snapper in particular. Straight off Dart Point immediately on the very border of the southern end of Groper Coast Sanctuary Zone is where they are catching the big snapper.

CHAIR: The Jervis Bay Marine Park rezoning plan will undergo a three-month review phase. Do you feel three months is long enough?

Mr PETERLIN: Yes, I think three months is ample, given what was involved already in the process to date. We have all had our say. I had my say six months ago. I put in a 15- to 20-page submission ages ago. We are all waiting for it. Everyone is keen.

CHAIR: Do you know if your concerns were addressed in the review?

Mr PETERLIN: I spoke to a friend who has connections. I was told that I should be happy. They would not tell me what went through and what did not, but they told me that I should be very happy about it.

CHAIR: I take it that you will grab hold of that document once it is made public and have a good look?

Mr PETERLIN: I have already emailed Marine Parks and I am on the distribution list for that.

The Hon. LYNDA VOLTZ: Do you think that because people believe sanctuary zones and some of these marine parks prohibit their ability to fish actually also in some way discourages people from coming here, which in turn deals with the overcrowding of the area?

Mr PETERLIN: I wish it would discourage more. No doubt people out there think that a marine park means they cannot fish. I have no doubt a lot of people out there believe that.

CHAIR: You believe that is good?

Mr PETERLIN: I think that is great for me, personally, because if they woke up to the fact that all of a sudden we are now catching flathead at spot X where we never used to and bream at all those other places where we never used to, things would be a lot more hectic for me.

The Hon. LYNDA VOLTZ: Is it true also that people have access to a lot more wealth than they had in the past and that there probably is a proliferation of boating?

Mr PETERLIN: Yes. When I bought my boat five years ago, it was one of the nicest boats in the bay. Now it is just run of the mill. Everyone has got one, in the short space of five years.

CHAIR: I can say on behalf of the Committee that it has been interesting to hear from you. We will take on board your concerns about the narrowness of the terms of reference. However, as I said, we will probably be getting representation and submissions from a fairly broad range of people with a fairly broad range of views. We will try to inform ourselves as much as possible. Along with any questions you took on notice during your evidence would you agree to receive additional written questions that Committee members may not have had the opportunity to ask you?

Mr PETERLIN: Absolutely. Any time.

CHAIR: Could you return your answers to those questions within 21 days of receiving the questions?

Mr PETERLIN: I can do that.

CHAIR: Thank you for your evidence. We appreciate it.

Mr PETERLIN: Thank you for your time.

(The witness withdrew)

MATTHEW JAMES CROSS, Manager, Dolphin Watch Cruises, Jervis Bay, 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 the request. If you do take any questions on notice today, the Committee would appreciate it if responses to those questions could be returned to the Committee secretariat within 21 days of the date the questions are forwarded to you. Would you like to make a brief opening statement?

Mr CROSS: Thank you for the opportunity to be here. I was not briefed on the objectives of today and I could not help myself overhearing and I felt urged to make comment. I feel honoured to represent Jervis Bay commercially, recreationally and previously as a holiday user of Jervis Bay.

CHAIR: You may have heard in the evidence just previously given that the witness was bemoaning the fact that there were not more people who represented other than recreational fishing interests giving evidence. So the questions will be ad hoc tonight.

The Hon. RICK COLLESS: Thank you for your hospitality today. It was an interesting trip. Could you perhaps start by telling us how your business has reacted to the park over the past few years and what you see as the future?

Mr CROSS: Thank you very much for the opportunity to make comment. I manage a business, Dolphin Watch Cruises, That has been part of Jervis Bay for 20 years and I have managed it for the past five years, which is obviously after the marine park came into fruition. I mentioned today that our business has always led the forefront of environmental tourism and ecotourism prior to Jervis Bay becoming a marine park. I think that was the passion and belief of the person who founded the business that Jervis Bay was truly a unique area. He was a diving enthusiast initially and he quickly worked out that the logistics of diving are far more difficult than showing people dolphins.

In the five years I have managed Jervis Bay the business was typically a domestic business. The South Coast of New South Wales is well known as a backyard for domestic tourism, particularly in western Sydney and in Canberra. I quickly realised that Jervis Bay is a great asset. The fact is—true story—the park manager at the time, my biggest concern about dolphin watch cruises is the name of the business and the fact that it is a marine park, if a licence was given to another operator, could that other operator jeopardise my licence by his bad behaviour? That is how passionate I was about having a marine park to sell when I go and challenge the international, worldwide, why go south, why go to Port Stephens, why not come to Jervis Bay? Jervis Bay Marine Park is the biggest asset of the company. Quickly people are realising that things are far more valuable alive than dead. People are sick of going to museums and zoos, and the experience or the opportunity I had to show people of New South Wales, Australia—the world—a dolphin, whale, seal, penguin experience 2½ hours south of Australia's biggest gateway, is a fantastic opportunity. So, the marine park itself is my biggest asset—sorry, the licence I have to operate in the marine park is my biggest asset.

Mr IAN COHEN: Can you describe for the Committee, you touched on it with the work you do, but other values of the bay that had not been so apparent? You talked about fishing values. You talked about dolphins or tourism potential, but what other values that have not come up that we as a Committee should appreciate?

Mr CROSS: I think when I met you all today I gave my experience as someone whose family used to travel north to the Central Coast and a bit further on holidays, and we discovered south. The reason why people come south is its stability. Jervis Bay is surrounded by New South Wales national parks, very little urban development and now it has a marine park status as well. Part of my commentary and my belief is that it is nice that someone is out there protecting my place of holiday destination, which is now my home, the reason I moved to the area and the reason why hundreds of thousands—probably millions—of people come to the region, because of its pristine beauty. So, is there one unique thing or is it a mix of all these things that is unique? I can highlight individual, unique parts of Jervis Bay over and above dolphin watching, if that is what you wish me to do.

Mr IAN COHEN: I was wondering whether there is any unique aspect quite apart from recreational fishing? You mentioned, obviously, the dolphin and whale watching?

Mr CROSS: Through my tourism business, the business being there for 20 years, we offer a big service to the community, and that is information about the area. I simply say ask us because we have been here for 20 years, we know it all, which is not true, but to find out what the tourists want to do and, simply, where is the best snorkelling in Jervis Bay, I ask always do you need to go on a boat to go snorkelling in Jervis Bay or do you need to go on a dive boat? There are some unique areas of commercial diving in Jervis Bay, Bowen Island nursery, some of the shark zones. There is a plane wreck in Jervis Bay, there are some unique characteristics. I simply say to people, put on a snorkel and mask and walk off any of the beaches, turn left or right off any of the beaches and you will come across rocky habitat and you will see a lot of fish.

You cannot do that in Sydney. You cannot do it in Canberra, certainly, but you cannot do it in many urban places. There are lots of places up and down the coast where you will not see wildlife in any rock pool. You walk around the rock pools of Jervis Bay and you will see wildlife. That in itself is fairly unique.

Mr IAN COHEN: So the difference, a good example is the Great Barrier Reef and up my way, Julian Rocks, there are some immature reefs, but the big feature here, you are saying, is people stay on budget, They do not have to hire your boat and go out for the day, they can access a lot of different environments from the shore, so you have land-based tourism?

Mr CROSS: Yes, that is right. I mentioned today on board *Discover* that people often say, "I swam with the dolphins today," and I am quick to highlight that the dolphins swam past you while you were swimming in the breakers of any one of the beaches of Jervis Bay. But that is the experience that Jervis Bay offers, you do not need to be in the middle of the bay, you can see from the shoreline and you can see it from above and below.

Mr IAN COHEN: I ask you to resist some overall protection. In terms of the structure of the marine park at this point in time are there any glaring examples that you can suggest in terms of appropriate zones or change of zoning that would fit better with a conservation and tourist access ethic?

Mr CROSS: I am very happy to answer that. If it was a yes or no answer, my answer would be no. I think all the sanctuary zones highlight unique features of Jervis Bay, and when you simply look at 20 per cent versus 80 per cent, I think the Marine Park Authority has been quite careful in its selection on different habitat that that it has selected for sanctuary zones. I should have volunteered initially that I have been part of the Marine Park Advisory Committee and I was not part of the initial advisory committee that put the marine park together. Through my business, whether I am on the boat or in the office, I watch my staff walk in every day and they say, " You should have seen what we saw today. This was amazing, thank you for my job." I know better technology is available now and I should also highlight that I am not talking on behalf of the advisory committee tonight. I know there is better technology out there and there are a couple of questions about one particular sanctuary zone, should it be flipped over or not? But, in general, the sanctuary zones represent different areas and unique parts of Jervis Bay, and it leaves 80 per cent open for general public use.

Mr IAN COHEN: Is there anything, metaphorically, under the surface that we should be looking at protecting?

Mr CROSS: Additionally to what is already protected?

Mr IAN COHEN: Yes.

Mr CROSS: Not that I know of. Nothing that I could think of.

Mr IAN COHEN: So you think there is representative protection?

Mr CROSS: I think there is a very good balance and most of the sanctuary zones, there are a couple there that probably overlap a little, but very little. Most of them are unique, protecting unique features of the marine park.

CHAIR: The National Parks Association and the Nature Conservation Council and some other green groups, are calling for percentage closed areas—in other words, sanctuary zones of 30 per cent and 50 per cent. This particular marine park has 20 per cent of its area closed and, as you say, apart from some adjustments as a result of new technology, you think that the 20 per cent probably does give a good representative cross-section

of the need to protect the areas. So, what would you say then about calls to lock up more of the marine parks? Do you think that is a positive thing in the community or do you think it might lead to more dissension and fear and anger and those sorts of issues?

Mr CROSS: I have no doubt it would cause an uproar. It is interesting that in the review—and I was part of a review as a public resident of Jervis Bay and I was also part of the review as a commercial user of the bay, and I will speak as a resident in this case—my understanding is that 80 per cent or 90 per cent of the residents in the area love the marine park and are very happy with the sanctuary zones. I personally recreationally fish in Jervis Bay and I have never caught so many fish. I will not tell you, like the other gentlemen did, where the places are. I believe again, from what I hear and see in my business, the place is just thriving. I am always on the phone telling people how great it is and what I saw today and what I caught today.

It is amazing. Could we have 30 per cent? I do not know. It appears initially through the first five-year period and now this period coming up for the next 10 years, it is only very early stages. I go back to the business. A lot of people in our business make the comment you cannot teach in a marine park. I say you can fish in a marine park. In Jervis Bay you can fish in over 100 square kilometres of marine park. It is really a misunderstanding by the people about why sanctuary zones are in place, what is unique about each sanctuary zone and the benefits of sanctuary zones. I truly believe that there is no need to grab 30, 40 or 50 per cent. I think a lot of thought has gone into the marine park planning in highlighting unique assets of the marine park and protecting them as such.

CHAIR: When we were with you earlier today, you mentioned that there was only anecdotal evidence that the scallop fishery had started to recover, and there were areas now in the habitat protection zones that were seeing a recurrence of scallop. Was that you?

Mr CROSS: That was me, and it was an observation by a friend of mine who is a tourist, who lives in Sydney, and who comes down and says, "Guess what I found?"

CHAIR: Is there anything that would need to be done over and above what is there now to protect, for example, that particular fishery, or group of species?

Mr CROSS: It is not publicly known, hopefully, and certainly there is no commercial trawling. I have never scalloped in my life. Is it 30 or is it 20 or 50 scallops that you are allowed?

CHAIR: The only way you can use by, I guess, either diving or trawling. If trawling is not allowed—

Mr CROSS: Is recreational diving a threat to a new scallop zone?

The Hon. RICK COLLESS: You would not be allowed to take them with a scuba tank, I would not think.

CHAIR: No. What is the average depth did you say over the bay?

Mr CROSS: My understanding is that the average depth is about 17 metres.

CHAIR: It is probably right where a skindiver could dive. Do you think that the Marine Parks Authority should have a little look at that particular aspect?

Mr CROSS: I did not see it myself. As I said, it was reported by a friend of mine who has a holiday house here and who comes down here regularly. His comments were that they were in juveniles, and certainly they did not take them. Whether word got around and they got slaughtered again, I do not really know. It is interesting—I moved here in 2002, at the same time that the marine park came into play. I did make comment today that I did remember looking out on the bay on the eve of the marine park gazettal, or the day it came into place and you could almost walk on the boats flogging the place. I hope we do not make that mistake again.

The Hon. LYNDA VOLTZ: Since the marine park has been established, what increases have you seen in dolphin numbers and perhaps whale visitations and fish stocking species—obviously scallops, but any other species that you may have seen in larger numbers than previously?

Mr CROSS: Actually, do not quote me on it, but I understand that there is an endangered black cod. This is one that your question raised. I said today I am fortunate enough to live very close to the water and have three children who love fishing. I am quite confident, and I have sent photos of the fish to the Marine Parks, of endangered black cod juveniles being caught regularly in a particular area. I have been fortunate enough to realise it and let them all go and educate my children. My children's school had an end-of-school activity; they all caught black cod and they all let them go because my sons recognised what they were and said, "You can't take them." That is one species that I know. My understanding is that they grow to a metre and a half to two metres long. The question that I raised with the Marine Parks is: are these territorial fish, or are these young that have swum from miles and miles away? I do not really know. That is something I have seen.

As far as dolphin numbers go, the business has been operating for 20 years. We did do a study with the Macquarie University, which recorded via digital imagery their dorsal fins. It identified over a two-year period 104 different dolphins. I was led to believe that there was a resident population of about 50 to 70 dolphins. In my commentary I say that 60 to 70 dolphins are residents in the bay. Statistically I showed the people here tonight the clear overlays of typically where we see the dolphins all year round. I know for a fact that the groups of dolphins we see, the family groups, tend to be larger groups in, say February, versus November. One could argue they are the males from the open ocean coming into the bay to interact with the females.

I am certainly not a scientist. It is my observation that there are different times of the year when there are certainly more dolphins present than others. It is interesting too, and I have made this known to the Marine Parks Authority, that Dolphin Watch itself is revisiting that study of the dolphins. We are doing it ourselves. The dolphin study was done prior to my time, so imagine the new digital photography equipment that is available to take digital images of dorsal fins that is available today versus what was available seven years ago. It is chalk and cheese.

The person who has taken it on within Dolphin Watch believes is certainly not a scientist but she has pretty good images. She has more than 80 images she has captured in about a six-weeks period. I have been speaking to Macquarie University about these images, and they want us to categorise them into area. It appears there are more dolphins. I am not a scientist. I am pretty passionate about my job. I take a great interest in what we hear and see, so I cannot answer from a scientific point of view; but certainly the feeling is that there are a lot more dolphins.

In relation to whales, we took over a business that was 15 years old. Whale watching was not a big part of the business. Whale watching now basically balances with the summer months. Whale watching goes for five and a half months in Jervis Bay. I think it is in a unique location. Geographically it is about halfway between Antarctica and the temperate waters of Queensland. Jervis Bay geographically sticks out like a barnacle on the east coast of Australia. The whales tend to be, on their northern migration, very, very close to our shoreline. That is unique as compared to Sydney, where they sometimes go 5 to 10 kilometres offshore. So we see a hell of a lot of whales on their northern migration.

You can walk into my office on any day and look at the manifest of the cruises dating back 20 years. We used to do whale watching from about the middle of June. We used to stop at the end of July, have all of August off and wait for the whales to come back, and start again in September and finished in mid November. We are now going to start whale watching on 8 May. I heard reports today of whales off the Central Coast of New South Wales. We picked 8 May not on any roll of the dice but because it is the same date that we started last year. People want to see the whales. Last year we stopped the whale watching on 30 November. We did not have one day when we were not out there looking for whales. We certainly had days when we missed the whales, but that is not because there were no whales there.

The whale season is incredible. There is a very special part of the whale season in Jervis Bay. It is unique. Many people travel to Hervey Bay to watch the whales frolic in Hervey Bay. I have never been to Hervey Bay. I imagine it is very similar to Jervis Bay. They go to Hervey Bay to watch the humpbacks give birth to their calves. Jervis Bay is the only place in New South Wales where humpbacks in numbers deliberately turn right on their southern migration. They swim inside Jervis Bay, and it is common between the time of mid October to late November to see a minimum of 6 to 10. I am very comfortable with saying that. The record last year was 31 whales recorded on one cruise. When we say that, we say that with credibility. We do not go around and around in circles and log the same whales. It is often on these big days that we are forced to because of naval activity in the middle of the bay, and we literally circumnavigate the bay. It is pretty good information.

CHAIR: And these are whales with juveniles?

Mr CROSS: All humpbacks with calves. I am sorry, there could be some sub-adults and also, I think the terminology is, aunties.

CHAIR: Would you like to make a guess as to the single biggest factor in the increase, apart from the increase in the number of whales, as to why they come into Jervis Bay? Is it more fish, more feed?

Mr CROSS: We have recorded, and we do make note of all observations. I think I made clear our company's passion for recording the site as we see it. We record time-of-day depth and we also record pattern of behaviour. I get quite frustrated with the publicity Eden gets compared to Jervis Bay or that Hervey Bay gets compared to Jervis Bay. In fact if one whale swims in Sydney Harbour, it makes national headlines.

The Hon. RICK COLLESS: If two swim there, it makes bigger headlines.

Mr CROSS: The truth is that we regularly see whales lunge feeding in Jervis Bay. I have never them close to Huskisson in a sanctuary zone, but I have seen whales in the Huskisson Sanctuary Zone. In fact, just at the back of that island, it is quite deep on the eastern side of the island. There have been whales in the sanctuary zone there. I regularly see whales feeding towards the heads because in the winter times we get prolific bait balls rolling in from the Southern Ocean, or the Northern Ocean. I am not really sure where they come from.

CHAIR: You mentioned an island off Huskisson.

Mr CROSS: The rock island in the Huskisson Sanctuary Zone. I have seen whales as close as that. I think in the example that I showed the Committee today, there was a whale seen in six metres of water, seven metres from shore. That was just one I pulled off, so it is unique. The wildlife continues to blow me away. In fact, I was asking Marine Parks to name a seal colony after me last year. I thought it was seal colony No. 4 at Dart Point. My understanding is that seal's were congregating in the water at Dart Point, and that had never been seen before. We observed them there—I am going from memory now—over a month's period. I think the definition of haul-out is adults sitting out on the rocks.

CHAIR: Based on your best guess as an observer every day, not being a marine scientist, what do you think would be the major contributing factor to the increase in whales?

Mr CROSS: Food. The dolphins, everything feeds off the bay. My understanding is that in Jervis Bay the commercial fishing was predominately bait harvesting. On a day like today, if a westerly was not blowing with those glassy, calm conditions, you can walk on the bait balls on a given day across Jervis Bay.

CHAIR: So it is the cessation of bait fishing?

Mr CROSS: Yes. I think that is probably the biggest reason for the mix, and the birdlife and everything else that comes with it.

The Hon. LYNDA VOLTZ: In these protection zones, if you banned only commercial fishing and bait fishing, is there still a need to have sanctuary zones?

Mr CROSS: I highlighted before the uniqueness of each and every sanctuary zone. I am not claiming to be an expert on each and every sanctuary zone, but I have a basic understanding. That is to say that I do not embarrass myself when the public ask me on board the commercial vessel. I think the answer to that is no. I am sorry, could you put your question again?

The Hon. LYNDA VOLTZ: Do you mean yes; you do need sanctuary zones?

Mr CROSS: Yes, you do need sanctuary zones. They are all unique and different. The one used today, the one-week cruised around, was the Huskisson Sanctuary Zone. In my commentary to the public, I highlight Currumbene Creek as the biggest river, or imagine it as the artery. If the marine park is the heart, that is the lifeline that comes in and out of the bay and provides all the nutrients for the bait and so on and so forth, as well as the mudflats.

Mr IAN COHEN: In relation to Currumbene Creek, you highlighted today, and now on the record, the importance of that inlet.

Mr CROSS: Yes.

Mr IAN COHEN: It is a sanctuary zone in the upper reaches and a sanctuary zone on the mudflats, but it is habitat protection zone for what looks like the vast volume of it.

Mr CROSS: Yes.

Mr IAN COHEN: Then you have Carama Creek, which is coming into the Hare Bay Sanctuary Zone. That is all sanctuary zone along that creek.

Mr CARR: Yes.

Mr IAN COHEN: Why not have more sanctuary zone? Why is that not a sanctuary zone?

Mr CROSS: That is a good question, and I am going to answer it in different ways. I guess there are no residential dwellings in the Carama area. It is part of the Beecroft Peninsula that is controlled by the Navy, so there is zero there. My understanding is that marine parks are interactive places that want to encourage people to use marine parks.

Mr IAN COHEN: There is a local community.

Mr CROSS: There is a local community there that provides tourism and commercial access to the bay. The sanctuary zones in Currumbene Creek, the particular area there that I can see is mudflats and up further is salt marsh. I am sure we will understand the importance of the mudflats and the salt marsh and also mangroves as far as the nursery and the smaller end of the marine park as far as mammals or marine animals go. It is a balance between allowing people to use and access and protect.

The Hon. CHRISTINE ROBERTSON: Knowing that you know the bay like the back of your hand, it is a difficult question to ask you to think as though from afar, but what can you tell us about the identification markers for the marine parks, particularly the sanctuary zones? We have had a lot of information during the inquiry about the inadequacy of them. Do you have any ideas for improvement? How do you perceive them to be working at the moment?

Mr CROSS: I highlighted today on board the vessel that even on our GPS—it is a relatively new vessel and our GPS is certainly new; the card we bought is a typical what is called a south-east coast card—actually highlight the special marks that designate the boundaries of a sanctuary zone. I think we all agreed today that, with technology, the companies that provide these cards that go into the sounders could be such that they actually highlight the special marks that designate a sanctuary zone, why not shade in the sanctuary zones as well? I thought that was a very good comment that came out of today. I think it would make it so easy for the recreational and commercial users. There would be no excuses. I truly believe that the sanctuary zones are abused by a minority. Policing of those and accusing those must be a nightmare. But if the technology was such that it is either pink or yellow, and it is as simple as that, even if you did not know what the science said, there is no excuse. The GPS or sounding technology could be improved. I thought that was a very good comment today.

Visually, when you cruise across a marine park I would argue that most people visiting Jervis Bay know it is a marine park. They know it is something special. A lot of people do not drive down the highway and just end up in Jervis Bay; they have heard about Jervis Bay. Very few people enter the park and do not know they are entering something special. Anyone with a boat knows to look out for any markers. Green, red and black obviously are very important; yellow ones are known to be special markers. It is part of the knowledge of a general boat licence and basic entry in boating. We all know it is a special marker. Is it a special marker because there is a reef and you are going to run over the reef or is it a special marker because it is a sanctuary zone? One could argue that you could have red and white flashing lights or big totem poles in the bay, but it really does not go with the background of beautiful beaches and national parks. Rather than the visual, possibly the technology side should be improved.

The Hon. RICK COLLESS: As we go outside the heads, if I could use that expression, into the open ocean, this map says that essentially it is 1.5 kilometres from the coast, is that correct?

Mr CROSS: Yes. That is my general understanding. It is 1.5 miles.

The Hon. RICK COLLESS: That is 1.5 nautical miles. Is the legal boundary 1.5 nautical miles from the coast, which is a wiggly line following the coast, or is it that line on the map?

Mr CROSS: My understanding is that it is 1.5 miles from the coast.

The Hon. RICK COLLESS: That is easier to pick up from the GPS, as you know?

Mr CROSS: It is, yes. You can move your cursor on your GPS to find out how far it is to get home or whatever. There really is no excuse. On board today I did comment about my frustration. It is winter now but it should be noted that our business at this stage operates in the extremities of Jervis Bay. The main part of the business during summer time is within Jervis Bay. At this stage in wintertime with the northern migration of the whales and until they return to the bay, probably 90 per cent of our cruises are outside the bay. I mentioned before the prolific bait balls we see and I am talking about common dolphins of 300 or 500 plus. You have seals, gannets, terns, albatross and occasionally the whales all interacting.

Mr IAN COHEN: Is that 300 to 500 dolphins in a pod?

Mr CROSS: Yes, 300 to 500 common dolphins, as far as your eye can see some days. It is not every day, but it happens. Sometimes they all get together and it is just like turning on a David Attenborough or National Geographic program.

Mr IAN COHEN: Are they basically resident of the whole of Jervis Bay?

Mr CROSS: I am not an expert on the common dolphin, but my understanding is that they are a visitor. Of course, there is the oceanic bottlenose dolphin as opposed to the ones who live in Jervis Bay, the residents. If I could just highlight the frustration with that 1.5 miles: I understand the marine park is not about to move its boundaries, but so often on my GPS as a commercial operator I am checking the testing of the boundaries by commercial operators that are not from Jervis Bay. As we know, the bait ball is not stationary all the time and could so easily be hauled or captured, should that bait ball roll out. We are not here to talk about extending the marine park, are we?

CHAIR: If you want to.

The Hon. CHRISTINE ROBERTSON: During this inquiry we have heard a lot about the misinformation campaign about marine parks and aimed at recreational fishers. Have you any idea from where the misinformation campaign has come?

Mr CROSS: I have not heard a lot about it. As I said before, most people come to Jervis Bay because they like Jervis Bay.

The Hon. CHRISTINE ROBERTSON: So you have not been entangled in it?

Mr CROSS: No, I certainly have not been. I truly believe that the minority wreck it for the majority. I used an example today. If as a commercial operator I see a boat and a family fishing in a sanctuary zone, given what we are doing as a commercial operator—our vessel is like a moving classroom in that I might have 70 to 100 people on board—and if it is appropriate and conditions allow, I use it as an opportunity to pull alongside the vessel and say, "Are you having a nice day, sir?" "Yeah, we're great, we're catching fish. It's fantastic." I will simply say, "Are you aware that you are in a sanctuary zone" and in 90 per cent of the time most people are thankful and say, "Gee, I didn't know. I wasn't aware" or "Is that what that sign means" type of thing. It is the very few who do not understand and it is the very few who choose to test the boundaries. There are also the very few who just refuse to read and understand what it is all about.

If I could make a general comment, it may help some people. A really good question was asked of me today about whether it is appropriate to have the boundaries in the first place. I cannot remember the question exactly, but my comment was that when I was 20 and coming to Jervis Bay waterskiing and free boarding and using, for example because I do not know where I went, the Hare Bay Sanctuary Zone, which is well known to be shallow and has extensive seagrasses, there were no rules in the marine park. You would just throw out your anchor wherever you wanted and run your prop through the seagrass. I cannot say I did this—it sounds bad—but you could imagine, there are no rules or regulations, you are 20 years old and you are having a great time. It is

calm water on this side and choppy over the other side of the bay, so you are going over there. At least now it is a marine park. Most 20-year-olds would understand it is a marine park and they will not be allowed to go there. I also argue that most people look over the side and actually see there is seagrass and will say, "Let's drop it in that sandy patch or that mud patch over there." There is a lot of good about having the boundaries. On board the boat today I put myself as a 20-year-old and I thought if there were no rules, a reckless 20-year-old might not think. If there are rules, a reckless 20-year-old might stop and think. So that is a good thing.

CHAIR: A previous witnesses, who is in the recreational fishing industry, was asked today: Do you believe your commercial interests are shading your view on the marine park? What would you say if someone asked you that question?

Mr CROSS: I have already said to the Committee that the biggest asset of Dolphin Watch Cruises is the licence to operate in a marine park. The fact is that the protection of the asset, which is Jervis Bay, is the biggest thing we could have as a commercial user. I volunteered also today that I used to holiday in Jervis Bay for 20-odd years before I literally packed up—spur of the moment with no business interest—and came here. The opportunity came and I thought, "What are we doing?" I moved to Jervis Bay and did not really understand that the marine park was even going through the process. I am not sure how long the process was, but I would be here anyway. I love fishing. I go fishing. My kids go spearfishing in the marine park. We use the marine park for all things. Do I think my commercial interests are shading my view? No I do not. I am really comfortable in saying that I truly believe I have a fairly balanced approach. I am confident when I say that. I can give you lots of examples. My kids grew up when Rex Hunt used to catch fish, kiss them and let them go. That was fantastic and the kids still know that today. The new generation of users of Jervis Bay are taught environmental sustainability and the value of these things. I would argue that the people arguing against it probably knock the youth of today.

CHAIR: Thank you for giving your evidence at such short notice.

Mr CROSS: I am glad I had the opportunity to say it rather than write it. Thank you very much.

CHAIR: From my personal point of view I have every confidence that you have the best interests of the environment at heart, and you demonstrate that every day. I just hope that the Marine Parks Authority realises what a valuable asset it has from an educational point of view in organisations and operations like yours. I hope also that the Marine Parks Authority listens when someone who spends so much time on the water offers suggestions because it is good to have feedback. Thank you for coming.

Mr CROSS: Thank you for the opportunity.

(The witness withdrew)

(The Committee adjourned at 7.54 p.m.)
